



## Step 1: Is it a CEM?

Refer to “Applying CASL to UofL Activities:

If no = nothing more is needed under CASL

If yes = proceed to Step 2

## Step 2: Is it an Excluded CEM?

Excluded CEMs do not fall under CASL. These are excluded CEMs:

- between employees and consultants of UofL & the message concerns UofL activities
- between UofL and another organization if they have a relationship & the message concerns the activities of the organization to which it is sent
- in response to an inquiry, request or complaint, or was otherwise solicited
- to satisfy or provide notice of a legal obligation, or to enforce a legal right
- by or on behalf of UofL for the primary purpose of fundraising
- between individuals who have a “personal relationship” or a “family relationship”
- to make an inquiry or application related to a commercial activity in which the parties are engaged

If yes = nothing more is needed under CASL, you can send the CEM

If no = proceed to Step 3

## Step 3: Is it Exempted?

No consent is needed (but information requirements and unsubscribe mechanisms are needed):

- to provide a quote or estimate, if requested
- to facilitate or complete a commercial transaction that the recipient has already entered into with UofL
- to provide warranty or safety or security information
- for the purpose of following up on a 3<sup>rd</sup> party referral, where the person referring has an existing relationship – personal, family, business or non-business – with the 3<sup>rd</sup> party (this only applies to the first CEM and the CEM must disclose the name of the person who made the referral and state that the message is being sent as a result of the referral
- to provide factual information about an ongoing service or goods offered under a subscription, membership, account or similar relationship
- to provide information about a current employment relationship or related benefit plan
- in the delivery of a product, goods or a service, including product updates or upgrades, that the person is entitled to receive under the terms of the transaction

If yes = add the content requirements and unsubscribe mechanism, and then you can send the CEM

If no = proceed to Step 4

## Step 4: Is Consent already in place?

CEMs can be sent with consent. Consent can be express or implied. Implied Consent only exists where, as defined:

- there is an “existing business relationship”\*
- there is an “existing non-business relationship”\*
- the recipient has given you or conspicuously published his/her contact information or email address and has not indicated that he/she does not wish to receive unsolicited CEMs and the message is relevant to the recipient’s business, role, functions or duties in a business of official capacity

\* See “CASL FAQs” for how these are defined

If yes = add the content requirements and unsubscribe mechanism, you can then send the CEM

If no = proceed to Step 5

## Step 5: Getting Consent

Requests for consent are CEMs too. As with any other CEM, you must include in the request all of the following:

- the purpose for which you are seeking consent
- the name of the UofL area/faculty seeking consent
- the following contact information for the UofL area/faculty seeking consent: (1) mailing address, and (2) telephone number or email address or web address/link
- a statement saying that the person can withdraw his/her consent
- a privacy statement under FOIP

Consent must be opt-in, not opt-out & not a pre-checked box

See “CASL FAQs” and “Model Language” for CEM requirements

There’s more = proceed to Step 6

## Step 6: Sending CEMs

All CEMs, even those sent with consent, need to include certain contact information and an unsubscribe mechanism. The unsubscribe must be at no cost, easy for the users to access and use, and completed by you within 10 business days.

See “CASL FAQs” and “Model Language” for content and unsubscribe requirements

\* Documented tracking of Steps 2 to 6 is required