



Procedure:	Volunteer MBC
Section:	
Title:	Anti-spam (CASL) policy
Date(s) of review & Approval:	July 11, 2017
Updated Review & Approval Date:	October 19, 2020, Board e-vote

Volunteer MBC will act in accordance with Canada's Anti-Spam Legislation (CASL) any time our organization:

- Makes use of commercial electronic messages (or CEMs);
- Produces or installs computer programs; and
- Is involved with the alteration of transmission data.

Definitions

Commercial electronic message (CEM): an electronic message that, having regard to the content of the message, the hyperlinks in the message to content on a website or other database, or the contact information contained in the message, it would be reasonable to conclude has as its purpose, or one of its purposes, to encourage participation in a commercial activity, including an electronic message that:

- (a) offers to purchase, sell, barter, or lease a product, goods, a service, land, or an interest or right in land;
- (b) offers to provide a business, investment, or gaming opportunity;
- (c) advertises or promotes anything referred to in paragraph (a) or (b); or
- (d) promotes a person, including the public image of a person, as being a person who does anything referred to in any of paragraphs (a) to (c), or who intends to do so.

Electronic address: means an address used in connection with the transmission of an electronic message to:

- (a) an electronic mail account;
- (b) an instant messaging account;
- (c) a telephone account; or

(d) any similar account.

Commercial activity: means any particular transaction, act, or conduct, or any regular course of conduct, that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit, other than any transaction, act, or conduct that is carried out for the purposes of law enforcement, public safety, the protection of Canada, the conduct of international affairs, or the defence of Canada.

Implied consent: means it is reasonable to conclude you have someone's permission to send them a CEM based on prior relationships (existing business relationships or existing non-business relationships).

Express consent: means that someone actively gave you permission to send them a CEM, either orally or in writing.

Existing business relationship: exists only where the recipient of a CEM has:

1. Purchased, leased, or bartered products, goods, services, or land from the sender within two years before a message is sent;
2. Accepted a business, investment, or gaming opportunity from the sender within two years before a message is sent;
3. Has an existing written contract with the sender about a matter other than in numbers one or two, or such a contract expired in the two years prior to the message; or
4. Made an inquiry or application for products, goods, services, et cetera within six months before the message is sent.

Existing non-business relationships: exist only where the recipient:

1. Made a donation, gift, or volunteered for a registered charity or political party who sends the message; or
2. Is a member in a club, association, or voluntary organization that sends the message and is operated for social welfare.

Guidelines

Volunteer MBC understands the goal of the anti-spam legislation in Canada is to deter damaging and misleading forms of spam. In order to achieve the goals of Canada's Anti-Spam Legislation, Volunteer MBC will act in compliance with the legislation. Volunteer MBC realizes that education and awareness are the keys to ensuring the right steps are taken to combat

spam and will make sure that the necessary parties within the organization become aware of CASL and the various rules and regulations that the legislation outlines.

Commercial electronic messages (CEMs)

Volunteer MBC will gain consent to send CEMs prior to sending them, unless we have a pre-existing relationship with the subscriber, in which case, consent is implied.

Volunteer MBC will ensure the following practices are followed when using electronic messaging for marketing purposes:

- Determine generally how CASL applies to Volunteer MBC's operations, outreach, fundraising, promotions and communications activities particularly.
- Train necessary members of the organization about CASL and implement policies for compliance.
- Create a comprehensive inventory of all current contact lists to determine whether consent is express, implied, or a CASL exception applies.
- Create an adequate system that records each instance of express consent obtained. If consent is written, Volunteer MBC will record when, why, and the manner in which it was obtained.
- Create compliant unsubscribe mechanisms to meet requests.
- Each message template will include the mandatory identity and contact information, along with a compliant unsubscribe mechanism.
- Practice due diligence while constantly establishing procedures for monitoring the organization's compliance and responding to violations.

Alteration of transmission data

Volunteer MBC will not participate in the unauthorized alteration of transmission data. Unless express consent has been received, no technical measures will ever be used to redirect or deliver a message to a destination other than, or in addition to, the one specified by the sender.