



Canada's Capital University

Policy Name:	Anti-Spam Compliance
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Contact:	Manager, Privacy & Access to Information

Purpose:

Canada's Anti-Spam Legislation ("CASL") came into force on July 1st, 2014. CASL prohibits the sending of a commercial electronic message ("CEM") unless the sender has obtained consent and sets out prescribed information in the message and provides an unsubscribe function. Other prohibitions include fraudulent data collection, including altering transmission data; installing a computer program, or use of a computer program to send messages, without express consent; and collecting personal information from a computer using a computer program or unauthorized access. This policy will ensure that Carleton University ("University") is compliant with CASL.

Scope:

CASL applies to most organizations in Canada, including the University. While most electronic messages sent by the University are not subject to the legislation as they aren't CEMs, this Policy applies to all faculty, staff, students, visiting scholars, and any authorized third-party agents, that send commercial electronic messages (including messages that contain links to commercial activities or has as one of its purposes to encourage commercial activity), collect data and manipulate computer data (as defined below).

Definitions:

For the purposes of this Policy and of any directives, guidelines and procedures established pursuant to it:

"commercial electronic message" or "CEM" means a message sent by any means of electronic telecommunication (including an email, text, sound, voice or image message) where it would be reasonable to conclude that one of its purposes is to encourage participation in a commercial activity or is of commercial character. See **Appendix A: Applying CASL to Carleton University Activities** for more information and examples.

"commercial activity" means any particular transaction, act or conduct or regular course of conduct that is of a commercial character, whether or not the person who carries it out does so expecting profit. Examples of commercial activities include purchasing, selling, bartering or leasing products, goods or services, or land; providing a business, investment or gaming opportunity; or advertising or promoting any of these activities.

“existing business relationship” means a relationship that arises from:

- (a) the purchase or lease of a product, goods, a service, land or an interest or right in land, within the last two years, by the message recipient from the University;
- (b) the acceptance by the message recipient, within the last two years, of a business, investment or gaming opportunity offered by the University;
- (c) the bartering of anything mentioned in paragraph (a) between the message recipient and the University within the last two years;
- (d) a written contract entered into between the message recipient and the University in respect of a matter not referred to in any of paragraphs (a) to (c), if the contract is currently in existence or expired within the last two years; or
- (e) an inquiry or application, within the last six months, made by the person to whom the message is sent to any of those other persons, in respect of anything mentioned in any of paragraphs (a) to (c).

“core activities” means activities related to the objects and purposes of the University as defined by the *Carleton University Act, 1952* which include as follows:

- (a) The advancement of learning.
- (b) The dissemination of knowledge.
- (c) The intellectual, social, moral and physical development of its members, and the betterment of its community.
- (d) The establishment and maintenance of a non-sectarian college with University powers, having its seat in or about the City of Ottawa.

Roles and Responsibilities:

All members of Carleton University’s community have a responsibility to comply with CASL.

Departments are responsible for implementing appropriate managerial, operational, physical, and technical controls for access to, use of, transmission of, and disposal of Carleton University data in compliance with this policy.

Carleton University Privacy Office is responsible for:

- Enforcing and monitoring compliance with the policy; maintaining and updating this policy as required; providing training and awareness to members of Carleton University’s community; responding to all complaints related to unsolicited commercial electronic messages.

ITS is responsible for:

- Maintaining ITS systems and reporting all suspected issues related to compliance with CASL and the policy to the Privacy Office and management.

Department Chairs, Directors and Management in all Departments are responsible for:

- Ensuring that all external messages sent are compliant with CASL requirements; reporting all suspected issues of non-compliance to the Privacy Office; collaborating with ITS and the Privacy Office as it concerns the protection of IT systems from a CASL perspective (i.e. use of cookies, etc).

Procedure:

1.0 Authorized Use of University Systems

This section applies whether or not you are sending a commercial electronic message (CEM).

