

**COMPLIANCE WITH CANADIAN ANTI-SPAM LEGISLATION**

Section:	Administration (AD)
Subject:	Institute and Non-Institute Services
Legislation:	Canadian anti-spam legislation [ <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</i> ], S.C. 2010, c. 23
Effective:	January 28, 2015
Revision:	September 1, 2016 (reformatted); December 12, 2017

APPROVED: \_\_\_\_\_  
President and CEO

**POLICY**

The policy of the Board of Governors is to ensure that the SAIT community is aware of and complies with Canadian anti-spam legislation and with SAIT's policies, procedures and legal obligations relating to this legislation.

**PROCEDURE****DEFINITIONS**

<b>CASL</b>	Canadian anti-spam legislation.
<b>Commercial activity</b>	A transaction, act or conduct that is of a commercial character, and the primary purpose of which is profit.
<b>Commercial electronic message</b>	An electronic message sent with the intent of encouraging participation in a SAIT commercial activity.
<b>Core activity</b>	SAIT's provision of education to its students.

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**Electronic message**

A message sent by any means of telecommunication, including a text, sound, voice or image message. This includes e-mails, text messages, electronic bulletins, advertisements, instant messages and messages using social media websites.

**SAIT community**

For the purpose of this procedure, the SAIT community includes SAIT’s governors, employees, students, alumni, contractors, consultants, agents, volunteers and organizations operating on the SAIT campus and/or in association with SAIT.

**SAIT’s CASL officer**

A SAIT employee who offers advice and guidance on CASL-related issues falling within the scope of this procedure.

**Student**

A person who has a SAIT ID number and a student record.

**Student record**

A record created for a person who has confirmed an intention to attend SAIT and which allows that person to be eligible to register for SAIT courses.

**GOVERNING PRINCIPLES**

1. This procedure applies to the SAIT community.
2. As a public education institution, SAIT provides a public service and is not a commercial entity.
3. This procedure does not apply to electronic messages that SAIT sends in connection with SAIT’s core activity. This includes, but is not limited to, electronic messages relating to:
  - a) Campus, school or alumni news and updates;
  - b) Employee recruitment;
  - c) Fundraising requests/events, as these are exempt from Canadian anti-spam legislation;
  - d) Promoting the purchase of SAIT’s products, goods and services that are closely connected to SAIT’s core activity, such as Highwood Dining Room reservations, student-created goods and products sold at the Marketplace, automotive repair services offered to the public as part of student training, etc.;

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- e) Sait-supported initiatives, activities and events, such as student industry nights, alumni events, school fundraisers, Career Directions and Open House;
  - f) Student campus life and services for students, such as housing, food services and student club activities;
  - g) Student recruitment for Sait courses, programs and summer camp offerings; and
  - h) Volunteer opportunities.
4. This procedure applies to electronic messages that Sait sends in connection with Sait's commercial activities. This includes, but is not limited to, electronic messages relating to:
- a) Conference Services and Campus Centre facility rentals;
  - b) Promoting the purchase of products, goods and services offered by Sait or a third party that are not connected to Sait's core activity;
  - c) Soliciting or selling of campus advertising, including outdoor, digital, print and/or on-campus advertising space; and
  - d) Wellness Centre memberships.

## PROCEDURE

### A. Process

1. A member of the Sait community who wishes to send a commercial electronic message must comply with CASL requirements, and must:
  - a) Consult with the school or department to ensure that the message meets CASL requirements;
  - b) Ensure the recipient's express consent or implied consent;
    - i) Express consent is explicit, opt-in confirmation that the recipient of the message has agreed to receive commercial electronic messages. Although the recipient may provide this express consent verbally, it is preferable for consent to be in writing, through the forms located on SaitNOW and externally on [sait.ca](http://sait.ca). Express consent lasts until the recipient of the message revokes the consent.

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- ii) Implied consent arises when the recipient of the message has an existing business relationship with SAIT; has previously received or purchased products or services from SAIT; has either given SAIT or has conspicuously published business contact information; or has a non-business relationship with SAIT, such as is the case with an alumnus, donor or volunteer. Implied consent lasts for two years from the recipient's last date of contact with SAIT or until the recipient unsubscribes.
  - c) Include the following in the commercial electronic message:
    - i) An unsubscribe mechanism;
    - ii) The mailing address, telephone number, email address or web address for the unit (or a link to a site containing this information); and
    - iii) The name of the SAIT school/department sending the message.
2. It is the responsibility of each school/department to:
  - a) Ensure that its commercial electronic messages comply with CASL requirements;
  - b) Follow and update its records according to the records management procedures outlined below; and
  - c) Consult with and obtain guidance from SAIT's CASL officer, as needed.
3. Guidelines on CASL's applicability to specific types of SAIT messages are set out in Schedule A, an Associated Document to this procedure.

## **B. Records Management**

1. Each school/department or member of the SAIT community is responsible for the following records management processes:
  - a) Maintaining a list of implied consents and monitoring those implied consents to ensure their currency;
  - b) Sending recipients' express and unsubscribe requests to SAIT's CASL officer;

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- c) Including the SAIT commercial electronic message opt in/out form/link when sending commercial messages; and
  - d) Reviewing SAIT's central list of express and unsubscribe requests prior to sending any commercial electronic messages and ensuring compliance with recipients' requests.
2. SAIT's CASL officer is responsible for:
- a) Maintaining and updating a central list of all express and unsubscribe requests; and
  - b) Making this central list available to schools/departments.

## ASSOCIATED DOCUMENTS

Schedule A     Applying Canadian Anti-Spam Legislation to SAIT Activities

## POLICY/PROCEDURE REFERENCE

AD.2.12        Compliance with Canadian Anti-Spam Legislation policy

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**PROCEDURE**