

**CODE:** DKC.AR

**EFFECTIVE DATE:** (29-01-2020)

**TOPIC:** Canada's Anti-Spam Legislation (CASL) Compliance

**ISSUE DATE:** (29-01-2020)

**REVIEW YEAR:** (2024)

## OBJECTIVE

To ensure that Edmonton Public Schools complies with Canada's Anti-Spam Legislation (CASL).

To ensure CASL compliance supports open and efficient communication with parents, partners and other stakeholders in public education.

To ensure CASL compliance takes into account staff workload and efficiency.

## DEFINITIONS

**Canada's Anti-Spam Legislation (CASL)** is federal legislation aimed at protecting users of electronic communications from the harmful effects of unsolicited commercial electronic messages (CEMs).

**Canadian Radio-television and Telecommunications Commission (CRTC)** is responsible for the enforcement of CASL.

**Commercial activity** under CASL means any particular transaction, act or conduct that is of a commercial character whether or not the person who carries it out does so in the expectation of a profit. Commercial activity includes selling, marketing, advertising or promoting a person, organization or its goods, services or products.

A **Commercial Electronic Message (CEM)** is any electronic message sent to an electronic address by any means, including email, instant messaging, texting or similar electronic methods of communication where it would be reasonable to conclude the message has as one of its purposes to encourage the recipient to participate in a commercial activity.

**Express consent**, as defined in CASL, exists where the recipient elects to receive electronic messages.

**Implied consent** exists when the recipient is in a relationship, as defined by CASL, with the sender. Implied consents are time sensitive.

**Office of CASL Compliance (OCC)** is a standing committee which consists of members from District Support Services, Division Information Management and Division Technology.

**Spam** is unsolicited, unwanted electronic messages that may be damaging, fraudulent or misleading.

## RESPONSIBILITY

1. The Superintendent shall provide leadership by acknowledging the responsibility and authority of the OCC in their efforts to enact the CASL compliance plan.
2. Decision Unit (DU) Administrators shall ensure all staff understand their responsibilities under CASL.
3. Staff shall ensure that their electronic communication adheres to CASL.
4. DU Administrators of units which engage in commercial activities outside of the *Education Act* shall ensure that CEMs sent by their decision unit are managed according to CASL.
5. The OCC shall be responsible for oversight of compliance with CASL by implementing the CASL compliance plan, which addresses the elements of compliance required by the CRTC.

## REGULATION

1. Under CASL, electronic communication between parents and school staff that is relevant to the parent's role as a partner in their child's education does not require consent.
2. On an annual basis, all DU Administrators shall review the relevant requirements of CASL with their staff.
3. Staff shall participate in an annual acknowledgement of CASL responsibilities.
4. Staff shall ensure that their electronic communication adheres to the guidelines of this regulation. When sending electronic messages using Division technology, staff shall ensure that:
  - a. all messages include a clear subject line that tells the recipient what to expect in the message;
  - b. all messages shall be relevant to the business, role, function or duties of the recipient; and
  - c. express or implied consent shall be obtained from the recipient before an electronic message that is subject to CASL consent requirements is sent.
5. The Division may be financially penalized if Division digital communication systems are used in violation of CASL.
6. DU Administrators of decision units which engage in commercial activities outside of the *Education Act* shall ensure that:
  - a. the decision unit has the prior express or implied consent of the recipient before sending CEMs;
  - b. all relevant records, including but not limited to; records of positive opt-in consents, unsubscribe requests and actions are retained; and
  - c. any recipient who revokes their consent to receive CEMS is unsubscribed within 10 business days.
7. The OCC shall ensure the Division complies with CASL by:
  - a. performing periodic monitoring of Division electronic communication to determine which activities are at risk of violating CASL;
  - b. conducting an internal audit of the Division based on the outcome of ongoing monitoring as required;
  - c. monitoring any legislative or regulatory changes and interpretations and enforcement by the CRTC;
  - d. ensuring all outgoing Division emails have a CASL footer indicating multiple ways of contacting the Division;

- e. developing key messages and exemplars to assist DU Administrators to disseminate CASL compliance awareness to staff;
- f. implementing and maintaining an annual staff acknowledgement of the CASL responsibilities;
- g. supporting SchoolZone as the primary communication method between schools and parents;
- h. receiving, investigating, and responding to CASL complaints;
- i. documenting and retaining records of complaints and the Division's response; and
- j. maintaining and performing periodic reviews of the Division's compliance as outlined in the CASL compliance plan.

## **REFERENCES**

DKB.AR - Appropriate Use of Division Technology

FBCB.AR - Division Staff Code of Conduct

Canada's Anti-Spam Legislation (CASL)

Canadian Radio-television and Telecommunications Commission (CRTC)

CASL Compliance Plan

*Education Act*