

STATEMENT of POLICY and PROCEDURE			
Manual:	O'Keefe Ranch and Interior Heritage Society	OKR No..	<b>6.05</b>
Section:	Marketing	Approved	June 14, 2018
Subject:	<b>MARKETING COMPLIANCE</b>	Amended	
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## 1 POLICY

- 1.01 O'Keefe Ranch and Interior Heritage Society will comply with all laws that govern its marketing activities, including: Canada's anti-spam legislation, commonly known as "CASL," The *Unsolicited Telecommunications Rule* and *The Personal Information Protection and Electronic Documents Act* (i.e., all marketing-related laws).

## 2 PURPOSE

- 2.01 The purpose of this Statement of Policy and Procedure is to ensure that O'Keefe Ranch and Interior Heritage Society complies with all marketing-related laws, to avoid regulatory sanctions and lawsuits, and to protect its brand and image, regarding the following activities:
1. **Telemarketing** communications.
  2. **Sending Commercial Electronic Messages (CEMs).**
  3. **Altering transmission** data so that it is delivered to a different destination than the one intended by the sender.
  4. **Installing computer programs (i.e., software)** on others' computer systems.
  5. **Address harvesting** (i.e., collecting electronic addresses using specifically designed software, or using electronic addresses collected in this manner).

## 3 SCOPE

- 3.01 This policy applies to the board of directors and to all employees, independent contractors, external service providers and affiliates (i.e., personnel) who are involved in any of the activities above, for or on behalf of the organization.
- 3.02 This policy applies to activities with a Canadian nexus, which means that a computer system located in Canada is used to send or access the CEM; or send, route or access the electronically transmitted data that has been altered. For software installations, at the time of contravention, the computer system must be located in Canada, or, the installers or the persons directing the

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installation must be located in Canada when they give the directions. This means that this policy applies to international affiliates acting on the organization's behalf in Canada or interacting with the Canadian customers, donors, members or similar persons.

- 3.03 This policy also applies to persons indirectly responsible for violations of CASL. Thus, words like "send," "install," "alter" or similar words used in this policy may apply to those who "cause" the relevant activity to occur.

#### **4 RESPONSIBILITY**

- 4.01 The Finance Director is responsible for monitoring changes in the law and best practices, and periodically updating this policy.
- 4.02 The Finance Director and President is responsible for leading or coordinating audits, and investigations regarding violations of, or complaints about, compliance with all marketing-related laws or this policy.
- 4.03 The Leadership Team is responsible for supervising direct reports and department functions to ensure compliance with all marketing-related laws and this policy, and for advising the Finance Director and President of violations, complaints or concerns relating to all marketing-related laws or this policy.
- 4.04 All personnel are responsible for complying with all marketing-related laws and this policy. Violations may result in disciplinary action, up to and including dismissal.

#### **5 DEFINITIONS**

- 5.01 "**Automatic dialing-announcing devices (ADADs)**" are equipment that store and dial telephone numbers automatically. They may be used alone or in conjunction with other devices to deliver a pre-recorded message or a synthesized voice.
- 5.02 "**CASL**" (See section 6 below).

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5.03 “**CEM**” (**Commercial electronic message**) is an electronic message that encourages participation in a commercial activity.

Electronic messages containing requests for consent to send CEMs are themselves CEMs.

Phone conversations and fax and phone messages are not CEMs, but they may be regulated through the *Unsolicited Telecommunications Rules*. Electronic messages for law enforcement, public safety and national or international security purposes are also not CEMs.

5.04 “**Commercial activity**” is any activity of a commercial nature, including activities done without expectation of profit. Examples of commercial activities include: offering goods or services for sale, lease or barter, and the promotion of business, gaming or investment opportunities. Law enforcement or public safety-type activities are not commercial activities.

5.05 “**Computer systems**” include computers, laptops, tablets, gaming consoles, smartphones or other connected devices.

5.06 “**Correcting a failure**” includes taking steps to ensure that computer programs and systems function safely and as users intend or expect. This may include installing patches to fix software vulnerabilities or flaws that produce incorrect or unexpected results, or unintended behaviours.

5.07 “**Electronic message**” is any message sent by telecommunications, including: texts or Short Message Service (SMS), emails, instant messages (i.e., IMs, like BlackBerry Messenger (BBM) or WhatsApp) and social media messages.

