



## **Canada's Anti-Spam Legislation (CASL)**

### **WHAT IS CASL?**

CASL is Canada's anti-spam law that came into effect July 1, 2014. According to the Government of Canada's website, the law is intended to protect Canadians while ensuring that businesses can continue to compete in the global marketplace. The primary purpose of CASL is to control unwanted Commercial Electronic Messages (CEMs), which are defined as any electronic message that encourages participation in a commercial activity. This includes messages that are sent to email addresses or social networking accounts and text messages sent to a cell phone.

CASL also prohibits the installation of computer programs without consent (e.g. spyware) and the unauthorized collection of personal information.

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### **IS NIPISSING UNIVERSITY REGULATED BY CASL?**

Yes. Any organization that uses electronic channels to promote or market their organization, products or services is regulated by CASL. However, a number of measures have been put in place to mitigate its effects on registered charities, including universities.

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### **WHICH NIPISSING ACTIVITIES ARE EXEMPT FROM CASL?**

All core activities of the University (i.e. activities that are central to our mandate and responsibilities) are exempt from CASL. Since most electronic messages sent by Nipissing University fall into this category, the impact of CASL will be limited. Here are some examples of Nipissing activities that are exempt from CASL:

- collecting information from students, faculty or staff for statistical or service improvement purposes;
  - communicating with students for teaching purposes;
  - campus activities including lectures, workshops, exhibits, etc. involving students or faculty ;
  - promoting the purchase of course materials or student plans;
  - student athletic events or art exhibits;
  - raising funds for the University.
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## **WHICH NIPISSING ACTIVITIES ARE SUBJECT TO CASL?**

CASL applies to commercial electronic messages that advertise or promote the purchasing, selling, bartering or leasing of products, goods or services that are not central to Nipissing's mandate and responsibilities. Here are some examples of messages that are subject to CASL:

- advertising or promoting third party products or services;
  - promoting events that are not related to the core mission of the University (unless the purpose of the event is to raise funds for the University);
  - promoting programs run by non-University organizations.
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## **DOES THIS MEAN WE CAN NEVER SEND EMAIL MESSAGES FOR ACTIVITIES THAT ARE SUBJECT TO CASL?**

No, it doesn't. We can still send commercial electronic messages as long as the recipient has consented to receiving it. The consent can be express or implied. The message must clearly identify who we are, include up-to-date contact information, and provide a mechanism that allows the receiver to unsubscribe from future correspondence at any time.

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## **ARE INTERNAL COMMUNICATIONS REGULATED BY CASL?**

Internal communications between Nipissing faculty and/or staff that are related to the University's core activities are exempt from CASL. It is important to note that this includes communications relating to University fundraising and University benefits and services such as pension, health insurance, tuition exemption, etc. However, messages promoting products and/or services offered by third parties are regulated by CASL and, therefore, must be governed accordingly.

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## **WHAT IS A MIXED-PURPOSE MESSAGE?**

An electronic message that contains both exempted activities and regulated activities is a mixed-purpose message and is subject to CASL. For example, if an email promoting a new program at Nipissing also includes a small advertisement for a local business, the entire email is considered to be a CEM.

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## **HOW IMPORTANT IS COMPLIANCE?**

Penalties for non-compliance range from a warning to monetary fines of up to \$1 million for individuals and up to \$10 million for organizations. Criminal charges can be laid for obstruction of a CASL investigation. So in short: compliance is EXTREMELY important.