

Anti-Spam

Effective/Updated: February 2, 2026

Compliance with Canada's Anti-Spam Legislation

The Government of Canada has implemented comprehensive anti-spam legislation called *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*. This Act is often referred to as "Canada's Anti-Spam Legislation" or "CASL."

CASL and its regulations govern how organizations can send commercial electronic messages (CEM) to individuals in Canada. The purpose of this Anti-Spam Policy is to set out how the CLHA complies with CASL.

Application of CASL to the CLHA

The College of LPNs and HCAs of Alberta (CLHA) is a regulatory body governed by the *Health Professions Act* (HPA), the regulations of the HPA, and its Bylaws. The CLHA's mandate is to regulate the professions of Licensed Practical Nurses and Health Care Aides within Alberta and to protect the public. The CLHA does not, in the ordinary course of operation, engage in commercial activity. However, in the limited circumstances where the CLHA does engage in commercial activity, and where the CLHA proposes to send any CEM to an individual within Canada, CASL applies to the CLHA, and therefore this Anti-Spam Policy will apply.

Definition of a CEM

A CEM is an electronic message that, having regard to the content of the message, encourages participation in a commercial activity. Examples include electronic messages that offer to sell products, goods, or services.

CEMs can be sent by various electronic means, including:

- Email,
- Text message,
- Instant messaging, and
- Social media messaging.

Commercial messages sent through regular mail or communicated by telephone are not CEMs and are not regulated by CASL.

An activity can be considered commercial whether or not there is an expectation of profit. For example, an electronic message promoting the purchases of goods and services of another organization that is affiliated with the CLHA would still be considered a CEM even if the CLHA will not profit from the sale.

Consent Requirements Compliance with CASL

The CLHA will obtain either express or implied consent from an individual before a CEM is sent to that individual. Express consent can be collected in either oral or written form. Written consent can be collected in a paper form or electronically, which may include asking individuals to click and “check” an electronic box, or it may include asking individuals to enter and submit their email address in a field. The CLHA will not rely on “opt-out” mechanisms to gather consent for the purposes of CASL.

When express consent is being sought, individuals will be advised that they can withdraw their consent at any point after it has been given. Once express consent is obtained by the CLHA, it is not time limited. This means that the CLHA can continue to send CEMs to the individual until they withdraw consent. If the CLHA receives notice that an individual has withdrawn consent and would like to stop receiving CEMs, CEMs will cease within 10 business days from the date that the notification to withdraw is received.

The CLHA will have implied consent to send CEMs in a number of instances, including when:

- There is an existing business relationship between the CLHA and the individual.
- The individual has “conspicuously published” his or her business contact information. In these situations, the CLHA will only send CEMs to the individual when they have not indicated a desire not to receive unsolicited CEMs, and the CEM relates to the individual’s business, role, functions, or duties in their business or official capacities.

The CLHA may not be required to obtain either express or implied consent to send a CEM in some instances. This may occur when the CLHA is:

- Responding to a request for a quote or estimate for products, goods, or services that it provides.
- Facilitating, completing, or confirming a transaction that was previously entered into by the individual to whom the CEM is being sent.
- Providing safety and security information about products, goods, or services that the individual uses, has used, or has purchased.

Content Requirements for CEMs

Each CEM that is sent by the CLHA will contain content identifying the CLHA as the sender, a mailing address and either a telephone number, email address, or web address of the CLHA. If the CEM is being sent on behalf of another organization, the CLHA will identify that

organization and provide their contact information. An unsubscribe mechanism will also be included to allow the recipient to withdraw consent and stop receiving CEMs from the CLHA in the future. To unsubscribe, the recipient will be directed to an electronic address, or a link will be provided to the unsubscribe page.

Excluded CEMs

There are some CEMs that are excluded from the application of CASL. These exclusions include instances when the CEM is sent:

- Internally within the CLHA between employees, and the message concerns the activities of the CLHA.
- In response to a request, inquiry, complaint, or is otherwise solicited by recipient.
- To the recipient to satisfy a legal obligation or to enforce a legal right.

If the CLHA is sending a CEM that falls under one of the above categories, the CLHA is not obligated to obtain consent, and the CEM does not have to include any of the content that would typically be required to be included under CASL.

Direct Questions and Concerns to the Privacy Officer

Any questions or concerns relating to this Anti-Spam Policy should be directed to the CLHA's Privacy Officer. The Privacy Officer can be contacted at 13163-146 Street, Edmonton, Alberta, T5L 4S8, or at 780-484-8886