



ANTI-SPAM

I. RATIONALE FOR POLICY

Canada's Anti-Spam Legislation (CASL) aims to prevent sending spam, malware, spyware, phishing, or fraudulent information to the Canadian public by prohibiting organizations from sending commercial electronic messages unless the recipient has given express consent or the message falls into one of the closed categories where consent is implied.

CASL has important implications for the charitable sector as it sets out the parameters for how organizations are legally allowed to interact via electronic means of communication with their stakeholders. While CASL exempts charities from some of the law's restrictions, violations under CASL may result in fines up to \$10 million. Moreover, non-compliance with CASL may damage the reputation of the organization.

Building trust with stakeholders is paramount to Children Believe's (CB) ability to fulfil its mission and achieve its strategic directions. To this end, CB adheres to the highest standards of accountability and transparency, including those set out in CASL. This policy articulates CB's commitment to respecting its obligations to any recipients in Canada who may receive our electronic communications.

II. POLICY OBJECTIVE

This policy ensures that Children Believe complies with the rules established by CASL when creating and distributing commercial electronic messages (CEMs). The policy outlines the requirements that govern the creation and distribution of CEMs in accordance with CASL, and the responsible and transparent practices that must be adopted by all CB representatives when sending — directly or indirectly — CEMs to recipients in Canada.

III. POLICY SCOPE

This policy applies to all staff, volunteers, partner organizations, contractors, and other third parties ("CB representatives") who develop or issue electronic messages to recipients in Canada on behalf of CB.

IV. POLICY DETAILS

CB representatives must adhere to the following principles and comply with the following practices when sending electronic communications on behalf of CB or when using CB's telecommunication tools:

1. CASL application to Children Believe

- CASL only applies to commercial electronic messages (CEMs). CEMs include offers to buy or sell, to provide business or investment opportunities, and any advertising or promoting of such things or of people who do or intend to do such things. If no commercial transaction is involved, CASL does not apply.
- CEMs sent by CB (as a registered charity) that have fundraising as the primary purpose are exempt from CASL.
- All other CEMs from CB that do not have fundraising as the primary purpose must comply with CASL. This includes other revenue-generating activities such as fees for products and services,

- fees for participation in activities and programs, promotions for the products/services of a third-party partner.
- If there are multiple commercial purposes to the communication (fundraising and offering a product /service), the message must comply with CASL.

1.1. Exemptions from CASL

- Fundraising messages:
 - Any communication with a primary purpose of raising funds for the charity is exempt from CASL.
 - Fundraising messages that mention corporate sponsors are exempted as long as the recipient is not encouraged to participate in commercial activities with those sponsors.
- Non-commercial messages (organizational newsletters, information about the activities of or events sponsored by CB, announcements, annual reports, etc.)
- Messages sent internally within the organization and concern the organization's activities.
- Messages sent between CB and other organizations with an existing relationship or to request quotes, facilitate or confirm transactions, provide information relevant to the recipient.
- Messages asked for by the recipient. For example, a response to a request, inquiry or complaint.
- Messages sent for legal reasons.
- Messages reasonably believed by the sender to be received by someone in a foreign country.

2. CASL consent requirements for CEMs

2.1. Express consent

- Express consent is consent that is actively given, either in writing or orally.
- Express consent must be obtained through an opt-in mechanism (as opposed to opt-out), meaning that the recipient must take a positive action to indicate their consent.
- Express consent does not expire but may be revoked or withdrawn at any time.
- By law, the onus is on CB representatives as the sender of a CEM to prove they have obtained express consent to send the message.

2.2. Implied consent

- The provision of personal information to CB constitutes implied consent for receiving CEMs, unless an individual expressly indicates they do not want to receive communication from CB.
- Implied consent can also be inferred where there is an existing business or non-business relationship between an individual and CB. Such relationship is established when a person interacts with CB by making a donation or gift, performing volunteer work for CB, attending a meeting or event organized by CB or otherwise reaching out to CB for information or support.
- Implied consent is valid for two years from the date of the last transaction which generated the consent (for example, date of donation, date of volunteering).
- Implied consent may be withdrawn at any time.

