

Canadian Anti-Spam Legislation (CASL)

APPLYING CASL TO UPEI ACTIVITIES

The following is a list of common UPEI activities. It shows that the "core activities" of the University (i.e. all activities that are central to its mandate and responsibilities) are exempt from the CASL. This document should be read in conjunction with the Frequently Asked Questions (FAQs).

1. STUDENT RECRUITMENT

Purpose of Message	Does CASL Apply?	Notes
Promoting, or recruiting students for, University-run programs that are primarily educational in nature (e.g. academic and professional programs or courses, continuing education programs)	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Promoting, or recruiting students for, programs run by non-University organizations (e.g. privately run bike camps)	Yes	Obtain consent.
Application, admissions, and registration processes for University-run educational programs	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Collecting information from prospective students for statistical or service improvement purposes	No	This is not a Commercial Electronic Message because it lacks "commercial character".

2. STUDENT SERVICES

Purpose of Message	Does CASL Apply?	Notes
Providing information about administrative matters (e.g. registration, schedules, policies, exams, emergencies)	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Communicating with students for teaching purposes	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Promoting the purchase of products, goods or services offered by the University that are closely connected to the core activities of the University (e.g. course materials, student meal plans, student residences)	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Promoting the purchase of products, goods or services offered by the University that are <u>not</u> closely connected to the core activities of the University (e.g. branded merchandise in the Bookstore)	Yes	Obtain consent.
Promoting the purchase of products, goods or services offered by third parties (e.g. private tutoring services, a sale at the local bike shop, a private gym membership)	Yes	Obtain consent.
Collecting information from students for statistical or service improvement purposes	No	This is not a Commercial Electronic Message because it lacks "commercial character".

3. EMPLOYEE RECRUITMENT AND SERVICES

Purpose of Message	Does CASL Apply?	Notes
Recruiting faculty and staff to work at the University	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Informing faculty and staff about the activities of the University, including employee benefits and services (e.g. pension, health plan, faculty/staff housing plan)	No	The message is exempt because it is an internal employee-to-employee message that concerns the University's activities (IC Reg. 3(a)(i)).
Collecting information from faculty and staff for statistical or service improvement purposes	No	This is not a Commercial Electronic Message because it lacks "commercial character".

4. EVENTS

Purpose of Message	Does CASL Apply?	Notes
Promoting events that relate to any of the core activities of the University (e.g. student athletic events, student concerts, student art exhibits, academic conferences, research workshops)	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Promoting events that are not related to the core activities of the university (e.g. professional sporting events held in University facilities)	Sometimes	If the message is for the primary purpose of raising funds for the University, it is exempt (IC Reg. 3(g)). Otherwise, obtain consent.

5. SERVICES UNRELATED TO "CORE ACTIVITIES" OF UNIVERSITY

Purpose of Message	Does CASL Apply?	Notes
Promoting services offered by the University that do not relate to any of the core activities of the University (e.g. rental of facilities for film shoots; lease of space on University servers to third parties)	Yes	Obtain consent.
Responding to an inquiry from a third party about any of the foregoing services	No	The message is exempt because it is sent in response to a request, inquiry or complaint or is otherwise solicited by the recipient (IC Reg. 3(b)).
Delivering one of the foregoing services in response to the third party's request	No	The message is exempt because it delivers a previously requested product, good or service.
Obtaining payment from a third party for one of the foregoing services where there is a legal (contractual) obligation to pay (e.g. debt collection or invoicing functions)	No	The message is exempt because it was sent to satisfy a legal obligation or enforce a legal right (IC Reg. 3(c)).

6. DEVELOPMENT & ALUMNI ENGAGEMENT

Purpose of Message	Does CASL Apply?	Notes
Providing information to alumni or the public at large regarding the activities of the University	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Raising funds for the University	No	The message is exempt if its "primary purpose" is raising funds for the University (IC Reg. 3(g)).
Promoting third party products or services (e.g. a UPEI-branded credit card)	Yes	Obtain consent.

7. RESEARCH

Purpose of Message	Does CASL Apply?	Notes
Providing information to the public about research activities	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Requesting funding for a research project from a funding agency or clinical trial sponsor	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Communicating with other researchers about research activities	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Recruiting research subjects	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Collecting research data	No	This is not a Commercial Electronic Message because it lacks "commercial character".
Licensing the discoveries of UPEI researchers for commercial purposes	Yes	Obtain consent.

8. PROCUREMENT

Purpose of Message	Does CASL Apply?	Notes
Making an inquiry about products, goods and services offered by a third party	No	It is acceptable for the University to make an inquiry related to the recipient's commercial activities (s. 6(5)(b)).
Communicating with an employee, representative, consultant or franchisee of a third party if the University has a relationship with the third party and the message concerns the activities of the third party	No	The message is exempt because it is (i) sent to an organization that has a business relationship with the University; and (ii) relevant to the recipient organization (IC Reg 3(a)(ii)).
All other messages related to the procurement of products, goods and services offered by a third party	Yes	Obtain consent. Note that in some cases you will have "implied consent" to send such messages. See the FAQ for more information .

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