

# NATIONAL DO NOT CALL LIST

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(Revised)

For Advisor Use Only

# National Do Not Call List (DNCL)

Effective September 30, 2008, the Canadian Radio-Television, Telecommunications Commission (CRTC) established rules that telemarketers and organizations who hire telemarketer must follow. These rules are called the Unsolicited Telecommunication Rules.

The DNCL allows an individual to register telephone or fax numbers on the DNCL.

A telemarketing call cannot be made to a registered number unless the caller has express consent or falls within one of the exemptions.

It is administered by Bell Canada, the appointed National DNCL operator.

# How it Works

- Consumers register eligible phone numbers by calling a toll-free number or via the internet
- Consumers can register a maximum of three numbers at a time
- Telemarketing calls cannot be made to a registered number
- Registration does not expire
- There is no cost to consumers to register

# Who is a Telemarketer?

According to the CRTC rule, A “**telemarketer**” is an “organization or person that conducts telemarketing either on its own behalf or on behalf of other organizations or persons”. They define “**telemarketing**” as the use of telecommunication technologies to make unsolicited telecommunications for the purpose of solicitation.

The requirement to register applies to all telemarketers, regardless of the nature of the business, for example, whether incorporated or not or a sole proprietor.

Most businesses, including advisors, are considered telemarketers under the Rules

# General Exemptions

- There are a number of general exemptions to the Rules such as:
  - registered charities
  - political parties for elections and campaigns
  - surveyors
  - solicitations for subscription to newspapers
- An **existing business relationships** that has been formed between the person making the call and the person to who the call is made, arising from:
  - purchased services or product, within 18 months of call;
  - has made an inquiry or application within 6 months of the call;
  - has an existing written contract; or,
  - had a contract with the advisor that expired within 18 months of the call.

# General Exemptions (Con't.)

## **Calls to a Business**

- Calls to telemarket a business are exempt from the DNCL Rules if the intent of the call is to telemarket a product or service to the business.

## **Transfer of Book of Business**

- A call to a client to provide information about a transfer of book of business does not fall under the definition of telemarketing as no solicitation is involved.

## **Calls from a Personal Relationship**

- A call based on a personal relationship, although not falling under an exemption, will be a potential defence to any complaint, if made to a registered telephone number.

# Referrals and Cold Calls

- Personal referrals are **NOT EXEMPT**
  - Before calling the potential client, an advisor must obtain that person's express consent or run a query against the DNCL to determine if the number is registered.

## Express Consent

- Unless an exemption applies, advisors need express consent from a client prior to calling them if they have registered the number to be called on the DNCL. Consent will override registration on the DNCL.

# Telemarketer Registration

- Registration for telemarketers was required September 30, 2008 and is effective for one year.
- Advisors need to register on an annual basis.
- There is no fee to register.
- To register go to <http://www.LNNTE-DNCL.gc.ca>.



# Purchase Subscriptions

- Two types of purchase subscriptions:
  1. Download Subscriptions: allows you to download a file containing a list of numbers that are registered on the National DNCL to compare to your calling list (single or multiple area codes)
    - Various time periods are available
  2. Query Subscriptions: allows you to check up to 100 numbers at a time to determine if those numbers are on the National DNCL

# Internal Do Not Call List

- Telemarketers are required to maintain their own DNCLs and honour any requests made to them directly.
  - This also applies to calls that would be otherwise exempt
- If a client specifically requests you do not call them, you must record their name and number on your own list and refrain from calling them.
- Express consent is required to call them in future.

# Other Telemarketing Rules

- Identification Requirement:
  - At onset of call, telemarketers must identify the person making the call, name of the telemarketer on whose behalf the call is being made (if applicable) and the name of the organisation making the call (if applicable)
  - Must also state purpose of the call if it falls within one of the exemptions
- Restricted hours:
  - Hours for calls to both voice and fax are restricted to 9AM to 9:30 PM on weekdays and 10AM to 6PM on weekends

# Non-Compliance: What happens?

- Consumers have 14 days from the date of a call to file a complaint with the National DNCL operator
- The operator will assess the complaint and, if it is valid, forward to the CRTC for handling
- the CRTC can penalise telemarketers found to be in violation of the legislation
  - Penalties of up to \$1,500 for an individual
  - Penalties of up to \$15,000 for a corporation (advisors working under a corporate name fall into this category)

# What Telemarketers Need to Do

- Register with the National DNCL operator
- Purchase a subscription for area codes you intend to call
- Use the lists and check against those you intend to call
- If someone you intend to call is on the list do not call them unless it falls under an exemption or you have express consent
- Maintain internal call list for those who have specifically requested you not to call
- Maintain records of your subscription, registration and proof of payment of fees

# Resources

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

# Important Notes

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