

FAQS ABOUT THE ANTI-SPAM LAW IN CANADA AND HOW IT AFFECTS ZOLO

Zolo Realty, Brokerage (“**Zolo**”), is committed to ensuring compliance with Canada’s Anti-Spam Legislation (“**CASL**”). This legislation must be considered by every Zolo employee, contractor, agent or third party sending commercial electronic messages. It affects electronic messages in Canada.

The following points are intended to answer some of your questions about CASL.

What type of electronic messages are captured by CASL?

- CASL concerns email message content that is commercial in nature, including but not limited to the marketing of a product or service; messages intended to generate a profit or revenue, advertising, selling or promoting a sale. These messages are referred to as commercial electronic messages or CEMs.
- CASL is intended to control electronic messages, and is not limited to email. CASL also includes text and instant messaging, and direct messages sent via social media.
- A general post of a commercial nature on social media such as on a Facebook page or Twitter feed is not a violation of CASL and is not governed by CASL.
- Commercial electronic messages or CEMs must follow the requirements of CASL unless the message falls under an exemption under the legislation. If not, then there must be express or implied consent from the recipient before the CEM can be sent.

Who is captured by CASL?

- CASL governs Zolo but also individuals who are acting on behalf of Zolo, such as employees, contractors and agents.

Is there an exemption for the CEM?

- There is list of messages that are exempt from CASL that includes:
 - Zolo employees to other Zolo employees about Zolo’s business activities;
 - Zolo employees to another company that has a relationship with Zolo, about the activities of that other company;
 - Zolo employees in response to requests, inquiries or complaints;
 - Zolo employees to existing customers and clients about upgrades to products, warranty, safety or recall information, shipping confirmations, directly related to delivering a product, good or service, ongoing use for a good or service, purely informational or educational (with no commercial purpose) messages, quotes or estimates that have been requested; and,

- Zolo employees that are employment related such as messages about hiring, managing or terminating the employment relationship or managing the post-termination relationship.

Do you have express or implied consent to send the CEM?

- **Express consent** - the recipient has to specifically opt in and consent to having the CEM sent before it can be sent (e.g., you cannot have a pre-checked box that the recipient would have to check off to opt out; rather, they need to openly express consent by actively clicking on an empty box).
 - If this consent was not received before July 1, 2014 then you cannot send an electronic message seeking express consent. Consent can be provided, for example, over the phone, in hard copy or by completing a form on a website.
- **Implied consent** - there is a two-year maximum for implied consent through the existing business relationship provisions of CASL. If a customer or client has made a purchase or entered a business contract with Zolo, then Zolo employees can send a CEM to that organization for up to two years following that transaction or agreement unless the recipient opts out or otherwise requests not to receive CEMs from Zolo.
 - If an individual has made an inquiry or request, then Zolo employees can send a CEM to that individual for up to six months from that date unless the recipient opts out or otherwise requests not to receive CEMs from Zolo.
 - If an individual has provided a business card to a Zolo employee or has his/her name and title on the organization's website, then the Zolo employee can send CEMs directly related to that individual's business unless the recipient has opted out or otherwise requests not to receive CEMs from Zolo.
- It is up to Zolo or the Zolo employee as the case may be to prove consent if consent was ever challenged.
- If your CEM is not subject to an exemption and you do not have express or implied consent of the recipient to send the CEM, you must not send the CEM.
- If you have any questions about consent, exemptions or whether your message is a CEM, contact Kevin Ali, Vice President, Operations, before sending the electronic message.

What are the CEM Content Requirements?

- If you are sending a CEM and have consent, either express or implied, the CEM must include the following content requirements:
 - the name of the person/organizations sending the message and any other senders on whose behalf the message is being sent;

- contact information, including a mailing address, and any of a phone number, email address or website address;
- unsubscribe feature that is easy to use, open for 60 days and if activated then the unsubscribe must happen within 10 days.
- CEMs cannot have misleading information in the message or subject line so be mindful of your attempts to attract readers (e.g. best product in the west).
- Watch for hyperlinks or links to other websites contained in your message as that link could be a CEM (e.g., a survey with a link to the company's website selling survey services).

Who should I contact if I have additional questions?

- If you have any questions or concerns as to whether an electronic message is a CEM, is subject to CASL or regarding the specific requirements under the legislation, please contact Kevin Ali, Vice President, Operations, at kevin.ali@zolo.ca.
- You are receiving this document because you are a Zolo employee, contractor or agent. You cannot distribute, publish, share, transfer or forward this document without the express advance approval of Kevin Ali, Vice President, Operations.