

# Anti-Spam Policy

## Purpose of the Policy

Ocean Wise Conservation Association (Ocean Wise) sends a broad range of electronic messages related to its commercial, mission-based and exempt activities (i.e. fundraising). **Although non-commercial and exempt emails are not subject to CASL requirements, Ocean Wise is administering all emails (commercial, non-commercial and exempt) in a consistent manner.** The consistent application of procedures ensures compliance with CASL for commercial electronic messages.

Ocean Wise maintains a zero tolerance policy for use of its network or services in any manner associated with the transmission, distribution or delivery of any bulk e-mail, including unsolicited bulk or unsolicited commercial e-mail, or the sending, assisting, or commissioning the transmission of commercial e-mail that does not comply with CASL.

Compliance with CASL consists of three requirements:

- Expressed or implied consent from recipients to send a message
- Clear and simple identification of the sender(s)
- A way for recipients to unsubscribe from receiving messages in the future

## Responsibilities

Overall responsibility for Ocean Wise's Anti-Spam Policy and compliance with Canadian Anti-Spam Legislation lies with the **Privacy Officer**.

## Consent

Implied Consent is valid only for two years from the date of the last transaction which generated the consent, e.g. date of ticket purchase or expiry date for membership or volunteering. Express Consent allows Ocean Wise to email the recipient until the recipient unsubscribes. Wherever possible, Express Consent will be collected at the initial point of contact to allow Ocean Wise to reach out to the recipient after the two-year period.

### Exemptions from Consent Requirements

The intent of CASL is not to discourage the use of electronic means of carrying out commercial activities, despite its broad application. As such, certain exclusions are provided for in the act for business-to-business (B2B) communications. These include exclusions for CEMs that are sent within, or between, organizations that already have a relationship, and are relevant to the activities of the organization who receives the message.

For business-to-consumer (B2C) communications, exemptions exist where the communication relates to the management of specific types of interactions.

Consent is not required for:

- Quotes or estimates
- Messages that facilitate or confirm transactions
- Messages that provide warranty, recall, safety or security information
- Messages that provide information about

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- ongoing use or purchases
- ongoing subscription, membership, accounts, loans or similar
- employment relationships or benefit plans
- delivers a product good or service, including updates and upgrades

Although Ocean Wise will be administering all emails in a consistent manner, CASL does not apply to Ocean Wise's non-commercial and fundraising activities.

## **Sending Mass Emails**

### Information Requirements

CASL has specific information requirements for CEMs, which Ocean Wise will apply to all its electronic messages. All CEMs will include the following:

- Identification of the organization and anyone the organization represent in the message, including business name, postal address and either a telephone number or an email address.
- Unsubscribe mechanism to stop receipt of future messages. This must be at no cost to the recipient. The unsubscribe request must be respected by the entire organization.
- If it is not practicable to include the identification information and unsubscribe mechanism within the email, these are to be posted on a webpage that is accessible by recipients.
- All information will be accurate and valid for a minimum of 60 days after the message has been sent.

Because certain software only works with certain email management programs, Ocean Wise is unable to automate its email management through one consolidated email tool. Because of the multiple email management programs, unsubscribes will be managed on a program-by-program basis. All emails will contain an unsubscribe feature that unsubscribes the recipient from the specific program that sent the email. To unsubscribe from all emails, recipients will be directed to contact the Privacy Officer with "Unsubscribe" in the subject line (if via email) or at the top of the letter (if via mail).

### Forward to a Friend Promotions

Marketing campaigns that are based on forwarding the message to a friend are permissible; however, an organization cannot induce another party to contravene the Act.

## **Unsubscribe Requirements**

CASL Unsubscribe requirements are as follows:

- All CEM must contain a statement indicating that the person can unsubscribe.
- All CEM must include an unsubscribe mechanism or link to a website where someone can unsubscribe.
- The unsubscribe mechanism must be "readily performed".

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- Unsubscribing must be at no cost to the recipient.
- The unsubscribe information must be accurate and valid for a minimum of 60 days after the message has been sent
- The unsubscribe must take effect within ten (10) business days from the date that the unsubscribe was sent.

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## **Fundraising Messages**

Ocean Wise is a Registered Charity, in accordance with the Federal Income Tax Act. As such, fundraising messages with the primary objective of raising funds are exempt from CASL requirements. As a result, Ocean Wise does not require consent to send electronic messages that are strictly of a fundraising nature. Ocean Wise will abide by its stated policy in that if an individual has actively unsubscribed from further electronic correspondence from specific programs, Ocean Wise will refrain from sending fundraising emails regarding those specific programs.

## **Spam Filtering**

Ocean Wise automatically scans all outgoing (and incoming) e-mails for both viruses and Spam to reduce the likelihood that its email systems can be used to send viruses and Spam. Ocean Wise also sends outgoing emails through third parties. Filtering of outgoing messages is managed by the service providers themselves.

## **Receipt of Unwanted Messages from Ocean Wise**

As noted above, occasional instances may occur where messages defined as “Spam”, or not in compliance with CASL are sent by Aquarium. If such an instance were to occur and were brought to the attention of an Aquarium staff member, the Privacy Officer is to be notified immediately. The Privacy Officer will investigate and take remedial action as required to ensure that Ocean Wise remains compliant with CASL. The following details are to be included in the incident report to the Privacy Officer:

- Recipient’s email address
- Sender’s email address
- Date and time sent
- Content of message

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## Inquiries

Any questions regarding CASL compliance can be directed:

To: Privacy Officer  
Address: Ocean Wise Conservation Association PO Box 3232 Vancouver, BC V6B 3X8  
Email: [privacy@ocean.org](mailto:privacy@ocean.org)  
Phone: 604-659-3589