

# **The National Do Not Call List**

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# Agenda

- 1. Overview of regulatory framework**
- 2. Impacts on businesses**
- 3. Getting ready**
- 4. Lessons learned from U.S. experience**
- 5. Bell can assist**

# The new regulatory environment

**CRTC acting on mandate from parliament to establish National Do Not Call list (DNCL) ;**

## **Legal framework now in place**

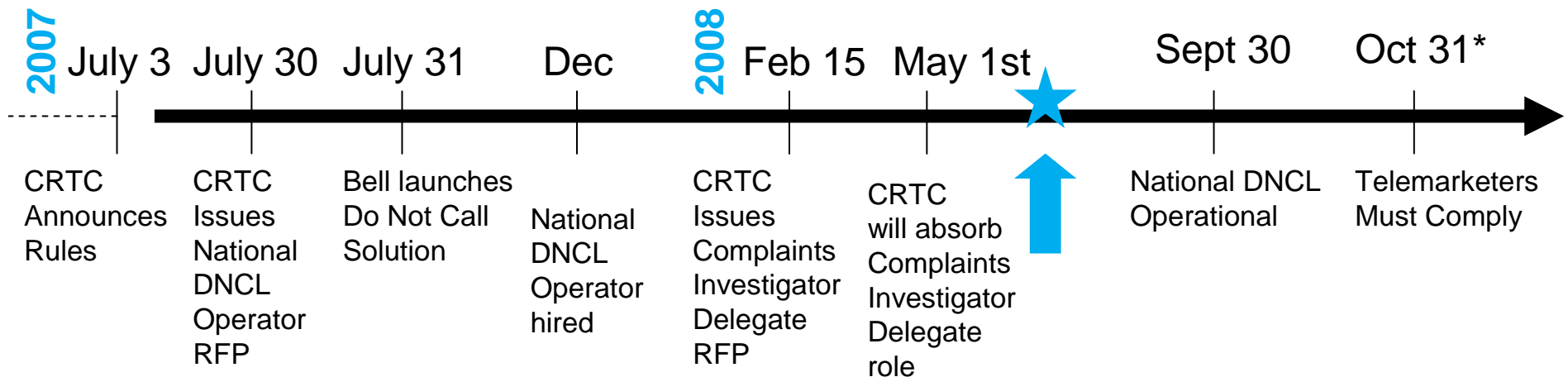
- Changes to the Telecommunications Act
- Additional powers to the CRTC to regulate telemarketing

**All businesses that market to consumers via the telephone will be required to comply or risk facing financial penalties of up to:**

- up to \$15,000 per offending call for corporations
- up to \$1,500 per offending call for individuals

<http://www.crtc.gc.ca> [www.LNNTTE-DNCL.gc.ca](http://www.LNNTTE-DNCL.gc.ca)

