

Canada's Anti-Spam Legislation (CASL)

Statement for TRAC Libraries

(Edited by the PSG on December 18, 2014)

The CASL legislation came into effect on July 1, 2014. CASL concerns itself with the sending of Commercial Electronic Messages or CEMs.

- *Electronic messages* are those sent to an electronic address. Emails are the primary focus for public libraries, but other forms of electronic messages are covered under the legislation, as well, such as messages sent by telephony.
- An electronic message is considered *commercial* if it has as one of its purposes the promotion of a product or service, whether or not the sender has an expectation of financial gain. Samples of CEMs from a public library may include, but are not limited to:
 - Emailing a newsletter to patrons or others, as newsletters promote the library's services and events, even if the library does not charge a registration or ticket fee
 - Advising patrons or others of an upcoming book sale or other fundraising event by email
 - Conducting a fundraising campaign by email

What you need to know in a nutshell:

1. Polaris notifications sent by email are exempt. (See below.)
2. *Commercial* emails require consent from the recipient before being sent. At the time of a new registration or renewal, ask the patron if the library may send them occasional emails, such as the library newsletter, or information on events and programs. Record when this was done. (See instructions on page 2.)
3. To be safe, all emails sent by the library should contain a way to unsubscribe. **Your mailing list software should provide a way to add this to the footer of your emails. If it doesn't, or you don't use specific software, add a line to the bottom of your emails that reads "To unsubscribe, please reply to this address with the subject: Unsubscribe". If you need further assistance, please contact your System Administrator.**

Polaris Notifications by Emails:

Automated emails sent to patrons through Polaris are not a concern because they are exempt under the legislation as essential to *membership* in an organization. Make sure your patron signs their library card (or a legal guardian signs the child's library card) as proof of membership. A patron has the right to change their notification option to mail. **NOTE:** A patron providing their email for Polaris notifications is not consenting to also receive CEMs from the library.

The CASL legislation prescribes three requirements if a library is going to send a CEM:

1. The library must acquire express consent from the individual before sending the CEM.
2. The library must clearly identify itself in the CEM.
3. The CEM must contain an Unsubscribe option.

Obtaining express consent before sending a CEM:

If we claim to have received express consent, we have to be able to prove it. Express consent does not expire.

- If the library cannot demonstrate having previously received express consent, then it must obtain express consent before sending anymore CEMs; AND any future CEMs must contain an Unsubscribe option.
- When acquiring new email addresses not previously on the library's email list, obtain express consent before adding them to the library's CEM email list. Staff should not automatically add email addresses and rely on the individual's option to use the Unsubscribe button. Express consent is to precede sending CEMs.
- To record that express consent has been received, either place this information in Polaris, in the Patron Status—Notes—Non Blocking Notes field; or you may keep a written record elsewhere.
- When individuals unsubscribe, it is very important to ensure that library staff do not inadvertently put that email address back on the list. The way to avoid this is always to obtain express consent from the individual before putting them on an email list.
- If a **business recipient** has posted their email on a website or business card without stating "no soliciting" then their express consent is not required before sending the CEM.
- If a library (or its Friends group) is a **registered charity**, then the legislation exempts it from having to obtain express consent to send CEMs that—as their primary purpose—are for fundraising. However, if the primary purpose of the CEM is something other than fundraising, the registered charity will have to obtain express consent.