



**Canadian Anti-Spam Legislation (CASL)
DECISION TREE**

<p>1.</p>	<p>Is the message a CEM?</p> <ul style="list-style-type: none"> ○ Does the message encourage participation in a “commercial activity”? Consider: <ul style="list-style-type: none"> • the content of the message • the hyperlinks in the message to content on a website or other database • whether the message has a mixed purpose: CASL applies even if only one of the purposes of the message is to encourage participation in a commercial activity. ○ Examples of CEMs: <ul style="list-style-type: none"> • messages promoting goods or services offered by the U of R that are not closely connected to the U of R’s Core Activities (e.g. general merchandise in the bookstore) • Messages promoting goods or services offered by third parties • Messages promoting events which are simply taking place at the U of R (e.g. non-university sporting events or artistic performances) 	<p>NO → okay to send</p> <p>YES → proceed to 2</p>
<p>2.</p>	<p>Does the message relate to fundraising or the core activities of the U of R (such that CASL does not apply)?</p> <ul style="list-style-type: none"> ○ Messages concerning activities relating to the U of R's core mission of education, research, and service (together with administrative activities that support them) (collectively, the “Core Activities”) are not of a commercial character and as such CASL does not apply to messaging regarding these activities. This includes: <ul style="list-style-type: none"> • Messages promoting or recruiting students into U of R programs; content relating to applications, admissions and registration processes. • Faculty and staff recruitment. • Messages to students providing information about academic matters and educational programming, messages promoting events closely connected to the Core Activities and messages relating to student life. • Communications concerning U of R education, research and service activities, campus news and fundraising. • Messages to funding agencies and collaborators, communications with other researchers about research activities, and messages related to recruitment of research participants and the collecting of research data. ○ Electronic messages sent by or on behalf of the U of R for the primary purpose of raising funds / soliciting donations are not subject to CASL. 	<p>NO → proceed to 3</p> <p>YES to any → okay to send</p>



3.	<p>Is there an applicable statutory exemption?</p> <ul style="list-style-type: none"> ○ Do the sender and recipient have a personal or family relationship? ○ Is the message sent to someone at the U of R and does the message concern the activities of the U of R [intra-business messages]? ○ Is the message sent to someone from another organization with whom the U of R has a relationship and does the message concern the activities of that organization [inter-business messages]? ○ Is the message sent in response to a request, inquiry or complaint? ○ Does the message provide quotes or estimates, if requested? ○ Does the message facilitate an agreed-to commercial transaction? ○ Does the message provide information about an ongoing subscription, membership, loan or a similar relationship? 	<p>NO → proceed to 4</p> <p>YES to any → okay to send</p>
4.	<p>Has the recipient provided express consent to receiving the message?</p> <ul style="list-style-type: none"> ○ Express consent can be oral or in writing. It should be recorded so there is proof of consent. 	<p>NO → proceed to 5</p> <p>YES → okay to send, subject to 7</p>
5.	<p>Has the recipient provided implied consent to receiving the message?</p> <ul style="list-style-type: none"> ○ Does the U of R have an existing business relationship with the recipient? <ul style="list-style-type: none"> ● Has the recipient purchased a product or service from the U of R, or accepted a business opportunity with the U of R within the preceding 2 year period; or ● Has the recipient entered into a contract with the U of R that is currently in existence or has expired less than 2 years ago; or ● Is the U of R responding to a business inquiry made by the recipient within the last 6 months? ○ Does the U of R have an existing non-business relationship with the recipient? <ul style="list-style-type: none"> ● Has the recipient made a donation or gift to the U of R within the last 2 years; or ● Has the recipient done volunteer work for the U of R within the last 2 years; or ● Is the recipient a member of a U of R club, association or voluntary organization within the last 2 years (e.g. Alumni)? ○ Where the recipient has (i) conspicuously published his/her email address; and (ii) not indicated that unsolicited CEMs are not welcome; and the message pertains to the recipient's business role or duties. ○ Where the recipient has provided his/her email address to the U of R without indicating a wish not to receive CEMs. 	<p>NO → proceed to 6</p> <p>YES to any → okay to send (i) after ensuring the implied consent has not expired, and (ii) subject to 7</p>



6.	Seek Express Consent <ul style="list-style-type: none">○ Requests for express consent must contain the following information:<ul style="list-style-type: none">• the specific purpose for which you are seeking consent;• the name of the U of R department / faculty seeking consent;• the mailing address, and a telephone number, email address or web address, for the U of R department / faculty seeking consent (or a link to a website containing this information); and• a statement indicating that the person whose consent is sought can withdraw their consent.	If express consent granted → proceed to 7
7.	Does the message comply with the form and unsubscribe requirements of CASL? <ul style="list-style-type: none">○ All CEMs must contain the following information:<ul style="list-style-type: none">• the name of the U of R department / faculty sending the message;• the mailing address, and a telephone number, email address or web address for the U of R department / faculty (or a link to a website containing this information); and• information about how to unsubscribe from future CEMs.○ If it is not practicable to include all of the above information in the CEM, then the CEM must contain a clear and prominent link to a webpage that contains this information.	YES → okay to send