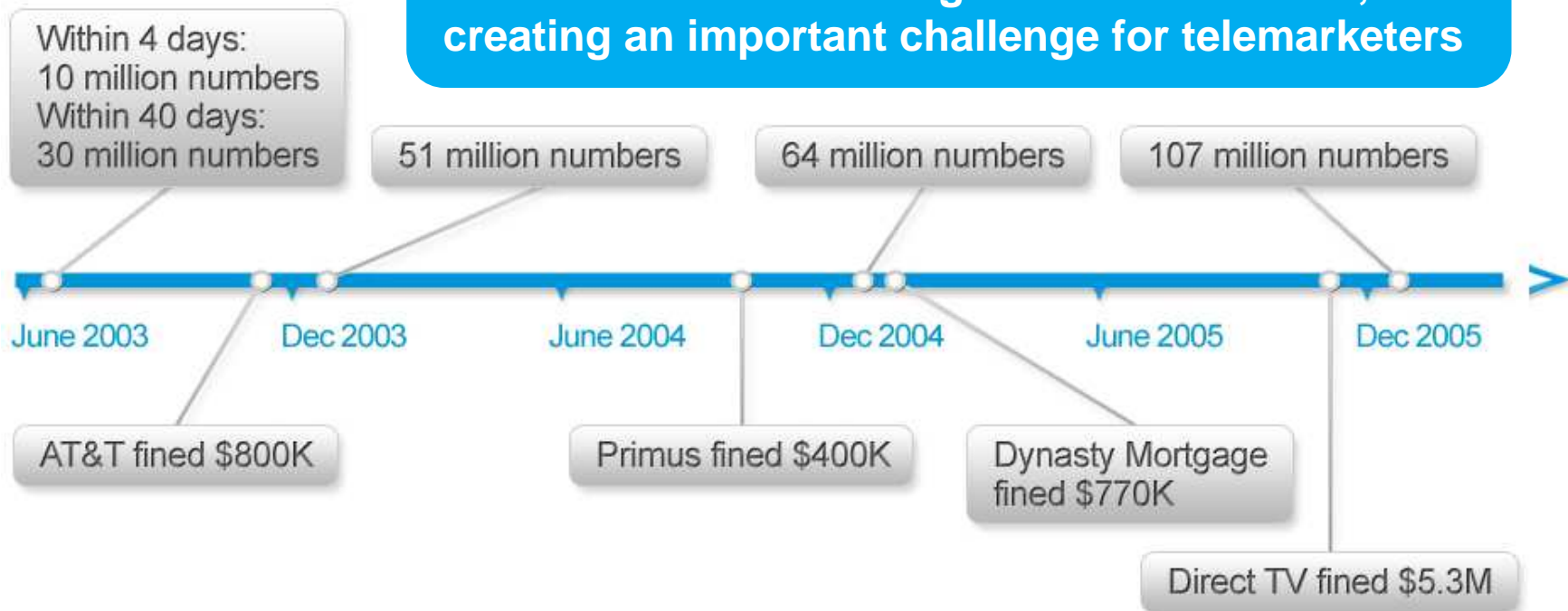
## National DNCL timeline



The National DNCL framework requires all Canadian companies to comply within 31 days of the list being operational. The list will be launched by September 30, 2008.

## US experience

As soon as the US National Registry was in place, consumers rushed to register their numbers, creating an important challenge for telemarketers



Legislation led to strong, immediate reaction from US consumers

# What is telemarketing?

## CRTC definition:

The use of telecommunications facilities to make unsolicited calls for the purpose of solicitation where solicitation is defined as the selling or promoting of a product or service, or the soliciting of money or money's worth, whether directly or indirectly and whether on behalf of another party. This includes solicitation of donations by or on behalf of charitable organizations.



## Understanding the rules... for Canadians

- **Consumers wishing to reduce unsolicited calls can add their wireline, wireless, and fax numbers**
- **Certain types of calls are exempt from the National DNCL by virtue of Telecommunications Act:**
  - Political parties and candidates
  - Registered charities
  - Surveys / Polls
  - General circulation newspapers
  - Businesses marketing to business customers
  - Businesses with whom a customer has an existing relationship
  - Express consent

# Understanding the rules... for businesses

## Definition of “Existing Business Relationship”

- Purchase or lease of services/ products within the preceding 18 months
- Written contract in existence or expired within the preceding 18 months
- Inquiry or application within the preceding 6 months
- Does not extend from a company to its corporate affiliates
- Distinct legal entities to be treated independently



Exemptions defined within the Rules allow Telemarketers to call consumers with whom they have an existing business relationship.

# Understanding the rules... for businesses

## Unsolicited Telecommunications and National DNCL rules

- Register, subscribe to the National DNCL
- Retain accurate records
- Manage and maintain internal do not call lists
- Respect call curfews
  - Only allowed :
    - M-F 9:00 AM - 9:30PM,
    - S-S 10:00AM - 6:00PM
- Refresh calling list at least every 31 days
- Voice broadcasting (voice mail broadcasting) subject to National DNCL
- Calling line ID display a local / toll-free number to be provided

# Enforcement - Evidence of due diligence

## Defences against complaints

- Evidence of a valid exemption
- Evidence of due diligence re compliance
  - Written policies and procedures
  - Adequate employee training
  - Current DNCL being used– 31 days
  - Monitor and enforce internal compliance



## Costs

- **Consumers are not to be charged for adding their telephone number to the DNCL list**
  - Wireline, wireless, fax
- **\* Telemarketers will have to pay:**
  - Fees to register have been suspended (May 22 announcement)
  - Fees to subscribe National DNCL
    - Query and list download
  - Monetary penalties, as applicable

\* Telemarketers rate structure, rate levels, data format and content will be communicated by the CRTC.