3. Requirements for sending electronic messages on behalf of CB

3.1. Proactive identification of CEMs

CB representatives must review the communications they author or issue against the definition of "commercial electronic message" and the provisions of this policy. This includes the content of the message, any hyperlinks in the message to commercial content or a commercial website or database, or contact information contained in the message whereby it would be reasonable to

conclude that contact information has as one of its purposes to encourage participation in a commercial activity.

3.2. All non-exempt CEMs sent by CB representatives must comply with the following:

- a) **Consent:** CB representatives must have permission - express or implied - to send a CEM and must retain proof of that consent (refer to Consent below).
 - Given the complex requirements for verification of oral consent, it is recommended that CB obtains written consent, either in paper or electronic form.
 - Consent requests must clearly (1) state you are requesting consent on behalf of CB, (2) provide your contact information and (3) indicate the person whose consent is being sought can withdraw their consent at any time.
 - Standard wording consenting to CB's collection and use of information should be developed and used on organizational forms and documents.
- b) **Identification:** Every message must contain the identity and contact information of the sender (or the person on whose behalf the message is sent).
 - All information must be accurate and valid for a minimum of 60 days after the message has been sent.
- c) **Unsubscribe mechanism:** All CEMs must include an unsubscribe mechanism that is readily-available (meaning clearly visible and a simple and easy unsubscribe process) and at no cost to the recipient.
 - All requests to unsubscribe from CB communications received by CB representatives must to be forwarded to donor relations at askus@childrenbelieve.ca.
 - All unsubscribe requests must take effect within ten (10) days from when the unsubscribe was requested.
 - CB representatives will not send any further communication on this topic by electronic means to the unsubscribed party.

3.3. Third-party fundraisers through GoFundMe (GFM)

- CB raises funds through crowdfunding platforms like GFM, which enables individuals and organizations to raise funds for CB.
- CB will inform third-party fundraisers of CB's CASL requirements and of this policy to enable them to comply with these requirements and their responsibilities under CASL.
- Ultimately, it is the third-party fundraiser who is liable under CASL if they issue CEMs that are not compliant with the requirements of applicable legislation and this policy.

3.4. CB's commitment to its donors

- As per the "Ethical Fundraising and Donor Accountability Policy", CB will honour donors' and prospective donors' requests to not be solicited by telephone or other technology; receive printed material concerning the organization; and discontinue solicitations where it is indicated they are unwanted or a nuisance.
- CB representatives who solicit or receive funds on behalf of CB must cease solicitation of a prospective donor who identifies the solicitation as harassment or undue pressure, or who states that he/she does not wish to be solicited.

V. POLICY AUTHORITY AND OFFICERS

- a. Authority to approve this policy: **Executive Leadership Team**

- b. Executive champion of this policy: **Chief Marketing & Development Officer**
- c. Authority to develop procedures: **Chief Marketing & Development Officer**
- d. Authority to approve procedures: **Executive Leadership Team**

VI. IMPLEMENTATION, MONITORING, COMPLIANCE AND REPORTING

The Executive Champion is responsible for the implementation of this policy, including its publication, communication, training and change management, development and implementation of the related policy procedures, forms and guidelines as well as cascading the policy to our international offices (where applicable).

The Approval Authority identified in Section V.a. is ultimately responsible for compliance with this policy.

The Executive Champion will report on compliance with this policy to the policy Approval Authority on a quarterly basis.

VII. POLICY REVIEW

This policy and related procedures must undergo an in-depth review every 3 years from the approval date, but it may be reviewed at any time as needed.

The Executive Champion will initiate and lead the policy or procedure review process and will provide updates to the Approval Authority on the progress and key dates.