Any person using the University's technology system (including all computers, database/records systems, networks, software, email system, Internet, third party system/server) ("System") must not use the System in any manner to:

- 1.1** Transmit, distribute or deliver any unsolicited CEMs, unless you follow the "Procedures to Send Out a Commercial Electronic Message" (see section 3.0 below).
 - 1.1.1** The content, hyperlinks, and contact information contained in the message are considered in determining the purpose of the message and whether it is a CEM.
 - 1.1.2** For example, do not send or forward an email with a message or a link to a business selling goods or services; do not send an email using a University email account with respect to personal emails that may include a commercial activity without complying with the Procedures to send out a CEM specified below. See **Appendix A: Applying CASL to Carleton University Activities** for more information and examples.
- 1.2** Alter transmission data in an electronic message.
 - 1.2.1** For example, you cannot alter the transmission data in an electronic message so that the message is delivered to a destination other than, or in addition to, that specified by the sender.
 - 1.2.2** Do not use phishing software.
- 1.3** Transmit, distribute or deliver any message (whether or not it is a CEM) with false or misleading representations, whether in the sender information, subject matter of an electronic message or in a locator (including a URL).
 - 1.3.1** For example, the message cannot contain false or misleading information in the subject line or false or misleading content in the message.
- 1.4** Without authorization, install software programs on another person's computer system.
 - 1.4.1** ITS is exempted from this provision as long as the installation relates to the core activities of the University and to prevent, mitigate and address cyber incidents.
- 1.5** Without authorization, collect or use of an individual's electronic address through a computer program designed for collecting electronic addresses.
- 1.6** Without authorization, collect or use of personal information stored on another individual's computer system.
- 1.7** Without authorization, interfere with the owner's or an authorized user's control of his or her computer system.

- 1.8 Without authorization, change or interfere with settings, preferences or commands already installed or stored on another person's computer system.
- 1.9 Without authorization, change or interfere with data that is stored on another person's computer system in a manner that obstructs, interrupts or interferes with lawful access to or use of that data by the owner or an authorized user of that person's computer system.
 - 1.9.1 ITS is exempted from this provision as long as the change or interference relates to the core activities of the University and to prevent, mitigate and address cyber incidents.
- 1.10 Without authorization, cause another person's computer system to communicate with another computer system, or other device.
- 1.11 Install a computer program that may be activated by a third party without the knowledge of the owner or an authorized user of the computer system.
- 1.12 Download any applications onto the computer system that would, or could be used to, violate CASL.
- 1.13 Do any further act that would violate CASL.

2.0 Application of CASL

CASL applies to most organizations in Canada, including the University. However, most electronic messages sent by the University are not subject to the legislation.

CASL generally does not apply to messages related to the core educational and research activities of the University. The University, like other public educational institutions, is not a commercial entity. Therefore, its core activities -- those activities that are central to its mandate and responsibilities -- are not generally considered of a "commercial character". However, CASL does apply to a message that is of "mixed purpose". If a message contains any commercial element or character, the message, even if it primarily relates to core activities of the University, will not be exempted from the scope of the legislation. For example, if an electronic newsletter about educational programs contains a small advertisement for or a link to a commercial sponsor or activity, the entire newsletter is considered a CEM and must comply with the requirement set out below.

Therefore before sending an electronic message, you need to determine whether it is a CEM (see definition above) and is thus subject to CASL requirements.

Determining whether CASL applies:

To assist in when determining whether the CEM is exempt from CASL consider:

1. Does the CEM relate to:
 - a. Communications between Carleton employees or others regarding core activities?
 - b. A response to a request, inquiry, complaint or application?
 - c. A legal obligation or to enforce a legal right?
 - d. Organization to organization communications related to their core activities?
 - e. A communication sent to a foreign jurisdiction?
2. Is the CEM:
 - a. Providing a quote or estimate requested by the recipient?
 - b. Facilitating, completing or confirming a commercial transaction?
 - c. Providing warranty or product safety information?

