

Policy Title:	Applies to:	Reference #						
Anti-Spam	All City employees who send commercial electronic messages	2015-OCCOP-P0003						
Approved by:	Dates:	Total # of Pages						
ELT	<table border="1"> <tr> <td>Effective:</td> <td>01-May-2015</td> </tr> <tr> <td>Last Review:</td> <td>01-July-2018</td> </tr> <tr> <td>Next Review:</td> <td>01-July-2020</td> </tr> </table>	Effective:	01-May-2015	Last Review:	01-July-2018	Next Review:	01-July-2020	5
Effective:	01-May-2015							
Last Review:	01-July-2018							
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Authority:								
Canada’s Anti-Spam Legislation								
Responsibility:								
Corporate Information Governance, Office of the City Clerk								

1.0 Purpose

Canada’s Anti-Spam Legislation (CASL) came into effect July 1, 2014. The regulations are part of an effort to crack down on Spam, hacking, spyware and fraud, as well as to address harvesting and the invasion of privacy. This policy will help guide the City of Regina’s compliance with CASL.

2.0 Scope

This policy applies to all employees who send communications to external third parties. All contractors and consultants of the City are included in and must abide by this policy.

3.0 Definitions

Canada’s Anti-Spam Legislation (CASL) – formally known as 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, and to amend the *Canadian Radio-television and Telecommunications Commission Act*, the *Competition Act*, the *Personal Information Protection and Electronic Documents Act* and the *Telecommunications Act*”.

Commercial Electronic Message (CEM) – any electronic message that is sent for commercial purposes, whether or not there is an expectation of profit, including but not limited to messages that:

- a. Offer to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land.
- b. Offer to provide a business, investment or gaming opportunity.
- c. Advertise or promote anything referred to in paragraph (a) or (b).
- d. Promote 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 Message – any message sent by means of telecommunication, including emails, text messages, fax to emails, voice or image message and direct social media contact.

Express Consent – where a person or corporation has positively or explicitly agreed (orally or in writing) to receive a CEM.

Harvesting – using computer programs to gather contact information such as email addresses published on the Internet.

Implied Consent – where a person or corporation is deemed to have agreed to receive a CEM due to a prior existing relationship with the City within the two year period immediately before the day on which the message was sent and where:..

- The person or corporation has inquired about purchasing goods or services from the City.
- The person or corporation has a written contract or agreement with the City. .
- The person or corporation has provided a gift, donation or volunteer work from the City.
- The City has provided funding or support to a person or corporation.

Pre-existing Business Relationship – a two way transaction with any individual who has made a purchase, requested information, responded to a questionnaire or a survey, or had offline contact with a respective department.

Recipient – any individual that is not an employee of the City who has received or is targeted to receive a CEM.

Spam – unsolicited electronic communication.

4.0 Policy

4.1 Responsibility

Anyone who sends communications to third parties on behalf of the City has the responsibility to ensure that any communications are completed according to the City of Regina's Anti-Spam Policy and any related guidelines and procedures.

4.2 Prohibition on Sending CEMs without Express Consent or Implied Consent of Recipient

No City employee shall send out a CEM unless they have the express consent or implied consent of the recipient.

4.3 Sending CEMs where the City has Express Consent of Recipient

A City employee may send a CEM to a recipient from which the City has obtained express consent provided that such CEM contains:

- (a) An unsubscribe option that states:

UNSUBSCRIBE

*If you do not wish to receive electronic messages from the City of Regina in the future, please reply by email with your name (and other identifying information, such as an email address) to ***@regina.ca (this would be to email address that the message was sent from). Please be advised that this may restrict our ability to send messages to you in the future.*

(b) Information regarding the sender of the CEM:

This email was sent by the City of Regina [address] [phone number, email address or web address].

4.4 Sending CEMs where the City has Implied Consent of Recipient

A City employee may send a CEM to a recipient from which the City has implied consent provided that:

(a) The employee confirms with Corporate Information Governance that the recipient is correctly determined to have provided implied consent;

(b) The CEM contains:

(i) An unsubscribe option that states:

UNSUBSCRIBE

*If you do not wish to receive electronic messages from the City of Regina in the future, please reply by email with your name (and other identifying information, such as an email address) to ***@regina.ca (this would be to email address that the message was sent from). Please be advised that this may restrict our ability to send messages to you in the future.*

(ii) Information regarding the sender of the CEM:

This email was sent by the City of Regina [address] [phone number, email address or web address].

4.5 Dealing with Consents

Express Consent

The City should obtain express consent from potential recipients of CEMs where possible and City employees shall:

- Keep accurate records of consent and unsubscribe/opt-out requests.
- Maintain and regularly update lists with those recipients who have expressly agreed to receive CEMs from the City.
- Remove individuals from all City electronic mailing lists who do not consent to receiving a CEM or have fallen out of the two year business relationship grace period.

All lists of those who have provided the City with express consent must be retained and saved for seven years, as per the City's *Records Retention and Disposal Schedules Bylaw* and City employees shall provide any such lists to Corporate Information Governance upon request.

Managing Implied Consent Lists

On June 1, 2017, each City employee who sends CEMs, and on June 1 of every year thereafter, City employees shall review the list of those who have provided implied consent and undertake the following:

- Identify those individuals and corporations that have not had a business relationship with the City in the preceding two years.
- Send a request for express consent to all identified individuals and corporations.
- Where express consent is not provided, remove the individuals and corporations from the list of those with implied consent and no longer send CEMs to those individuals and corporations.
- Where express consent is provided, add the individuals and corporations to the list of those who have provided the City with express consent to receive CEMs.

4.6 Retention and Information Management

All lists containing express consent and implied consent must be filed appropriately and retained for seven years to comply with the City's *Records Retention and Disposal Schedules Bylaw*.

4.7 Denying Consent/Opting-Out

If the recipient of the CEM unsubscribes, the request must be honored within 10 days. The individual must be removed from the existing mailing list and any future lists relating to that program or activity.

The unsubscribe email address provided in the CEM must remain active for 60 days from the date the CEM is sent.

4.8 Non-Compliance

Penalties for non-compliance range from warnings to fines of up to \$1 million for individuals and \$10 million for businesses. Failure to comply with this policy, and any related guidelines and procedures, will result in disciplinary action up to and including termination of employment and/or criminal charges.

5.0 Roles & Responsibilities

City Clerk is responsible for:

- Corporate information, including personal information, at the City of Regina.

Manager of Corporate Information Governance is responsible for:

- Providing guidance with respect to this policy and ensuring this policy is maintained.

Senior Management is responsible for:

- Designating specific employees with responsibility to send CEMs.
- Ensuring compliance with this policy.

Employees are responsible for:

- Compliance with this policy and related procedures and guidelines.

6.0 Related Forms

7.0 Reference Material

<http://www.fightspam.gc.ca/eic/site/030.nsf/eng/home>

<http://www.crtc.gc.ca/eng/casl-lcap.htm>

<http://laws-lois.justice.gc.ca/PDF/E-1.6.pdf>

Bylaw No. 2012-18 *The Records Retention and Disposal Schedules Bylaw, 2012*

8.0 Revision History

Date	Description of Revision	Authorized By	(Re)-Approval Required (y/n)
01-05-2015	Initial Release	ELT	No
01-05-2016	Scheduled Review	CLO & CC	Yes
01-05-2017	Scheduled Review	CC	No
15-06-2017	Revision	CC	Yes
01-07-2018	Review	CC	Yes