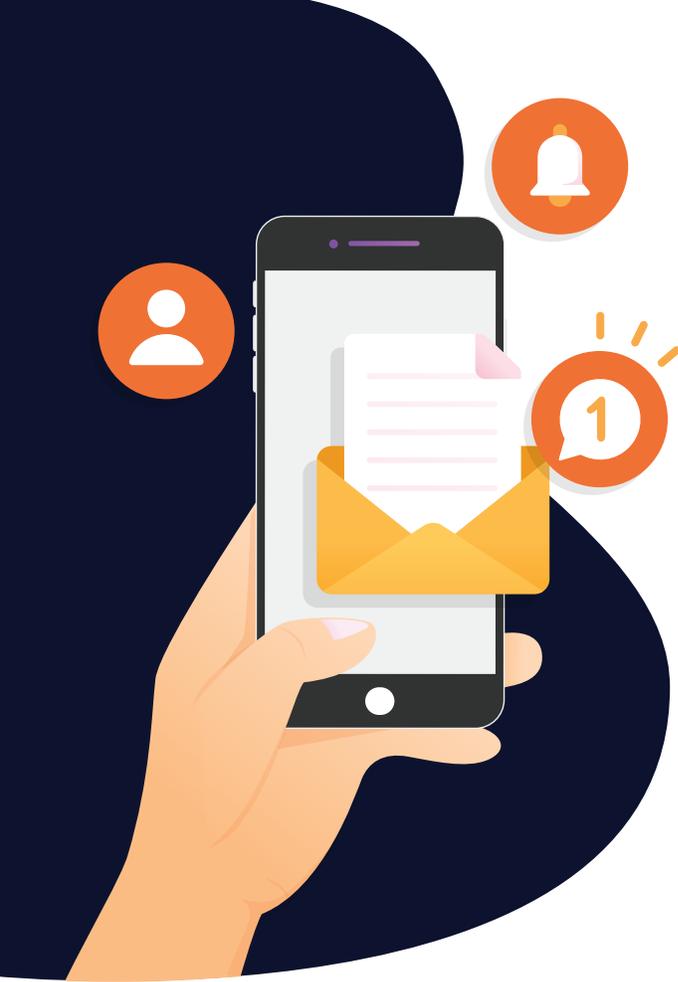




TCPA COMPLIANCE CHECKLIST FOR SUCCESS



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Attribute is a proprietary and complete lead attribution software with AI distribution and built-in functionality that enables companies to integrate their plug-and-play marketplaces.

- Are you looking for a comprehensive, easy-to-follow Telephone Consumer Protection Act (TCPA) compliance checklist?
- In fact, if you feel you've got the marketing aspect cracked, but the legal aspect is challenging, don't stop reading.
- But, before we get to the checklist, it's imperative to understand the ins and outs of TCPA compliance first.

- If your answer is positive, here's some good news: We've got you covered with this guide.
- This guide covers every major point you need to keep in mind. On top of that, it includes a checklist you can use directly in your business.

Let's dive in!



What is **TCPA** Compliance?

Starting from the absolute basics seems like a great idea, as we work our way to cover everything about TCPA Compliance in this guide. To put it otherwise, before anything, a solid understanding of the fundamentals of TCPA is pivotal.

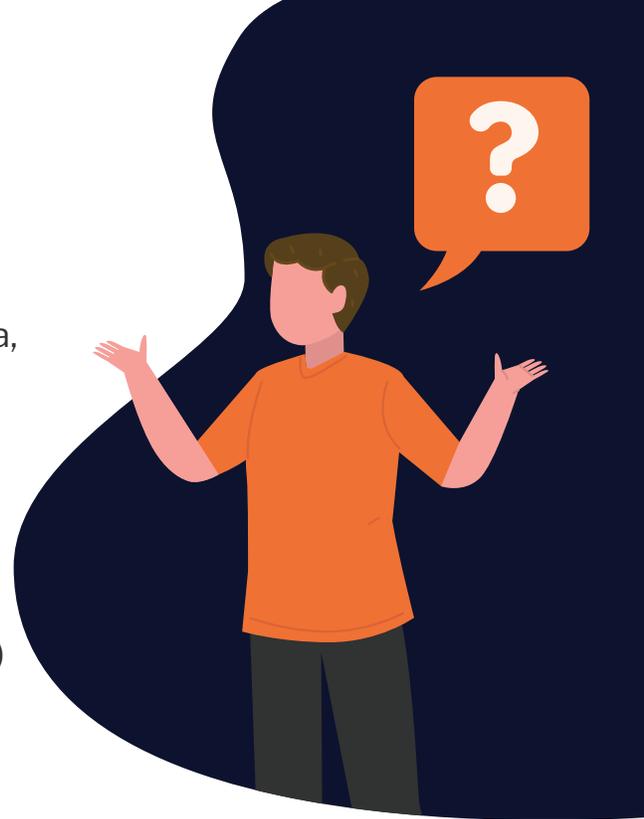
In 1922, the Federal Communications Commission (FCC) established the Telephone Consumer Protection Act (TCPA) to regulate telemarketing text messages and phone calls directed at consumers.