5.08 “**Family relationship**” – Individuals are in a family relationship if they have had direct, voluntary two-way communication and are related by marriage, common-law or parent-child relationships.

5.09 “**National Do Not Call List**” or “**National DNCL**” or “**National DNC Registry**” means a list of telephone numbers of consumers maintained by the CRTC. Organizations that make telemarketing calls are not allowed to call phone

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numbers registered on the National DNCL.

5.10 **“Personal relationship”** – Individuals in a personal relationship have had voluntary two-way communication, and factors of past interactions, including: shared interests, experiences, opinions and information; frequency of communication; time since last communication and whether they have had in-person contact, reasonably demonstrates a personal relationship.

5.11 **“Transmission Data”** is commonly referred to as metadata. Metadata is underlying data that provides information about other data. Metadata is included in electronic messages to facilitate telecommunication functions like signalling, connecting, dialling, routing and addressing, or is generated during telecommunications.

“Phishing” and “Pharming” scams are examples of the unauthorized **alteration of transmission data**. “Phishers” send purportedly legitimate emails, directing recipients to login using a link provided, to complete banking transactions, for example. The link is really to fraudulent website, where individuals’ login and personal information are stolen and used to defraud them. “Pharming” uses technical means to reroute individuals to fraudulent websites with similar outcomes.

5.12 **“Upgrade or update”** is the replacement of software with a more up-to-date version, which usually has improved functionality and features. Software that is significantly different from the originally installed software may not qualify as a true upgrade under CASL.

5.13 **“User”** refers to the owner or an authorized user of a computer system. An authorized user is anyone with permission to use the computer system. For example: (i) a corporate employer owns its computer system; its employees, directors or officers are authorized users; and (ii) parents own computer systems; their children are authorized users.

## 6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

CASL’s official name is: *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on*

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*electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, S.C. 2010, c. 23*

National DNCL – *Canadian Radio-television and Telecommunications Commission Unsolicited Telecommunications Rules*: The CRTC established the initial set of unsolicited telecommunications rules in Telecom Decision 2007-48 and made additions and modifications to the Rules in subsequent decisions. See: [www.crtc.gc.ca/eng/trules-reglest.htm](http://www.crtc.gc.ca/eng/trules-reglest.htm)

- OKR 1.08 – Confidentiality and Privacy
- OKR 6.03 – Donor Relations and Fund Development
- OKR 6.04 – Membership
- OKR 6.06 – Websites and Social Media

## **7 PROCEDURES**

- 7.01 The Leadership Team shall:
- (a) Ensure that the organization periodically reviews contact lists, software installation lists and other databases, to ensure they are purged periodically. This includes an internal do-not-call listing, to reflect the contact information of all persons who have informed the organization that they do not wish to be contacted by phone, fax or ADADs.
  - (b) Monitor legislation and best practices and keep this policy current.
  - (c) Establish and monitor a complaint mechanism to identify and address complaints about breaches of this policy, CASL or other marketing-related laws.
  - (d) Monitor internal activities, lead or co-ordinate audits and investigations into alleged violations of, or complaints about compliance with CASL or other marketing-related laws, or this policy.
- 7.02 The Leadership Team shall implement this policy within their teams and supervise direct reports and department functions to ensure compliance with CASL, other marketing-related laws, and this policy, and shall advise the

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Finance Director and President of violations, complaints and concerns relating to any applicable laws or this policy.

- 7.03 All personnel shall comply with CASL, other marketing-related laws and this policy.

**Telemarketing Communications – Unsolicited Telecommunications Rules**

- 7.04 If applicable, the Finance Director and President shall complete and maintain the organization’s registration in the NDNC Registry. Finance Director and President shall also ensure that the organization maintains its own internal do not call list.

