



Marketing Research and Intelligence Association
L'Association de la Recherche et de l'Intelligence Marketing

By email: Danielle.May-Cuconato@crtc.gc.ca

November 23, 2016

Ms. Danielle May-Cuconato
Secretary General
Canadian Radio-television and Telecommunications Commission
1 Promenade du Portage
Gatineau, QC J8X 4B1

Dear Secretary General:

Re: *Empowering Canadians to protect themselves from unwanted unsolicited and illegitimate telecommunications, Compliance and Enforcement and Telecom Regulatory Policy CRTC 2016-442 (Ottawa, 7 November 2016)*

The Marketing Research and Intelligence Association (MRIA) is a Canadian not-for-profit association representing all aspects of the market intelligence and survey research industry. Members include over 1,800 practitioners, small to large research houses, and the many buyers of research services, such as financial institutions, major retailers, insurance companies and manufacturers. The industry is a major job creator in Canada and generates almost three quarters of a billion dollars annually.

MRIA would like to share with the Commission the position of the market and survey research industry regarding the above-noted Policy 2016-442 (hereafter, 'Policy') intended to improve protections for Canadians against nuisance calls.

The Policy directs telecommunications service providers (TSPs) to report more fulsome details to the CRTC with respect to the opt-in filtering service(s) they offer or propose to offer to their subscribers. It also asks the CRTC Interconnection Steering Committee (CISC) to develop solutions to block nuisance calls at the network level.

General Comments

MRIA broadly supports the Policy's main finding that better solutions must be developed to screen out deceptive or illegitimate calls. Clearly, such calls have been and remain a problem for Canadians.

We would add that illegitimate calls are not only a concern for individual households, but are a major issue for legitimate industries: such calls poison the well for all unsolicited communications — regardless of their legitimacy, purpose, societal benefit, etc.

Nuisance calls erode call recipients' trust and create a financial burden for legitimate callers who find it more and more difficult to distinguish themselves from illegitimate ones. In the case of the market and survey research industry, our members increasingly must resort to expensive measures to reach a

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representative sample of Canadians to ensure that research results are statistically sound. Scofflaws ruin the market for all players.

Specific Comments

As mentioned above, MRIA welcomes better ways to protect Canadians from illegitimate calls. We have some concerns, however, with respect to the Commission's direction to TSPs and request to CISC.

In particular, some solutions – either at the network level or in the services offered to subscribers – such as the screening or blocking of calls, may have unintended consequences, particularly with respect to legitimate calls made for survey and market research.

Survey research is an important tool for a healthy democracy. Decision-makers from all sectors, from across Canada and from around the world, rely on research data to inform their decisions. Limitations on a researcher's ability to recruit a broad sample of respondents could potentially introduce a bias in the research data, especially from hard-to-reach populations.

The Policy touches on our concern, while discussing proposals for universal blocking (emphasis added):

*53. It would not be appropriate, however, **to employ universal blocking to manage nuisance calls more broadly** since this **may lead to unintended and undesirable outcomes**. The use of universal blocking to manage suspected unwanted calls could*

- *fail to recognize the preferences of individuals to choose which calls they wish to receive;*
- *unduly limit the ability of legitimate telemarketers to conduct business;*
- *require extensive and complicated industry-wide processes for resolving disputes and unblocking calls that may need to transit through multiple networks; and*
- *block legitimate callers who need to conceal their identity (e.g. police or journalists).*

That said, the Policy did not expressly address unsolicited calls that do not solicit. In MRIA's view, another undesirable outcome that could be added to the list in paragraph 53 is if universal blocking:

- **unduly limits the ability of legitimate market and survey researchers to contact a statistically representative sample of Canadians, thereby limiting the societal and economic benefits of well-designed and legitimate survey and market research.**

MRIA also notes that in the context of universal blocking, the CRTC has asked CISC to develop practices to block calls at the network level. The Policy says at paragraph 54 that (emphasis added):

Such practices should:

- ***"identify the unintended consequences to legitimate entities, including legitimate telemarketers, and***
- ***implement mitigation measures that ensure that any unintended consequences are appropriately managed."***

MRIA respectfully submits that the test for any proposed solution should be whether it is truly effective in weeding out illegitimate calls from legitimate ones. In other words, consideration must be given to the legitimate entities that could inadvertently be impacted from future measures to block nuisance calls – such as survey and research companies.

The Policy then goes on to state that TSPs have the greatest insight into identifying calls that are 'blatantly illegitimate.' While self-evidently true in terms of TSPs' requirements to manage their networks' traffic, MRIA submits that those making legitimate calls — such as those conducted for market and survey research purposes — also have useful insights and information with respect to proposed solutions for reducing illegitimate calls.

MRIA is therefore formally requesting that it be added to CISC's membership, so that it may attend and participate in its meetings, discussions and decisions with respect to call blocking, and so that we may share our expertise with TSPs.

MRIA's membership in CISC may in particular help to achieve the objectives of the CRTC's Policy if, for example, TSPs were to access MRIA's Research Registration System, enabling them to identify legitimate research calls so as to remove them from procedures that screen-out or block nuisance calls.

The Registration System was initiated to provide an easy and accessible way for the public to verify the legitimacy of a research call, inform themselves about the industry and/or register a complaint.

We believe this would be a very effective mitigation measure that would reduce, if not eliminate, the "unintended and undesirable outcomes" noted at paragraph 54 of the Policy, for the market and survey research industry.

Adding MRIA to CISC will also provide it with a better and deeper understanding of our industry's calling practices, and enable it to distinguish the attributes of legitimate calls from illegitimate ones. And, of course, MRIA's membership in CISC would be in line with the Federal government's renewed interest and respect for evidence-based decision-making, and the CRTC's own Policy Direction (noted at paragraph 99 of the Regulatory Policy), which states that Commission decisions should:

- ensure that the vast majority of legitimate calls are delivered to the intended recipient unimpeded; and
- interfere with the operation of competitive market forces to the minimum extent necessary.

Conclusion

Survey and market research plays a pivotal role in our society, in improving public policy, programs, products and services, and giving voice to the opinions of Canadians. As one of many Canadian users of survey research, the CRTC will understand how vital it is that regulators and legislators understand that limitations that may be imposed on research (whether intentional or not) could introduce bias in research data, possibly leading to decisions that are not based on empirical reality.

We would therefore very much appreciate the Commission's giving consideration to MRIA's request to join CISC, so that it may exploit our members' expertise in combating illegitimate calls. Alternatively, if

another process is required with respect to CISC membership, we would appreciate information about that process, including the names and contact information of those to whom our request should be addressed.

Should you have questions, comments, or require additional information regarding the above, please do not hesitate to contact our Government Relations Consultant, Greg Jodouin, at gjodouin@paceconsulting.ca or by phone at (613) 860-1685, extension 202.

Warm regards,



Dr. Kara Mitchelmore, DBA, BA(Soc), FCPA, FCMA, CMRP
Chief Executive Officer

c.c.: Mr. Jean-Pierre Blais, Chairperson, CRTC

Ms. Hélène Bleau, Director, Public Opinion Research Directorate, Government Information Services Sector, Public Services and Procurement Canada

Mr. Marc Saint-Pierre, Director General, Government Information Services Sector, Public Services and Procurement Canada