



March 24, 2006

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Gatineau, QC K1A 0N9

Dear Ms. Rhéaume:

Re: Public Notice CRTC 2006-4 – National Do Not Call List Framework

1. The Marketing Research and Intelligence Association—the voice of the market and survey research industry in Canada—is pleased to submit these comments to the Canadian Radio-television and Telecommunications Commission in response to the above-noted Public Notice.
2. MRIA applauds the Government and the Commission’s on-going efforts to enhance privacy and consumer rights in Canada. We believe the creation of a national Do Not Call List (DNCL) framework will make a significant positive contribution in that regard.

Establishment and Enforcement of the DNCL: Requirement to Effectively Communicate Exemptions to the Public

3. MRIA was an active participant in the consultations that led to the passage of Bill C-37, *An Act to Amend the Telecommunications Act*. The Bill, as adopted, states that the DNCL rules will not apply to certain exempted parties (as listed at paragraph 40 of Public Notice 2006-4). Legislators agreed to exempt survey research calls because they acknowledged that there are two key characteristics that define market and survey research and differentiate our work from that of the telemarketing industry:
 - i) legitimate survey researchers never attempt to sell anything; in fact, solicitation violates

the industry's rigorous Code of Conduct and Ethical Practices; and

- ii) survey research gives Canadians an opportunity to voice their opinions and to have influence on important issues related to public policy, as well as products and services, thereby serving a valuable societal purpose.
4. Clearly, the inclusion of survey research calls within the scope of the DNCL framework would have severely impeded market and survey research. Statistical reliability is essential to good research which, in turn, is essential to good decision-making. Limitations on the ability of researchers to conduct survey work would have a negative impact on the reliability of the information that decision-makers, in both public policy and corporate settings, will have at their disposal to make decisions that affect Canadians. Any such limitations were deemed by legislators to be a disservice to Canadians.
 5. U.S. regulators had previously reached the same conclusion as Canadian legislators. The Federal Trade Commission decided that the U.S. Do Not Call Registry should not apply to survey research calls. In fact, every State telemarketing registry that existed prior to the national U.S. Registry also excluded market and survey research.
 6. Our comments herein are based on our knowledge of the implementation of the U.S. Registry. One of the important lessons-learned based on the U.S. experience is the requirement to effectively communicate the existence of exemptions. We understand that in many instances, registrants to the DNC did not clearly understand the scope of the calling restrictions and were not aware of exemptions. This led to confusion and frustration when they continued to receive calls from exempted parties such as survey researchers.
 7. Given this experience in the U.S., MRIA proposes that the Commission consider developing a robust communications program to support the implementation of its DNCL framework. A successful program will be instrumental in the smooth implementation of the DNCL as well as in reducing unwarranted complaints of violations by exempted parties. In this vein, we would suggest that individuals be notified of the exemptions immediately upon registering to the DNCL.
 8. We believe that defining the parameters of such a communications program could fall under the purview of the DNCL operations CISC Committee, of which MRIA is a member.

Specific Issues

9. With respect to the specific issues outlined in paragraph 48 of Public Notice 2006-4, MRIA recommends that the DNCL rules apply to telemarketers making the calls as well as to the companies on whose behalf telemarketers are engaged.
10. MRIA also strongly recommends that the DNCL rules apply to voicecasting calls.

Closing

The Marketing Research and Intelligence Association is a Canadian not-for-profit Association representing all sectors of the survey research industry. Our members include over 1,600 individual research professionals, small to large research agencies, and many buyers of research services, such as financial institutions, major retailers, insurance companies, telecommunications firms, and manufacturers.

MRIA appreciates this opportunity to present the views of the market and survey research industry on this important initiative. We may provide further comments as the proceedings evolve and as more detailed information on the DNCL is released.

Respectfully submitted,



Don Mills, President

The Marketing Research and Intelligence Association

For more information, contact Brendan Wycks, Executive Director

MRIA National Office:

4-2600 Skymark Avenue, Suite 104

Mississauga, Ontario L4W 5B2

Tel: 905-602-6854

Fax: 905-602-6855

Toll free number 1-888-602-6742

bwycks@mria-arim.ca

www.mria-arim.ca

MRIA Survey Registration System: 1-800-554-9996

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