## Complaints process

- **Compliance determined on basis of complaints**
- **Filing a complaint with National DNCL Operator**
  - Consumer via telephone or Internet to the national operator - within 2 weeks of alleged offence
  - Operator makes preliminary determination
  - Details forwarded to the CRTC for further investigation
  - Investigator determines relevant facts and whether valid exemption applies



## Enforcement process

- **If investigation leads to violation, CRTC enforcement actions ensue**
- **Notification from CRTC that evidence of violation has been substantiated and penalty imposed**
  - Administrative Monetary Penalties (AMPs) of up to \$15,000 per violation (corporations) and \$1,500 (individuals)
  - Telemarketers and clients could be liable
- **CRTC may make public details of violations**
- **Telemarketers and clients may make representations of defence to CRTC by establishing due diligence**

## **Impacts on businesses**

# What does this mean for businesses?

## New rules will require businesses to:

- Rapidly modify policies and practices
- Register with the CRTC
- Subscribe to the National DNCL and pay applicable fees
- Manage and maintain own internal lists
- Monitor and enforce compliance within organization
- Respect call curfews
- Refresh calling lists min. every 31 days

## Best practices

- Implement written policies and procedures to comply
- Provide adequate ongoing training to employees



# Business challenges

## It's not just a list!

- Establish consistent, adherable compliance policies, processes and procedures
- Deploy enterprise-wide solution across
- Maintain company-specific lists
- Address technological limitations and decline in sales productivity
- Overcome reduced funnel of prospective customers
- Determine ways to manage exceptions
- Limit client dissatisfaction

**Getting ready**

## Steps to ensure readiness

**Step 1: Define your organization's policy**

**Step 2: Set your strategy**

**Step 3: Gather and understand your requirements**

**Step 4: Develop processes and procedures**

**Step 5: Select tools and systems**



## Step 1: Define your organization's policy

1. Has executive sponsor been identified?
2. Have you defined formal policies and procedures?
3. Have you developed set of guiding principles for responding to consumer requests?
4. Does your policy cover:
  - The use of outsourcers?
  - Frequency of downloads?
  - Maintaining and managing own internal list?
  - Records management practices?
  - Treatment of complaints, audits and fines?

## Step 2: Set your strategy

1. Have you defined strategy and approach for handling consumer information?
2. How will the 6 and 18-month existing business relationship exemptions be handled?
3. How will express consent be requested and managed?
4. How will lists be synchronized with the National DNCL?
5. How will information be maintained and stored?
6. How will personnel access the information?
7. How will consumer privacy be maintained?



## Step 3: Gather and understand your requirements

1. Have you conducted overall assessment of organization, teams and business professionals who contact consumers?
2. Do you have complete picture of how and when groups and individuals contact consumers?
3. How is information sourced, shared, communicated and synchronized between groups?
4. How will processes be changed to be compliant?

## Step 4: Develop processes and procedures

Based on your Do Not Call policy, information security and team/individual requirements, have you defined, documented and implemented processes and procedures to be undertaken for following groups?

- Customer service
- Sales/Marketing
- Head office
- Branch offices
- Legal
- IT



## Step 5: Select tools and systems

1. Based on requirements, have you defined appropriate systems and tools?
2. Have you developed roll-out plan and implementation of required systems and tools?
3. Have you defined budget and resources requirements?



