

# REQUEST FOR INFORMATION

## The Canadian Radio-television and Telecommunications Commission's National Do Not Call List

### Introduction

- 1) The Canadian Radio-television and Telecommunications Commission (CRTC) is seeking information to ensure the ongoing operation of the National Do Not Call List (National DNCL) beyond January 2018, which includes the transition, development and deployment of the National DNCL, if necessary. The CRTC is also requesting information with this Request for Information (RFI) to determine the availability of capable contractors that can accomplish this task, or if alternate innovative solutions are available on the market that are capable of supporting all requirements of the National DNCL.
- 2) As result of The Act to amend the *Telecommunications Act* (the Act), S.C. 2005 c.50<sup>1</sup>, (“Bill C-37”), which came into force on 30 June 2006, the current National Do Not Call List<sup>2</sup> (National DNCL) was created and launched on September 30, 2008. The National DNCL Operator, Bell Canada, was selected through a Request for Information process, followed by a Request for Proposal (RFP) process in 2007<sup>3</sup>. The contract with Bell Canada was extended in 2013, and now expires mid-January 2018. (All extension years were executed).
- 3) In 2012, section 41 of the *Telecommunications Act*, S.C. 1993 c.38, (the Act) was amended to allow the CRTC to prescribe fees to recover its costs related to administrative, operating, investigation and enforcement activities.<sup>4</sup> In 2013, following a public process, the CRTC approved and made the *Unsolicited Telecommunications Fees Regulations*.<sup>5</sup> (Fees Regulations) These Fees Regulations contemplate that the National DNCL Operator will collect these fees on behalf of the CRTC. Subsequent amendments were made to the Fees Regulations in 2015, increasing the fees.
- 4) CRTC staff have outlined in paragraphs 5-18, below, the current method of operating the National DNCL. This approach does not preclude other options from being presented and discussed.

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<sup>1</sup> <http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Bill&Doc=C-37&Language=e&Mode=1&Parl=38&Ses=1>

<sup>2</sup> <https://www.lnnte-dncl.gc.ca/index-eng>

<sup>3</sup>

[http://www.merx.com/English/Supplier\\_Menu.Asp?WCE=Show&TAB=1&PORTAL=&State=7&id=136139&FED\\_ONLY=0&hcode=DoWJcv%2BXUVBNPB6JIGqVg%3D%3D](http://www.merx.com/English/Supplier_Menu.Asp?WCE=Show&TAB=1&PORTAL=&State=7&id=136139&FED_ONLY=0&hcode=DoWJcv%2BXUVBNPB6JIGqVg%3D%3D)

<sup>4</sup> See section 41.21 of the *Telecommunications Act*.

<sup>5</sup> <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2013-7/page-1.html>

## Current Operation of the National DNCL

- 5) The duties of the National DNCL Operator include but are not limited to the following:
  - a. registering consumer telephone numbers on the list and receiving consumer complaints of alleged violations of the *Unsolicited Telecommunications Rules*<sup>6</sup>;
  - b. registering and validating telemarketers, and providing subscription-based access to the list (including payment processing); and
  - c. submitting complaints, reports and revenues to the CRTC and refunding telemarketers when necessary, in accordance with the Fees Regulations.
  
- 6) The National DNCL Operator fulfills its mandate using the following four (4) key functional components.
  - a. **Information Management and Technology systems (IM/IT)** consisting of a website in both official languages and associated database(s) to manage consumer registrations and complaints, as well as telemarketer registrations and subscriptions;
  - b. **Client services** to process consumer registrations and complaints, and to provide technical support to telemarketers. This is an in-bound call centre;
  - c. **Payment processing** and accounting to manage subscriptions to the National DNCL and payments to the Receiver General, for the account of the CRTC, including refunds; and
  - d. **Validation of telemarketer identification** to prevent illegitimate access to the list.
  