- d. Providing information about ongoing purchases, loans, subscriptions, memberships, accounts, employment relations, employee benefit plans or product updates?

If the answer is “Yes” to any of the questions above, then the message is likely not a CEM and consent is not required to send the message. If the answer is “No” then the message is likely a CEM and the requirements below must be met. **Appendix A: Examples of Applying CASL to Carleton University Activities** has been developed to assist with making a determination of whether or not the message is a CEM.

Specified Exemptions from CASL:

Certain messages that do not relate to the core activities of the University may nonetheless be exempted from the CASL. The exemptions are as follows:

- (a) Messages sent by or on behalf of an individual to another individual with whom they have a personal or family relationship;
- (b) Messages sent to a person who is engaged in a commercial activity and consists solely of an inquiry or application related to that activity;
- (c) Messages sent within an organization that concern the activities of that organization;
- (d) Messages sent between organizations with a relationship that concern the activities of the receiving organization;
- (e) Messages sent in response to requests, inquiries or complaints, or otherwise solicited by the recipient;
- (f) Messages sent to satisfy, provide notice of, or enforce a right, legal or juridical obligation;
- (g) Messages sent on an electronic messaging service if the required information and unsubscribe mechanism are readily available on the user interface, and the recipient has consented to receive the message;
- (h) Messages sent to a limited-access secure and confidential account to which messages can only be sent by the person who provides the account;
- (i) Messages that a sender reasonably believes will be accessed in a listed foreign country, and conform to the anti-spam laws of such foreign country;
- (j) Messages sent by or on behalf of a registered charity as defined in s.248(1) of the Income Tax Act, and have as their primary purpose raising funds; and
- (k) Messages sent by or on behalf of a political party or organization or a candidate for publicly elected office that has as its primary purpose soliciting a contribution

3.0 Procedures to Send Out a Commercial Electronic Message (CEMs)

A. Obtain Consent from Recipient: You will first need to determine if you have consent from the individual to send the CEM. Consent can be broken down into two categories as follows:

1. Implied Consent from a recipient which may arise in three situations below and normally lasts for two years:
 - a. The recipient has had an existing business relationship with Carleton in the preceding 2 years.

- b. The recipient has an existing non-business relationship with Carleton in the preceding 2 years (ie: donor, alumni, volunteer).
 - c. The recipient has provided business contact information and the recipient has not indicated a wish to not receive unsolicited CEMs; and your message is relevant to the recipient's business role, functions or duties in a business or official capacity.
2. Express Consent:
- a. is consent that has been provided in writing or orally. It must be documented and remains in effect until the recipient "unsubscribes" from future messages.
 - b. Requests for express consent need to contain the following information:
 - i. the specific purpose for which consent is being;
 - ii. the name of the unit seeking consent;
 - iii. the mailing address, and a telephone number, email address or web address, for the unit seeking consent (or a link to a website containing this information); and
 - iv. a statement indicating that the person whose consent is sought can withdraw their consent.
 - v. Consent must always be "opt-in", not "opt-out".

Specified CEMS That Do Not Require Consent Prior to Sending:

If you have neither implied or express consent of the recipient then you generally cannot not send the CEM. As a rule, before sending a CEM consent is required. However there are certain exemptions where a CEM can be sent without consent. Consent of the recipient is not required if the CEM meets any the following requirements:

- (a) provides a quote or estimate that was previously requested by the recipient;
- (b) facilitates, completes or confirms a commercial transaction that the recipient previously agreed to enter into;
- (c) provides warranty information, product recall information or safety or security information about a product, goods or a service that the recipient has used or has purchased;
- (d) provides factual information related to the recipient's subscription, membership, account, loan or similar relationship with the sender;
- (e) provides information directly related to an employment relationship or related benefit plan in which the person to whom the message is sent is currently involved, is currently participating or is currently enrolled; or
- (f) delivers a product, good or a service, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction they previously entered into.

