



BONFIELD PUBLIC LIBRARY

Policy Title: Anti-Spam Policy
Policy Approval Date: April 7, 2014

Policy Number: 2016-58
Policy Review Date: November 7, 2016

Canada's Anti-Spam Legislation (CASL) was passed in Parliament in 2010 and came into force on July 1, 2014. Two sets of regulations were passed in addition to the Act. Bonfield Public Library is committed to complying with CASL and its requirements.

DEFINITIONS:

Commercial Electronic Message (CEM) means an electronic message that has as its purpose or one of its purposes to encourage participation in a commercial activity. There does not need to be any expectation of profit and so this could include offering, promoting or marketing a service to a Person.

Electronic Address (EA) 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; or
- Any similar account.

Electronic Message (EM) means a message sent by electronic means to an electronic address including, but not limited to, messages sent by:

- Electronic mail, i.e. email;
- Text message;
- Instant message; or
- Direct message sent through social media messaging systems.

An EM does not include messages:

- Sent via posted mail;
- Sent via fax;

Communicated via a two-way voice conversation;

- Communicated via voicemail to a telephone account;
- Posted or published on a website (but not sent to an electronic address); or
- Posted, published or broadcast on a social media website or blog.

The Bonfield Public Library Board requires its CEO, Employees and Volunteers as well as any other Person or Third Party who communicates on its behalf to comply with this policy.

POLICY STATEMENT:

Bonfield Public Library will send out electronic messages as part of its communications to:

- Library patrons;
- Library strategic alliances and partners;
- Vendors, contracted service providers and other business associates,
- Donors; and
- The community at large.

Bonfield Public Library will use a variety of communications channels and platforms. These are defined as:

- Communications Channel means a physical transmission medium, such as print or electronic media, through which information and other content is sent or received.
- Communications Platform means a tool that supports back-and-forth communication such as conversations rather than just one-way or broadcast communication.

The Bonfield Public Library (BPL) shall use an opt-in approach based on a Person's consent to provide their electronic address and to receive messages.

- BPL will obtain consent from a Person to collect an Electronic Address (EA) belonging to that Person for the purposes of sending Electronic Messages (EMs) or Commercial Electronic Messages (CEMs) to that Person on behalf of the Library;

- BPL shall endeavour to obtain consent from Persons to whom it sends EMs, at all reasonable opportunities; and
- BPL shall not send CEMs to Persons unless they have requested such electronic transmissions and/or have provided Implied or Express Consent in accordance with CASL and this policy.
- The Library, when requesting consent, will set out clearly and simply the following information:
 - The purpose or purposes for which the consent is being sought;
 - Information that identifies that it is the Library seeking consent; and
 - Any other prescribed information in accordance with CASL and this policy.

From time to time, BPL may exercise its right of exemption under CASL to send a CEM for the primary purposes of raising funds for the Library.

COLLECTION OF ELECTRONIC ADDRESSES

BPL and its Library Board Members, Employees or Volunteers, or third-party contractors shall endeavor to obtain the consent of a Person to collect an EA for the purposes of sending EMs or CEMS to the Person who owns that Electronic Address on behalf of the Library.

For the purposes of this Policy, and in accordance with CASL, a reference to the Person to whom an electronic message is sent means the holder of the account associated with the electronic address to which the message is sent, as well as any Person who it is reasonable to believe is or might be authorized by the account holder to use the electronic address.

Collection, storing and management of Electronic Addresses by the Library shall be as follows:

a) Electronic Addresses for Library patrons collected by or on behalf of the Library for the purposes of the provision of core library services, including but not limited to lending services and programming, shall be entered, stored and managed in the appropriate databases.

b) Electronic Addresses for Library donors collected by or on behalf of the Library shall be entered, stored and managed in the appropriate databases.

All individuals who obtain and/or collect Electronic Addresses on behalf of the Library will enter such EAs into the appropriate databases, respecting collection of personal information.

ELECTRONIC MESSAGES

EMs and CEMS sent from Library Board Members, Employees or Volunteers using the Library's equipment and/or computer system(s) and/or Internet connection (including any wireless connection) and/or other resources owned, operated and/or controlled by the Library shall concern the activities of the Library.

