



## ComplyWorks Policy for Compliance with Canada's Anti-Spam Law

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As a matter of good business and customer service, ComplyWorks respects the communications preferences of our clients, prospective clients, and others. We will moreover comply with the applicable requirements of Canada's Anti-Spam Law (CASL) in all such communications, effective **July 1, 2014**, when the CASL anti-spam provisions enter into force.

### **Consent to send CEMs**

ComplyWorks sends commercial electronic messages (CEMs), such as emails, where we have express or implied consent from the message recipient, where we have a third-party referral to contact the recipient, or where consent is not required under CASL. Given our relationships with the companies and personnel with whom we communicate, the majority of ComplyWorks communications are CASL-exempt, meaning that consent is not required.

### **Record-keeping**

ComplyWorks maintains records that are sufficient to demonstrate that we have consent to send a CEM, where such consent is required under CASL.

### **Form of CEMs and Disclosure**

The CEMs we send clearly indicate that ComplyWorks is the sender, and state the reason for our communication to them. The CEMs meet legally prescribed form and unsubscribe standards where required under CASL.

### **Withdrawal of Consent**

Where the recipient of a ComplyWorks message is entitled to withdraw consent to receive communications, we give effect to the unsubscribe request within CASL timelines.

### **Third Parties**

ComplyWorks expressly requires those service providers who may send CEMs on our behalf to comply with CASL.

### **Related ComplyWorks Policies**

In addition to anti-spam compliance, security and privacy of information are also top priorities of ComplyWorks. Our Security and Privacy Policies are available at <http://www.complyworks.com/en/SecurityAndPrivacyPolicies>. The Policies address compliance with the federal *Personal Information and Electronic Documents Act* (PIPEDA - Government of Canada), and the Alberta *Personal Information Protection Act*.

*See the following page for further information on Canada's Anti-Spam Law (CASL)*

# CASL Spam Overview

You can send a commercial electronic message (CEM) if...

**CEM is sent:**

- within an organization
- between organizations in a relationship, and message concerns activities of Recipient organization
- is an inquiry or application to a person engaged in a business activity, related to that activity, or response to same
- re: legal right/obligation (e.g. contract, court order)
- to limited-access, secure, confidential account to which only account provider sends messages (e.g. bank)
- from Canada and accessed in another (listed) country, and message complies with foreign spam laws
- by charity soliciting donations
- by political party, organization, candidate, soliciting contributions

**You have a “family” or “personal” relationship with Recipient**

- as defined by regulation

<p><b>Consent is not required</b></p> <p>where CEM solely:</p> <ul style="list-style-type: none"> <li>• provides a quote or estimate the Recipient requested</li> <li>• facilitates, completes or confirms an existing transaction</li> <li>• provides warranty, product recall or safety info</li> <li>• provides factual information about product or service</li> <li>• delivers a product, goods or a service under existing transaction</li> </ul>	<p><b>You have implied consent</b></p> <p>Recipient has:</p> <p>A “business relationship” with you:</p> <ul style="list-style-type: none"> <li>• contract, purchase, lease (past 2 years)</li> <li>• inquiry/application about contract, purchase, lease (past 6 months)</li> <li>• published email address (e.g. on a company website) OR provided email address to you, AND message is relevant to Recipient’s business role/function</li> </ul> <p>Recipient has:</p> <p>A “non-business relationship” with you:</p> <ul style="list-style-type: none"> <li>• donation/gift (past 2 years)</li> <li>• volunteering (past 2 years)</li> <li>• membership in club, association, voluntary organization (past 2 years)</li> </ul>	<p><b>You obtain express consent</b></p> <p>yourself:</p> <p>Setting out clearly and simply:</p> <ul style="list-style-type: none"> <li>• purpose (e.g. “to send you promotional offers”)</li> <li>• Company name</li> <li>• mailing address AND either phone number, email address or web address</li> </ul> <p>or via a data broker:</p> <ul style="list-style-type: none"> <li>• CEMs may also be sent to Recipients who have given express consent to a data broker/ third party to permit “undisclosed person” to send CEMs</li> <li>• The data broker may authorize the Company to send CEMs to those Recipients</li> </ul>	<p><b>You have a 3rd party referral</b></p> <p>One message where:</p> <ul style="list-style-type: none"> <li>• Third Party (referral provider) has family, personal, or business relationship with you AND Recipient</li> </ul>
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and

**You include in the CEM**

either in the message itself, or via clear and prominent link to a web page:

- Identify the sender: Company’s name
- Include contact information: mailing address AND either a phone number, email address or web address for the Company
- Include an unsubscribe: via return email or link. Unsubscribes must be effective within 10 business days

**What is a CEM (commercial electronic message)?**  
 An electronic message (text, sound, voice or image) sent to an **electronic address**, with a purpose of **encouraging participation** in a commercial activity.

**What is an electronic address?**  
 An address used to transmit an **electronic message** to an email account, IM account, phone account, or “any similar account”.