



ROWING CANADA AVIRON

ELECTRONIC COMMUNICATIONS POLICY TO COMPLY WITH CANADIAN ANTI-SPAM LEGISLATION

Effective date	May 7, 2021
Archived date	
Date last reviewed	October 31, 2014
Scheduled review date	
Replaces and/or amends	RCA Electronic Policy (November 16, 2014)
Approved by and date	RCA Board of Directors, May 7, 2021
Appendix(-ces) to this Policy	Appendix 1 Frequently Asked Questions
References	RCA Code of Conduct and Ethics (effective date April 1, 2021)

1. Purpose

The purpose of this policy is to clarify to all Rowing Canada Aviron (RCA) members of the board of directors (“directors”), officers, members of staff as well as any contractor or volunteer who is mandated by RCA to communicate on behalf of RCA, expectations of their conduct in using electronic communication to ensure RCA’s compliance with the Canadian Anti-Spam Legislation (CASL). This policy covers any electronic communication, including, but not limited to, electronic mail (email), public and private communications via social media, telemarketing, and short messaging service (SMS).

2. Scope and Application

This policy applies to all RCA directors and officers, staff members, and any contractor or volunteer who is mandated by RCA to communicate on behalf of RCA.

3. Policy Statement

RCA is committed to the development of a credible and effective documented program that demonstrates that RCA respects the rights of those who we are in communication with and has taken reasonable steps to avoid contravening the law. RCA respects the privacy of its members, participants, donors and business contacts and complies with the Canadian Anti-Spam Legislation by ensuring that:

- a. RCA will not send, distribute or contract services to send or distribute a commercial electronic message (CEM) to any individual or businesses without:
 - i. The recipient’s express or implied consent;

- ii. Fully identifying the individual sender, including name of the sender and the name of anyone else on whose behalf RCA is sending the message, business name, postal address, phone number and email;
 - iii. Providing a clear way and means for the recipient to unsubscribe from receiving additional messages from RCA, at no cost to the recipient.
- b. RCA will obtain and maintain records of individuals' express or implied consent to receive any electronic messages deemed to be commercial in accordance with the legislation;
 - c. RCA will endeavour to action every unsubscribe request within 10 days or less and at no cost to the recipient.

4. Definitions

- a. **Commercial:** having the aim of an exchange of goods, services or goodwill for money.
- b. **Commercial Electronic Message (CEM):** Any electronic message that encourages participation in a commercial activity, regardless of whether there is an expectation of profit.
- c. **Electronic Address:** any address used in connection with the transmission of an electronic message to (a) an electronic email account; (b) an instant messaging account; (c) a telephone account; or (d) any similar account. This includes many forms of electronic messaging systems within online services where users hold an account, including social networking sites and certain online forums and portals.
- d. **Electronic Communication:** a message sent by any means of telecommunication, including a text, sound, voice, video or image message.
- e. **Existing Business Relationship:** RCA has an "existing business relationship" with a recipient if it arises from (a) the purchase or lease of a product, goods, a service, land or an interest or right in land for a two-year period; (b) the acceptance by the recipient of a business, investment or gaming opportunity offered by the recipient for a two-year period; (c) the bartering of purchase or lease of a product, goods, service, land or an interest or right in land between the recipient and RCA for a period of two-years; (d) a written contract entered into between the recipient and RCA is current or expired within a two-year period; or (e) an inquiry or application, within an immediate six-month period, made by the recipient to RCA for any of the scenarios mentioned in (a) to (d).
- f. **Existing Non-Business Relationship:** RCA, as a registered charity as defined in subsection 248(1) of the *Income Tax Act*, has an "existing non-business relationship" with a recipient if it arises from (a) a donation or gift made by that recipient for a two-year period; (b) volunteer work performed for RCA by that recipient for a two-year period; or (c) membership of that recipient with RCA for as long as the membership is valid and for a two-year period from the day that the membership terminates.
- g. **Express Consent:** An individual is clearly presented with an option to agree to the collection, use or disclosure of personal information. Express consent may be in oral or written form.
- h. **Implied Consent:** An individual's actions and the current circumstance infer the personal information provided is for use in a way that clearly benefits the individual and the organisation's expectations are reasonable. Consent to receive a CEM is implied if (a) RCA has an existing business relationship; (b) RCA has an existing non-

business relationship; or (c) the recipient has a published electronic address and is relevant to RCA's business.

- i. **Personal relationship:** A "personal relationship" is one that exists between individuals. Legal entities, such as corporations and charities, cannot have a personal relationship. Someone who sends a CEM on behalf of a corporation may not claim to have a personal relationship with the recipient.
- j. **Time Period:** all time periods are measured from the day before the CEM is sent.

5. Policy Exemptions

- a. Business to Business
 - i. Messages sent within RCA by a director, officer, employee, representative or consultant to another director, officer, employee, representative or consultant of RCA and that concerns the activities of RCA;
 - ii. Messages sent from RCA by a director, officer, employee, representative or consultant to another employee, representative or consultant to another organisation, to the extent that RCA and the other organisation have a relationship at the time the message was sent and the message concerns the activities of the recipient organisation.
- b. Messages Sent in Response to a Request
 - i. Messages sent by RCA in response to requests, inquiries or complaints, or otherwise solicited by the recipient are exempt.
- c. Messages Sent to Enforce a Legal Right
 - i. Messages sent by RCA to a person (a) to satisfy a legal or juridical obligation, (b) to provide notice of an existing or pending right, legal or judicial obligation or tariff, or (c) to enforce a right, legal or judicial obligation or tariff.

