

LONDON PUBLIC LIBRARY POLICY

Title: Communications Policy – Electronic Messages

Policy Type: Means

Policy No.: M-09

Effective Date: October 25, 2018

Review Date: October 2022

PURPOSE:

London Public Library (LPL) strives to communicate in a respectful and positive manner, reflecting the Library's commitment to engage with people in the community to make sure we offer the services they want and need; share information to help people access and make effective use of Library services; celebrate the value of the Library to the community and its funders; and provide transparency about how the Library operates.

This policy is a companion policy to LPL's Communications Policy (M07). The purpose of the Communications Policy is to ensure that LPL's external communications are accessible, engaging and professional. It is also to ensure that LPL external communications are well-managed.

The purpose of this policy is to ensure that:

- LPL's use of electronic messages is consistent with its Communications, Access to Information & Protection of Privacy and Records Management Policies;
- LPL's use of electronic messages is in compliance with Canada's Anti-Spam Legislation (CASL); and
- Library Board Members, Employees and Volunteers understand what is expected of them when using Library communications channels, platforms, connectivity and equipment for sending electronic messages and how to meet the legislative and policy requirements for electronic messages that govern communications and content.

SCOPE:

This policy applies to:

- London Public Library Board Members, Employees and Volunteers, and any other Person, as defined in this policy, who communicates on LPL's behalf; and
- Messages sent on LPL's behalf by electronic means to an Electronic Address.

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Canada's Anti-Spam Legislation (CASL) was passed in Parliament in 2010 and came into force on July 1, 2014. Two sets of regulations were passed in addition to the Act. London Public Library is committed to complying with CASL and its requirements.

DEFINITIONS:

Commercial Electronic Message (CEM) means an electronic message that has as its purpose or one of its purposes to encourage participation in a commercial activity. There does not need to be any expectation of profit and so this could include offering, promoting or marketing a service to a Person.

Electronic Address (EA) means an address used in connection with the transmission of an Electronic Message to:

- An email account;
- An instant messaging account;
- A telephone account;
- A social media account; or
- Any similar account.

Electronic Message (EM) means a message sent by electronic means to an electronic address including, but not limited to, messages sent by:

- Electronic mail, i.e. email;
- Text message;
- Instant message; or
- Direct message sent through social media messaging systems.

An EM does not include messages:

- Sent via posted mail;
- Sent via fax;
- Communicated via a two-way voice conversation;

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- Communicated via voicemail to a telephone account;
- Posted or published on a website (but not sent to an electronic address); or
- Posted, published or broadcast on a social media website or blog.

Employee means any person who is employed by the London Public Library and includes all Employees, including Page and Casual Employees.

Exemption means an exemption to the requirements of subsections 6(1) and/or 6(2) of CASL, as prescribed by the Act.

Express Consent means the explicit and/or expressed (orally or in writing) communication by a Person that the Person wishes to receive EMs/CEMs from LPL.

Implied Consent means that there is either an existing relationship with LPL in which a Person is a member/cardholder of the Library; has made a transaction, inquiry or application; has a written contract for the provision of goods and services; has provided volunteer work; or has made a donation to the Library.

Person means an individual, partnership, corporation, organization, association, trustee, administrator, executor, liquidator of a succession, receiver or legal representative.

Volunteer means a person who voluntarily extends their services to actively support the Library, and who does so without remuneration.

While Library Board Members volunteer their time and do not receive remuneration, for the purposes of this policy they will be referred to as Board Members as they have roles and responsibilities that are different from those of other Volunteers

POLICY STATEMENT:

London Public Library will send out electronic messages as part of its communications to:

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- Library patrons;
- Library strategic alliances and partners;
- Space booking clients;
- Vendors, contracted service providers and other business associates,
- Donors; and
- The community at large.

LPL will use a variety of communications channels and platforms. In the LPL *Communications Policy*, these are defined as:

- Communications Channel means a physical transmission medium, such as print or electronic media, through which information and other content is sent or received.
- Communications Platform means a tool that supports back-and-forth communication such as conversations rather than just one-way or broadcast communication.

The Library shall use an opt-in approach based on a Person's consent to provide their electronic address and to receive messages.