- 7) Additional information on the National DNCL can be found in the Report on the Operation of the National Do Not Call List (DNCL) which has been published annually since 2011.<sup>7</sup>
  
- 8) Consumers can currently register their residential telephone number on the National DNCL by calling a toll-free number from the telephone line they wish to register and accessing a bilingual, automated system, or by using the National DNCL website registration page.<sup>8</sup> Consumers can register their residential facsimile (fax) numbers by sending a fax to a toll-free number and including the fax number they wish to register, or by using the National DNCL website registration page.<sup>9</sup> Registration on the National DNCL is permanent unless a consumer chooses to remove his/her number.<sup>10</sup> All websites must meet the Government of Canada's standards on web accessibility.<sup>11</sup>
  
- 9) The consumer's telephone number and date of registration are collected during the registration process in order for the CRTC to fulfill its investigation and enforcement

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<sup>6</sup> <http://crtc.gc.ca/eng/trules-reglest.htm>

<sup>7</sup> <http://www.crtc.gc.ca/eng/publications3.htm>

<sup>8</sup> <https://www.lnnte-dncl.gc.ca/insnum-regnum-eng>

<sup>9</sup> <https://www.lnnte-dncl.gc.ca/insnum-regnum-eng>

<sup>10</sup> <http://www.crtc.gc.ca/eng/archive/2014/2014-341.htm>

<sup>11</sup> <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=23601>

requirements, which has not been delegated to a third party. All data collected is Protected B and must be secured accordingly.

- 10) Currently Canadians can verify if their number is registered on the National DNCL by checking the website, which requires a CAPTCHA code<sup>12</sup> for verification purposes, or calling a toll-free number. Additionally Canadians can remove their number from the National DNCL by calling a toll-free number from the number that is registered.
- 11) Consumer access to the National DNCL is 24/7 when accessing from website, Interactive Voice Response system (IVR) or Fax. Access is from 8:30 AM to 4:30PM in each time zone across Canada when accessing the toll-free telephone number to contact a live client service representative.
- 12) Telemarketers who do business in Canada access the National DNCL to register themselves as an organization that makes telecommunications, which may or may not be telemarketing in nature, to subscribe as an organization making non-exempt<sup>13</sup> calls and to download the National DNCL database of do-not-call numbers, to ensure they have an up to date version of the list prior to initiating telecommunications.
- 13) The National DNCL Operator receives subscription revenues from telemarketers to cover its capital and operating costs and the CRTC's administrative, operating, investigation and enforcement costs. Investigation and enforcement is conducted by the CRTC since this has not been delegated to a third party. Telemarketers pay subscription fees to access the National DNCL at various levels (e.g. per telephone number, per area code, nationally) and for various periods (e.g. one-time, 1 month, 3 months, 6 months, 1 year).
- 14) The CRTC component of the fees is paid on a monthly basis by the National DNCL Operator, to the CRTC through the Receiver General. The National DNCL Operator has implemented a refund mechanism to refund any amount that it collects from telemarketers in excess of the CRTC's annual budgetary authority, in accordance with the Fees Regulations.
- 15) The National DNCL Operator currently provides the CRTC with periodic electronic reports, such as weekly call analysis reports indicating, for example, the volume of telephone numbers added to or removed from the National DNCL, the number of calls accepted through live operator versus IVR, the number of registrations accepted by phone versus by website and the types of National DNCL subscriptions sold by type and duration. The CRTC has access to the intellectual property related to the structure of reports itemized in the National DNCL Operator specifications. These specifications

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<sup>12</sup> <http://www.captcha.net/>

<sup>13</sup> <http://crtc.gc.ca/eng/trules-reglest.htm> - Part II, sections 2 and 3

related to the structure of the reports can be transitioned to another party for use as the National DNCL Operator, if necessary.