- 7.05 The organization shall ensure that no unauthorised contact is made:
- (a) The Finance Director and President will ensure that the organization does not call individuals listed in the NDNC Registry.
  - (b) The Finance Director shall record on the internal do-not-call list, the phone and fax numbers of every individual who has contacted the organization to indicate they do not wish to be contacted by phone or fax.
  - (b) Any personnel contacting individuals by phone or fax, as a last step, shall ensure that any numbers currently on the NDNC or internal do-not-call registries are eliminated from the contact sheets.
  - (c) The Finance Director and President will review every contract with a third-party call centre or other organization, to ensure that the contract contains clauses expressly forbidding contact with individuals listed on the NDNC and internal do-not-call registry. The Finance Director and President shall ensure that third-party organizations have procedures and policies in place to prevent unwanted contact.
  - (d) At the end of each day, Finance Director] shall update the internal do-not-call registry to add the numbers of individuals who have, during that day, requested that they not be contacted in the future. All do-not-call requests must be honoured within (14) fourteen days of receiving the request.
  - (e) The organization shall ensure that it has procedures to identify which numbers can be removed from its do-not-call registry. Monthly, the Finance Director shall ensure that the do-not-call registry is updated to remove any numbers posted prior to the preceding three-year-and-fourteen-day period, counting from the date the number was posted.

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7.06 The organization shall ensure that no unauthorized contact is made, through any means, including through ADADs. Where appropriate, the organization will obtain express consent for contact using ADADs.

7.07 All telephone campaign scripts will include the following:

- (i) The name of the person calling.
- (ii) The fact that they are calling on behalf of the organization.
- (iii) The name of the telemarketing company (if applicable).
- (iv) The purpose of the call in clear, simple language.
- (v) A statement to be used upon request accepting the individual's request not to be called.
- (vi) A statement to be used upon request, providing a local or toll-free telephone number for the organization's do-not-call registry staff or the call-centre's representative.
- (vii) A statement to be used upon request, providing the name and address or email address of the staff member or the call centre's representative.

7.08 The following information shall be provided on the top of the first page of every telemarketing fax, in font size 12 or larger:

- (i) Name of telemarketer.
- (ii) Name of client (if different from above).
- (iii) Originating date and time of the fax.
- (iv) A local or toll free voice and fax number that allows access to an employee or representative of the telemarketer and the client, and the name and electronic mail address or postal mailing address of an employee or representative of the telemarketer and the client, to whom individuals may speak or write to about concerns, or make or verify a do-not-call request.

7.09 Any phone number provided by the organization shall be capable of taking messages, and messages should be responded to within three business days. Any contact information provided shall remain valid for at least 60 days after

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the telecommunication was initiated.

- 7.10 Individuals' calls or letters shall be responded to promptly and the organization and its third-party representatives shall update their internal do-not-call registry within 14 days of receiving a do-not-call request. Individuals' contact information must remain in the registry for three years and 14 days from the date of the do-not-call request.

**Commercial Electronic Messages**

- 7.11 The Finance Director and President shall ensure that the organization complies with CASL by establishing policies and procedures that address the following for each electronic message that the organization will send:
1. Is the message a CEM and therefore subject to CASL?
  2. Is the CEM exempt from CASL's consent and content requirements?
  3. Is the CEM exempt from CASL's consent requirements?
  4. Does the organization have implied consent to send the CEM?
  5. Does the organization have express consent to send the CEM?
  6. If the organization must, or opts to, request express consent, does the request meet CASL's form and content requirements?
  7. Has previously provided consent expired?
  8. Does the CEM meet CASL's form and content requirements?

This policy covers these questions in detail below, at 7.12 to 7.20.

- 7.12 **Is the electronic message a CEM (and therefore subject to CASL)?** Any electronic message sent to encourage participation (e.g., buying, selling, leasing, bartering or promoting any good or service) in the organization's commercial activities is a CEM. This includes electronic messages containing requests for express consent.
- 7.13 **Is the CEM exempt from CASL (i.e., from both consent and content requirements)?** CEMs that are exempt from CASL include those that are:
- (a) Sent by or on behalf of a registered charity (note, non-profits which are

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not registered charities cannot use this exemption) and the primary purpose of the message is fundraising. Charities should ensure that they can overwhelmingly demonstrate a primary fundraising purpose to successfully use this exemption.

