

# CORPORATE POLICY AND PROCEDURE



POLICY	<b>Anti-Spam Policy</b>
CATEGORY	Corporate and Human Resources
AUTHORITY	City Clerk's Office
RELATED POLICIES	Privacy Policy, Responsible Computing Policy
APPROVED BY	Executive Team
EFFECTIVE DATE	July 1, 2014
REVISION DATE	July 1, 2017

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## Introduction

1. Canada's Anti-Spam Legislation came into force July 1, 2014. It applies to all persons and organizations in Canada and has extra-territorial reach as well. The legislation applies to all commercial electronic messages (CEM) sent by a person or organization to an electronic address. The primary purpose of commercial electronic communication sent by the City is to promote City services and to be accountable and transparent in government. This policy establishes guidelines and procedures to highlight the City's commitment to compliance with Canada's Anti-Spam legislation.

## What is a CEM?

1. A CEM is a commercial electronic message that is sent to an electronic address such as an email account, a cellular phone or instant message account if the purpose of such message is to encourage participation in a commercial activity.
2. A commercial activity is defined as any particular transaction, act, or conduct that is of a commercial character, whether or not there is an expectation of profit.
3. Examples of CEM:
  - a. An electronic message offering to purchase, sell, or lease a product, service or land;
  - b. An electronic message that offers to provide business, investment or gaming opportunity;

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- c. An electronic message that advertises or promotes any of the above activities;
  - d. An electronic message that promotes a person who does anything referred to above;
  - e. An electronic message that contains a request for consent to send a commercial message.

## **Policy**

1. All City employees or departments who send CEM must do so in accordance with the Canada's Anti-Spam Legislation and this Policy.
2. Consent to receive electronic messages must be obtained from the recipient in accordance with the section below on "Consent".
3. A CEM must include:
  - a. A statement clearly identifying the sender;
  - b. A method whereby the recipient can readily contact the sender;
  - c. A working unsubscribe mechanism that is:
    - a. Functional for 60 days;
    - b. Is at no cost;
    - c. Processed without delay (within 10 days).
4. All electronic CEM must contain a mechanism for the recipient to "opt-in".
5. Opt-in cannot be the default. It must be specifically chosen by the recipient.
6. All consents to receive electronic messages, whether provided through third party email services, emails generated by the City, or hard copy forms must be recorded. The date, source of consent and where and how consent was obtained must form part of the record.
7. "Unsubscribe" mechanisms, either electronic or in hard copy, must be tracked, and acted upon within 10 days of receipt.

## **Consent**

1. Unless it falls with the exemptions listed in the Act, each CEM requires:
  - a. Consent (express or implied);

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- b. Compliance with mandated content and unsubscribe information;
2. Consent is not required if the CEM is:
- a. A quote or estimate;
  - b. Confirming or facilitating an ongoing transaction;
  - c. Delivering upgrades or updates to a product, good or service;
  - d. Providing information on ongoing subscriptions, memberships, or accounts;
  - e. Within an organization or between organizations that already have a business relationship;
  - f. Solicited in response to complaints, inquiries and requests;
  - g. Arises from a legal obligation, court order or judgment or to provide notice of a legal obligation, court order or judgment;
  - h. Arises from a right arising under a law of Canada, or of a province, territory or municipality of Canada; or
  - i. Sent by or on behalf of a political party or organization.
3. Consent is implied if:
- a. There is an existing business relationship or existing non-business relationship;
  - b. The recipient has conspicuously published their email address and the CEM is relevant to that person's business, role or function; or
  - c. The recipient has given or exchanged business cards and the CEM is relevant to the person's business, role or function and there has been no request not to send email.

## **Changes to this Policy**

The City of Guelph reviews all of its policies and procedures on a regular basis. The City may change this policy from time to time.

## **Related Documents**

Canada's Anti-Spam legislation

The CRTC Regulations

*The Municipal Freedom of Information and Protection of Privacy Act*

*The Personal Information Protection and Electronic Documents Act*

The City of Guelph Responsible Computing Policy