

ANTI-SPAM LEGISLATION AND THE LEAGUE

Canada's new anti-spam legislation (CASL) came into effect on July 1, 2014 and is designed to protect Canadians from unsolicited electronic messages. The legislation targets "spam" by creating legal requirements for all commercial electronic messages (CEMs). CEMs are defined as any electronic messages, such as e-mails, newsletters or information bulletins that encourage participation in **a commercial activity whether or not there is an expectation of profit.**

CASL applies not only to commercial enterprises, but also to non-profits organizations, such as the League, and charities. The League conducts commercial activities at all levels when it communicates for the purpose of soliciting funds and engaging members in fundraising, even for local church bazaars, rummage sales, or teas that are organized to raise money.

Do councils at all levels currently violate the legislation when members send e-mails or electronic newsletters providing notice of fundraising or charitable events to sister members? The Canadian Radio-television and Telecommunications Commission (CRTC), which is tasked with monitoring and enforcing the legislation, has determined that the legislation is not intended to apply to CEMs sent **by members to members for the purposes of conducting council activities or promoting events in keeping with an organization's mandate.** The CRTC takes the position that when members provide their e-mail addresses at the time of joining/renewing, they give implied consent to be contacted electronically.

However, the CRTC also explained:

- **Non-members and former members have not given consent** and, therefore should never be receiving electronic messages from councils.
- **Members** who have provided their e-mail addresses and then later communicate their desire to not be contacted should be immediately deleted from members' address books. A record of the requests should be retained.
- The **use of CWL address books** to distribute information that is not League related would be considered to violate the legislation and could be subject to penalty.

Members and councils with access to membership lists are urged to be vigilant in keeping their lists current and are tasked with making thoughtful decisions about when it is appropriate to use electronic means to communicate a message. If members follow the guidelines provided by the CRTC, then councils will be conforming with the spirit of the legislation and will not face the severe penalties (up to \$1,000,000 for individuals and \$10,000,000 for organizations) that may be imposed for non-compliance.

Let us continue to communicate with each other, but let us also ensure we respect those who choose not to participate!