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## Canada's Anti-Spam Legislation Directive

Directive for Policy 3.13 Privacy and Information Management

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Projected Review Date: March 2019

### **RATIONALE:**

Hamilton-Wentworth District School Board is committed to complying with the requirements of Canada's Anti-Spam Legislation for the sending of Commercial Electronic Messages.

Beginning July 1, 2014, Canada's Anti-Spam Legislation prohibits the sending of a Commercial Electronic Message to an electronic address unless the sender complies with three requirements:

- Obtains the consent of the intended recipient(s)
- Provides prescribed identification information of the sender
- Provides an unsubscribe mechanism

### **TERMINOLOGY:**

*Canada's Anti-Spam Legislation:* Federal legislation known as Bill C-28 assented to on December 15, 2010. 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 Activity:* Includes any particular transaction or conduct that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit. This includes an offer to purchase, sell, barter, or lease products, goods, services or land and an advertisement or promotion of any of those activities. Examples include the promotion, advertising and/or offering for sale of school pictures, field trips, yearbooks, team uniforms, products or services for fundraising events, requests for proposals, invitation to bid, offering of courses locally or abroad for a fee, etc.

*Commercial Electronic Message:* Are an electronic message sent to an electronic address, where it is reasonable to conclude that the message's purpose or one of its purpose is to encourage participation in a commercial activity.

*Electronic Communication:* Means a message sent by telecommunication including email, texting, other instant messaging, etc.

*Electronic Address:* An address used in connection with the transmission of an electronic message to an email, instant messaging account, telephone account, Facebook, LinkedIn, or any similar account. Faxes, voicemails and interactive two-way voice communications between individuals are excluded from the definition of electronic address.

## **PROCEDURES:**

### **1.0 Electronic Distribution Lists**

- 1.1 As of July 1, 2014, all school will cease to use their electronic distribution lists, unless those lists were generated through their school's HWDSB website.
- 1.2 Schools may no longer contract through a third party, such as Constant Contact, to generate electronic lists.
- 1.3 All schools must use their school website to distribute electronic communication.

### **2.0 Consent**

- 2.1 Local schools often communicate with parents, students and the community at large by emailing newsletters or other forms of communication. If these electronic communications include encouraging participation in a commercial activity as described in the definition section above, then consent of the recipient must be obtained prior to sending such a message.
- 2.2 In order to obtain expressed consent for commercial electronic messages, school Principals will send a Request for Consent letter (Appendix A), home each September.
- 2.3 The Request for Consent letter will direct parents to HWDSB's website, where they can "opt-in" to receive commercial electronic messages from their child's school, or from the Board.
- 2.4 The Request for Consent letter should be provided to all students and parents upon registration or transfer to the school.
- 2.5 If at any time a person revokes their consent, their email address, or other electronic address, must be removed from all Board/school email lists or other electronic address lists.

### **3.0 Identification Information**

- 3.1 All messages received by students or parents that contains a commercial electronic message must identify that it is from Hamilton-Wentworth District School Board, the mailing address of HWDSB and, either a phone number that provides access to a person or voice messaging system, an email address or a web address of the board.

### **4.0 Unsubscribe Mechanism**

- 4.1 All commercial electronic messages must include an unsubscribe mechanism through which a recipient may indicate, at no cost to them, that they no longer wish to receive such messages.
- 4.2 Any requests to unsubscribe must be acted upon no later than 10 business days from receipt of it.