## **Lessons learned from the U.S. experience**

## Lessons learned

1. **Impaired marketing effectiveness** → “Over-suppression” of legitimate prospects leads to reduced pool of contacts
2. **Impeded sales productivity** → “One number at a time” web look-up tool slowed high paced callers down
3. **Low utilization** → Avoiding the internally provisioned do not call solutions led to low utilization which contributed to high risk in place
4. **Training** → High churn of employees (call center, mortgage broker, financial advisor, insurance, etc.) created ongoing training resource burden
5. **Application support and maintenance** → Regular customizations and hardware/network upgrades required to try to improve end user experience and usability while projecting application flexibility to incorporate changes to regulations

## Lessons learned (continued)

6. **Regulatory oversight** → Changes to the laws required expert oversight for interpretations and implementation
7. **Disparate and inaccurate data** → Different lines of business created their own solutions - providing enterprise-wide solution was untenable. Consumer Do Not call request lead time was extensive across units resulting in non-compliance to regulation requirements for consumer do not call requests.
8. **Redundant systems and efforts** → Cost to create and implement standalone systems
9. **3<sup>rd</sup> party management burden** → Outsourced call centers needed access to the internal solutions on real time basis
10. **Recurring costs** became an issue →
  - Application maintenance and upgrades (Hardware/Software/Networking)
  - Changes in law
  - Redundant systems
  - Resources (Legal, Training, IT)

**Bell can assist**

**Visit [www.bell.ca/donotcall](http://www.bell.ca/donotcall)**

# Our value to our customers

## Strengthens financial situation

- Eliminates risk of incurring costly fines
- Maximizes marketing potential by creating and managing qualified leads
- Proves a compliant culture

## Improves tasks and processes

- Maximizes return on IT resources by providing hosted solution
- Provides detailed reports that track call activity at the caller-level
- Provides easy audit trail reporting to prove compliance
- Provides solutions that seamlessly integrate with customer's existing business processes

## Protects Employees

- Offers agents and business professionals options for protecting themselves, according to their preferred method (real-time IVR calling or web-search)
- Provides agents and business professionals with an easy to use interface that allows them to respect consumers' preferences

## Enhances consumer perception

- Protects customer brand by ensuring compliance
- Ensures all agents and business professionals have the ability to proactively respect individual requests as well as provides tools to respond to customer requests in real-time

## **Bell's Solutions**

**Bell has 4 service offerings:**

- 1. Guardian**
- 2. Call Advisor**
- 3. Call Search**
- 4. Exemption Advisor**

# 1. Guardian

## Guardian is an automated certification technology for call centers

- An application driven for centralized marketing organizations as well as contact centres
- Guardian delivers on-demand search and certification of lead files or pre-scheduled, fully automated batch processing, before the dial attempt
- Guardian is the choice of most high call volume operations that demand speed and reliability in a user-friendly solution

### Guardian Users:

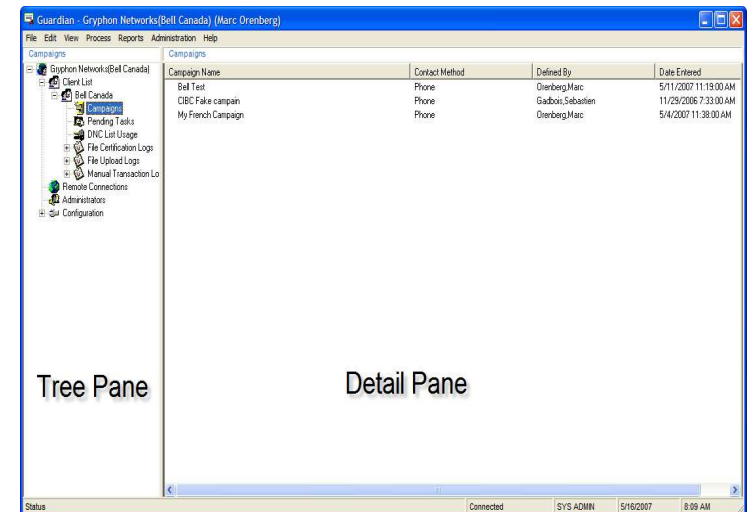
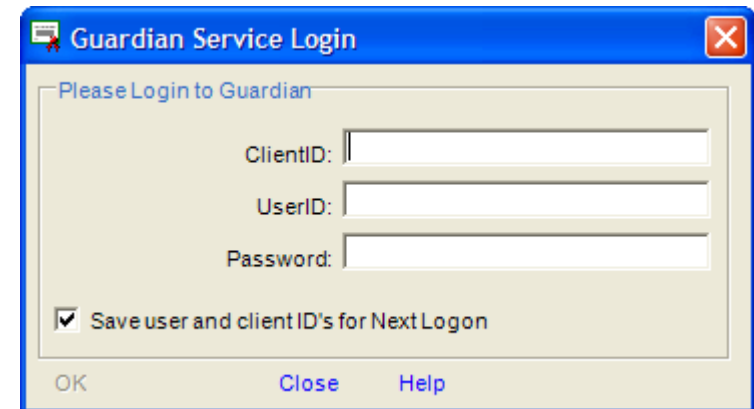
- Contact Centres
- Telemarketing outsourcers
- Third Party Call Centers