6. Responsibilities and Procedures

- a. Defining RCA's Audiences and Consent
 - i. Member Clubs, Special Associations and Provincial Rowing Associations: Any ACTIVE RCA member club or association is considered to have given their implied consent via an existing non-business relationship (membership);
 - ii. RCA Registered Participants: Any ACTIVE RCA participant is considered to have given implied consent via an existing business relationship;
 - iii. Partners, Sponsors and Suppliers of RCA: Any funding or service partner, sponsor or supplier and their employees are considered to have given their implied consent via the existing business relationship with RCA;
 - iv. Private and Commercial Donors: Any private or commercial donor that makes a gift or donation to RCA is deemed to have given implied consent via an existing non-business relationship;
 - v. Coaches: Those coaches registered with RCA and those individuals enrolled in coaching activities or programs delivered by RCA are deemed to have given implied consent via an existing business relationship;
 - vi. Umpires and Officials: Those registered with RCA and those individuals enrolled in umpiring activities or programs delivered by RCA are deemed to have given implied consent via an existing business relationship;
 - vii. Volunteers: Any volunteer, including RCA Committees and Working Groups members, that has been active for RCA in the last two years is deemed to have implied consent via an existing non-business relationship;

viii. Members of the public: Explicit consent must be obtained unless meeting one of the conditions for exemption under 5.0 of this document.

b. Obtaining & Managing Consent

i. RCA shall utilise an email marketing service provider (ie. 'Create and Send') to automate the collation, management and 'opt-out' function for recipients of RCA's Commercial Electronic Messages. RCA recognises that an electronic message asking for consent is deemed a Commercial Electronic Message.

c. RCA Communications

i. Commercial Electronic Messages (CEMs): all CEM communications shall be distributed via RCA's 'Create and Send' account (or other mechanism as prescribed by the Director of Business Development) which meet the CASL requirements as listed in *3.0 Policy Statement* of this document. The communication shall also be publicly posted onto RCA's social media sites;

ii. Non-Commercial Electronic Mail: any director, officer or staff member of RCA may send any non-commercial communication via any electronic method made available to them by RCA.

d. RCA's web-based Registration System

RCA shall not utilise the communication functions of the web-based registration system it owns. However, it recognises that many Member Clubs and Associations utilise the communications service to communicate with their respective participants and have therefore implemented the following mechanisms to protect Member Clubs and Associations from sending CEMs:

- i. All Member Club and Association Presidents and Administrators were provided with information regarding CASL and implications for their communications;
- ii. Before accessing the email function in the web-based registration system, the sender is reminded that messages of a commercial nature are prohibited;
- iii. Before sending an email using the web-based registration system, the sender is prompted to verify that the message is not of a commercial nature.

7. Complaint Procedures

a. Complaints or concerns about electronic communication issued by RCA may be directed to RCA through its Contact Us web-page at <https://rowingcanada.org/contact-us/>.

b. Complaints or concerns about electronic communication issued by RCA may be reported to the Government of Canada's CASL webpage at <https://fightspam.gc.ca/eic/site/030.nsf/eng/home>.

c. RCA may determine that a violation of this policy may constitute a breach of the RCA Code of Conduct and Ethics, as amended from time to time.

8. Questions

a. Appendix 1 provides answers to Frequently Asked Questions about CASL.

b. Questions related to this policy and its procedures may also be directed to RCA through its Contact Us web-page at <https://rowingcanada.org/contact-us/>.

APPENDIX 1 - Frequently Asked Questions

- Q:** I have contacts saved in my mail program that I've been doing business with for years. Can I not send them a CEM through my mail program?
- A:** No. Currently, RCA's mail program doesn't meet the requirements of how a CEM should be sent, regardless of the recipient's implied or explicit consent.
- Q:** I have a personal social media account where I sometimes post content related to RCA's activities. Can I still do that?
- A:** Yes. Posting to a Facebook 'Wall' or a Twitter feed is allowed for both CEM and non-CEM content. However, you may not utilise the private messaging services of social networking sites to send CEM, regardless of the recipient's implied or explicit consent.
- Q:** I need to notify Clubs of an upcoming camp for athletes. There is a fee involved to simply cover costs, that is, we don't make any profit on it. Would this still be considered 'commercial'?
- A:** Yes. The legislation defines 'commercial' to encompass an exchange or potential exchange of money for goods, services or goodwill.
- Q:** Someone phones me making an enquiry about the RCA Annual Awards and asks me to email them the details. This includes information on how to purchase tickets deeming the Annual Awards communications 'commercial'. Am I allowed to now email them the information?
- A:** Yes. Messages sent in response to a request are exempt from meeting CASL requirements. However, the information you send should directly relate to the recipient's request.
- Q:** A Club Administrator has asked for their club's upcoming regatta to be sent to all other clubs. It's free to enter but there will be a fundraising raffle. Can I pass this onto other Clubs?
- A:** Yes, RCA has consent to send CEMs to Member Clubs but only via the Create and Send system and by posting to RCA's social media sites. Whether the raffle is mentioned in the communication or not, it is deemed 'commercial' and must meet CASL requirements.