



Keeping IDT Out
of Your Business

J. Campana & Associates

Identity Theft, Privacy, and Information Security Risk Management

1609 Glacier Hill Dr., Madison, WI 53704-8497

608/241-3500 ▪ Fax 877/276-4041 ▪ info@JCampana.com ▪ www.JCampana.com

June 9, 2007

Senator Jon Erpenbach
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Erpenbach:

I am writing to you concerning the “small business DNC registry” proposed in SB 99 and AB 217.

I am writing not as a telemarketer or seller, but as a privacy professional. I do not make unsolicited telephone calls because that doesn't work with the nature and complexity of my business. I am writing as a privacy professional. I am one of 2 professionals in Wisconsin and 155 worldwide who have earned the Certified Information Privacy Professional/Government (CIPP/G) credential, which is a dual industry and government privacy professional credential. My firm is in the business of helping businesses and enterprises (schools, local government, and not-for-profits) become “privacy friendly” by complying with the patchwork of state and federal laws governing identity theft, privacy, and information security. The small business DNC registry, if passed, would actually benefit my business; nevertheless, I am personally opposed to it for numerous reasons.

I believe there are many unintended consequences of the proposed provision to initiate a “small business DNC registry.” I also believe from speaking to many small businesses for and against the provision that those who support the provision truly misunderstand what it will accomplish.

The complaints that businesses have are largely the same complaints that residential customers (consumers) have. Therefore, in the spirit of protecting an individual right to privacy, I believe the legislation should focus on individuals and not businesses.

The legislation should focus on and address concerns and not perceptions. Make it clear to the public what the legislation will and will not stop. Those businesses who support the legislation are doing so because they believe the legislation will stop:

- Not for profits (everything from PTAs, high schools, professional associations, to the United Way)
- Political Committees
- Dropped Calls
- Recorded Messages including recorded messages with long deadtimes from political committees
- Solicitation calls with long deadtimes
- Callers who block the Caller ID or who manipulate the Caller ID.
- Pretexting
- Other deceptive calls (e.g. calls from the Pacific Rim claiming they are calling on behalf of AT&T).

The legislation will not stop or curtail any of the above in its current form, and these issues affect consumers as well. These are the issues that need to be addressed in the legislation, which will have a positive affect on both consumers and on businesses without the necessity and ill effects of a small business DNC registry.

Unfortunately, many people attribute unconnected calls with telemarketers. I heard this complaint from my family, and to investigate the complaints I installed a caller i.d. device and when present, I answered the phone. None of the calls that I monitorered were telemarketers. The calls were friends, neighbors, and family who were not leaving messages; wrong numbers, calls to a former resident, not-for-profit calls, and calls from businesses with whom they had an existing business relationship. None of these calls violate the DNC laws!

The perception however, was that every time the phone rang, it was a telemarketer. I am sure that you, like me, would not want to see bill supported based on erroraneous perceptions by consumers and more so by businesses.

There is one other type of irritating call, which I did not list above. It is generally the telemarketing calls made on behalf of conglomerates to market business services, e.g. telecommunications. This is the easiest type of call to stop under current state and federal legislation and also based on "professional telemarketer's codes of ethics." Simply ask to be put on their "internal DNC list," and the calls cease. I have done this and I know it works very effectively. Making this request once, can often eliminate 50 or more unwanted weekly calls that businesses find most irritating. It is in essence, a self-

regulatory DNC registry, that exists today. But businesses, as well as consumers, need to be educated. I have talked to some people who believe that because they say “not interested” or they “hang up” that these actions put them on a “do not call list.” Very simply, they need to specifically ask marketers, “Please put this number on your do not call list.”

I urge you to remove the small business DNC provision because of its deleterious effects on the same industry group that the legislation seeks to protect, small businesses. Some businesses, depending on their type of product and service, depend on connecting with a decision maker by telephone. Small businesses, who by virtue of their type of product or service, find telephone solicitation to be the most effective form of marketing, cannot afford the costs and the burdensome compliance required by the DNC laws.

If we could address some of the problems noted above, a majority of the irritation experienced by consumers and businesses could be curtailed, and Wisconsin would have a meaningful and stronger consumer DNC law, which would indirectly address the concerns that small business have, without creating a small business DNC registry.

Here are some suggestions for addressing issues.