### Target User Profile:

- Call centers with auto dialers
- Internal organizations or third party call centers marketing to consumers on behalf of other organizations
- Businesses who want enriched reporting features and details

# How Guardian works

- Guardian is a Windows-based application that provides automated record certification for telephone marketing campaigns. These certifications ensure that companies are in full compliance with all federal and provincial laws.
- Customers can use Guardian to perform on-demand search and certification of lead files or pre-scheduled, fully automated batch processing.
- Both of these processing configurations provide significant benefits including:
  - **Allowing a call center to manage multiple calling campaigns for multiple clients**
  - **Certifying each number in a lead list against all appropriate regulatory lists**
  - **Configuring lead list certification as an automated process; this allows certification to be run during off hours, streamlining the certification and call campaign process**



## 2. Call Advisor

### Call Advisor is:

- Call Advisor provides automatic Do Not Call compliance by certifying every call as it is dialed from any dialing device
- Every dial attempt is checked against all Do Not Call restrictions including federal and internal lists
- It performs call curfew certification for all appropriate locations, automatically converting time zones and adjusting for daylight savings time
- Can also be used to enter and manage exempt numbers based on federal and provincial regulations

### Call Advisor Users:

- Brokers
- Insurance agents
- Financial advisors
- Dispersed agents

#### Target User Profile:

- Professionals who reach out to customers and prospective new consumers via telephone
- Consistent outbound call volume per person
- Need to manage/increase productivity per person

## How Call Advisor works

1. **Dial toll-free number**
2. **Enter PIN**
3. **Dial prospect's telephone number**
4. **Enter disposition code at call's conclusion**

"# 0" = Do-Not-Call again

"# #" = Make Another Call

"# 1" - "# 9" = Customized Call Actions: (example)

# 1 VM

# 2 Got Referral

# 3 Send Info

# 4 Call Back

# 5 Set Appt onsite

# 6 Not Interested

# 7 Set Demo Appt

# 8 Confirm Appt

# 9 Voice Note

- ❖ **Repeat sequence #3 and #4**
- ❖ **Hang up receiver to disconnect from Call Advisor network**



## 3. Call Search

### Call Search is:

- Call Search is user-friendly, offering company wide implementation in minutes, and real-time certification of prospect numbers before they are dialed, protecting companies from Do Not Call infraction penalties and negative publicity associated with those penalties
- Available 24 hours a day, 7 days a week, anywhere an Internet connection is available
- Real time look-ups of prospect phone numbers

### Call Search Users:

- Personal bankers
- Client representatives
- Wealth managers

#### Target User Profile:

- People who reach out to customers and prospective new consumers via telephone
- Limited or periodic outbound calling – road warriors
- Need to Manage/Increase Productivity Per Person

# How Call Search works

The screenshot shows a web browser window displaying the 'Do Not Call Service' interface. The page title is 'Do Not Call Service From Bell - Microsoft Internet Explorer'. The address bar shows the URL: <https://www.donotcall.bell.ca/private/frameset.asp>. The page content includes a search form on the left and a results table on the right.

