

# SPAM Policy

## Section 1 - Key Information

<b>Policy Type and Approval Body</b>	Administrative – Vice-Chancellor
<b>Accountable Executive – Policy</b>	Chief Information Officer
<b>Responsible Manager – Policy</b>	Senior Manager, Security, Risk and Compliance
<b>Review Date</b>	14 May 2027

## Section 2 - Purpose

(1) La Trobe University is committed to ensuring that the [SPAM Act 2003](#) is not breached. As an educational institution, the University has special exemptions under the Act in relation to the sending of unsolicited commercial electronic messages.

## Section 3 - Scope

(2) This Policy applies to:

- a. All campuses
- b. All Staff
- c. All Schools, Departments, Divisional Units and external partners e.g. Navitas/API

## Section 4 - Key Decisions

<b>Key Decisions</b>	<b>Role</b>
Action unsubscribe requests received from recipients upon request	Business area responsible for sending message

## Section 5 - Policy Statement

(3) All members of the University are bound by the [SPAM Act 2003](#). The Act and the [Use of Computer Facilities Statute 2009](#) prohibit the sending of SPAM.

(4) The [SPAM Act 2003](#) regulates the sending of one or more commercial electronic messages and prohibits the use of address harvesting software and harvested address lists.

(5) It is prohibited to send unsolicited commercial electronic messages without consent. This applies to messages with an Australian link, either originating in Australia or with an Australian destination, or if the device used to access the message is in Australia.

(6) There is an exemption for educational institutions. Unsolicited commercial messages may only be sent to an electronic account-holder if the following conditions have been met:

- a. the sending of the message is authorised by an educational institution; and
- b. either or both of the following subparagraphs applies:
  - i. the relevant electronic account-holder is, or has been, enrolled as a student at the University;
  - ii. a member or former member of the household of the relevant electronic account-holder is, or has been, enrolled as a student at the University; and
- c. the message relates to goods or services; and
- d. the University is the supplier, or prospective supplier, of the goods or services concerned.

(7) Where any commercial electronic messages that are sent by the University must include a functioning Unsubscribe facility and/or instructions at the end of each message. Unsubscribe requests must be actioned upon request and within a reasonable timeframe by the sender of the message. The messages must also have clear and accurate sender information.

## Section 6 - Procedures

(8) Nil.

## Section 7 - Definitions

(9) For the purpose of this Policy:

- a. Electronic Message:
  - i. a message can be text, graphics or a combination of those;
  - ii. using an internet or other carriage service such as the internet or a mobile telephone service;
  - iii. to an electronic address (eg: Email addresses or telephone numbers);
  - iv. includes email, SMS, MMS, Instant Messaging and similar services;
  - v. voice Calls using standard telephone services are excluded.
- b. Commercial Electronic Message:
  - i. an Electronic message which has a commercial purpose;
  - ii. includes an offer to supply or sell goods or services or to advertise or promote goods;
  - iii. includes for example and email sent offering to supply or promote educational services or business opportunities.
- c. Unsolicited: Unasked for or sent without prior consent.
- d. SPAM: Unsolicited commercial electronic messages.
- e. Electronic account-holder: The individual or organisation that is responsible for the messaging account. This may be an email address or a telephone number.

## Section 8 - Authority and Associated Information

(10) This Policy is made under the [La Trobe University Act 2009](#).

(11) Associated information includes:

- a. [Australian Communications and Media Authority – Avoid sending spam](#)

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	1st November 2016
<b>Review Date</b>	14th May 2027
<b>Approval Authority</b>	Vice-Chancellor
<b>Approval Date</b>	24th October 2016
<b>Expiry Date</b>	Not Applicable
<b>Responsible Manager - Policy</b>	David Hird Senior Manager, Digital Records
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