All CEMs sent by or on behalf of the Library will include the following information:

- the Library's name and mailing address;
- the Library's email address / telephone number / website; and
- The Library's unsubscribe, i.e. opt-out, mechanism.

Board Members, Employees or Volunteers may not send CEMs to other BPL Board Members, Employees or Volunteers that market, advertise or otherwise encourage participation in a commercial activity that is not associated with the business of the Library. Such content may be posted on the Library website, where access and use is voluntary.

CONSENT

The Library shall endeavour to obtain consent from Persons to whom it sends EMs and Express Consent from Persons to whom it sends CEMs, at all reasonable opportunities.

All requests for consent made by or on behalf of the Library **in writing** (whether electronic or in hard copy format), will include the following:

- A request that the recipient consent to receive EMs from the Library;
- The purpose for which the consent is being sought;
- The Library's name and mailing address;
- The Library's email address/ telephone number / website; and
- A statement that consent may be withdrawn at any time via an unsubscribe mechanism.
- All requests for consent made by or on behalf of the Library **orally** shall follow the following procedure:

a) The individual requesting the consent shall disclose to the Person from whom the consent is being sought:

- i. His/her identity as a Library representative;

- ii. That the consent is being sought on behalf of the Library;
- iii. The purpose for which the consent is being sought;
- iv. The Library's mailing address;
- v. The Library's email address / telephone number / website and
- vi. That the Person may withdraw the consent at any time.

b) If consent is requested by telephone, the individual seeking the consent shall request that the Person send an email or text message to a designated BPL email account with the following sentence: "I / we hereby consent to receive electronic communications from Bonfield Public Library.

Any individual who obtains consent on behalf of the Library shall enter the consent into the Library system within three (3) business days of receiving it, or as soon as is reasonably possible.

Unsubscribe Mechanisms

All Persons who receive EMs and CEMs from the Library have the ability to unsubscribe, i.e. opt out.

Requests to unsubscribe from EMs shall be entered into the Library's system within three (3) business days of being notified of the request.

All CEMs sent by or on behalf of the Library in the course of carrying out Library activities shall include a mechanism by which the Person receiving the CEMs may unsubscribe from receiving Electronic Messages from the Library. The unsubscribe mechanism shall be prominently displayed in the body of all CEMs sent by or on behalf of the Library.

Library cardholders can also update their own membership accounts and can stop receiving EMs and CEMs by removing their email addresses from their accounts.

No EMs or CEMs shall be sent by or on behalf of the Library to any Person who made a request to unsubscribe, ten (10) business days after the request was made and thereafter, unless the Person provides his or her Express Consent again to receive EMs or CEMs from the Library, or unless the CEM meets one of the Exemptions under CASL Legislation (to be determined by the Library management on a case-by-case basis).

THIRD-PARTIES

For the purposes of this Policy, the following term has the following meaning:

"**Third-Party**" means a Person who is not a Library Board Member, Employee or Volunteer of the Library, who sends CEMs that promote, advertise, market, or otherwise encourage participation in the Library's activities.

The Library requires that all Third-Parties have Express Consent to receive CEMs from the Library, from the Persons to whom the CEMs are sent, prior to the sending the CEMs.

The Library shall not be held liable for any and all CEMs sent by Third-Parties that are not sent in compliance with this Policy.

All Third-Parties agree to defend, indemnify and hold harmless the Library and Board Members, Employees, Volunteers, agents and trustees, from and against any and all complaints, claims, actions or demands resulting from, and/or arising out of, the Third Parties' breach of this Policy, including, but not limited to, for any and all regulatory proceedings, warrants, preservation demands, disclosure requests, compliance notices, administrative monetary penalties, fines, damages, injunctive relief, class actions, legal fees, expert fees and disbursements.

USE OF THE LIBRARY'S COMPUTERS / INTERNET CONNECTION

Any Person who uses the following must carry out his or her activities in a manner that is compliant with this policy:

- A Computer System owned, operated and/or controlled by the Library; and/or
- An Internet connection owned, controlled and/or provided by the Library (including any wireless connection),
- An email, social media or other account for the purposes of communication owned, controlled and/or provided by the Library.
- The Library's Board Members, Employees and Volunteers will have training on this policy.

TRAINING

The Library's Board Members, Employees and Volunteers will have training on this policy.