- (b) Sent by a political party, organization or candidate, and the primary purpose of the message is to solicit contributions. (See (a) above for comments regarding primary purpose.)
- (c) Between individuals with a personal relationship.
- (d) Between individuals with a family relationship.
- (e) Between employees, representatives, consultants or franchisees of the organization, if the message concerns the organization's activities.
- (f) Between employees, representatives, consultants or franchisees of different organizations, if the organizations have a relationship and the message concerns the activities of the recipient organization.
- (g) Solely, inquiries or applications related to the recipient's commercial activities.
- (h) Sent in response to a request, inquiry or complaint, or is otherwise solicited by the recipient.
- (i) Sent to the recipient to provide notice of, or to enforce or satisfy certain legal obligations or rights, under Canadian or foreign law.
- (j) Sent and received on an electronic messaging service (e.g., BBM or WhatsApp) if the disclosure and unsubscribe mechanisms required by CASL are conspicuously published and readily available on the recipient's user interface, and the recipient consents either expressly or by implication.
- (k) Sent to a limited-access secure and confidential account, accessible only by the sender and the recipient (e.g., through banking apps).
- (l) Sent by a person who reasonably believes the message will be accessed in a foreign state listed in the CASL regulations, if the message conforms to that state's anti-spam legislation, and that legislation is substantially similar to CASL.

7.14 **Is the message exempt from CASL's consent requirements?** CEMs that are exempt from consent requirements (but not from content requirements)

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include those that solely:

- (a) Provide quotes or estimates for goods or services, if the recipient requested the quote or estimate.
- (b) Facilitate, complete or confirm commercial transactions that the recipient previously agreed to.
- (c) Provide warranty, recall, safety or security information about goods or services used or purchased by the recipient.
- (d) Provide factual information about the recipient's ongoing purchase, or relationship under a subscription, membership, account, loan or similar relationship.
- (e) Provide information directly related to the recipient's employment or related benefit plan.
- (f) Deliver products, goods or services, including updates or upgrades, which the recipient is entitled to receive under a transaction previously entered into.
- (g) Is the first CEM to an individual referred by someone with any existing business, personal or family relationship, or existing non-business relationship, with both the sender and the recipient? The CEM must disclose the referee's full name, and state that the CEM was sent as a result of the referral. (See 7.15 below for definitions of existing business relationship and existing non-business relationship.)

While consent is not required for the CEMs above, they must include certain content. (See 7.13 above.)

7.15 **Does the organization have implied consent to send the CEM?** The organization has implied consent if:

- (a) It has an **existing business relationship (EBR)** with the recipient, which means that any of the following applies:
  - (i) In the two years immediately before the CEM was sent:
    - The recipient purchased, leased or bartered goods or services from the organization.
    - The recipient accepted a business, investment or gaming opportunity offered by the organization.

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- A written contract about any matter not listed above, between the organization and recipient, expired.
- (ii) A written contract about any matter not listed above, exists between the organization and the recipient of the CEM.
- (iii) In the six months immediately before the CEM was sent, the recipient made an inquiry or application about the purchase, lease or barter of goods or services.
- (iv) The organization buys a business with which the recipient has an EBR. The EBR transfers to the organization as the new owner. Selling only the list of electronic addresses is not a sale of business and the EBR does not transfer if only the address list is sold.
- (b) It has an **existing non-business relationship (ENBR)** with the recipient, which means that within the two years before the CEM was sent, the recipient:
  - (i) Made a donation or gift to the organization, and the organization is a registered charity or a political organization, party or candidate.
  - (ii) Volunteered or attended a meeting organized by the organization, and the organization is a registered charity, or political organization, party or candidate.
  - (iii) Holds membership in the organization's club, association or voluntary organization.
- (c) There is **conspicuous publication** of the recipient's electronic address (i.e., the address is in plain sight or is publicly available, for example on websites or in publications), and all the following apply:
  - (i) Publication is not accompanied by a statement that the recipient does not wish to receive unsolicited CEMs.
  - (ii) The CEM is relevant to the recipient's business role, functions or duties in a business or official capacity. The CEM must be closely, as opposed to tangentially or indirectly related to the recipient's role or functions.
- (d) A recipient directly shares the electronic address with the organization, and all the following apply:
  - (i) The recipient does not state a wish to not receive unsolicited CEMs.
  - (ii) The CEM is directly relevant to the recipient's business role, functions or duties in a business or official capacity. (See (c) above, regarding direct relevance).

