

Submission to the House of Commons

Standing Committee on Industry, Science and Technology

Review of Canadian Anti-Spam Legislation (CASL)

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from the
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The Community Sector Council of Newfoundland and Labrador (CSCNL) is a registered charitable organization dedicated to economic and social progress. Founded in 1976 with federal funding as an innovative demonstration program, CSCNL's vision is a prosperous and inclusive society that supports individuals, families and communities. We support citizen engagement, the integration of social and economic development, and leadership in shaping public policy.

As a backbone organization, CSCNL advances knowledge, fosters volunteerism, cultivates leadership, builds capacity, and works to reduce poverty and its long term impact. We deliver innovative employment programs particularly for young people, supporting hundreds of organizations and thousands of individuals and families.

We believe that the community sector (often referred to as the charitable, nonprofit, voluntary or social benefit sector) is **central** to economic and social progress. A strong "civic economy" encourages productive citizens, contributes to the private sector and delivers many programs for public benefit. Its role is fundamental to the prosperity of Canada.

Since the enactment of the Canada Anti-Spam Legislation (CASL), the Community Sector Council Newfoundland and Labrador has been working diligently to understand, share information about, and comply with the provisions of the legislation. Through this process, we have identified some areas we find challenging and would like to like to address.

Charities and nonprofits exist for public benefit, not personal gain. The very underpinnings of the community sector include its ability to provide services, promote causes, and reach out to the public. We all benefit from community organizations which mobilize millions of volunteers and employees to build healthy, thriving communities. Nonprofit organizations touch every aspect of our lives. They provide sports complexes; deliver health and social services; maintain hiking trails; deploy search and rescue teams; deliver arts, culture and heritage programs; help people with disabilities live more independently; provide services to seniors and youth, and generally improve our quality of life. They are fundamental to democracy and to people's right to engage and be involved. To flourish, charities and nonprofits need wide outreach. To be unduly hindered by angst about whether an email or electronic message is in violation of a law, or is going only to pre-subscribed organizations and individuals, is an unproductive use of time and resources. This is likely an unanticipated result of a well-meaning government initiative to protect the public from spam and intrusion.

1. A Clear Understanding of the Provisions and Definitions in the Act

As we have been working to comply with the act and have spoken to other charities and nonprofit organizations trying to do the same, the conversation generally leads to the intent and interpretation of different portions the act.

Clear, precise, and concise wording would allow organizations to understand how and if they are complying with CASL, especially the requirements relating the Commercial Electronic Messages.

Throughout the last three years, different “experts” have had different opinions on what is and is not required.

2. Level of Fines

Liability issues are always of great concern to charities and nonprofits. The non-CASL complaint administrative fines are extremely scary and certainly sufficient to deter any intentional violations of CASL. Noncompliance for nonprofits is likely to relate to a lack of knowledge and understanding. While ignorance of the law is no excuse, for small, volunteer driven groups with changing leadership and often no employees, this is a hard piece of legislation to digest and work with. An exemption for charities and nonprofits would enable organizations to continue the excellent the work they do and make the job of recruiting board members easier.

3. Private Right of Action

We appreciated the suspension of the Private Right of Action in July 2017 and encourage that this suspension be permanently suspended for charities, nonprofits and public benefit organizations.

4. Consent and Unsubscribe

We do believe an exemption to the consent requirements for charities and nonprofits is reasonable and we support the CASL requirements regarding unsubscribing abilities as well as the provision of contact information.