

POLICY

Policy Type: Library Services **Policy Number:** 03-17
Policy Title: Canada's Anti-Spam Legislation (CASL) Policy

Purpose:

Canada's Anti-Spam Legislation ("CASL") came into force on July 1, 2014. St Thomas Public Library (the "Library") is committed to complying with CASL and its requirements. Following is the Library's CASL compliance policy (the "Policy").

PART I - DEFINITIONS

1. In this Policy, the following terms have the following meaning:

"Canada's Anti-Spam Legislation" or "CASL" - means the following Act and Regulations:

- i. 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, S.C. 2010, c. 23 (the "Act");
- ii. Electronic Commerce Protection Regulations (CRTC), SOR/2012-36; and
- iii. Electronic Commerce Protection Regulations (Industry Canada), SOR/2013-221.

PART II - GENERAL

1. The Library requires all of its directors, officers, employees and volunteers, and any other Person who communicates on its behalf, to comply with this Policy.
2. The Library will appoint staff members who are responsible for managing the implementation of this Policy and whose titles are: Manager, Access Services.
3. At its sole and absolute discretion, the Library may at any time revise this Policy to ensure that the Library remains in compliance with CASL.

PART III – COMMERCIAL ELECTRONIC MESSAGES

4. No CEM shall be sent by or on behalf of the Library, in the course of carrying on the Library's activities, unless the recipient of the CEM has provided their Express Consent or Implied Consent to receive CEMs from the Library (as particularly prescribed at Parts VI and VIII of this Policy).

5. All CEMs sent by or on behalf of the Library in the course of carrying on the library's activities must include the following information:

- a) the Library's name
- b) the Library's email address / telephone number and
- c) the Library's unsubscribe mechanism, as prescribed at Part VI herein.

PART IV – EXPRESS CONSENT

6. The Library shall endeavour to obtain Express Consent from all Persons to whom it sends CEMs, at all reasonable opportunities.

7. All requests for Express Consent made by or on behalf of the Library in writing (whether electronic or in hard copy format), must include the following:

- a) a request that the recipient consent to receive CEMs from the Library;
- b) the purpose for which the consent is being sought;
- c) the Library's name;
- d) the Library's email address / telephone number; and
- e) a statement that consent may be withdrawn at any time.

PART V – IMPLIED CONSENT

8. The Library has Implied Consent to send CEMs to the following:

- a) Persons who are current, active cardholders of the Library;
- b) Persons who were cardholders of the Library but who ceased to be cardholders in the 24 months preceding the date of the sending of the CEM;
- c) Persons who entered into a financial transaction with the Library in the 24 months preceding the date of the sending of the CEM;
- d) Persons who donated to the Library in the 24 months preceding the sending of the CEM;

PART VI – UNSUBSCRIBE MECHANISM

9. All CEMs sent by or on behalf of the Library in the course of carrying out Library activities shall include a mechanism by which the Person receiving the CEMs may unsubscribe (i.e., opt-out) from receiving Commercial Electronic Messages from the Library (the "Unsubscribe Mechanism").

10. All requests to Unsubscribe shall be communicated by the individual who receives the request to the Manager, Access Services, or, if Manager, Access Services is unavailable, to the CEO within 2 business days of the receipt of the unsubscribe request.

PART VII – THIRD-PARTIES

11. For the purposes of PART VIII of this Policy, the following terms have the following meaning:

- “Third Party” - means a Person who is not a director, officer or employee of the Library, who sends EMs that promote, advertise, market, or otherwise encourage participation in the Library’s activities.

12. The Library requires that all Third Parties have Express Consent or Implied Consent (as prescribed at Parts V and VI of this Policy) to receive CEMs from the Library, from the Persons to whom the CEMs are sent, prior to the sending the CEMs.

13. The Library shall not be held liable for any and all CEMs sent by Third-Parties that are not sent in compliance with this Policy.

PART VIII – TRAINING

14. New hire Training: all new directors, officers, employees and volunteers of the Library shall be required to attend the Training, within 30 days of joining the Library and/or becoming a volunteer for the Library.

PART IX – AUDIT

15. Once every 24 months, the Library shall conduct an audit of its electronic communication practices, to ensure compliance with this Policy (the “Audit”). The Audit shall be conducted and managed by Manager, Access Services.

16. In the event the Annual Audit discloses discrepancies between this Policy and the Library’s communication practices, such discrepancies shall be addressed by the Library to ensure compliance with the Policy, as soon as is reasonably possible.

Approved Date: September 20, 2017
Supercedes Date: None
Review Date: September 2021
Reference: Board Meeting September 20, 2017