



March 27, 2006

To the Secretary General  
CRTC  
Ottawa, Ontario  
K1A 0N2

RE: Telecom Public Notice CRTC 2006-4  
Proceeding to establish a do not call list framework and to  
review the telemarketing rules

1. I am writing on behalf of the Canadian Association of Financial Institutions in Insurance (CAFII) with regard to Public Notice CRTC 2006-4. CAFII membership is comprised of insurance companies licensed in all Canadian jurisdictions, which provide life, property and casualty, travel, creditor, reinsurance and other insurance products and services. CAFII members serve a major share of the Canadian insurance marketplace, collectively protecting more than 10 million Canadians. CAFII members use a variety of distribution channels to market products and interact with customers. These channels, which include call centers and the Internet, provide a cost effective alternative to the traditional broker system for consumers to purchase insurance.
2. CAFII would like to preface its remarks by noting that most issues with telemarketing arise from a few firms which do not adhere to telemarketing guidelines, rules and DNC lists. Such firms may actually disappear when problems occur and restart business under another name. Tightening of rules and DNC lists will not protect consumers from these firms but may have negative impacts on other reputable firms that are in compliance with guidelines and respect DNC lists. The Canadian Marketing Association has done a good job of coordinating a DNC program in which most reputable firms have participated.
3. We offer our comments in reference to the section numbers in Telecom Public Notice CRTC 2006-4
4. Paragraph 20 and 35, Rates: These sections discuss the ability of the DNCL operator to charge rates. CAFII recommends that rates be charged to telemarketers using an annual membership fee structure.
5. Paragraph 35, Operational Issues Regarding the DNCL:  
Maintenance of DNC List: CAFII seeks clarification as to how individuals will get their name on the National DNCL list. If a person who is called asks to be put

on the DNC list, is it incumbent on the company to pass on the information to the National DNCL operator? CAFII recommends that this should be the responsibility of the individual so that they can satisfy themselves that notification has taken place.

Access to DNCL: CAFII recommends the DNCL be made available on a monthly basis to all participating companies and provided in the companies communication format of choice ( e.g. disk, paper )

DNCL Time limitation: CAFII suggests that names be on the DNCL list for a specified period of time; CAFII recommends three years from date of request, with the onus on individuals to renew their request and update the information. This will ensure that the DNCL does not become outdated with numbers which are no longer in service due to moves and other demographic changes.

6. Paragraph 40, Exemptions from the Rules: CAFII recommends that it is important for companies to have as few restrictions as possible with respect to communication with clients. Clients expect to be kept informed of product developments and can express their views to companies about whether or not they wish to receive further marketing information. CAFII supports the Bill C-37 exemption for communication with existing clients. However, the definition of existing client should not deter communication with clients who have given express consent to be contacted with marketing information. As an example, a prospective client may request an insurance quotation at the expiry of their existing policy. The expiry and quotation could be more than 6 months passed the initial inquiry for a quotation. CAFII recommends that express consent to contact a client or prospective client should not be overridden by the DNCL list.

7. Paragraph 43, DNC lists: This section asks if telemarketers should be required to maintain their own DNC lists. This would seem to be a duplication which would add costs to the system, however such duplication will exist for certain telemarketers who have an exemption from the rules for contacting existing clients, so would be required to maintain their own DNC lists. There is the added issue that companies would need to check the National DNC list for those persons to whom the exemption did not apply (C-37 paragraph 41.7(1) (b) (ii) ie those who made a “do not call request in respect of the person or organization on whose behalf the telecommunication is made”. ) Clarification is needed on the various DNC lists and how and when they will be used.

8. Paragraph 45, Complaints: This section notes that the DNC operator will investigate complaints. CAFII recommends that the complaint process should require the complainant to provide the name of the company on whose behalf the call was made, and the particulars of the call such as date and time, in order to expedite the complaint resolution process.

9. Paragraph 47 (ii), Rules: CAFII does not support the majority of new requirements set out in the CRTC decision 2004-35 ( eg to give out unique identifying numbers for DNC requests, provide identification and telephone number before other information is

provided). It is important not to add length to a telemarketing call as the additional information can confuse the consumer and delay call completion.

10. Paragraph 47 (iv), Guidelines for penalties: CAFII members call for the rules to be clarified so that it is clear what constitutes a violation of the rules. As the rules, violations and penalties constitute a new regime for all participants it would be helpful to have guidelines on what will be considered a violation. Such guidelines would need to be updated and revised as experience is gained with the system. For example, is a call to an individual who is on the DNC registry a single violation or is it a single violation when a calling campaign uses a list which is past the grace period and subsequently calls multiple DNC individuals? CAFII recommends that dialing from a list which is past the grace period should be a single violation. Otherwise, there could be many violations in one day.

11. Paragraph 48, Grace period: Given that lists must be distributed and put into use by company telemarketing programs, it is important to allow a grace period during which calls made to persons on the DNCL list would not constitute a violation. CAFII submits that the time frame should be 90 days based on industry practice for pulling lists and disseminating the information to its programs and calling locations across the country.

12. Paragraph 48, Application of rules: The CRTC has asked if rules should apply to telemarketers making the calls, to the companies on whose behalf telemarketers are engaged, or to both. CAFII recommends that it is not the individual telemarketers but the company on whose behalf the calls are made who should be responsible. If a contract is outsourced, CAFII members, as regulated insurance companies, take responsibility for the outsourcing arrangement and will ensure that compliance with DNCL rules form part of the outsourcing agreement.

13. Paragraph 48, Voicecasting: CAFII members do not use voicecasting and have no comment on the practice. If clients have asked not to be contacted with marketing information, then no contact by mail or telephone has been made.

14. If you have any questions about this submission, please contact Anne Riley (a.riley@sympatico.ca) on this matter. CAFII appreciates the opportunity to provide comments on the National DNCL and telemarketing rules. We look forward to further involvement in the process.

Yours truly



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Chair