



## Anti-Spam Policy

### Application

This Anti-spam Policy (the “Policy”) applies to employees (permanent, temporary, part-time, and full time) at the Vector Institute (“Vector”).

### Principles

Vector believes that respect for anti-spam legislation is important for our clients, employees and for any individual that may come into contact with our organization. Vector is committed to making sure that it respects the intent of Canadian Anti-spam legislation (“CASL”), as well as the choice of any outside party with respect to being contacted by Vector electronically.

### Purpose

The Vector Institute is responsible for the acts of its employees.

This Policy is meant to ensure that Vector’s employees are properly informed about their legal obligations when communicating with outside parties on behalf of Vector, as well as when using Vector’s electronic addresses or systems.

Vector employees who will be contacting outside parties on behalf of Vector, for example in cases where there is a communication to a mailing list, must be aware of CASL’s legal requirements, and take the steps set out in section 4 below to follow the intent of the legislation.

Failure to comply with CASL may result in the following penalties or liabilities:

- Statutory monetary penalties of up to \$10,000,000 per violation, which may be awarded by the Canadian Radio-television and Telecommunications Commission (“CRTC”), after taking into account specified factors; and,
- The Vector Institute’s directors and officers may be personally liable for Vector’s violations.

Vector also wishes to ensure that its reputation, and its business relationships are not negatively impacted by failure to follow CASL’s legal requirements.

### Policy

The process set out in this policy must be followed by all employees when communicating with outside parties on behalf of Vector and when employees are using Vector’s electronic addresses or systems.

### Description of Anti-Spam legislation

#### 1. How Spam is regulated

Electronic communications with outside parties must comply with the rules established by CASL. CASL is enforced by the CRTC, the Competition Bureau, and the Privacy Commissioner of Canada.

## 2. CASL's prohibitions

CASL articulates several prohibitions, but the most important ones having an impact on Vector's employees are the prohibitions against: sending commercial electronic messages (or "CEM") without the consent of the recipient; sending a CEM that does not include the prescribed content or unsubscribe mechanism; or ignoring an unsubscribe request.

CASL regulates the sending of CEMs to electronic addresses. Electronic addresses include communication to: an email account (i.e., an email address); a telephone account (i.e., an SMS or a text message); an instant messaging account (e.g., a message sent via a social media website such as LinkedIn, Facebook or Twitter); or any similar account.

CEM is broadly defined as an electronic message<sup>1</sup> that promotes a commercial activity or encourages participation in a commercial activity, even if it is not the primary purpose of the communication.

In order to determine whether a certain communication qualifies as a CEM, the content of the message will be considered. For instance, hyperlinks within an electronic message will be considered part of the content of a message. So will the fact that the message includes a corporate website address. Therefore, a broad range of electronic messages will be considered as CEMs.

The following types of emails, each relevant to Vector, would constitute CEMs:

- a message introducing Vector's services or a Vector employee's services e.g., a newsletter;
- promotion of Vector events and services (including a course or seminar) e.g., promotion of an upcoming talk; and
- invitation to a Vector event e.g., invitation to a Health AI Round, among others.

Certain types of electronic message are exempt from CASL. CASL does not apply to messages that are sent:

- Within Vector (i.e., between employees of Vector);
- Between Vector and another business, where there is an ongoing relationship between Vector and the other business e.g., a direct communication between a member of Vector's professional staff and a professional contact in either an institution or industry sponsor.
- By Vector to an outside party, in order to respond to a request or inquiry from this outside party e.g., correspondence.
- In instances where there is a personal or family relationship between the Vector employee and the recipient

## 3. Compliance with CASL

Vector has undertaken the following initiatives in order to ensure that its communications activities align with the requirements of CASL.

### Modification of e-mail footers:

Vector has modified its email footers for e-mails sent to mailing lists, invitations to events and general communications to Vector's stakeholders and for all mass e-mails to meet CASL's content requirements. Vector e-mails must include identification that Vector is the party sending the CEM, provide a method where the recipient can readily contact Vector

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<sup>1</sup> Voice communications, facsimiles or auto-recorded voice calls (robo-calls) are not covered by CASL.

(such as a mailing address and one of: a telephone number with active response voicemail; an email address; or a web address), and provide a working unsubscribe mechanism.

To manage CEMs, Vector compiles an inventory of all communications qualifying as CEMs, and has ensured that such communications include the prescribed content in the email footers.

#### Unsubscribe mechanisms:

Vector has incorporated unsubscribe mechanisms into all CEMs in order to manage CASL's unsubscribe requirements. As well, Vector has set up a uniform process in order to ensure that all unsubscribe requests will be honoured. Under CASL, each CEM must provide a working unsubscribe mechanism (functional for 60 days). Any unsubscribe request must be processed without delay, within a maximum of 10 business days.