B. The Message Must Contain Specified Information: If you have either implied or express consent, the message being sent must contain the following information:

- 1. The name of the Carleton unit sending the message;
- 2. The mailing address, telephone number, email or web address for the Carleton unit seeking consent (or a link to a website containing this information); and
- 3. Information about how to unsubscribe from future CEMs.

C. The Message Must Contain a Mechanism to Unsubscribe:

The CEM message must provide the opportunity to unsubscribe from future CEMs, without cost. The unsubscribe mechanism must be easy to access and be valid for at least 60 days after you send the CEM. If you receive a request to unsubscribe, you must comply within 10 business days.

When you send CEMs you **must offer one or both** of the following unsubscribe methods:

- (a) sending an email to unsubscribe; and/or
- (b) clicking on a link that will take the user to a web page where he or she can unsubscribe in less than six actions

D. Tracking of Unsubscribe Requests:

Senders are required to track all unsubscribe requests and ensure that no messages are sent to addresses that have unsubscribed in the future. Please see **Appendix B: CASL Flowchart** and **Appendix C: FAQ** for additional guidance.

Note that even if a message is exempted from CASL, it is recommended that you follow the above CASL's requirements where practical. Obtaining express consent is a best practice and avoids liability if a message inadvertently includes commercial elements that bring the message under the scope of the legislation.

Compliance and Violations

Failure to comply with this policy or CASL could result in significant administrative monetary penalties to the University, among other things. Officers and directors can also be held personally liable for violations. You may be subject to disciplinary action, up to and including possible termination of employment. The University reserves the right to inform appropriate law enforcement authorities or other officials of any offences or possible offences under CASL or other applicable statutes. More information about compliance and violations can be found in **Appendix C: FAQ**.

Contacts:

Questions related to the administration of this Policy should be directed to;

- Carleton University Privacy Office
607 Robertson Hall
613-520-2600, extension 2047
university_privacy_office@carleton.ca

Appendices:

- Appendix A: Examples of Applying CASL to Carleton University Activities
- Appendix B: CASL Flowchart
- Appendix C: Frequently Asked Questions (FAQ)

Links to related Policies:

- [Acceptable Use Policy for Information Technology](#)
- [Access to Information and Privacy Policy](#)
- [Corporate Records and Archives Policy](#)
- [Data and Information Classification and Protection](#)
- [E-mail Use Policy](#)
- [Freedom of Speech Policy](#)
- [Information Security Incident Response](#)
- [Information Security Policy](#)
- [Student Communication Policy](#)

Appendix A: Examples of Applying CASL to Carleton University Activities

Below is a non-exhaustive list identifying when CASL applies to the activities of the University.

Please consult the Privacy Office if your activity is not listed below, or if you require clarification about your message.

1.0 Student Recruitment

Purpose of the Message	Does CASL apply?	Notes
Promoting, or recruiting students for University-run programs that are primarily educational in nature (ie: academic and professional programs or courses, continuing education programs, summer day camps)	No	This is not a commercial electronic message (“CEM”) because it lacks “commercial character”.
Promoting, or recruiting students for programs run by non-University organizations (ie: summer internships with a private-sector company)	Yes	Obtain consent.
Application, admissions and registration processes for University-run educational programs	No	This is not a CEM because it lacks “commercial character”.
Collecting information from prospective students for statistical or service improvement purposes	No	This is not a CEM because it lacks “commercial character”.

2.0 Student Services

Purpose of the Message	Does CASL apply?	Notes
Providing information about administrative matters (ie: registration, schedules, policies, exams, emergencies)	No	This is not a CEM because it lacks “commercial character”.
Communicating with students for teaching purposes	No	This is not a CEM 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 (ie: course materials, student meal plans, student residences)	No	This is not a CEM because it lacks “commercial character”.
Promoting the purchase of products, goods or services offered by the University that are not closely connected to the core activities of the University (ie: branded merchandise in the University Bookstore)	Yes	Obtain consent.
Promoting the purchase of products, goods or services offered by third parties (ie: Softchoice)	Yes	Obtain consent.
Collecting information from students for statistical or service improvement purposes	No	This is not a CEM because it lacks “commercial character”.

