

Understanding CASL

Canada's Anti-Spam Legislation

WHAT IS CASL?

The Canadian Anti-Spam Legislation (usually called CASL) is intended to control spam (unwanted Commercial Electronic Messages, or CEMs). CASL applies to CEMs, which are defined as any "electronic messages" – email, text message, social media – that encourage participation in a "commercial activity". CASL is one of the world's most stringent anti-spam laws and it came into force on July 1, 2014.

As a public educational institution primarily funded by the government, Okanagan College is not a commercial entity but provides a public service. Okanagan College has reviewed the legislation and determined that messages related to its core activities (see reverse) do not have commercial character and as such CASL does not apply. However, some messages may have a commercial character and CASL applies. Read the information below to see if CASL applies or send us your questions.

EXEMPTIONS

- Response to inquiries
- Factual information (e.g. subscription/membership info)
- Communication for service delivery/transaction
- Some messages within and between businesses
- Fundraising by registered charities
- Emails to countries with their own spam legislation (must comply with that country's legislation)

See over

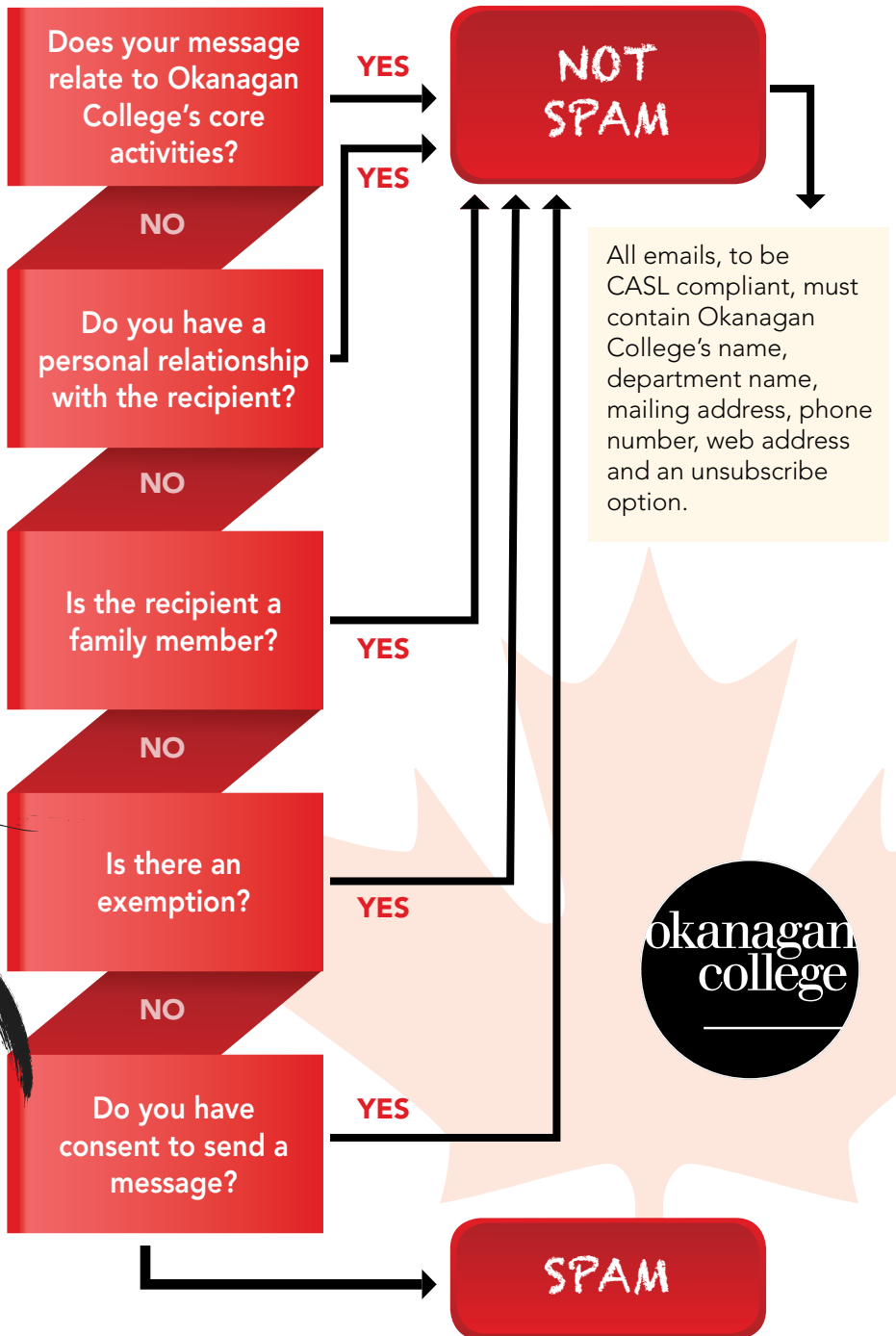
CONSENT

EXPRESS CONSENT

Checking a box electronically or paper, or verbal consent.

IMPLIED CONSENT

- Existing business relationship (within 2 years)
- Existing non-business relationship (within 6 months)
- Recipients email conspicuously published (without disclaimer)



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CORE ACTIVITIES

CASL does not apply to messages related to the core activities of Okanagan College. Okanagan College is not a commercial entity; it provides a public service and its core activities are not of a "commercial character" and do not fall under CASL. Okanagan College's core activities are defined in the *College and Institutes Act* as follows:

"The objects of a college are to provide comprehensive

- (a) courses of study at the first and second year levels of a baccalaureate degree program,
 - (a.1) courses of study for an applied baccalaureate degree program,
- (b) post-secondary education or training,
 - (b.1) adult basic education, and
- (c) continuing education."

CHARITIES & FUNDRAISING

Certain types of messages are specifically exempted from the scope of CASL including messages sent by or on behalf of a registered charity as defined in s.248(1) of the Income Tax Act, if the messages primary purpose is to raise funds. There may be an additional purpose for the message.

When the primary purpose is not to raise funds, such as an informational newsletter about the charity's activities, and the message mentions, for example, a corporate sponsor of an event and encourages recipients to "participate in a commercial activity with that sponsor, then [...] CASL may apply without any exemption."

Charities can rely on implied consent for sending messages based on existing non-business relationships they established through persons that made a donation, volunteers, or anyone that attended a meeting organized by the charity.

Okanagan College, the Okanagan College Alumni Association and the Okanagan College Foundation are registered charities.

PENALTIES

Non-compliance can lead to penalties of up to:

\$1,000,000	\$10,000,000
Individual	Businesses

Questions?

This document is intended as a guideline. Please contact Inga Wheeler with any questions.

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On the web:
www.okanagan.bc.ca/casl and in myOkanagan (Employee tab)
Government of Canada: www.fightspam.gc.ca

