



PUBLIC INTEREST ADVOCACY CENTRE

LE CENTRE POUR LA DEFENSE DE L'INTERET PUBLIC

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National Do Not Call List— How to Make a Complaint

How do I make a complaint?

If you have a complaint against a telemarketer or the company or charity that they represent, you can make your complaint on the **National Do Not Call List** website: www.LNNT-ENCL.gc.ca, or by telephone at (toll-free): **1-866-580-DNCL (1-866-580-3625)**. Persons who are deaf or hard of hearing may call (toll free): **1-888-DNCL-TTY (1-888-362-5889)**. When making a complaint, you will be required to provide the date and time of the telemarketing call(s) in question, as well as the name and/or telephone number of the telemarketer and the company or charity for whom the telemarketer was calling.

To be sure your complaint is properly investigated, you should call the **National Do Not Call List** within 14 days of the telemarketing call or as soon as possible thereafter if you are unable to do so within the 14 days.

Some reasons for making a complaint might be:

- You are receiving telemarketing calls despite being on the **National Do Not Call List**;
- You are receiving telemarketing calls outside of permitted hours;
- A telemarketer or the company or charity that they represent has failed to place you on the **internal do not call list** of the company or charity after you have requested that they do so;
- A telemarketer's failure to provide required information (such as their name, the name of the company or charity for whom they are calling, or the telephone number from which they are calling);
- A telemarketer is using an Automatic Dialling and Announcing Device (ADAD: a pre-recorded voice messaging system) unless it is being used to provide public services or calls with no intent to solicit or if the telemarketing firm has your express prior consent.

- Any other violation(s) of the **Unsolicited Telecommunications Rules**, which can be viewed, in full, at:
<http://www.crtc.gc.ca/archive/ENG/Decisions/2008/dt2008-6.htm#m1>

Who investigates complaints?

Once a complaint has been made to the **National Do Not Call List**, it is verified and forwarded to the CRTC by the **National Do Not Call List** operator (presently, Bell Canada is the list operator). The list operator will first determine if the phone number you are complaining about receiving calls at was registered on the **National Do Not Call List** at least 31 days prior to the telemarketing call you are complaining about. If so, and if the company or charity for whom the call is made is not exempt from the **National Do Not Call List** (see exemptions), the **National Do Not Call List** operator will pass the complaint on to the CRTC. The CRTC will then begin an investigation into the complaint, at which time they may require further information from you, the complainant. During the course of the investigation, the CRTC may also compel information from the telemarketer or the company or charity for whom the call was made. Ultimately, the CRTC investigator decides whether or not there has been a violation of the **Unsolicited Telecommunications Rules**. As the complainant, it is your right to request information regarding the outcome of the investigation, and this information will be provided to you upon request.

How are the rules enforced? What are the penalties for violations?

The priority of the CRTC is to ensure that further violations on behalf of the telemarketers and the companies or charities that they represent do not take place. In order to encourage compliance, the CRTC will take steps to ensure that the **Unsolicited Telecommunications Rules** (including the Do Not Call List rules and ADAD rules) are followed.

Initially, the telemarketer and the company or charity that they represent will be warned (via correspondence or a meeting) that a violation has occurred, and they will be instructed on how to conduct their telemarketing in the future. At this time, the telemarketer and the company or charity that they represent most often will be warned that further violations of the rules may result in more severe punishment. However, the CRTC may proceed directly to fining the offender, depending upon the nature of the violation. Offenders of the **Unsolicited Telecommunications Rules** are subject to fines of up to \$1,500.00 for an individual and up to \$15,000.00 for a corporation, per offence. The CRTC may also choose to publish the name of the telemarketer and the company or charity that they represent, along with an account of the violation(s), on the CRTC website.

For more information regarding Complaints and Enforcement, please visit the CRTC website: http://www.crtc.gc.ca/eng/INFO_SHT/t1034.htm