

# CASL

## Canada's Anti-Spam Legislation

Presented by the  
Office of the General  
Counsel and Board  
Secretariat

June, 2021

**Ryerson  
University**



# Overview

1. CASL – Purpose of Legislation
2. Commercial Electronic Message (CEM)
3. How CASL applies to Ryerson University (RU)
4. What you need to do

# Purpose and Introduction

- Canada's Anti-Spam Legislation ("CASL") came into force on July 1, 2014.
- CASL's purpose is to limit spam by ensuring individuals can consent and unsubscribe out of commercial electronic messages.
- Federal legislation & regulations
  - CRTC (Canadian Radio-television and Telecommunications Commission)
  - Federal Privacy Commissioner
  - Competition Bureau
- Commercial electronic messages (CEM), computer programs, transmission of data

# CEM – What is it?

- Electronic message sent by any means of telecommunications that has a purpose to encourage participation in a commercial activity
- Even if message's purpose is not primarily “commercial”
  - definition of commercial is very broad and a bit circular
  - can end up with a mixed-purpose message that is captured by CASL
- Non-electronic message (telephone, snail-mail, faxes) OK
- Push versus Pull communications:
  - push (email, direct messages via social media) could be captured by CASL
  - pull (blogs, websites, Facebook , Twitter) OK

# If sending a CEM,

Include the following in each message:

- Provide sender's identification/contact information
- Clearly state the purpose of the communication
- Provide an unsubscribe mechanism
- Check to see if you have the recipient's express or implied consent or if CASL exempts the message from these requirements (note the rules about consent timelines)

# Exemptions

- Communications regarding employee benefits
- Communications relating to fundraising if the organization is a registered charity (RU is)
- Communications to members of the RU Alumni Association can rely on implied consent in perpetuity, but must still enable an unsubscribe mechanism

# How it Applies to RU

How CASL comes in:

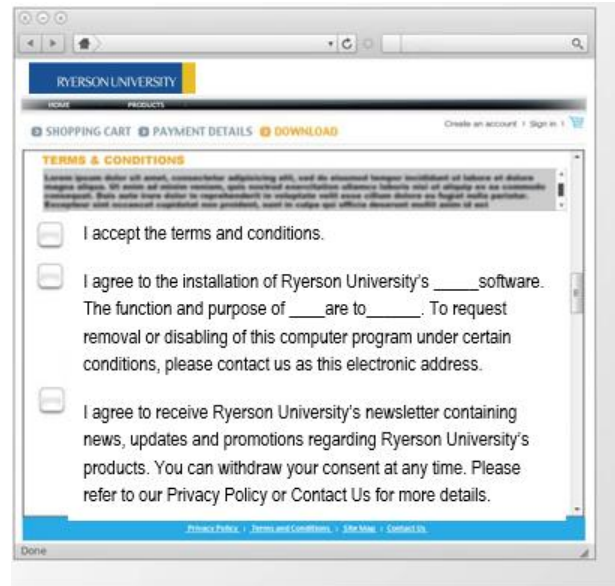
- If RU sends mixed educational/commercial messages then CASL could apply (i.e. event sponsorship, 3rd party logos, links to external companies, promoting any type of commercial activity)
- Legal Opinion from AUCC – CASL does not apply to the core activities of the university: research, teaching and education
- As long as we operate according to our mission & objectives, as outlined in the RU Act, it is unlikely CASL will apply

# Administration

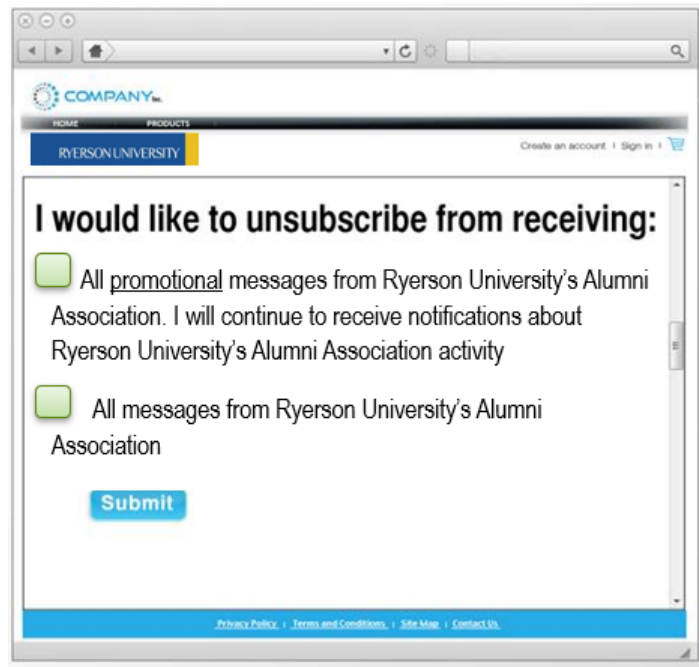
- Must track consents (express versus implied)
  - This includes dates of obtaining consent and consent renewal
  - In addition to/separately from FIPPA privacy consent
- Must provide “express consent” instructions for initial consent
- Must activate “unsubscribe” instructions within 10 business days
- For purposes of “Dean’s Circle”, must track active donors / volunteers



# “Express Consent”



# “Unsubscribe”



The screenshot shows a web browser window displaying an unsubscribe form. The browser's address bar is empty. The website header includes the logo for 'COMPANY' and navigation links for 'HOME' and 'PRODUCTS'. Below the header, there is a blue bar with 'RYERSON UNIVERSITY' and a shopping cart icon. The main content area features the heading 'I would like to unsubscribe from receiving:' followed by two radio button options. The first option is 'All promotional messages from Ryerson University's Alumni Association. I will continue to receive notifications about Ryerson University's Alumni Association activity'. The second option is 'All messages from Ryerson University's Alumni Association'. A blue 'Submit' button is located below the options. At the bottom of the page, there is a footer with links for 'Privacy Policy', 'Terms and Conditions', 'Site Map', and 'Contact Us'.

**I would like to unsubscribe from receiving:**

- All promotional messages from Ryerson University's Alumni Association. I will continue to receive notifications about Ryerson University's Alumni Association activity
- All messages from Ryerson University's Alumni Association

**Submit**

[Privacy Policy](#) | [Terms and Conditions](#) | [Site Map](#) | [Contact Us](#)

# Penalties

- Up to \$10,000,000 per day for corporations and up to \$1,000,000 per day per person for non-compliance
- Due diligence is important and is a defence
- Recent penalties (\$75K to individual – March 2021; \$100K to OneClass – Sept. 2020)

# RU Tools

- Template wording for obtaining consents
- Ryerson [CASL Website](#)
- Ask Us - send questions to [compliance@ryerson.ca](mailto:compliance@ryerson.ca)
- **Resources:**  
[www.fightspam.gc.ca](http://www.fightspam.gc.ca)