- LPL will obtain consent from a Person to collect an Electronic Address (EA) belonging to that Person for the purposes of sending Electronic Messages (EMs) or Commercial Electronic Messages (CEMs) to that Person on behalf of the Library;
- LPL shall endeavour to obtain consent from Persons to whom it sends EMs, at all reasonable opportunities; and
- LPL shall not send CEMs to Persons unless they have requested such electronic transmissions and/or have provided Implied or Express Consent in accordance with CASL and this policy.

The Library, when requesting consent, will set out clearly and simply the following information:

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- The purpose or purposes for which the consent is being sought;
- Information that identifies that it is the Library seeking consent; and
- Any other prescribed information in accordance with CASL and this policy.

From time to time, LPL may exercise its right of exemption under CASL to send a CEM for the primary purposes of raising funds for the Library which is a Registered Charity.

COLLECTION OF ELECTRONIC ADDRESSES

LPL and its Library Board Members, Employees or Volunteers, or third-party contractors shall endeavor to obtain the consent of a Person to collect an EA for the purposes of sending EMs or CEMS to the Person who owns that Electronic Address on behalf of the Library.

For the purposes of this Policy, and in accordance with CASL, a reference to the Person to whom an electronic message is sent means the holder of the account associated with the electronic address to which the message is sent, as well as any Person who it is reasonable to believe is or might be authorized by the account holder to use the electronic address.

Collection, storing and management of Electronic Addresses by the Library shall be as follows:

- a) Electronic Addresses for Library patrons collected by or on behalf of the Library for the purposes of the provision of core library services, including but not limited to lending services and programming, shall be entered, stored and managed by the Library in the Library's Integrated Library System (ILS).
- b) Electronic Addresses for Library patrons exported from the Library's ILS shall be imported, stored and managed by the Library in an email marketing software database (EMD). Electronic Addresses will also be

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collected on the Library's website through direct requests to subscribe by patrons and the wider public. The EMD is used for communicating Library news and occasional fundraising opportunities on a scheduled basis to subscribers.

- c) Electronic Addresses for Library room booking clients collected by or on behalf of the Library shall be entered, stored and managed by the Library in the LPL Room Booking System (RBS). The RBS is used for business transactions i.e. commercial electronic messages, relating to the booking of meeting space.
- d) Electronic Addresses for Library donors collected by or on behalf of the Library shall be entered, stored and managed by the Library in the Library's Donor Database (DD).

All individuals who obtain and/or collect Electronic Addresses on behalf of the Library will enter such EAs into the appropriate databases, in accordance with the Library's *Access to Information and Protection of Privacy Policy*, *Records Management Policy* and other applicable policies and procedures respecting collection of personal information.

ELECTRONIC MESSAGES

EMs and CEMS sent from Library Board Members, Employees or Volunteers using the Library's equipment and/or computer system(s) and/or Internet connection (including any wireless connection) and/or other resources owned, operated and/or controlled by the Library shall concern the activities of the Library.

All CEMs sent by or on behalf of the Library will include the following information:

- The Library's name and mailing address;
- The Library's email address / telephone number / website; and

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- The Library's unsubscribe, i.e. opt-out, mechanism.

Board Members, Employees or Volunteers may not send CEMs to other LPL Board Members, Employees or Volunteers that market, advertise or otherwise encourage participation in a commercial activity that is not associated with the business of the Library. Such content may be posted on the Library intranet, in the section provided in accordance with Library guidelines and where access and use is voluntary.

CONSENT

The Library shall endeavour to obtain consent from Persons to whom it sends EMs and Express Consent from Persons to whom it sends CEMs, at all reasonable opportunities.

Consent for EMs provided to the Library shall be entered into the Library's ILS, EMD, RBS and Donor databases in accordance with Library privacy and records management policies and procedures.

All requests for consent made by or on behalf of the Library in writing (whether electronic or in hard copy format), will include the following:

- A request that the recipient consent to receive EMs from the Library;
- The purpose for which the consent is being sought;
- The Library's name and mailing address;
- The Library's email address/telephone number/website; and
- A statement that consent may be withdrawn at any time via an unsubscribe mechanism.

All requests for consent made in writing shall not include pre-checked boxes.