7.16 **If the organization must, or opts to, obtain request express consent, does**

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**the request meet CASL's form and content requirements?**

- (a) CEMs shall not be used to obtain consent, unless the organization already has implied consent to send CEMs.
- (b) Express consent shall be obtained by asking individuals to complete paper-based consent forms or sign up through the organization's website.
- (c) The request for express consent shall be written [**or oral if proper procedures are designed for this**] and shall include:
  - (i) The organization's carrying-on-business name [**or name, if the two are the same**].
  - (ii) If consent is being sought on behalf of an affiliate, the affiliate's carrying-on-business name [**or name, if the two are the same**].
  - (iii) A statement explaining that the organization is seeking consent on behalf of an affiliate.
  - (iv) The organization's mailing address and either telephone number, web or email address.
  - (v) If consent is being sought on behalf of an affiliate, the mailing address and either a telephone number, web or email address of the affiliate.
  - (vi) A statement indicating that the person can withdraw consent.
- (d) The organization shall not **bundle** consent requests; consent requests for sending CEMs, installing software or altering transmission data shall be clearly separated.
- (e) The organization shall not solicit consent using opt-out mechanisms (a practice known as **togglng**), for example by using pre-checked boxes or pre-selected icons, which recipients must uncheck or unselect to opt out of providing consent.

7.17 For consent requests for CEMs, if the organization requests consent on behalf of yet-to-be determined affiliates, the organization shall provide its contact information, and:

- (a) If the organization authorizes any other person to use consents it obtained, it shall ensure that any CEM the authorized person sends:
  - (i) Identifies the organization as the person that obtained consent and
  - (ii) Allows recipients to unsubscribe from the organization and from any authorized user through the unsubscribe mechanism described in this policy.

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The organization and any authorized user of the consent shall give effect to any withdrawals of consent, without delay, and within 10 business days.

- 7.18 **Has previously obtained consent expired?** The organization shall ensure that previously obtained consent has not expired, as:
- (i) Implied consent is time-limited.
  - (ii) Transitional rules may affect the validity of implied consent.
  - (iii) Previously received express consent is invalid after consent is withdrawn.

- 7.19 The [*Marketing/Fundraising Department*] shall remove individuals who have unsubscribed from all mailing lists, and discontinue sending them CEMs, without delay, and within 10 days of receiving the request to unsubscribe.

- 7.20 **Does the CEM meet CASL's form and content requirements?** The organization shall ensure that all CEMs contain:
- (a) The following information:
    - (i) The organization's carrying-on-business name [**or name, if the two are the same**].
    - (ii) If the CEM is sent on behalf of an affiliate, the affiliate's carrying-on-business name [**or name, if the two are the same**].
    - (iii) If the CEM is sent on behalf of an affiliate, a statement explaining that the organization is sending the CEM on behalf of the named affiliate [**using the affiliate's carrying-on-business name, or name, if the two are the same**].
    - (iv) The organization's mailing address and either a telephone number, or web or email address.
    - (v) If consent is being sought on behalf of an affiliate, the mailing address and either a telephone number, web or email address of the affiliate.

This contact information must remain valid for a minimum of 60 days after the CEM is sent.

- (b) An unsubscribe mechanism that:
  - (i) Is set out clearly and prominently.

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- (ii) Is readily performed—i.e. it must work.
- (iii) Enables recipients to withdraw consent, at no cost to themselves:
  - (I) From the organization or authorized user.
  - (II) For all CEMs or for only certain categories of CEMs.
  - (III) Using the same electronic means by which the CEM was sent, or by any other electronic means through which the recipient can unsubscribe.
- (iv) Includes an electronic address or link to a webpage where recipients can withdraw consent. These must remain valid for a minimum of 60 days after sending the CEM.

After receiving unsubscribe requests the organization or its affiliates shall remove recipients from their mailing lists without delay, and within 10 business days.

If the organization sends CEMs via text messages, for example, it is impracticable to include the information in (a) and (b) above, in the CEM, because of limits on the number of characters that may be used in texts. In this case, the organization shall post the required information on its website, readily accessible by recipients through a link which is clearly and prominently set out in the text. There shall be no cost to the recipient to access this information.

**Alteration of Transmission Data**

- 7.21 The organization shall not alter the transmission data in electronic messages sent by others, so that it is delivered to a destination other than, or in addition to that specified by the sender.
- 7.22 Personnel shall not alter transmission data in the manner outlined above, using the organization's resources or purportedly on behalf of the organization.
- 7.23 With the prevalence of pharming, phishing, hacking and similar scams, the organization's senior management shall ensure that appropriate security measures are in place to reduce the likelihood that others exploit the organization's systems to carry out these or other illegal activities.