Since then, a combination of telephone and text messaging protections has been added to the law over the years. Per the TCPA, telemarketing attempts using automated telephone equipment are restricted. Complying with TCPA regulations means abiding by them on telemarketing calls and faxes, and texts that have a commercial purpose.

Under the TCPA, telemarketing calls are perhaps the most strictly regulated form of communication. Prior express written consent, usually in the form of a signed contract is required before you start making any of the following types of calls:

Prerecorded messages:
This category includes human-recorded messages, as well as automated messages.

Auto-dialer calls:
This refers to calls placed via an automated telephone dialing system (ATDS), which stores and dials numbers without human intervention.



According to regulations, you cannot hide your caller ID personal information when making telemarketing calls. You also cannot call users on the National Do Not Call Registry (DNC Registry).

However, not all phone calls are considered telemarketing calls. Before anything, you need to distinguish between the two types of calls to carry them out without the need for express written consent.

Targeted cold calling, for example, is TCPA-compliant as long as it complies with the rules and regulations listed below.

Restrictions **Enforced** by Law

The National Association of Consumer Advocates (NACA) summarizes some of the restrictions of the TCPA. Sales callers are prohibited from contacting consumers unless they have their written consent before communication. Specifically, it's not permitted to:

- Call before 8:00 AM or after 9:00 PM;
- Call people who have opted out of communications or are on the Do Not Call registry;
- Send unsolicited faxes to someone's home or office (as per the Junk Fax Prevention Act of 2005);
- Call on behalf of persons or organizations they refuse to name, identify and provide contact information for.



Text Message Marketing Communication

Needless to say, when it comes to SMS messages, youve to keep TCPA compliance in mind. And that even though text messaging as a means of automated marketing is easier to turn to than calls since less consent is needed.

The FCC doesn't require you to obtain written permission before sending SMS messages. On the contrary, you only need basic prior express consent.

The best thing about it? This consent is straightforward to obtain.

As part of the TCPA, your leads need to knowingly offer your company their number by filling out a form in a doctor's office or by entering it on a website.

However, bear in mind that a consumer can revoke their consent at any time they wish. That is done via an opt-out option where a consumer may reply with a simple text response, such as UNSUBSCRIBE or STOP.

As a final note, companies can only send messages concerning what consumers consent to as part of marketing text messages.



Why You Should Care About **TCPA** Compliance

You've probably come to learn that TCPA compliance is essential for any business planning to communicate with consumers.

Yes, it's ethically correct to adhere to a consumer's wishes regarding communication, but, at the same time, marketing communication greatly increases customer loyalty.

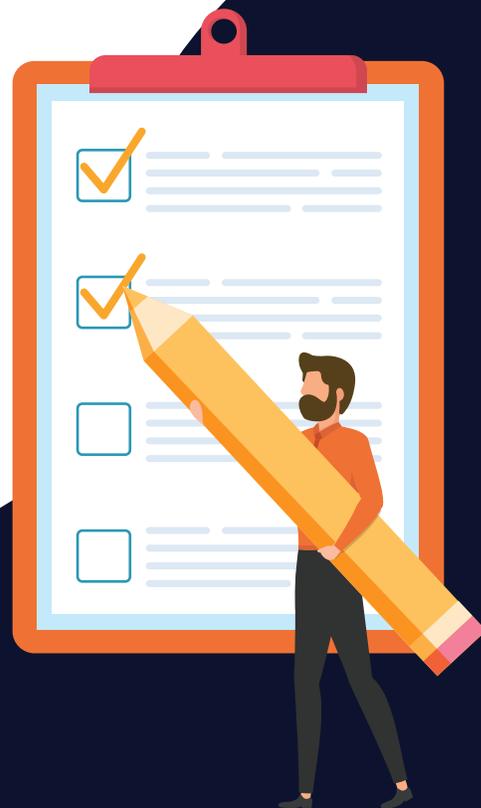
Many people feel harassed when their mobile phones are inundated with messages they didn't consent to.

