



Canada's Anti-Spam Legislation (CASL) Policy

Purpose

Canada's Anti-Spam Legislation ("CASL") came into force on July 1, 2014. Burlington Public Library Board (the Library) is committed to complying with CASL and its requirements.

Scope

This policy applies to commercial electronic messages sent on behalf of the Library. Messages sent in the course of conducting business are exempt. Exemptions include but are not limited to responses to individual customer queries and notification of overdues and fees owing.

This policy also applies to any computer software installed on customers' personal devices by staff or remotely through the Library's website.

Definitions

Canada's Anti-Spam Legislation ("CASL") refers to *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*, S.C. 2010, c. 23

Computer Program" - means data representing instructions or statements that, when executed in a Computer System, causes the Computer System to perform a function. Examples of Computer Programs include, but are not limited to:

- software
- applications (apps)
- games
- e-books

Electronic Message - means a message sent by electronic means to an Electronic Address, including, but not limited to messages sent:

- by email
- by text message
- by instant message
- via a social media account

Electronic Address - means an address used in connection with the transmission of an Electronic Message to:

- an email account
- an instant messaging account
- a telephone account
- a social media account
- any similar account

Express Consent - means the explicit and/or expressed communication by a person who wishes to receive Electronic Messages from the Library.

Implied Consent - means consent to send Electronic Messages to:

- Persons who are current, active cardholders of the Library
- Persons who were cardholders of the Library but who ceased to be cardholders in the 24 months preceding the date of the sending of the Electronic Message
- Persons who entered into a financial transaction with the Library in the 24 months preceding the date of the sending of the Electronic Message
- Persons who donated to the Library in the 24 months preceding the sending of the Electronic Message
- Persons who volunteered for the Library in the 24 months preceding the date of the sending of the Electronic Message

Statement of Policy:

1. Electronic Messages

- a) No Electronic Message shall be sent by or on behalf of the Library, in the course of carrying on the Library's activities, unless the recipient of the Electronic Message has provided his or her Express Consent or Implied Consent to receive Electronic Messages from the Library.
- b) Records of Electronic Addresses are kept to verify consent and are updated or discarded as appropriate to the purpose of the message list.
- c) All Electronic Messages sent by or on behalf of the Library in the course of carrying on the library's activities must include the following information:
 - the Library's name, a contact email address, telephone number and website
- d) The unsubscribe mechanism.
Electronic Messages sent between library staff or between Burlington Public Library staff and staff at other library systems shall be limited to library business.

Records of Express Consent

The Library regularly sends Electronic Messages in the following areas:

- a) Marketing and Promotions eNewsletter (Marketing Communications Department). Express consent is obtained through a subscription link on the Library website and through the registration process for library cards. Records of Electronic Addresses and of consent from the website link are maintained in the newsletter contact management system and records of Electronic Addresses and consent from card registrations are maintained in the Integrated Library System database.
- b) Program registration lists (Branches). Electronic Messages may be sent as reminders. Expressed consent is given at time of registration. Lists are destroyed after the program.
- c) Notices generated from the Integrated Library System for holds notification, items due courtesy notices and notices of overdue materials or fees balances. Customers choose the preferred method of contact (telephone or email) when

registering for a library card and this is recorded in their customer record. Although these notices could likely be considered exempt as they are part of doing business, the Library shall ask for an expression of consent. Unsubscribe links are included for customer service.

- d) Social media (Marketing Communications). Expressed consent is given by following or subscribing, as per the method for the medium.

Staff must obtain permission from their supervisor to send Electronic Messages which do not fall under the above examples and must adhere to guidelines provided by Marketing Communications. Guidelines include:

- Examples of permission statements to grant Express Consent
- Unsubscribe mechanisms
- Maintenance records of consent
- Privacy statement
- Retention periods and instructions for destroying records no longer needed

2. Transition Cardholders

Transition Cardholders are individuals:

- who were cardholders prior to July 1, 2014;
- who ceased to be cardholders prior to July 1, 2014; and
- to whom the Library has sent Electronic Messages prior to July 1, 2014.

Prior to July 1, 2017, the Library has Implied Consent to send Electronic Messages to Transition Cardholders, in the course of carrying out Library activities.

After July 1, 2017, no Electronic Messages may be sent to Transition Cardholders by or on behalf of the Library in the course of carrying out Library activities, unless:

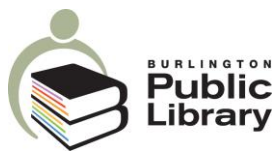
- there is Implied Consent to send those Persons Electronic Messages, as above, or
- there is Express Consent to send those Persons Electronic Messages

3. Retention

Records of Electronic Addresses are subject to the Library's privacy policies and are destroyed when no longer needed for the item of business. Electronic Addresses in the eNewsletter database will be weeded on the same cycle as the customer database for the Integrated Library System, except for those identified as transition cardholders which must be deleted by July 1, 2017.

4. Unsubscribe Mechanism

All Electronic Messages sent by or on behalf of the Library shall include an unsubscribe mechanism which is prominently displayed. All requests to unsubscribe shall be processed by the department of origin of the Electronic Message within 10 business days.



Computer Programs

The Library must obtain Expressed Consent to install computer programs on customer devices by means of an opt in option on the Library's website.

Staff giving device support assistance explains the installation process or demonstrates on a library device. The customer decides whether to proceed with the installation and performs the actions themselves. Staff may, in special circumstances, assist with operations on devices to support Customer Service Standards under the *Ontarians with Disabilities Act* S.O. 2001, c. 32.

Effective Date: Dec. 2014

Projected Review Date: 2018

Motion #/Date: 14-112, Dec. 17, 2014 Amended Dates:

Associated Procedures