- 16) The National DNCL List Operator receives complaints from consumers through the public website<sup>14</sup>, facsimile, an IVR system and live agent via toll-free number. All of these complaints are submitted to the National DNCL database and transferred to the CRTC for review and investigation. The CRTC has access to the Intellectual Property related to the extraction of complaints from the National DNCL database. This complaints extractor code can be made available to any capable contractor for use as the National DNCL Operator, if necessary. With regards to the IVR system, specifications for call flows developed in support of the current Operator can potentially be made available to any contractor for use in developing processes as the National DNCL Operator, if necessary.
- 17) The National DNCL Operator provides registration and complaint management services as discussed in paragraphs 5-16 above. The National DNCL Operator charges rates for the service it provides in accordance with sections 41.4 (1) and 41.3 of the Act. The National DNCL Operator has developed a fee structure that distributes the capital and operating costs among the users of the list and to develop a billing and collection regime of such fees to be allocated between itself and the CRTC in accordance with the Fees Regulations. (See paragraph 18 (a-c)). The CRTC may regulate the rates charged by the National DNCL Operator in accordance with section 41.5 of the Act, and the CRTC has reviewed and approved rates in the past.

### **Economic Model**

- 18) The following economic model is substantially how the National DNCL List Operator currently operates. This economic model will need to be maintained going forward.
  - a. The National DNCL Operator is permitted to charge rates, as approved by the CRTC, in order to recover the Operator's capital and operating costs through the selling of subscriptions to telemarketers for accessing the National DNCL. All capital and operating costs are recovered through these established rates, and initial start-up costs are to be amortized over the duration of the contract, if necessary.

In 2013, the CRTC established a National DNCL cost-recovery regime for the CRTC's administration, operating, investigation and enforcement activities under s. 41.3 of the Act and the Fees Regulations. Subscription fees for accessing the National DNCL<sup>15</sup> are divided into two components: one component identified for funding the Operator, and a second component identified for funding the CRTC's administration, operating, investigation and

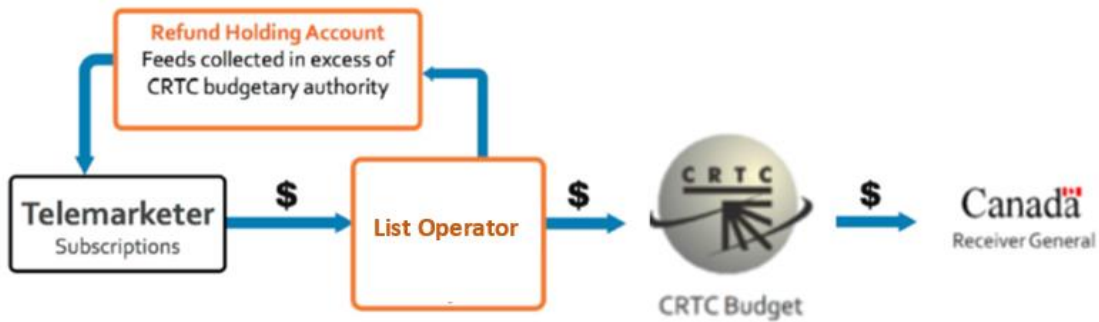
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<sup>14</sup> <https://www.innate-dncl.gc.ca/plt-cmp-eng>

<sup>15</sup> [http://www.crtc.gc.ca/eng/info\\_sht/t1028.htm](http://www.crtc.gc.ca/eng/info_sht/t1028.htm)

enforcement activities (the CRTC’s “telemarketing regulatory costs” as defined in the Fees Regulations).

- b. In the event that, in any given fiscal year, the amount of fees collected exceeds the CRTC’s telemarketing regulatory costs, the Fees Regulations set out a refund mechanism. No later than 90 days after the end of each fiscal year, the National DNCL Operator will determine if the fees paid exceeded the CRTC’s telemarketing regulatory costs for that year and, following confirmation from the CRTC, refund telemarketers the excess amount. The amount of the excess to be refunded to any telemarketer will be determined by calculating the total amount paid by the telemarketer as a percentage of the total amount paid by all telemarketers.
- c. Below is a basic diagram of how the economic model currently works. It is a mandatory requirement to be able to transfer funds to the Receiver General, and to maintain a refund holding account for funds in excess of the CRTC’s budgetary authority.



