

OCAS Plan for CASL Compliance

As CASL (Canadian Anti-Spam Legislation) comes into effect July 1, 2014, OCAS has examined how consent will be collected to send Commercial Electronic Messages to applicants, under what circumstances this consent is needed, and what consent OCAS may be able to collect on behalf of colleges. While we understand that the colleges would like OCAS to collect express consent on their behalf within the application, we have determined that this will not be possible to implement in the immediate future. Instead, we will make use of the concept of a "referral", as defined in the legislation, to pass applicant email addresses to the colleges, which will allow the colleges to request the applicant's consent.

Consent to be collected in the application

OCAS will be adding a new page to the online application, after the Privacy Statement, titled "Email Communications". This page will outline for the applicant the types of emails they can expect to receive from OCAS and the Colleges, and give them the opportunity to opt in to some types of emails that require consent under CASL legislation. There are three components to this page (mock-up attached below for your reference):

1) Consent for OCAS to send Commercial Email Messages:

OCAS will be collecting express consent from applicants to send them our marketing materials. Note that this consent will only cover emails sent by OCAS. The following paragraph and checkbox will be presented to applicants to collect this consent:

- ☐ I would like to receive electronic messages from ontariocolleges.ca (OCAS Application Services, Inc.) including invitations to participate in surveys, contests, special promotions, and newsletters. I may withdraw my consent at any time.

2) Referrals for Colleges to send Commercial Email Messages:

Commercial emails are any email messages that promote or encourage commercial activity, e.g., marketing pieces, fundraising, contests, etc. Under CASL, implied or express consent is required to send this type of email.

CASL states that consent may be implied where there is an existing business relationship between the sender and the recipient. The Colleges may make their own judgment, with legal counsel, as to what constitutes implied consent for an applicant and when that consent begins.

At this time, OCAS will not be collecting express consent on behalf of the Colleges. However, OCAS will be collecting referrals from applicants that will allow each College to reach out to any applicant



who has selected that College as a choice in their application (whether or not the application has been completed).

Under CASL, a referral means that the applicant has expressed interest in the College, and it gives the College one opportunity to reach out to the applicant by email, inviting that applicant to give express consent to continue receiving commercial emails from the College. The referral email sent by the College must mention that the applicant is receiving this message because they were referred by ontariocolleges.ca (OCAS Application Services, Inc.). If the applicant does not respond to give express consent, the College may not continue sending commercial messages to that applicant (unless and until implied or express consent is otherwise given).

The following checkbox will be presented to applicants to collect this referral:

- ☐ I am interested in receiving more information from the College(s) which I select as choices in my application. Each College I select may send me an initial electronic message, requesting my consent to receive future electronic messages from the College, which may be commercial or promotional in nature. I give permission for OCAS Applications Services, Inc., to provide the applicable College(s) with my email address, so that the College(s) can send me this message.

Note that under CASL, this box must be unchecked by default. For each applicant, we will record in our database whether or not they chose to check the box.

The status of this checkbox will be a new field included in the existing "Unpaid Applicant Report", available to Colleges on request. In other words, for each applicant in the report, we will indicate whether or not the College may send a referral email to that applicant. Bear in mind that CASL applies only to electronic messages. Colleges may still reach out to any unpaid applicant by telephone or traditional mail. If there is interest, OCAS may also create a new report that contains all applicants that have opted in to referrals to a College, both paid and unpaid. Note that this information about referrals will not be included in the Coltrane files.

The onus will then be on each College to collect and manage express consent for their own contacts, whether those contacts enter their lists as college customers, or via a referral from OCAS.

3) Transactional emails from OCAS and the Colleges

Transactional emails are email messages that relate directly to a business transaction being conducted with an applicant, e.g., processing their application and registration. No express consent is required to send applicants transactional emails such as offers of admission, payment notifications, etc. OCAS can begin sending applicants transactional emails as soon as an applicant creates an account, and the Colleges may begin sending transactional emails as soon as an applicant has paid for their application and appears in the Coltrane file. The following paragraph will be

presented to applicants on the new Email Communications page to apprise them of these transactional emails:

Please note that in order to process your application and registration to an Ontario college, ontariocolleges.ca and the college(s) you apply to will need to send you emails related to your application and your acceptance at the college(s) of your choice. You will continue to receive these transactional emails regardless of the options you select above.

This paragraph is not required by CASL, but is simply provided as a courtesy, and to clarify that applicants cannot opt in or out of these important emails.

Timing for these changes

The new "Email Communications" page will be added to the Application to College in October 2014. All new applicants after this time will see this page, asking them to opt in to the College referral, as they go through the account creation process.

We will not be able to give colleges referrals from past application cycles, as this information was not collected in the past. However, if an applicant with an existing account logs in again after the new Email Communications page is added, they will see the new page and have the opportunity to opt in to the college referral.

Future Opportunities for Centralized Consent

The possibility of OCAS collecting centralized consent on behalf of the colleges has come up in prior discussions around CASL. While the legislation does allow for this type of coordinated collection of consent, the system integration and programming effort required is currently beyond OCAS' resource and financial project capacity. However, we are willing to continue to explore options going forward, if desired.

For further information about OCAS' plans for CASL compliance, please contact:

Paul Wemyss
Director, Service Delivery
wemyss@ocas.ca



[Mock-up of new page to be added to secure application]



Email Communications

If you would like to receive email from ontariocolleges.ca and Ontario's public colleges, please check the boxes below:

- ☐ I would like to receive electronic messages from ontariocolleges.ca (OCAS Application Services, Inc.) including invitations to participate in surveys, contests, special promotions, and newsletters. I may withdraw my consent at any time.
- ☐ I am interested in receiving more information from the college(s) which I select as choices in my application. Each college I select may send me an initial electronic message, requesting my consent to receive future electronic messages from the college, which may be commercial or promotional in nature. I give permission for OCAS Applications Services, Inc., to provide the applicable college(s) with my email address, so that the college(s) can send me this message.

Submit

Please note that in order to process your application and registration to an Ontario college, ontariocolleges.ca and the college(s) you apply to will need to send you emails related to your application and your acceptance at the college(s) of your choice. You will continue to receive these transactional emails regardless of the options you select above.

For further information about our communications, please contact ontariocolleges.ca:

60 Corporate Court, Guelph, Ontario, Canada | 1.888.892.2228 | Ask-Us@ontariocolleges.ca

[Contact Us](#) [Privacy Statement](#) [Terms of Use](#) [FAQ](#)



© 2013 ONTARIO COLLEGE APPLICATION SERVICE



BRINGING COLLEGES AND APPLICANTS TOGETHER
June 27, 2014