

**INFORMATION REQUESTED BY
Public Interest Advocacy Centre (ARC et al)**

Q

Ref: para.7 of the CWTA's submission. Please provide all empirical data available to the CWTA which supports its view of "consumer expectations".

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CWTA's statement was based on its observation that consumers increasingly expect to conduct many business transactions and communications using media other than paper, and has not conducted empirical research to support this view. CWTA considers that the requirement for written consent is out of step with consumer expectations. It appears that the Commission itself has recognized the growing importance of electronic media as a means of communicating with the public. In Orders CRTC 2000-552 and CRTC 2001-465, the Commission allowed Bell and TELUS respectively to replace tariff subscription services with Internet publishing. CWTA notes that PIAC supported the Bell proposal in its response to Public Notice 2000-5 dated February 9, 2000, stating "PIAC strongly supports Bell's publication of its General Tariff on the public Company website, so that Company policies and rates are easily accessible by the public."

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Ref: para.9 of the CWTA's submission. Please explain why the requirement for consent (whether in writing or otherwise) to affiliate sharing necessarily involves "a requirement to repeat basic personal information to each company within a

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Paragraph 9 of CWTA's submission does not indicate that the written consent requirement necessarily causes this situation, but it makes it more difficult for the company to rectify the situation and properly serve its customers

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Under what conditions does CWTA believe that customer consent to sharing of personal information with affiliates for marketing purposes can be assumed? Please list all examples of sharing among affiliates for which CWTA believes that customer consent can reasonably be taken to be implied.

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Please refer to CWTA (CRTC) 27 Aug01 – 101. CWTA respectfully directs ARC et al to the responses of our members.

Q

Where a company uses a "negative option" approach to consent, how important is it that the negative option:

- (i) is brought to the individual's attention;
- (ii) provides full information as to the uses and/or disclosures in question;
- (iii) is clearly worded and easy to understand; and
- (iv) is easy and costless to execute?

A

CWTA considers that any approach to consent must be consistent with the requirements of the PIPED Act. For specific responses CWTA respectfully directs ARC et al to the responses of our members.

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In the CWTA's view, does the PIPEDA require that consent to the use or disclosure of personal information for secondary marketing purposes be obtained in a manner that ensures that the consent is intentional and informed? Does the answer to this question differ according to whether consent is for internal company use, sharing with affiliates, or disclosure to unaffiliated third parties? If so, please explain.

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PIPED Act requires all consent to be informed.

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Do CWTA members always obtain customer consent to affiliate sharing in written form, currently? Please identify circumstances in which written consent is not obtained, as well as when and how written consent is obtained for this purpose.

Please explain how CWTA members' current approach to obtaining consent ensures that customers are aware of the affiliate sharing policy, and of their ability to opt out of it.

Please describe all ways in which customers are notified of the policy and of the opt-out.

A

CWTA respectfully directs ARC et al to the responses of our members.

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Would the CWTA oppose a CRTC rule requiring the customer's explicit consent to disclosure of non-confidential personal information to affiliates and other third parties except where such disclosure is necessary to provide the service requested by the customer? If so, please explain.

Would the CWTA oppose a CRTC rule requiring the customer's explicit consent to disclosure of non-confidential personal information to affiliates and other third parties except where such disclosure would be reasonably expected in the circumstances? If so, please explain.

A

In CWTA's view, Parliament has designated the Privacy Commissioner of Canada, not the CRTC, as the regulatory authority that should be concerned with matters of general consumer privacy. Moreover, CWTA notes that ARC et al.'s proposal would not even be required under the PIPED Act, which should be the standard for all telecommunications service providers which collect, use and disclose personal information in the course of business."