### Metrics

- 19) In 2014-15, 589,286 numbers were registered on the National DNCL, an average of over 1,600 numbers per day. During the same period, some 3,570 numbers were deregistered from the List. Since the inception of the National DNCL in 2008, Canadians have registered over 12,773,208 telecommunications numbers and deregistered approximately 55,843 numbers.
- 20) In 2014-15, 875 telemarketers were registered with the National DNCL operator, an increase of 23% over the previous year.

21) The National DNCL List Operator currently handles more than 2,000 telemarketer subscription purchases each fiscal year ranging in value from \$242 to \$45,134.<sup>16</sup>

22) In 2013-14, Canadians filed 128,273 complaints with the National DNCL and 115,135 in 2014-15, for a total of more than 922,000 complaints since the National DNCL was launched.

### **Mandatory Requirements for the National DNCL**

23) Mandatory requirements for the operation on the National DNCL include;

- a. Operating a website, in French and English that meets the Government of Canada requirements including usability, accessibility, interoperability and optimization for mobile devices;
- b. registering consumer telephone, fax and mobile numbers on the National DNCL list;
- c. receiving consumer complaints of alleged violations of the *Unsolicited Telecommunications Rules*<sup>17</sup>;
- d. submitting complaint data to the CRTC for review and investigation;
- e. registering and validating telemarketers information;
- f. providing subscription-based access to the list (including payment processing);
- g. providing technical support for consumer registrations, telemarketer registrations and telemarketer subscriptions, including payment processing;
- h. submitting reports to the CRTC for monitoring of the operation of the National DNCL;
- i. submitting revenues to the CRTC, in accordance with the *Unsolicited Telecommunications Fees Regulations* for administration, operation, investigative and enforcement activities;
- j. refunding telemarketers when necessary, in accordance with the *Unsolicited Telecommunications Fees Regulations* to the CRTC;
- k. maintaining a disaster recovery plan and reporting on its usage as well as other threat monitoring aspects as per the *Directive on Privacy Impact Assessments*<sup>18</sup>; and
- l. Providing all services in both official languages.

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<sup>16</sup> [http://www.crtc.gc.ca/eng/info\\_sht/t1028.htm](http://www.crtc.gc.ca/eng/info_sht/t1028.htm)

<sup>17</sup> <http://crtc.gc.ca/eng/trules-reglest.htm>

<sup>18</sup> <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=18308>

## **Intellectual Property**

- 24) The CRTC can make the following components of the National DNCL available to any capable contractor, if necessary following any potential contractor agreement as a result of a possible future RFP;
- a. The structure and data contained within the National DNCL Database;
  - b. The public-facing website code and contents;
  - c. The code and SQL based queries developed for the production of reports submitted to the CRTC by the National DNCL Operator;
  - d. Call flows developed to support the IVR function;
  - e. Email templates for alerts sent to telemarketers by the National DNCL Operator; and
  - f. The complaints extractor code used to extract complaints data from the database and transfer them to the CRTC.
- 25) Other processes or systems that the National DNCL Operator may need to develop or secure could include;
- a. A reports server to setup and produce reports as specified by the CRTC;
  - b. An IVR system to support consumer complaints;
  - c. A fax system to support consumer complaints;
  - d. An email system to send alerts to telemarketers and communicate technical support;
  - e. A change record management system to update data contained in the National DNCL databases;
  - f. A Teletype device (TTY) system to support consumer complaints;
  - g. Security services to protect the National DNCL environment from electronic threats;
  - h. Payment processing and payment ancillary services to support the collection of fees.

