

CASL Information Guide

December 2, 2014

BACKGROUND:

- Canada's Anti-Spam Law (CASL) was introduced on July 1, 2014. FSD now requires express consent from school families to send messages that are "commercial" in nature **(OPTIONAL activities, goods, offers and promotions related to divisional or school activities with a cost or fee attached)** through **telecommunication channels**, including:
 - Emails
 - Text messages
 - Instant messages
 - Direct messages to social networking accounts

- * "Robocalls" or automated phone messages are NOT subject to CASL (this includes Synrevoice)

- CASL carries stiff penalties for non-compliance, with fines of up to:
 - \$1 million for an individual (this includes FSD staff)
 - \$10 million for an organization

- CASL consent for parents to sign has been incorporated into an updated Student Information Verification & Consent Form, which also includes photo/media and copyright consent. This new consent process paves the way for the development of a new school registration form. An online registration process is being considered.

- CASL, photo/media and copyright consent information will be managed in Maplewood, where it will be easier for everyone with access to check consent when they need to see if FSD has permission to use a student's photo, display student artwork, etc.

- School offices are investing more time this year in following up with parents to encourage the return of the new Student Information Verification & Consent Form. This will help ensure we have good quality data and solid "baseline" responses going forward. In turn, this will simplify the process of sending CASL-related emails to school families and make it easier for staff to verify photo/media and copyright consent.

- Technically, once CASL consent is provided it does not expire until an individual revokes consent. The same applies to photo/media and copyright consent. However, ASBA Legal Services has advised that it is good practice to attempt to renew these consents on an

annual basis, which we will undertake through the student registration/information verification process. If parents choose not to respond, at least FSD will have provided them with the opportunity to alter their consent.

CASL PROCESS IN FSD:

- Based on consultation with a sampling of our schools and subsequent discussion with FAA, it was agreed that the most effective way to limit both personal and organizational liability is for school offices to manage distribution of any information that is subject to CASL on behalf of administrators, teachers/support staff and school councils.
- Every CASL-related email that is sent out MUST include an unsubscribe option. Learning Technologies has automated this process for school office staff. The unsubscribe message reads:

*This message is sent on behalf of Foothills School Division No. 38 to keep you informed about offers, services, events, programs, and fundraising activities related to Division, school, and school council activities, and in accordance with the Government of Canada's Anti-Spam Legislation (<http://fightspam.gc.ca>). You may withdraw your consent at any time by clicking unsubscribe. **PLEASE NOTE:** if you unsubscribe, we may be unable to send you some important electronic communications as outlined above, which may affect your child's involvement in some school activities. If you have questions please contact us at info@fsd38.ab.ca (links to each school office) or by writing Foothills School Division at 120 – 5th Ave. SW, P.O. Box 5700, High River, AB T1V 1M7.*

WHAT INFORMATION IS SUBJECT TO CASL?

CASL applies to information about OPTIONAL activities, goods, offers and promotions related to division, school and school council activities for which there is a cost, including:

- Offers from the school or school division to parents to purchase goods, products and services such as:
 - school apparel
 - yearbooks
 - school/grad photos
 - field trips
 - hot lunch programs
 - sports teams and other extracurricular groups/clubs for which there are additional participation costs (e.g. uniforms, road trips/tournaments). However, email requests for donated food items/snacks for a tournament/trip are NOT subject to CASL (see item on page 4 regarding how FSD will handle fundraisers for community charities/groups).

- Advertisements for school activities and events for which there is an entrance fee/tickets are sold:
 - musical/drama productions
 - band concerts
 - choral performances

- Peak Athletics Hockey Program – and other similar programs that FSD may introduce in the future, which are actively marketed in competition with other similar programs offered by other schools/divisions – for which there is a fee over and above typical school fees

- School and school council fundraising activities, which directly benefit the school and/or students:
 - casinos
 - socials/galas
 - chocolate bar sales and other fundraising sales campaigns

How it Works

- Communications to parents/guardians promoting activities, programs, events and opportunities that include mention of associated fees/costs MUST be sent by the office AND include the CASL unsubscribe message.

- As long as there is NO mention of fees/costs, administrators, teachers/support staff and school council representatives CAN:
 - Send “heads up” notices, date reminders, coordination details (e.g. where to meet, what to bring), updates, etc. *
 - Include dates and basic information in email messages and electronic newsletters *

- * These types of messages DO NOT require the inclusion of the unsubscribe message

WHAT INFORMATION IS EXEMPT?

CASL does NOT apply to:

- Reporting activities – e.g. Maplewood logins, report cards, parent-teacher interviews, student conferences and assessment-related information

- Normal school and course-related fees that are assessed at the beginning of the school year and that school families are required to pay

- Coaching and other volunteer recruitment activities

What About Fundraisers for Community Charities & Organizations?

While CASL technically applies to fundraising activities (e.g. selling poppies to support your local Legion), including the collection of “in-kind” donations (e.g. collecting Christmas gifts for families in need or items for the Food Bank), it is not clear that emails related to these activities are of a “commercial character.”

Therefore, whether or not to apply CASL to these kinds of emails comes down to risk management. The ASBA lawyer that FSD has been consulting with has stated:

“...the risk of a complaint and, more importantly, a penalty being issued by the CRTC in response to this kind of complaint is very remote. I have a hard time envisioning the CRTC issuing a penalty to a school board for sending out an email letting students and parents know that poppies are being sold in the school gym at lunch. That being said, this is really going to be a risk assessment decision on the part of the division.”

At the present time, FSD will consider these types of activities NON-CASL. We will alert you if the Division’s position changes.

HOW DO I HANDLE PARENTS WHO EXPRESS ANNOYANCE ABOUT FOLLOW-UP REMINDERS TO COMPLETE THE FORM?

We have prepared the following messaging to be sent from/on behalf of the school principal in an attempt to help parents understand why we need their cooperation.

Feel free to use this messaging as you see fit (Word file accompanies this document):

(Date)

Dear Parent/Guardian:

We apologize if it seems that we are being over-enthusiastic in our follow-up regarding completion of the Student Information Verification and Consent Form that was sent to you on (date).

Canada’s Anti-Spam Law (CASL) was introduced on July 1, 2014. This new federal legislation requires Foothills School Division and its schools to obtain express consent from school families in order that we may continue to email you some of the same information that we were able communicate prior to the introduction of the legislation.

If we are unable to obtain your consent we will no longer be permitted to email you some important information regarding optional activities, goods, offers and promotions related to divisional, school and school council activities. This may affect your child’s involvement in some school activities.

Some examples of information that is subject to CASL include:

- **Offers to purchase goods, products and services such as field trips, school apparel, yearbooks, school/grad photos, hot lunch programs;**

- Information about school activities and events for which there is an entrance fee/tickets are sold, including musical and drama productions/concerts;
- School and school council fundraisers, which benefit students and the school.

Thank you in advance for your cooperation. We very much appreciate it.

Regards,

(Name/title of Principal)

FOR MORE INFORMATION:

- Sally Smith: smiths@fsd38.ab.ca or 403-652-6552 (26552) – re: storing and managing data in Maplewood
- Deb Spence: spenced@fsd38.ab.ca or 403-652-6502 (26502) – re: interpretation of CASL legislation