

# Canadian Anti-Spam Legislation (CASL)

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## FREQUENTLY ASKED QUESTIONS (FAQs)

### **Q: What is the Canadian Anti-Spam Legislation?**

**A:** The primary purpose of the Canadian Anti-Spam Legislation (CASL) is to control spam (unwanted Commercial Electronic Messages). The CASL also prohibits the installation of computer programs without consent (eg. viruses, spyware); the unauthorized altering of transmission data; the provision of false or misleading information in a message; the “harvesting” of addresses; and the unauthorized collection of personal information. The CASL also applies to social networking, websites, blogs and other current or future internet and wireless communication threats. The CASL is one of the world’s most stringent anti-spam laws.

### **Q: When will the CASL come into force?**

**A:** The CASL will come into effect on July 1, 2014.

### **Q: Who does CASL applied to?**

**A:** The CASL applies to most Canadian organizations, including UNBC.

Since non-compliance with the CASL may lead to significant financial penalties and personal liability, faculty and staff who may be sending ‘Commercial Electronic Messages’ are strongly encouraged to seek advice from the FOIPOP Officer or CIO. *There may be some departments or activities on campus where CEMs are being sent (e.g. Ancillary Services).*

### **Q: What impact will CASL have on UNBC?**

**A:** The CASL will have little impact on UNBC. Most of our messages sent by UNBC are not subject to the CASL as they relate to the core activities to UNBC. Public educational institutions, like UNBC, are not a commercial entity. Universities provide a public service and are primarily dependent on taxpayer funding. Therefore, universities’ core activities --those activities that are central to its mandate and responsibilities -- are not of a “commercial character” and do not fall under the CASL. UNBC’s core activities are defined in section 47 of the University Act as follows:

- (a) establish and maintain colleges, schools, institutes, faculties, departments, chairs and courses of instruction;
- (b) provide instruction in all branches of knowledge;
- (c) establish facilities for the pursuit of original research in all branches of knowledge;
- (d) establish fellowships, scholarships, exhibitions, bursaries, prizes, rewards and pecuniary and other aids to facilitate or encourage proficiency in the subjects taught in the university and original research in all branches of knowledge;
- (e) provide a program of continuing education in all academic and cultural fields throughout British Columbia; and
- (f) generally, promote and carry on the work of a university in all its branches, through the cooperative effort of the board, senate and other constituent parts of the university.

**Q; Are there any exemptions from the CASL?**

**A:** Messages that do not relate to the core activities of UNBC may nevertheless be exempted from the CASL. The exemptions include:

- Messages sent by or on behalf of an individual to another individual with whom they have a personal or family relationship;
- Messages sent to a person who is engaged in a commercial activity and consists solely of an inquiry or application related to that activity;
- Messages sent within an organization that concern the activities of that organization;
- Messages sent between organizations with a relationship that concern the activities of the receiving organization;
- Messages sent in response to requests, inquiries or complaints, or otherwise solicited by the recipient;
- Messages sent to satisfy, provide notice of, or enforce a right, legal or juridical obligation;
- Messages sent on an electronic messaging service if the required information and unsubscribe mechanism are readily available on the user interface, and the recipient has consented to receive the message;
- Messages sent to a limited-access secure and confidential account to which messages can only be sent by the person who provides the account;
- Messages that a sender reasonably believes will be accessed in a listed foreign state, and conform to the anti-spam laws of such foreign state;
- Messages sent by or on behalf of a registered charity as defined in s.248(1) of the Income Tax Act, and have as their primary purpose raising funds; and
- Messages sent by or on behalf of a political party or organization or a candidate for publicly elected office that has as its primary purpose soliciting a contribution.

The CASL applies to any CEM not related to the core activities of UNBC.

**Q: Where can I get more information on the CASL?**

**A:** The Government of Canada's Anti-Spam Legislation web page has some good information, see the link that follows. Please refer to the document about how the CASL applies to various UNBC activities.

Additionally, you can contact Shelley McKenzie, UNBC's FOIPOP Officer ([shelley.mckenzie@unbc.ca](mailto:shelley.mckenzie@unbc.ca) or (250) 960-6310) or Greg Condon, UNBC's Chief Information Officer ([greg.condon@unbc.ca](mailto:greg.condon@unbc.ca) or (250) 960-5289).

**CASL Homepage**

[http://fightspam.gc.ca/eic/site/030.nsf/eng/h\\_00050.html](http://fightspam.gc.ca/eic/site/030.nsf/eng/h_00050.html)