## **Information Requested**

- 26) This is a Request for Information (RFI) only. It is issued solely for information and planning purposes. It does not constitute a Request for Proposals (RFP) or a promise to issue an RFP in the future. This RFI does not commit The CRTC to contract for any supply or service whatsoever. The CRTC will not pay for any information or administrative costs incurred in response to this RFI. A contract will not result directly from this RFI. Responses to this RFI will not be used to pre-qualify or otherwise restrict participation in any future RFP. Any future RFP will not necessarily reflect all comments provided in response to this RFI.

27) The CRTC will accept and respond to questions beginning on 6 May 2016 up until two weeks prior to the closing date of this RFI, which expires for submissions on 20 May 2016.

28) Any questions concerning the RFI shall be directed to the CRTC representative specified below:

Canadian Radio-television and Telecommunications Commission  
Finance and Administrative Services  
Les Terrasses de la Chaudière, Central Building, 1 Promenade du Portage,  
Gatineau QC J8X 4B1  
Attention: Andrew McMillan  
Email: [andrew.mcmillan@crtc.gc.ca](mailto:andrew.mcmillan@crtc.gc.ca)

29) In responding to this RFI, interested vendors should submit the information identified, and respond to the questions, set out below in paragraphs 30-41. All submissions should be a maximum of 25 pages, excluding printed marketing brochures, corporate or product information and company information, as requested in paragraph 30. Please number your answers to match the numbers associated with the information requested below.

## **General**

### **30) Company Information**

- a. company Identification (Corporate name and Operating name)
- b. company name and address
- c. description of core business
- d. summary of key business lines of the company
- e. summary of experience that you consider to be applicable to this requirement

### **31) Contact Information**

Name, address, telephone number and email address of a person in your company that can be contacted concerning your response to the RFI.

## **National DNCL Operations**

### **Introduction:**

It is envisaged that the National DNCL Operator will continue to provide registration and complaint management services as discussed in paragraphs 5-16 above. The National DNCL Operator will be permitted to charge rates for the services it provides in accordance with sections 41.4 (1) and 41.3 of the Act. The National DNCL Operator will also be expected to develop a fee structure that distributes the capital and operating



costs among the users of the list and to develop a billing and collection regime of such fees to be allocated between itself and the CRTC in accordance with the Fees Regulations. (See paragraph 18 (a-c)). The CRTC may regulate the rates charged by the National DNCL Operator in accordance with section 41.5 of the Act, and the CRTC has reviewed and approved rates in the past.

### 32) Approach to Support National DNCL Operations

- a) Provide a summary of the organization and system that you would implement to operate the National DNCL. This information should include a brief description of the technical architecture and the methods used to handle the potential volume of requests to register. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.
- b) Provide a summary of the security measures you would implement to safeguard the National DNCL information. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.

### 33) Feasibility and Issues

- a. Provide your assessment of the feasibility of the proposed method of operating the National DNCL, if necessary, as described in paragraphs 5-16 above. Include any assumptions related to up-to-date technology or methodology.
- b. Describe any critical issues relating to the operation of the National DNCL such as technology, methodology and cost.

### 34) Consumer Access

- a. Describe how you would require persons to register or deregister telephone/fax numbers. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.
- b. In addition to those methods that are already in place, what procedures could your system offer to persons who want to verify that their numbers had been registered on the National DNCL?

### 35) Telemarketer Access

- a. Describe how telemarketers would access the National DNCL system and the products that would be offered to them, e.g. National DNCL list, subscription options, single number-by-number validation service, etc. Note that telemarketers with different levels of technical sophistication and resources may need to access the system. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.
- b. Describe any support functions that you would provide to those entities accessing the system, such as technical support. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.

- c. How would you propose structuring the relationship with telemarketers in terms of accessing the National DNCL and with respect to payment of fees? What would be the payment options? Identify any differences that you propose compared to the current system outlined in paragraphs 12 - 14 and 18 (a-c) above.

#### 36) Complaint Collection and Validation

Describe the procedures that persons would be required to follow in order to register and validate a complaint. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.

