

# Canada Anti-Spam Legislation (CASL)

## Background

As of July 1, 2014 Canada's Anti-Spam Legislation (CASL) <http://www.crtc.gc.ca/eng/casl-lcap.htm> came into effect. The CASL imposes new requirements for 'commercial electronic messages (CEMs)'. One of the new requirements is to have the express or implied consent from any recipients.

### Not-for-Profit/Charity Exemptions:

Under section 3(g) of the Governor-in-Council Regulations (GiC) for CEMs sent by or on behalf of a registered charity, as defined under the Income Tax Act, where the primary purpose of the CEMs is to raise funds for the charity are exempt for the purpose of the CASL.

## Fundraising

Examples of CEMs where the primary purpose is raising funds can include (but are not limited to), event notification emails to purchase tickets where the proceeds from the ticket sales flow to the registered charity, newsletters sent by a registered charity which provides information about the charities activities or an upcoming campaign (while not containing any information that encourages the recipient to participate in a commercial activity).

## Implied Consent

An existing non-business relationship, as defined under CASL, is created when a person makes a donation or gift to the registered charity, or performs volunteer work or attends a meeting organized by the charity. A registered charity would have implied consent to send CEMs [where the primary purpose is not to raise funds for the charity] to this person for two years following the event that starts the relationship (e.g. gift or donation made).

Also, under the section 66 transitional provision, consent to send CEMs is implied for a period of 36 months beginning July 1, 2014, where there is an existing business or non-business relationship that includes the communication of CEMs. During the transitional period, the definition of existing non-business relationship is not subject to the limitation period of 2 years mentioned above. Note however, that this three-year period of implied consent will end if the recipient indicates that they no longer consent to receiving CEMs.

## The Boys and Girls Club of Ottawa

The Boys and Girls Club of Ottawa is committed to complying with the new CASL. We strive to maintain the privacy of our Members, donors, volunteers, and community partners at all costs. We have a privacy policy (<http://www.bgcottawa.org/about-us/privacy-policy>) which is reviewed periodically to ensure it meets our standards and the standards outlined by the various government authorities.

### To comply with CASL, the Boys and Girls Club of Ottawa will:

- Ensure that we offer an "unsubscribe" feature for all newsletters
- Ask for consent if there is any commercial promotion, not related to fundraising

- Boys and Girls Club of Ottawa will only send CEMs to participants going back two years as per the implied consent section outlined above

**Additional Information**

Imagine Canada has played a leadership role in working with the CRTC to provide guidance to Canadian charities on understanding the regulations and their requirements. For information on those guidelines, please visit [CRTC releases anti-spam guidance for charities](#).