

# CANADA'S ANTI-SPAM LEGISLATION – CASL

## General Questions Regarding CASL and its application

### 1. What is CASL?

CASL is Canada's new anti-spam legislation which came into effect July 1, 2014. CASL regulates **commercial** electronic messages (CEM) - electronic messages of a non-commercial nature are not affected.

### 2. Does CASL apply to school boards?

Yes. CASL applies to any person who sends commercial electronic messages (CEM). Therefore, CASL will apply to boards and schools.

### 3. What is the INTENT of CASL?

To prohibit individuals and organizations from sending **commercial electronic messages (CEM)** that encourage recipients to participate in a **commercial activity**, even if it is not-for-profit, unless they have the recipient's prior consent.

### 4. What is a Commercial Electronic Message (CEM)?

A 'commercial electronic message' or 'CEM' is an electronic message that, having regard to the content of the message, it would be reasonable to conclude has its purpose, or one of its purposes, to encourage participation in a commercial activity. It includes messages that offer to sell, advertise or promote any product or service. "**Electronic message**" means a message sent by any means of telecommunication, and includes e-mail and text messages. It does not include live two-way phone calls, faxes or 'snail mail'. "**Commercial activity**" is broadly defined and means any transaction, act or conduct that is of a commercial character, whether or not there is an expectation of profit. A message is also considered a CEM when it redirects the recipient to a website that has commercial content.

### 5. What are examples of CEMS for schools?

Examples of CEMs include emails, text messages and the use of social media to inform parents and community members of promotions, advertising or offers for the sale of items such as school photos, field trips, fun fairs, yearbooks or fundraising events. This is not an exclusive list but a sampling.

### 6. Does CASL apply to mass CEM or do single CEM count?

CASL applies to all commercial electronic messages, regardless of whether they are sent to a single recipient or 100 recipients. It applies whether the CEM is sent to an individual at his/her personal email address, work e-mail address or to the general e-mail address of a company.

### 7. How does CASL impact schools?

Principals are required to obtain and retain a signed CONSENT FORM in order to be able to communicate electronically with parents/guardians when sending **newsletters** and other forms of communication which include promotional information as described in no. 5 above.

### 8. Can the CASL CONSENT FORM be sent electronically to parents/guardians?

**No.** After July 1, 2014 consent may not be obtained electronically. Principals are asked to distribute the CASL Consent Form in hard copy format to all students.

**9. Does CASL apply to Twitter and/or Facebook communication?**

No. It does not apply to Twitter and/or Facebook communication.

**10. Does CASL apply to Catholic School Councils?**

Yes. Any electronic contact with parent/guardians electronically from Catholic School Councils or any school-based committee for any commercial activity.

The School's Consent Form covers receiving CEM from the Catholic School Council.

**Note: Catholic School Councils should only use current e-mail lists provided by the school when contacting parents/guardians.**

**11. How long are Consent Forms to be retained?**

Consent Forms are to be retained at the school until the student leaves the school and for two years thereafter. They are not transferred external to Dufferin-Peel with the OSR.

**12. How quickly should the school act when a parent/guardian/adult student unsubscribes?**

Action on every unsubscribe request must be taken within ten (10) days or less from the time the request is received, and should be at no cost to the recipient.

**13. Do schools need to maintain their own database?**

Yes. There will be no central database.

**14. Information Posted for Students/Parent/Guardians on a secure and confidential portal**

If the board/school puts in place a system whereby access is provided to a secure and confidential account (e.g. a portal) where the board/school provides information to that student, and where messages can only be sent by the board/school, this would not be affected by CASL.

**15. What is an electronic address?**

*(From the Canadian Radio-television and Telecommunications Commission – CRTC)*

An electronic address is defined in CASL as being: an e-mail account, a telephone account, an instant messaging account, and any other similar account.

Websites, blogs and micro-blogging would typically not be considered to be electronic addresses.

**16. All future electronic communication containing CEMs will require an “unsubscribe” notation and mechanism as per the CASL legislation.**

More information to be forthcoming through the CASL Committee. Stay tuned!