3.0 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 CEM because it lacks “commercial character”.
Informing faculty and staff about the activities of the University, including employee benefits and services (ie: pension, health plan)	No	This is not a CEM because it lacks “commercial character”.
Collecting information from faculty and staff for statistical or service improvement purposes	No	This is not a CEM because it lacks “commercial character”.

4.0 Events

Purpose of Message	Does CASL Apply?	Notes
Promoting events that relate to any of the core activities of the University (ie: student athletic events, student concerts, student art exhibits, academic conferences, research workshops)	No	This is not a CEM because it lacks “commercial character”.
Promoting events that are not related to the core activities of the University (ie: 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.

5.0 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 (ie: 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(g)).
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 (ie: 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(g)).

6.0 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 CEM because it lacks “commercial character”.
Raising funds for the University	No	This message is exempt if its “primary purpose” is raising funds for the University (IC Reg. 3(g)).
Promoting third party products or services (ie: Carleton-branded credit cards)	Yes	Obtain consent.

7.0 Research

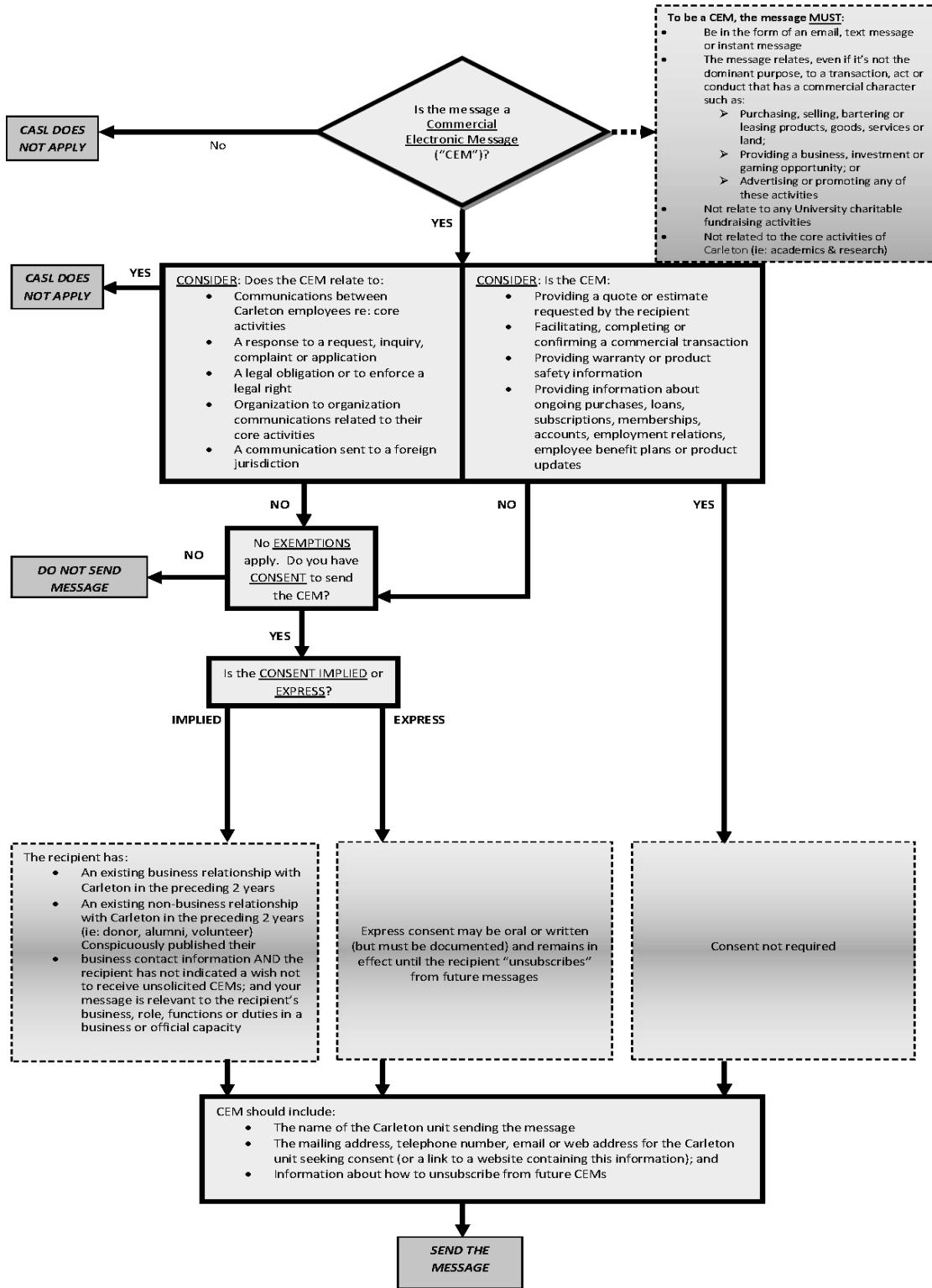
Purpose of Message	Does CASL Apply?	Notes
Providing information to the public about research activities	No	This is not a CEM because it lacks “commercial character”.
Requesting funding for a research project from a funding agency or clinical trial sponsor	No	This is not a CEM because it lacks “commercial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

