

Frequently Asked Questions

Does CASL apply to Social Media?

Posting promotional information on social media sites is not subject to CASL if the information was not sent by way of an electronic address. For example, posting information on intranets, websites, blogs and Facebook wall posts are not subject to CASL provisions. However, using social media sites to send “instant messages” or “direct messages” would capture the definition of an electronic address and be subject to CASL.

Can I post information on LUNET?

Yes, as the message hasn't been transferred by way of an electronic address.

Does CASL apply to core educational activities?

CASL does not apply to electronic messages relating to core educational activities of the University. These would include messages about enrollment, exams, scheduling, and campus activities. They would also include messages about student recruitment and informational sessions, and public lectures, exhibitions, and performances relating to faculty or student initiatives. But CASL will potentially apply to CEMs that contain commercial offers.

What counts as an express consent?

CASL sets tough rules on when written consents “count” for the purposes of the statute. In every case, a written consent request must have the following attributes:

- It must be “opt in”. This means that persons consenting must affirmatively express their intention to receive CEMs, either by checking a previously unchecked box, by inserting their e-mail

- address into a blank field, or by replying to an email request with the subject header “Subscribe”.
- It must clearly describe what is being consented to **and** must contain a mandatory statement explaining that consent may be withdrawn.
 - Accordingly, next to the unchecked box or blank field, there should be a phrase like “Sign me up for electronic messages containing news, information, offers, and other items of interest from Laurentian University. I recognize that I may unsubscribe at any time.”
 - It must include the name and contact information, which includes the phone number, mailing address, and email of the University.

How do I obtain express consent?

If you have **implied consent**, such as through the “existing business relationship” or “existing non-business relationship” categories described below, you may seek express consent only when fulfilling the following requirements:

- clearly identifying the purpose for requesting the consent;
- satisfying the identification requirement; and
- including an unsubscribe mechanism.

How can I demonstrate that I have implied consent or express consent?

Consent can be demonstrated by using a database that is regularly updated that holds the following information:

- the method through which the email address was obtained;
- the kind of consent, whether implied or express; and
- the date on which the consent was obtained.

It is important to keep in mind that written consent is always preferred as it is easier to demonstrate. When you obtain a written consent, you must always store it in electronic or written form.

Is express consent obtained prior to July 1, 2014, still valid?

Yes, express consent received prior to CASL coming in to effect remains valid until the recipient unsubscribes from the distribution list. It is important to note that the onus to demonstrate consent remains on the department sending the CEM.

Can consent, whether implied or express, be transferred to another department or shared with a third party?

No, consent cannot be transferred to another department nor can consent be transferred externally.

Does CASL allow the sending of CEM's outside of Canada?

There are some technical obligations and requirements that must be fulfilled when a CEM is sent to an individual or organization that is not within Canada. If you must send a CEM to a foreign country please consult with the Office of the University Secretary and General Counsel.

Does the sharing of business cards constitute implied consent?

You may have received implied consent when receiving a business card from an individual. However, the implied consent is subject to the following two (2) requirements:

- the message relates to the recipient's employment, either in an official or business capacity; and
- the individual receiving the message has not indicated to you when providing you the business card that they do not wish to receive promotional or marketing messages (CEM's) at that address.

Only after fulfilling these requirements can the individual be added to the distribution list.



What constitutes as an existing business relationship or an existing non-business relationship at Laurentian University? How long do these implied consents last?

An existing business relationship means a business relationship between Laurentian University and the recipient arising from the purchase of goods or a service, within the preceding two (2) year period. If a person's only point of contact with Laurentian University was the making of an inquiry or application to Laurentian University, the implied consent period lasts for only six (6) months.

An existing non-business relationship means a relationship between Laurentian University and the recipient arising from:

- a donation or a gift made by the person to whom the message is sent to by any of the other persons within the two (2) year period;
- volunteer work performed by the person to whom the message is sent for by any other persons, or attendance at a meeting organized within the two (2) year period; and
- membership by the person to whom the message is sent, within the two (2) year period.

If we have always sent messages to people, can we keep sending them?

If the messages are related to core educational activities, you can continue sending them. If, however, the messages do not relate to core educational activities and they refer to commercial activities, you must have implied or express consent prior to sending the messages.

If someone has previously participated in a pay and participation event not related to core activities, can we send them a message about another event?

Yes, you can continue sending the individual a message for the next two (2) years as you have implied consent by way of an existing business relationship. For example, if an individual participates in an event on



March 1, 2017, messages could be sent to that individual until March 1, 2019. If, however, the individual decides to participate again in another event during the two (2) year period, on March 1, 2018, the two (2) year period would restart, meaning that messages could continue to be sent to that individual until March 1, 2020.

The Canadian Radio-television and Telecommunications Commission (CRTC) has provided a helpful FAQ guide that can be found at the following link: <http://crtc.gc.ca/eng/com500/faq500.htm>. This document has served as a reference for the questions listed above.