



# national do not call list



## information about exempt calls

Canada's National Do Not Call List takes effect on **September 30, 2008.**

it's your responsibility



1-866-580-3625 (DNCL)

[www.LNNTTE-DNCL.gc.ca](http://www.LNNTTE-DNCL.gc.ca)

## What kinds of calls are exempted from Canada's new National Do Not Call List?

*While every organization that makes telemarketing calls is required by law to respect the National Do Not Call List, there are exceptions that may apply to your organization.*

### How do I know if my organization is exempted from the List?

No organization is exempted from the National Do Not Call List (DNCL). But certain kinds of calls are. If you make unsolicited calls for registered charities, political parties, to conduct public opinion surveys or offer newspaper subscriptions, for example, your calls are exempted. But don't assume. Get the full details about exempted calls at <http://www.LNNTTE-DNCL.gc.ca>. Importantly, organizations making exempted calls often also make calls that do fall under the National DNCL, and in those cases they must subscribe

### Why have a National Do Not Call List, anyway?

Many Canadian consumers have a strong desire to protect their privacy. The National Do Not Call List helps them do so by preventing unwanted telemarketing calls. Consumers must sign up to have their cellular, home phone or fax numbers included on the List, and must renew their registration every three years. Once consumers register, their information is added within 24 hours. For each new registration, telemarketers have a 31-day grace period to update their own calling lists.

### I'm not a telemarketer, am I?

If your organization uses telecommunications technologies to make unsolicited calls or send faxes to consumers for the purpose of solicitation, then you are a telemarketer. Solicitation is the act of selling or promoting a product or service—or requesting money or 'money's worth'—directly or indirectly, for oneself or for another party. A charitable organization may hire a third-party agency to conduct fundraising calls on its behalf and both parties are liable for any broken telemarketing rules. Telemarketing covers a wide range of activities, from sales to calls for charitable donations. As a result, any organization has the potential to be a telemarketer. That's why it's important for all organizations to learn about the National DNCL and Canada's Unsolicited Telecommunications Rules.

### What are the Unsolicited Telecommunications Rules?

The CRTC has had rules governing unsolicited telecommunications since 1984. These remain effective in addition to the National DNCL—with new enhancements coming into force on September 30, 2008. The unsolicited call rules include time-of-day restrictions, calling protocols such as informing consumers who you are and why you're calling, and also cover the use of Automatic Dialing and Announcing Devices. You can find the full set of Unsolicited Telecommunications Rules at <http://www.LNNTTE-DNCL.gc.ca>.

## What are the responsibilities of organizations making exempt calls?

*Making sure you keep your own do not call list—and abiding by the updated national Telemarketing Rules. Remember, it's your responsibility.*

### Do all telemarketers have to register with the National DNCL operator?

As of September 30, 2008, registration is mandatory for every organization engaged in telemarketing. Registration is free. If you are making exempt calls only, you do not have to subscribe to the National DNCL.

### Do I need to maintain my own do not call list?

Yes. Even if you are making an exempt call, the consumer can ask not to be contacted—at which time you must add their name and number to your own do not call list. According to Canada's existing Unsolicited Telecommunications Rules, you are obligated to respect these consumers' wishes and maintain your own do not call list.

### What if I'm a business and my existing customers are on the List?

If your organization has done business with a consumer in the last 18 months, you're free to call that individual even if he or she is on the National DNCL. But only for those 18 months after your last transaction. After that time, you cannot call unless the consumer consents otherwise. If that person asks you not to call them, you must add their name and number to your do not call list.

### What are the consequences if I don't comply?

The CRTC has new enforcement powers and can penalize telemarketers found to be in violation of the National Do Not Call legislation or the Unsolicited Telecommunications Rules. Starting September 2008, penalties of up to \$1,500 for an individual and up to \$15,000 for a corporation may be levied per infraction. If you are able to prove that a call resulted from legitimate error—and that you exercised due diligence to prevent the violation—the judgment may be overturned. You are also entitled to take your case to the Federal Court. For more information on the appeal process, download *Telecom Decision CRTC 2007-48* at <http://www.LNNTTE-DNCL.gc.ca>.

### It's your responsibility

Make sure you know how Canada's National Do Not Call List affects you. Working together, we can ensure the privacy of all Canadians is respected—and at the same time permit business to continue.

### Exempt caller checklist

If you engage in telemarketing for purposes other than solicitation, you may be exempt from the List. Remember:

- Non-compliance can result in significant financial penalties—so be sure you understand your responsibilities fully before September 2008.
- If you think your calls may be among those exempted from the List, get confirmation by getting the full details on exemptions at <http://www.LNNTTE-DNCL.gc.ca>.
- Even if you are exempted from the National DNCL you are still required to maintain your own do not call list.
- Every call made to consumers must follow Canada's Unsolicited Telecommunications Rules including identifying the purpose of the call to the consumer.

*The Canadian Radio-television and Telecommunications Commission (CRTC) will launch the National Do Not Call List (DNCL) in September 2008. Bell Canada was contracted to act as the National DNCL operator, and will be responsible for registering numbers, providing telemarketers with up-to-date versions of the List, and handling consumer complaints about telemarketing calls.*