



# national do not call list



## information for Telemarketers

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

it's your responsibility



1-866-580-3625 (DNCL)

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

## Are you ready for the launch of Canada's National Do Not Call List?

*It introduces new responsibilities for Canada's telemarketers, regulators and even consumers. We'll help you understand the part you have to play.*

### Am I a telemarketer?

If your business 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. If an organization hires a third-party agency to make telemarketing calls on its behalf, the agency then becomes subject to telemarketing rules and regulations. This 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 Do Not Call List (DNCL).

### Why a National Do Not Call List?

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 National DNCL, and must renew their registration every three years. Once consumers register to be on the National DNCL, their information is added within 24 hours. For each new registration, telemarketers have a 31-day grace period to update their own calling lists.

### Do all telemarketers have to subscribe to the National DNCL?

As of September 30, 2008, subscription is mandatory by law for every organization engaged in telemarketing, including those who hire a third party to make calls for them. In addition, telemarketers must make sure their own calling lists are current and accurately capture the information in the National DNCL, which is updated continually.

### Are any organizations not required to subscribe?

Many kinds of calls are exempted from the National DNCL—those for charitable donations, political parties, public-opinion surveys and calls for newspaper subscriptions, for example. As well, if an organization has done business with a consumer in the last 18 months, it is free to call that individual even if he or she has registered their number on the National DNCL. Once 18 months have passed since the last transaction, however, this expires unless the consumer consents to further calls. Importantly, organizations making exempted calls often also make calls that do fall under the National DNCL, and in those cases they must subscribe. It's not the organization but rather the type of call that is either exempt or not. Learn more about exemptions by reading *Telecom Decision CRTC 2007-48*.

### What are the benefits to my company?

The National DNCL filters out consumers who do not want to receive unsolicited calls. This helps ensure that the households you do contact are more likely to be receptive—streamlining your calling process and potentially improving overall response rates.

## What are your responsibilities as a telemarketer when the new Do Not Call List takes effect?

*Making sure you do not call listed numbers—and abiding by the updated Unsolicited Telecommunications Rules—it's your responsibility.*

### How do I subscribe?

As of September 30, 2008, go to <http://www.LNNT- DNCL.gc.ca> and register your organization. You may subscribe to the complete List or just to the area codes of regions where you wish to conduct business; you may choose to download updates daily, annually or at another interval of your choosing. The subscription models are flexible, and your fees will depend on the specifics of the one you choose.

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

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

### What are the Unsolicited Telecommunications Rules?

The CRTC has had rules governing unsolicited telecommunications since 1984. These remain in effect in addition to the National DNCL—with new enhancements coming into force on September 30, 2008. The Unsolicited Telecommunications 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 rules at <http://www.LNNT- DNCL.gc.ca>.

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

Under the National DNCL, the CRTC has new enforcement powers and can penalize telemarketers found to be in violation of the National Do Not Call List legislation or the Unsolicited Telecommunications Rules. Penalties of up to \$1,500 for an individual and up to \$15,000 for a corporation per infraction may be levied. If you are able to show 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, you can download *Telecom Decision CRTC 2007-48* at <http://www.LNNT- DNCL.gc.ca>.

## Subscribe today

Make sure you're ready when Canada's National Do Not Call List takes effect. Beginning on September 30, 2008 you can subscribe to the List at <http://www.LNNT- DNCL.gc.ca>. Working together, we can ensure the privacy of Canadians is respected—and at the same time allow business to continue.

### National Do Not Call List checklist

If you engage in telemarketing for the purpose of solicitation, or hire an agency to do so for you, then you **must** subscribe to the List. Remember:

- Non-compliance can result in significant financial penalties—so be sure you understand your responsibilities fully before September 30, 2008.
- You are responsible for making sure any numbers you call are not registered on the National DNCL.
- If you think your calls may be among those exempted from the List, refer to the full details on exemptions at <http://www.LNNT- DNCL.gc.ca>.
- The National DNCL does not eliminate your responsibility to maintain your own do not call list
- Every call made to consumers must follow Canada's Unsolicited Telecommunications Rules.

*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.*