#### 37) Reports

The National DNCL List Operator is required to provide periodic reports, examples of which are listed in paragraph 15 above. Describe the mechanisms and systems you would put in place to generate and provide these reports. Identify any differences that you propose compared to the current system outlined in paragraphs 5-16 above.

#### 38) Alternate Approach

- a. Describe and detail any alternate approach or enhancements that you consider would be preferable to that described in paragraph 5-18 above that would provide an equal or greater level of consumer validation, system security and system accessibility.
- b. Describe and detail how you might develop and make available an application Program Interface (API) to facilitate the development of programs and applications that could benefit the functionality of the National DNCL.

#### 39) Cost and Fee Structure

- a. Provide an estimated one-time budgetary cost, by function, to develop and implement functionality as the National DNCL List Operator, and provide the estimated on-going annual cost requirements to support the functionality as the National DNCL Operator as outlined in your response, maintaining the minimum functionality as outlined in paragraphs 5-18, and 23 above. What are the key risk factors or assumptions?
- b. What effect, if any would the length of contract have on your fee structure and cost recovery? For the purposes of this discussion, compare 5 and 10 years.

#### 40) Transition and Schedule if applicable

- a. Provide the estimated length of time, from the date the contract is awarded, to achieve a seamless transition of the National DNCL operations that you would require to implement the National DNCL service as outlined in paragraphs 5-18

The current National DNCL List Operator contract permits for a 6-month transition phase from the current operator to a new operator, if necessary.

- b. In response to paragraph 40 (a), provide an outline of the major phases and milestones related to assessment, transition, development, testing and implementation of the National DNCL, if necessary.
- c. What are the key risk factors or assumptions concerning your ability to achieve the schedule referenced in your response to paragraph 40 (a - b)?

#### 41) Other

- a. Describe your expectations concerning any components of the existing National DNCL that you would propose to use in any part of the proposed system. Data collected in the National DNCL would be the CRTC's property and could not be used for any non-governmental purpose other than to enable telemarketers to comply with the National DNCL rules. The CRTC also expects that the proposed system would be required to comply with the requirements and standards of the amended *Personal Information Protection and Electronic Documents Act*, Treasury Board "Guidelines for Government Institutions" contained within the *Federal strategy to Address Concerns about the USA Patriot Act and Transborder Data Flows*.<sup>19</sup> (provides rules for outsourcing activities in which personal information about Canadians is handled or accessed by private sector agencies under contract)
- b. Please identify any key information that should or must be included in an RFP if your company were to be a respondent to an RFP.
- c. Provide any additional comments that you feel are pertinent.

#### **Additional Resources – these include:**

Telemarketing and Unwanted Calls –CRTC webpage  
<http://www.crtc.gc.ca/eng/telemarketing.htm>

What You Should Know About Telemarketing in Canada  
[http://www.crtc.gc.ca/eng/INFO\\_SHT/t1048.htm#f](http://www.crtc.gc.ca/eng/INFO_SHT/t1048.htm#f)

Canada's National Do not Call List  
<https://www.lnnte-dncl.gc.ca/index-eng>

United States of America – Federal Trade Commission – Do Not Call  
<https://www.donotcall.gov/>

Australia Communications and Media Authority – Do Not Call

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<sup>19</sup> [http://www.tbs-sct.gc.ca/pubs\\_pol/gospubs/tbm\\_128/pm-prp/pm-prp-eng.asp](http://www.tbs-sct.gc.ca/pubs_pol/gospubs/tbm_128/pm-prp/pm-prp-eng.asp)

<https://www.donotcall.gov.au/>

United States Patriot Act

[https://www.fincen.gov/statutes\\_regs/patriot/](https://www.fincen.gov/statutes_regs/patriot/)

IBIS World - Telemarketing & Call Centres in Canada: Market Research Report

<http://www.ibisworld.ca/industry/default.aspx?indid=1468>