
HORIZON SCHOOL DIVISION**POLICY HANDBOOK**

Policy Code:	JBB
Policy Title:	CASL; Anti-Spam Policy
Cross Reference:	
Legal Reference:	Canadian Anti-Spam Legislation, Electronic Commerce Protection Regulations
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POLICY

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION BELIEVES THAT UNSOLICITED COMMERCIAL ELECTRONIC MESSAGES (CEMS) MUST BE REGULATED AS PER CANADA'S ANTI-SPAM LEGISLATION (CASL).

DEFINITIONS

Canada's Anti-Spam Legislation (CASL): An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities.

Commercial electronic message (CEM): CEMs are commercial electronic messages that encourage participation in commercial activity. Even if a commercial message is not sent with an expectation of garner a profit, it still qualifies as a CEM. CEMs include: emails, instant messaging, and telephone communication.

Electronic address: An address used in connection with the transmission of an electronic message to an electronic mail account, an instant messaging account, a telephone account, a social media account, or any similar account.

Express consent: written or oral consent.

Implied consent: exists with recipients with whom the sender has a pre-existing relationship, either business or non-business.

- The implied consent may be extended to recipients who have conducted business with the sender, volunteered, or provided donations, no more than two years immediately before the day on which the message is being sent or
- Extends to a recipient who made an inquiry or application, within the six-month period immediately before the day on which the message was sent.

Personal relationship: means a relationship between the sender and the recipient, where those individuals have had direct, voluntary, two-way communication and it would be reasonable to conclude that they have a personal relationship.

Spam: The simplest definition of spam is unsolicited email, though it can also include unsolicited text messages and software. The legal definition of spam also encompasses:

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- unauthorized alteration of transmission data;
- the installation of computer programs without consent;
- false or misleading electronic representations (including websites);
- the harvesting of addresses (collecting and/or using email or other electronic addresses without permission); and
- the collection of personal information by accessing a computer system or electronic device illegally.

GUIDELINES

1. All information systems within the Horizon School Division are the property of the Horizon School Division and shall be used in compliance with Canada’s Anti-Spam Legislation and this policy.
2. CASL does not apply to a commercial electronic message (CEM) sent to an individual with whom the sender has a personal or family relationship.
 - 2.1. Legal entities, such as corporations, cannot have a personal relationship. Someone who sends a CEM on behalf of a corporation may not claim to have a personal relationship with the recipient.
3. Generally, employer-employee work related communications will not fall within CASL parameters and thereby will not be subject to CASL.
4. CASL provides an exemption that CASL does not apply to CEMs sent by an employee of an organization to an employee of another organization if the organizations have a relationship and the message concerns the activities of the organization to which the message is sent.
5. All users should report any irregularities found in incoming or outgoing CEMs to the Superintendent or designate upon detection.

REGULATIONS

1. All staff and students shall comply with Canada’s Anti-Spam Legislation and
 - 1.1. obtain prior consent from the recipient (either express or implied) before sending commercial electronic messages;
 - 1.2. provide identification and contact information; and
 - 1.3. include a working unsubscribe mechanism.
2. Employees shall not use Horizon School Division to send electronic messages to conduct any business or promotion not directly concerning the activities of the organization. This includes, but is not limited to:
 - 2.1. sale of any personal goods or services;

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- 2.2. promotion of any fundraising outside of the school or division; and
- 2.3. promotion of personal or third party business.
3. Employees sending CEMs are required to.
 - 3.1. obtain consent before sending the CEM;
 - 3.1.1. Subscribers may opt in through a mode determined by the school.
 - 3.1.2. The database of all subscribers granting express consent for CEMs shall be maintained by a designate at each school site.
 - 3.1.3. Subscribers may withdraw consent at any time.
 - 3.2. include identification information that includes your contact information and the division’s contact information; and
 - 3.3. an “unsubscribe” mechanism or instructions for contacting the sender to unsubscribe (e.g. including a statement that an end-user can unsubscribe by responding to the email with the word "UNSUBSCRIBE" in the subject.
 - 3.3.1. All “unsubscribe” requests must be actioned within 10 business days.



Can I send it?