In the event that a Vector employee receives either a verbal request from an outside party to unsubscribe from Vector's CEMs, or an electronic message is directly sent to the Vector employee requesting to be removed from Vector's CEM lists, the Vector employee must immediately offer to direct the outside party to the standard unsubscribe mechanism. If the outside party is not amenable, the employee must gather the individual's information and immediately inform Vector's Director, Communications & Engagement.

#### **4. Steps to Follow Before Sending a CEM**

Since CASL may impact the way Vector employees contact outside parties in certain circumstances, this section will provide guidance for employees to reference before sending an electronic message to an outside party.

##### Step 1. Determine whether the electronic message that you are about to send is a CEM

CEMs are described in section 2 of this policy. As noted above, the most common types of CEMs in Vector are typically news or program updates, invitations to Vector events, promotion of Vector's achievements and awards, and thought leadership emails to promote Vector's services (e.g., distribution of a new product such as the CANADA! pitch book or annual report).

##### Step 2. If the electronic message is a CEM, determine if consent is required:

Consent from the recipient is **not** required if Vector's electronic message is a service or transaction message. This refers to a message sent by Vector that:

- is sent once, following a referral by a current service provider, partner, or employee who has a personal or business relationship with the referred potential client, or service provider;
- only facilitates or confirms a transaction;
- only provides information about:
  - ongoing use of Vector's services;
  - Vector's current clients' subscription, membership or accounts;

If the message is not one listed above, consent is required from the outside party before sending the CEM.

### Step 3. Determine whether there is implied or express consent to send CEMs or if a consent exemption applies

- Express Consent: express consent may be provided to Vector only when recipients take an active step to give consent. The request must clearly and simply set out the purpose for which the consent is being sought and state that the person whose consent is sought can withdraw their consent. Vector employees may determine if the recipient has provided express consent by verifying their preferences in the system where such consents are recorded.
- Implied Consent: Vector may infer the recipient's implied consent if:
  - Vector has a current existing business relationship or a business relationship which terminated less than two years ago (for instance, a person who has attended a seminar run by Vector within the last two years); or
  - Vector received an inquiry from the recipient within the last 6 months (for instance, through the [info@vectorinstitute.ai](mailto:info@vectorinstitute.ai) email address; or
  - The recipient disclosed their electronic address to a Vector employee, or the recipient conspicuously published their electronic address (for instance, online, such as via a corporate website). In such situations, consent can only be implied if the recipient did *not* indicate that it did not wish to receive unsolicited CEMs and the CEM is sent in connection with the recipient's business, role or function.

### Step 4. Confirm that the recipient did not unsubscribe from receiving CEMs from Vector

Vector employees are required to manually verify/confirm whether the contact has unsubscribed from receiving CEMs from Vector, which includes a requirement to confirm that all 'unsubscribe' requests from the last CEM have been processed, before assembling another message.

### Step 5. Include all the content required by CASL in CEMs

All Vector employees, where those employees are sending communications detailed under "Modification of e-mail footers" in section 3, will have a CASL footer included automatically in their email signature.

All system-generated mass emails will have a CASL footer included automatically.

## **5. Social Media Communications**

Compliance with CASL requirements should be taken into consideration when Vector employees direct message partners and other businesses using social media on behalf of Vector (either using Vector's corporate accounts or their own personal accounts on Vector's behalf). The following guidelines should be followed when using social media for direct messaging.

LinkedIn:

- Employees may send any Vector-related direct messages to their 1st level connections;
- Employees may not send any Vector-related messages to 2nd or 3rd level connections unless the recipient accepts the request to Connect;
- If acting on behalf of Vector, employees may request to connect with a potential client via LinkedIn, as long as they use the standard LinkedIn connection request (no promotional content added);
- Employees should only tag, in a post relating to Vector, LinkedIn users who have a connection to the post;

Twitter:

- Employees may not send Vector-related direct messages to any user who is not following them;
- Employees should only @mention, in a post relating to Vector, users who have a connection to the post.

### **Violations of CASL Policy and Reporting Infractions**

Vector employees who violate CASL or Vector's Anti-Spam Policy will be subject to appropriate disciplinary action, up to and including dismissal.

Employees who become aware of a CASL infraction committed by Vector must immediately inform Vector. You may report CASL violations by contacting the Chief Operations Officer at: [privacy@vectorinstitute.ca](mailto:privacy@vectorinstitute.ca).

### **Accountability for Communications**

As a publicly funded institute, communications from the Vector Institute, its professional staff, and its scientific researchers are governed by Vector's Code of Conduct.

Each communication from the Vector Institute will clearly identify contact information for follow-up questions, in addition to the requirement for an 'unsubscribe' request.

### **Vector Contact for CASL**

Vector employees can contact Vector's Director, Communications & Engagement for any CASL-related inquiries at [communications@vectorinstitute.ai](mailto:communications@vectorinstitute.ai).

### **Amendment**

This Policy may be amended by the Director, Communications & Engagement or Chief Operations Officer. This policy will be reviewed annually, and at any time when there are changes to relevant legislation.