8.0 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 recipients 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 (a) sent to an organization that has a business relationship with the University and (b) it is 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: Messages may be of mixed purposes. It is possible that the primary purpose of a message is exempt but if a message contains any commercial element or character, the message will not be exempted from the scope of the legislation. In determining whether the message is exempted, the entire body including any links must be reviewed.

Appendix B: CASL Decision Flowchart



Last updated: August 26th, 2015

Appendix C: Frequently Asked Questions (FAQs)

1.0 General Questions

1.1 What is the Canadian Anti-Spam Legislation?

The primary purpose of the Canadian Anti-Spam Legislation (usually referred to as CASL) is to control spam (unwanted commercial electronic messages, or CEMs). CASL also prohibits the installation of computer programs without consent (eg. Viruses, spyware); the unauthorized altering of transmission data; the provision of false or misleading information in a message; the 'harvesting' of addresses; and the unauthorized collection of personal information. CASL is one of the world's most stringent anti-spam laws.

1.2 When did CASL come into force?

CASL came into force on July 1st, 2014.

1.3 Who does CASL apply to?

CASL applies to most organizations in Canada, including Carleton University.

1.4 What impact will CASL have upon Carleton University?

CASL has a fairly modest impact on Carleton University because most electronic messages sent by Carleton University are not subject to the legislation. For more information about the scope of the CASL, see the following sections of this FAQ.

1.5 What are the penalties for non-compliance with CASL?

The penalty for non-compliance with CASL is a fine of up to \$10 million for an organization, and \$1 million for an individual. Officers, directors and agents can be held personally liable for their organization's failure to comply with CASL.

1.6 Does the legislation prohibit me from sending marketing messages?

No. Rather, it sets out some requirements for sending a certain type of message, called a commercial electronic message (CEM), to an electronic address.

1.7 What is a commercial electronic message (CEM)?

A key question to ask yourself is the following: is the message I am sending a CEM? Is one of the purposes to encourage the recipient to participate in commercial activity?

When determining whether a purpose is to encourage participation in commercial activity, some parts of the message to look at are:

- The content of the message
- Any hyperlinks in the message to website content or a database, and
- Contact information in the message.

These parts of the message are not determinative. For example, the simple inclusion of a logo, a hyperlink or contact information in an email signature does not necessarily make an email a CEM. Conversely, a tagline in a message that promotes a product or service that encourages the recipient to purchase that product or service would make the message a CEM.