**Search Form:**

- Location: Search Number Lists
- Instructions: Enter up to 100 Numbers whose current blocked status you would like to see. The Numbers can either be entered manually or pasted into the form. Each individual Number must be on its own line.
- Phone Number(s):
  - 6137810534
  - 6138280865
  - 6138234088
  - 6138310330
- Clear Numbers

**Results Summary:**

Exclusions: Invalid: 0 Non-Purchased: 0 Duplicates: 0 Results: Total: 4 OK Numbers: 3 DNC Numbers: 1

**Canadian Numbers**

	Location	Number	Status	Federal List	CMA List	Internal List	Curfew Violation	Other
Detail	ON	(613) 781-0534	OK	No	No	No	No	
Detail	ON	(613) 828-0865	OK	No	No	No	No	
Detail	ON	(613) 823-4088	DNC	No	Yes	No	No	
Detail	ON	(613) 831-0330	OK	No	No	No	No	

## 4. Exemption Advisor – optional add-on for any offering

### Exemption Advisor is:

- A service to leverage exemptions in the process of screening phone numbers
- Automates the management of exemptions to National DNC laws by identifying lawful calling opportunities, and increases the available pool of numbers that a business may call, thereby providing additional potential revenue opportunities

### Exemption Advisor Users:

- Financial Services
  - Banking
  - Mortgage
- Insurance
- Retail

### Target User Profile:

- Sales people and managers responsible for achieving revenue targets
- Marketing and campaign managers

## How Exemption Advisor works

- **Existing Business Relationship**

- Exemption for calls to consumers with whom the seller has an established business relationship

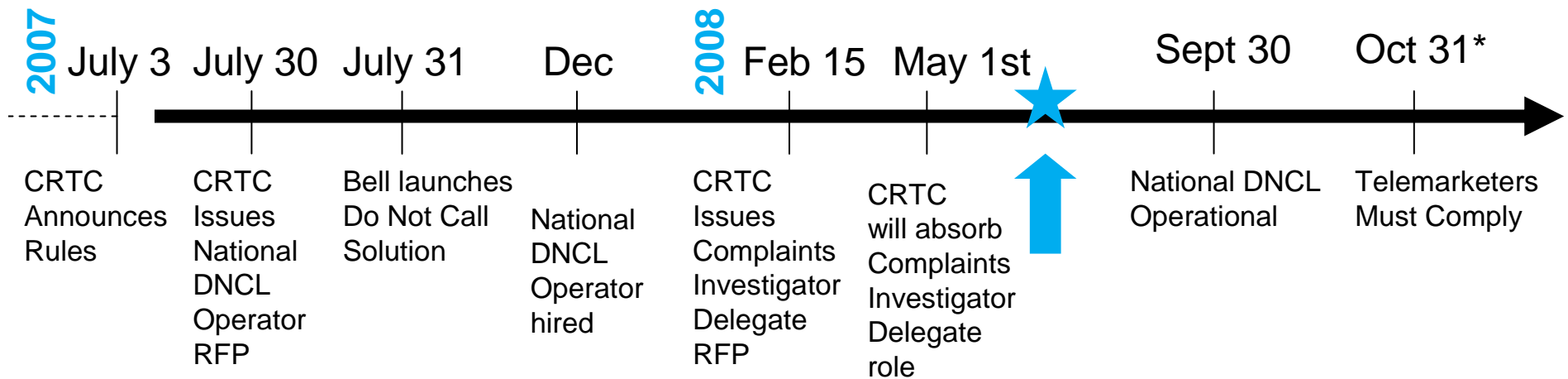
- **Established Business Relationship is defined as:**

- A duration of 18 months from any purchase or financial transaction
  - A duration of 6 months from an inquiry or application

- **Prior Express Permission**

- Following a consumer's signed written consent which states that the consumer agrees to be contacted, must include the telephone number to which the calls are to be placed
  - Remains in effect as long as the consumer has not made a subsequent request to be placed on the company's internal do not call list

## National DNCL timeline



The National DNCL framework requires all Canadian companies to comply within 31 days of the list being operational. The list will be launched by September 30, 2008.

**Thank you**

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