**Installation of Computer Programs (i.e., software)**

- 7.24 The organization shall not install or cause to be installed, software on others' computer systems without the users' consent or a court order.

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- 7.25 The organization deems users to have consented to certain software installations like cookies and HTML code, if the user's conduct is consistent with consent. For example, if users disable cookies or JavaScript, it is no longer reasonable to believe they consent to these installations.
- 7.26 The organization shall obtain **basic consent** for the installation of software, if no court order or deemed consent applies. For certain software, the organization shall obtain **enhanced consent**.
- 7.27 To meet the basic consent requirements, the organization shall obtain consent as outlined in 7.13 above, and shall also clearly and simply describe in general terms the function and purpose of the software that will be installed if the user gives consent.
- 7.28 CASL does not apply to users' self-installation of software. However, the organization shall ensure that it does not unintentionally "cause software to be installed." This involves ensuring that it does not, through deception, covertness, failure to disclose relevant information or similar conduct, appropriate autonomy, choice, intention or informed consent of the user, and become ultimately responsible for the installation. If the organization unintentionally "causes software to be installed," it is unlikely to have valid consent for the installation.
- 7.29 The organization shall seek **enhanced consent** from users if it installs "intrusive software." Intrusive software performs functions, including collecting personal information, interfering with user's settings, preferences or commands without the user's knowledge, causing computer systems to operate contrary to users' reasonable expectations.
- [Most non-profits will not be altering transmission data, or installing software on users' computers so this policy does not go into great detail on these aspects of CASL. If these activities apply, non-profits can update this section using information from the policy overview section.]**
- 7.30 All personnel shall retain evidence to demonstrate compliance with CASL appropriate to their roles. This includes:

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- CASL policies and procedures (maintained by the Finance Director, for example).
- All contemporaneous unsubscribe requests and resulting actions (maintained by the marketing, sales, fundraising departments, for example).
- All evidence of express consent (as above).
- Consent logs for CEM recipients and computer system users (as above).
- Scripts used to obtain consent; (developed by the Finance Director and implemented and monitored by heads of department, for example).
- CEM campaign records (maintained by fundraising departments, for example).
- Staff training documents (developed and maintained by the Finance Director).
- Other organizational procedure documents.
- Official organizational and financial records.

7.31 All personnel shall be aware that the penalties for contravention of CASL can extend to directors, officers and similar persons.

7.32 All personnel shall be aware that effective July 1, 2017, persons who feel that they have been affected by a breach of CASL may commence lawsuits for damages and statutory penalties against persons they believe to be responsible.

**Address Harvesting**

7.33 All personnel shall be aware that CASL also introduced anti-spamming provisions in *Personal Information Protection and Electronic Documents Act* (PIPEDA). Many of the circumstances in which personal information may be collected or used without knowledge or consent in PIPEDA, do not apply to **address harvesting**.

7.34 Address harvesting involves doing any of the following:

- Collecting electronic addresses using a computer program designed or marketed primarily for generating, searching for and collecting electronic addresses.

<b>STATEMENT of POLICY and PROCEDURE</b>			
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- Using electronic addresses that were collected as described above.

7.35 As a result, the organization shall ensure that any listing of electronic addresses, developed in-house, purchased or obtained from external parties, or used internally or externally, on the organization's behalf, comply with PIPEDA's knowledge and consent requirements.

7.36 Personnel shall not assume that publicly available electronic addresses are available to receive unsolicited electronic messages. Individuals have numerous reasons for making their addresses publicly available, for example to solicit feedback from readers of their blog posts.

7.37 To prevent PIPEDA violations, personnel who acquire, use or cause to be used, any listing of electronic addresses, should:

- Ensure that the Finance Director and President approves the use or acquisition of the listing.
- Ask third parties how the address listings are compiled, including how they: gather addresses; obtain consent; update the lists; and design and implement unsubscribe or complaint mechanisms.
- Advise third parties acting on behalf of the organization, in writing, (for example in contracts), that they should not send electronic messages to individuals that have not consented to the use of their electronic addresses for CEMs.
- Retain evidence of steps taken to ensure that the organization and third parties meet the requirements of CASL and PIPEDA.