- Enforce regulations for uncompleted and dropped calls from sellers. The federal legislation requires a dead time of not greater than TWO seconds.
- Limit who can use recorded messages, and limit the deadtime on those organizations who are allowed to use recorded messages to TWO seconds. There is no reason why the TWO second connect time rule should apply to some and not to others. Consumers and businesses need to be aware of this rule, so they can report violations.
- Outlaw “blocked caller IDs” for solicitation purposes and enforce it. Educate the public on what to do when they receive telemarketing calls with blocked caller id’s.
- Outlaw “manipulated caller IDs” and other deceptive calls. Educate the public on what to do when they receive calls where the caller i.d. says one thing, and the telmarketer represents someone else. This is deceptive and needs enforcement.
- Educate consumers and businesses on the whole category of deceptive calls (blocked or manipulated caller id’s; pretexting, etc.) and how to report violations.

- Consider precisely defining what is a not-for-profit. Anyone or any organization can register as a not-for-profit. Some of these organizations make huge profits, and pay huge salaries under the guise of “not-for-profit.” This needs to be regulated, especially with regard to making telephone solicitations! Some of them call and try to sell goods and services, and others use “unprofessional and aggressive” telemarketing techniques UNLIKE the conglomerates who generally employ professional telemarketing firms, who are willing to NO for an answer. Telemarketers making calls on behalf of not-for-profits should be held to the same ethical standards that they are held to when making “for profit” telemarketing calls. They should not be exempt from ethics!
- Require groups exempt from the law to maintain an internal DNC list and to honor requests both by consumers and businesses to be added to the lists. (I receive 1-3 calls per week from one particular not-for-profit, who will not take no for an answer). Since most of these calls are made by “telemarketing firms” and not by the exempt group itself; the telemarketing firms already have the systems in place to maintain an internal DNC registry.
- I strongly support the cell phone provision in the legislation.
- I strongly support the verbal request to be put on the internal DNC registry but with NO EXEMPTIONS. This provision is also beneficial to small businesses who make calls to keep in business. They would rather be told “please put us on your do not call list” rather than to call back multiple times to another business who is not interested.
- I strongly support increased fines, which hopefully could be a deterrent to deceptive telemarketing practices. Enforcing a couple of situations might very well curtail some of the irritating calls that the current and proposed laws cannot control.

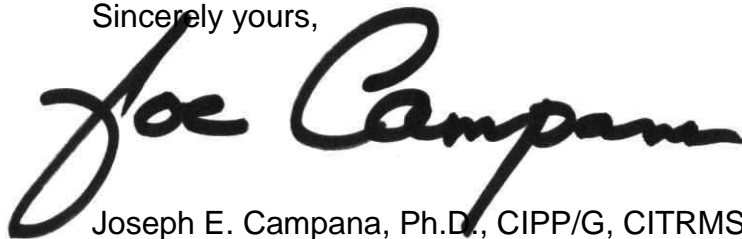
The small business DNC provision has many unintentional consequences:

- It pits small business against small business – those who do not want to be bothered taking a call and those who need to make a call to survive. Small businesses are the lifeblood of the economy and the genesis for unique products and services. Other small businesses are often the target market for startups, new ideas, and innovation. Small businesses can often gain a competitive edge over larger companies by being introduced to leading edge and socially responsible products and services. Often, it starts with a phone call.

- The time and cost of registration, the purchase of the registries, the required quarterly “scrubbing” of telephone numbers against DNC registries, and extensive procedures and record keeping to prove compliance with the law are prohibitive and burdensome to small businesses and more so to “mom-and-pops” and entrepreneurial startups, which would be harmed the most by the proposed provision;
- The small business DNC provision proliferates the notion of an “anti-business climate” in Wisconsin;
- The provision can be expected to have a negative impact on economic development and entrepreneurship; and
- The process required by the provision for contacting business referrals impedes the free flow of business-to-business referrals that facilitates small business commerce.

Aside from its deleterious effects on small businesses, the small business DNC provision confuses the intent of the DNC law, which is to protect consumer privacy. The focus of the proposed legislation should be on “beefing up” the consumer DNC law by addressing residential consumer concerns; education, and enforcement of the consumer DNC law.

Sincerely yours,

A handwritten signature in black ink that reads "Joe Campana". The signature is written in a cursive, flowing style.

Joseph E. Campana, Ph.D., CIPP/G, CITRMS
Certified Information Privacy Professional/Government
Certified Identity Theft Risk Management Specialist
J. Campana & Associates
Identity Theft, Privacy, and Information Security Risk Management
Madison and Milwaukee, Wisconsin

Phone: 608-241-3500

Toll Free: 877-276-4041