VIII. RELATED DOCUMENTS

The following documents support the application of this policy:

Relevant legislation:

- Canada's Anti-Spam Legislation: <https://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>
- Government of Canada's Anti-Spam Legislation webpage: <https://fightspam.gc.ca/eic/site/030.nsf/eng/home>
- CRTC's FAQ about Canada's Anti-Spam Legislation <https://crtc.gc.ca/eng/com500/faq500.htm>
- CRTC's Canada's CASL Guidance on Implied Consent: <https://crtc.gc.ca/eng/com500/guide.htm>

CB organizational policies:

- Privacy Policy
- Ethical Fundraising and Donor Accountability Policy
- Records Retention

DEFINITIONS

List the unique terms, technical terms, terms with special meanings in the policy that, by being defined, would add to the reader's understanding of the basic policy.

Executive Leadership Team (ELT): The most senior level of staff leadership within Children Believe comprised of the Chief Executive Officer (CEO), Chief Financial Officer (CFO), Chief Marketing and Development Officer (CMDO), Chief International Programs Officer (CIPO) and Vice-President, People & Culture (VP-P&C). The CEO may alter the composition of the ELT as required from time to time. One person may hold more than one position.

Executive Champion: A member of the ELT with overall responsibility for an assigned policy, including: drafting, carrying out appropriate consultations / assessment, evaluating implications of the policy, including risks and costs and seeking legal advice where necessary, developing and carrying out the communication,

change management and implementation plan, writing any related procedures, standards or guidelines, monitoring compliance through regular reviews of the policy as well as providing oversight to cascading the policy to Country Offices as necessary.

Canada's Anti-Spam Legislation (CASL): 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 CRTC Act, the Competition Act and PIPEDA. The act came into effect in 2014 to reinforce best practices in email marketing and combat spam and related issues.

Electronic address: An address used in connection with the transmission of an electronic message to an electronic mail account, and instant messaging account, a telephone account or similar account. This includes many forms of electronic messaging systems such as email, SMS, instant-messaging, and some online services where users hold an account, including some social-networking sites and certain online forums and portals.

Electronic message: A message — including its attachments and embedded links — sent by any means of telecommunication, including text, sound, voice or image. This includes emails, text messages and messages using social media such as Facebook, Instagram or LinkedIn. Interactive two-way voice communication between individuals, fax messages to a telephone account, voice recordings to a telephone account are not electronic messages.

Commercial electronic message (CEM): An “electronic message” that is sent to an “electronic address,” which has as one of its purposes to encourage participation in a “commercial activity”. Even if a commercial message is not sent with an expectation of garnering profit, it still qualifies as a CEM.

Commercial activity: Any transaction of commercial character, regardless of whether there is an expectation of profit or not.

Express consent: Permission obtained when a recipient "opts in" to receive CEMs. Consent can be oral or written and could be an unedited audio recording, paper or electronic checkbox on a website. Express consent never expires unless the recipient chooses to unsubscribe.

Implied consent: Consent which is not expressly granted by a person, but rather implicitly granted by a person's actions and the facts and circumstances of a particular situation:

- **Existing business relationship:** The recipient has made, or enquired about, a purchase or lease of goods, services, land or interest in land, a written contract or the acceptance of a business, investment or gaming opportunity from you.
- **Existing non-business relationship:** You are a registered charity, a political party or a candidate, and the recipient has provided you a gift, a donation or volunteer work. You are a club, association or voluntary organization and the recipient is one of your members.
- **Recipient's e-mail address was conspicuously published or sent to you:** The address was disclosed without any restrictions and your message relates to the recipient's functions or activities in a business or official capacity.

Unsubscribe: A withdrawal of consent to receive CEMs or any electronic message.

Spam: Any unsolicited communications that encompass the unauthorized transmission of data, installation of computer programs without consent, electronic promotion of false or misleading information (including websites), harvesting of addresses — electronic or otherwise — without permission, or the collection of other personal information illegally.