



# Dryden Public Library Board

## POLICY

<b>SECTION: OPERATIONAL</b>		<b>NO: OP-05</b>
<b>TITLE: Canada's Anti-Spam Legislation</b>		<b>Date: February 2023</b>
		<b>Next Review Date: February 2027</b>

### 1.0 Policy Statement

1.1 The Dryden Public Library is committed to complying with Canada's Anti-Spam Legislation. This policy defines the responsibility and parameters for the Dryden Public Library's collection and use of electronic addresses and the distribution of commercial electronic messages.

### 2.0 Responsibility for Policy

2.1 The Dryden Public Library Board is responsible for ensuring that the Library's electronic communications adhere to *Canada's Anti-Spam Legislation S.C. 2010, c. 23*.

2.2 The Dryden Public Library Board delegates the responsibility of implementing this policy to the CEO or delegate.

2.3 All Library Board members, employees and volunteers who communicate on behalf of the Library are required to comply with this policy.

### 3.0 Collection and Use of Electronic Addresses

3.1 The Dryden Public Library shall collect electronic addresses, which may include email addresses, social media profiles and cellular phone numbers.

3.2 Electronic addresses collected from Library patrons by or on behalf of the Library shall be entered, stored and managed by the Library through the ILS (Integrated Library Services) system. Library interest group email lists (e.g. book club members) will be collected and maintained, with express consent, by the Library staff members responsible for the group.

3.3 All electronic addresses collected by or on behalf of the Library shall be entered, stored and managed by the Library in accordance with the Library's Protection of Privacy Policy.

#### **4.0 Commercial Electronic Messages**

4.1 An electronic message (EM) is defined as a message sent to an electronic address, including emails and text or instant messages, but excluding voicemail or fax messages. Direct social media messaging, such as one-on-one messages on Facebook, Twitter or other social media, are also considered EMs.

4.2 A commercial electronic message (CEM) is defined as an electronic message that has as one of its purposes "encouraging participation in a commercial activity," including selling, bartering or leasing projects, goods or services, whether or not there is an expectation of profit.

4.3 Examples of CEM may include:

- 4.3.1 An invitation to a Library program for which there is a charge
- 4.3.2 Promotion of sales of products (used book sales)
- 4.3.3 Newsletters that contain information about events for which there is a charge, contests or draws for which there is a charge for a ticket or library services for which there is a charge (ie: photocopying)
- 4.3.4 An electronic message that contains a request for consent to send a commercial message

4.4 All CEMs must include:

- 4.4.1 A statement clearly identifying the sender (including name, mailing address, phone number and web address);
- 4.4.2 A method whereby the recipient can readily contact the sender;
- 4.4.3 A mechanism for individuals to unsubscribe from further messages, which must be processed within 10 days.

#### **5.0 Consent**

5.1 The Dryden Public Library must obtain either express or implied consent from recipients before a CEM is sent. The Dryden Public Library will endeavor to obtain express consent from all patrons to whom it sends EMs, at all reasonable opportunities.

5.2 Express consent exists where an individual has agreed to receive commercial electronic messages from the Dryden Public Library. Express consent may be provided in various ways including: by signing a document; sending a confirming email; entering information into a webform; or clicking on an "I Accept" button. Once express consent has been secured CEMs may be sent indefinitely, unless the individual unsubscribes from further messages.

5.3 Implied consent exists where the Library and recipient have an existing business or non-business relationship. This includes a business relationship where there has been a purchase of product or services or a contract between the parties in the last two years, or a non-business relationship including registered members of the Library, volunteers or Friends of the Library. Implied consent extends for two years after the end of the business or non-business relationship.

5.4 No consent is required if the electronic message is:

- 5.4.1 Confirming or facilitating an ongoing transaction;
- 5.4.2 Providing information on ongoing subscriptions, memberships or accounts;
- 5.4.3 Within an organization or between organizations that already have a business relationship;
- 5.4.4 Solicited in response to complaints, inquiries and requests;
- 5.4.5 Arises from a legal obligation, court order or judgment; or
- 5.4.6 A factual notification regarding your library account, including notices regarding holds or overdue books.

## 6.0 Unsubscribe Mechanism

6.1 All CEMs sent by the Library will include a mechanism by which the recipient may unsubscribe (ie: opt-out) of receiving further electronic messages from the Dryden Public Library.

6.2 Requests to unsubscribe shall be processed in a timely manner. Within 10 days of the request the individual will cease to receive electronic messages from the Library and shall not receive them thereafter, unless the individual provides their express consent.

### Related Documents:

*Canada's Anti-Spam Legislation S.C. 2010, c. 23*

*Canada's Anti-Spam Legislation Update. Southern Ontario Library Service. 2014*

*OP-03 Protection of Privacy. Dryden Public Library Policy Manual.*

History			
<b>Approval Date:</b>	December 2015	<b>Approved by:</b>	L Ayers
<b>Amendment Date:</b>	May 22, 2019	<b>Approved by:</b>	M Benson
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