The examples of CEMs include:

- Offers to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land;
- Offers to provide a business, investment or gaming opportunity;
- Promoting a person, including the public image of a person, as being a person who does anything referred to above, or who intends to do so.

1.8 Do the CRTC information bulletins create new legal requirements?

For the purpose of providing guidance, the CRTC issued two information bulletins, namely Compliance and Enforcement Information Bulletin CRTC 2012-548 and Compliance and Enforcement Information Bulletin CRTC 2012-549. These information bulletins are merely guidelines and do not impose binding obligations. They clarify requirements already contained in CASL and its regulations.

Also, the examples provided in these information bulletins are not exhaustive. They are simply examples of recommended or best practices that, in the view of the CRTC, clearly meet the requirements in CASL. Other practices may satisfy legal requirements imposed by CASL. However, their adequacy will be evaluated on a case-by-case basis in light of the specific circumstances of a given situation.

2.0 Scope of CASL

2.1 How does CASL impact Carleton University?

CASL does not apply to messages related to the core activities of Carleton University. The University, like other public educational institutions, is not a commercial entity; it provides a public service and is primarily dependent on taxpayer funding. Therefore, its core activities – those activities that are central to its mandate and responsibilities – are not of a ‘commercial character’ and do not fall under CASL. Carleton’s core activities are defined in the *Carleton University Act, 1952* as follows:

- Establish and maintain colleges, schools, institutes, faculties, departments, chairs and courses of instruction;
- Provide instruction in all branches of knowledge;
- Establish facilities for the pursuit of original research in all branches of knowledge;
- Establish fellowships, scholarships, exhibitions, bursaries, prizes, rewards and pecuniary and other aids to facilitate or encourage proficiency in the subjects taught in the university and original research in all branches of knowledge;
- Provide a program of continuing education in all electronic and cultural fields throughout Carleton University; and
- Generally, promote and carry on the work of a university in all its branches, through the cooperative effort of the board, senate and other constituent parts of the University.

Also, certain types of messages are specifically exempted from the scope of CASL. For example, CASL does not apply to messages sent by registered charities for the primary purpose of raising funds.

Therefore, very few of Carleton University's electronic messages are subject to CASL.

2.2 Where can I find examples of messages that fall under CASL?

Here are some examples of messages sent by Carleton University that do fall under the scope of CASL:

- A message about a sale of sweatshirts at the Carleton University Bookstore.
- A message promoting a Carleton University-branded credit card.
- A message promoting a summer ESL program offered by a private school in a Carleton University facility.

If you cannot decide whether a message falls under the scope of CASL, you should request advice from the Privacy Office by e-mail at University_Privacy_Office@carleton.ca or by calling 613-520-2600 at extension 2047.

2.3 What are the exemptions to CASL?

Messages that do not relate to the core activities of Carleton University may nevertheless be exempted from CASL. The exemptions are as follows:

- Messages sent by or on behalf of an individual to another individual with whom they have a personal or family relationship;
- Messages sent to a person who is engaged in a commercial activity and consists solely of an inquiry or application related to that activity;
- Messages sent within an organization that concern the core activities of that organization;
- Messages sent between organizations with a relationship that concern the activities of the receiving organization;
- Messages sent in response to requests, inquiries or complaints, or otherwise solicited by the recipient;
- Messages sent to satisfy, provide notice of, or enforce a right, legal or juridical obligation;
- Messages sent on an electronic messaging service if the required information and unsubscribe mechanism are readily available on the user interface, and the recipient has consented to receive the message;
- Messages sent to a limited-access secure and confidential account to which messages can only be sent by the person who provides the account;
- Messages that a sender reasonably believes will be accessed in a listed foreign state, and conform to the anti-spam laws of such foreign state;
- Messages sent by or on behalf of a registered charity as defined in s.248(1) of the Income Tax Act, and have as their primary purpose raising funds; and
- Messages sent by or on behalf of a political party or organization or a candidate for publicly elected office that has its primary purpose soliciting a contribution.