
College & Community Development Canadian Anti-Spam Legislation

OVERVIEW

The Canadian Anti-Spam Legislation (CASL) regulates the sending of electronic messages from any source within Canada. In particular, it seeks to limit the distribution of messages that are commercial in nature and that the recipient may not want to receive (e.g. SPAM). This legislation applies only to messages it defines as [Commercial Electronic Messages](#).

Commercial Electronic Messages

Broadly speaking, Commercial Electronic Messages (CEMs) are any messages that promote a service offered or the sale of something tangible. In the NBCC context, this would include electronic messages such as: recruitment messaging, promotions on merchandise, and information on campus events.

A list of common messages and their relation to CASL is available in [Appendix A](#). This list will be updated as needed. Please note that CASL does not apply to phone calls, fax messages, or standard courier; however, in the case of phone calls, the [National Do Not Call List](#) would apply.

The Essentials

Before sending a CEM, we must have some form of consent for the intended recipient (see '[Consent Requirement](#)'). CASL makes it illegal for us to send a CEM to someone unless we have either express or implied consent. Some exceptions apply (see '[Exemptions](#)').

Furthermore, every CEM we send must include two key elements (see '[Content Requirement](#)'). They are: 1) contact information on the related NBCC office or person sending the message; and, 2) a mechanism by which the recipient can unsubscribe and stop receiving CEMs from anyone at NBCC.

Consent Requirement

Express Consent

Having express consent means the intended recipient has actively agreed to receive CEMs. This could happen if they accessed the NBCC website and signed up for CEMs of their own volition, or if they otherwise signed up via some sort of form. It should be noted that sending an electronic message to request express consent is a CEM in and of itself. Express consent does not expire. In cases of express consent, we may continue sending CEMs until the recipient in question unsubscribes.

Note that any message requesting express consent for electronic communications must clearly state that as the purpose. That is, it must clearly ask for their consent to receive commercial messages from NBCC. The request for consent cannot be buried within longer script or be explained in a misleading manner.

Furthermore, the choice to receive CEMs must be an active one that requires people to opt-in. An electronic form cannot have a checkbox that is pre-checked to allow CEMs. It would have to be unchecked to begin with, so the recipient gets an active choice on whether or not to receive CEMs.

Implied Consent

In a handful of cases, NBCC may have implied consent to send CEMs. For example, this would be the case when we have an existing or recent relationship with the recipient. Implied consent lasts for two years following the end of the relationship.

Students would fall in this category. We have implied consent to send CEMs to people for up to two years after they are no longer active NBCC students. Members of the Alumni Association would also qualify, as would high schools and other similar institutions with which we have regular dealings.

Content Requirement

Information on the Sender

All CEMs must include information on the related NBCC campus or corporate office. This must include a mailing address, telephone number, and an email or website address the recipient can access. All of this information must be active for at least 60 days after the CEM in question was sent. If the sender's email signature conforms to [NBCC's visual identity standards](#) (p.16), this requirement is essentially covered.

Unsubscribe Mechanism

Every CEM we send must include some form of unsubscribe mechanism. This mechanism must allow the recipient to unsubscribe from receiving further CEMs from NBCC. Also, it must be made available in the same format as the CEM itself (e.g. If the CEM is an email, the mechanism should work via email or a website; if it's a text message, the mechanism should be a response text message). Any notice to unsubscribe must be put into effect within ten days.

Sample Wording

If you no longer wish to receive electronic messages from NBCC, reply to this email and type 'unsubscribe' in the subject line. Please note that unsubscribing may prevent you from receiving important information on campus events, sales, and contests.

Exemptions

Personal or Family Relationship

CEMs are exempt from CASL if the sender and recipient have an existing personal or family relationship. You do not need consent to send CEMs to a family member or close friend.

Between NBCC Employees

Anyone working at NBCC can send CEMs to others throughout NBCC without needing prior consent, as long as the CEMs are for NBCC-related business.

Response to Inquiries

It is legal to send a CEM to someone who has requested information (e.g. someone requesting information on a particular program). However, this exemption only applies to the response in question. Someone making an inquiry does not mean they have given consent to receive further CEMs. To send them further CEMs beyond the inquiry response, we would need to have consent.