



CAPAPA
Canadian Association of Professional
Access and Privacy Administrators

Quick Tips

a publication of the
Canadian Association of Professional Access and Privacy Administrators



Don't Call Us...We'll Call You: Canada's Do Not Call List

Canada's "Do Not Call" list went live in September 2008. Bill C-37, An Act to Amend the Telecommunications Act, passed in 2005, permits the Canadian Radio-television and Telecommunications Commission (CRTC) to administer databases

"to prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications to the extent that the Commission considers it necessary to prevent undue inconvenience or nuisance, giving due regard to freedom of expression."

The law also establishes penalties of \$1500 for an individual, and \$15,000 for a corporation that contravenes any of specific prohibitions or requirements of the "do not call" law.

Exceptions Allowed

Even if a phone number is on the Do Not Call list, the law allows several exceptions. Unsolicited telemarketing calls will continue from registered charities and

companies calling on their behalf, political parties, newspapers (that publish at least weekly), survey companies, and companies with a prior business relationship.

The law also does not address telemarketing calls that originate outside Canada. The American FTC's Do Not Call list does not accept Canadian area codes, so American fraudsters can continue to call Canadians with impunity.

What To Do

Organizations exempt under Canada's Do Not Call law may continue to call, but they must remove numbers from their lists if specifically requested to do so.

Dr. Michael Geist, a law professor at the University of Ottawa who serves on the Privacy Commissioner of Canada's Expert Advisory Board, recently launched **iOptOut.ca**, a self-serve website where Canadians can create and maintain their personal do-not-call list.

Several leading associations, including the Canadian Marketing Association and the Canadian Bankers Association, complained to the CRTC about ioptout.ca, and contended that Do Not Call requests made through ioptout.ca or other third parties do not have to be honored. The CRTC rejected the complaints and determined that Do Not Call requests made through third parties do indeed have to be honored.

To reduce the number of calls you receive from exempted telemarketers, or to add organizations and their opt out email addresses, visit <http://ioptout.ca>.

How It Works

CRTC Decision 2004-35 required that telemarketers process a do not call request at the time of the telemarketing call and that telemarketers must provide a consumer with a unique registration number to confirm a do not call request.

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