All requests for consent made by or on behalf of the Library orally shall follow the following procedure:

- a) The individual requesting the consent shall disclose to the Person from whom the consent is being sought:
 - i. Identity as a Library representative;

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- ii. That the consent is being sought on behalf of the Library;
 - iii. The purpose for which the consent is being sought;
 - iv. The Library's mailing address;
 - v. The Library's email address/telephone number/website; and
 - vi. That the Person may withdraw the consent at any time.
- b) If consent is requested by telephone, the individual seeking the consent shall request that the Person send an email or text message to a designated LPL email account with the following sentence: "I/we hereby consent to receive electronic communications from London Public Library."

Any individual who obtains consent on behalf of the Library shall enter the consent into the ILS, RBS or DD within two (2) business days of receiving it, or as soon as is reasonably possible, in accordance with the Library's procedures.

Unsubscribe Mechanisms

All Persons who receive EMs and CEMs from the Library have the ability to unsubscribe, i.e. opt out.

Requests to unsubscribe from EMs shall be entered into the Library's ILS, EMD, RBS and DD within two (2) business days of being notified of the request, in accordance with the Library's procedures.

All CEMs sent by or on behalf of the Library in the course of carrying out Library activities shall include a mechanism by which the Person receiving the CEMs may unsubscribe from receiving Electronic Messages from the Library. The unsubscribe mechanism shall be prominently displayed in the body of all CEMs sent by or on behalf of the Library.

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Library cardholders can also update their own membership accounts and can stop receiving EMs and CEMs from the ILS by removing their email addresses from their accounts.

No EMs or CEMs shall be sent by or on behalf of the Library to any Person who made a request to unsubscribe, ten (10) business days after the request was made and thereafter, unless the Person provides his or her Express Consent again to receive EMs or CEMs from the Library, or unless the CEM meets one of the Exemptions under CASL Legislation (to be determined by the Library management on a case-by-case basis).

THIRD-PARTIES

For the purposes of this Policy, the following term has the following meaning:

“Third-Party” means a Person who is not a Library Board Member, Employee or Volunteer of the Library, who sends CEMs that promote, advertise, market, or otherwise encourage participation in the Library’s activities.

The Library requires that all Third-Parties have Express Consent to receive CEMs from the Library, from the Persons to whom the CEMs are sent, prior to the sending the CEMs.

The Library shall not be held liable for any and all CEMs sent by Third-Parties that are not sent in compliance with this Policy.

All Third-Parties agree to defend, indemnify and hold harmless the Library and Board Members, Employees, Volunteers, agents and trustees, from and against any and all complaints, claims, actions or demands resulting from, and/or arising out of, the Third Parties’ breach of this Policy, including, but not limited to, for any and all regulatory proceedings, warrants, preservation demands, disclosure requests, compliance notices, administrative monetary penalties, fines, damages, injunctive relief, class actions, legal fees, expert fees and disbursements.

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USE OF THE LIBRARY'S COMPUTERS/INTERNET CONNECTION

Any Person who uses the following must carry out their activities in a manner that is compliant with this policy:

- A Computer System owned, operated and/or controlled by the Library; and/or
- An Internet connection owned, controlled and/or provided by the Library (including any wireless connection),
- An email, social media or other account for the purposes of communication owned, controlled and/or provided by the Library.

TRAINING

LPL Board Members, Employees and Volunteers will have training on this policy.

AUDIT

Once every twelve (12) months, LPL shall conduct an audit of its electronic communication practices, to ensure compliance with this Policy.

In the event the audit discloses discrepancies between this Policy and LPL's communication practices, such discrepancies shall be addressed by the Library to ensure compliance with the Policy, as soon as is reasonably possible.

ACCOUNTABILITY

The Library CEO & Chief Librarian, through the *CEO-Board Linkage Policy*, is responsible and accountable for documenting, implementing, enforcing, monitoring and updating the Library's legislative compliance.

BACKGROUND:

INQUIRIES:

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CEO & Chief Librarian
Manager, Communications

KEYWORDS:

anti-spam, CASL, commercial electronic messages, consent, electronic messages, express consent, implied consent, spam

RELATED DOCUMENTS:

An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act, S.C. 2010, c. 23 [Canada's Anti-Spam Legislation (CASL)]

LPL Access to Information and Protection of Privacy Policy

Communications Policy

Records Management Policy

DOCUMENT CONTROL:

Approved: June 23, 2015 (L15/41.2)

Reviewed: October 27, 2016 (L16/50.2)

Reviewed: October 25, 2018 (L18/50)