In the worst-case scenarios, customers can even take legal action when they receive promotional text messages they did not agree to. Therefore, it's imperative to ensure you have customer consent for all types of communication surrounding sales.

For this reason, every business must comply with TCPA regulations. And even if consumers prefer to be contacted through their mobile phones, using their phone numbers without regard for their privacy can feel intrusive and annoying over time, especially if they're not interested in buying any of your products.

Your **TCPA** Checklist

Now that we've covered why it's essential to keep TCPA compliance in mind when communicating with consumers, it's time for—you guessed it, our checklist.



General Questions to Ask For Your **TCPA** Compliance Checklist

Read on to find the questions you should be asking yourself when reviewing your TCPA compliance checklist.

Of course, if you need to, you can add more questions to this list. Yet, it should give you a clearer idea of where to focus when looking at compliance issues. So:

- › Is my National Do-Not-Call Registry copy recent (less than 3 months old)?
- › Is there an easy way for a consumer to unsubscribe from my telephone or email communication?
- › Do I have written procedures detailing how I clean my contact database and comply with TCPA regulations?
- › Does the organization chart show who's responsible for TCPA compliance?
- › Is there a flow chart outlining the plan to comply with the TCPA?
- › There should be a documented policy or procedure for:
 - › Requests to not receive prerecorded phone calls.
 - › Adding consumers to the company's do not call list.
 - › Making sure the don't call list is kept up to date.
 - › Compliance with the national Do Not Contact Registry.
 - › Correcting outdated data.



Also, consider:

- › Is there a list of people who explicitly opted out of communications (with a date and time stamp)?
- › Can I contact leads by phone or email with a specific callout in my marketing campaigns?
- › Are the marketing and sales team members trained on TCPA compliance?
- › What's my Caller ID information (phone, computer, etc.)?

Don't's

Avoid the following:

- ⊗ Don't contact homes before 8 AM or after 9 PM.
- ⊗ Don't text or call anyone on the National.
- ⊗ Do Not Call Registry.
- ⊗ Don't use autodialers, recordings, or simulated voices for people or any recipients who pay for their call.

You shouldn't use an automatic dialing system to contact:

- ⊗ Emergency phone lines of physicians, hospitals, service offices, health care facilities, poison control centers, fire departments, or police departments.
- ⊗ A hospital's phone line in any guest room or patient room.
- ⊗ The phone number is assigned to a paging service, cellphone service, or mobile radio service.



On top of this, here's some extra guidance on how best to maintain your compliance checklist and follow the rules set out:

Do's

- ✔ Educate employees about practices that consumers consider unfair or deceptive.
- ✔ Make sure that recipients have the option to opt-out and have their phone number added to the DNC list if using a prerecorded message.
- ✔ Keep a Do Not Contact list for your business contacts and honor their requests for five years.
- ✔ Provide your name, your company's name, and a contact point so the consumer can get in touch.
- ✔ Don't purchase lists of phone numbers with contacts that have chosen to opt-out.
- ✔ To keep up with the latest changes, check the regulatory updates frequently.



With the above TCPA compliance checklist, you have all the information needed for successful marketing communication. Take a deep breath, then, and enjoy greater peace of mind for you and your company.



Misconceptions About the Telephone Consumer Protection Act

To complete this in-depth guide, here's information about the most common misconceptions about TCPA.

The following information should help you understand what you need to keep in mind when running any communication marketing.

Healthcare Businesses Are Already Compliant With TCPA

HIPAA compliance is already a requirement for healthcare firms, so such companies might think they're exempt from this law.

The truth is that HIPAA only covers specific customer data. And there's also plenty of information that was previously not protected but is now covered.

Under the new law, the federal government can collect information from third-party vendors, assisted living facilities, and other non-medical providers.

The best course of action is to comply with both HIPAA and CCPA. Although there might be some overlap, it's worth the effort.



You Don't Need Prior Consent Unless It's a **Sales Call**

Initial TCPA legislation addressed calls to residential landlines. However, this has been expanded to address cell phones, fax machines, and other communication channels.

As a result, the rule continued to meet its goal of preventing unwanted, unsolicited, and intrusive communications.

The **TCPA** Covers Only Landline Phones

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As a result, the rule continued to meet its goal of preventing unwanted, unsolicited, and intrusive communications.

You Can't Be at Fault if Your **Contact Changes** Their Number

Affiliate marketers can obtain legitimate contact information when first compiling it, only to have that information rendered obsolete later, such as when a contact changes phone numbers. If this happens, a new consumer may end up with the old contact's phone number.

The affiliate marketer is still violating the requirement to obtain previous written consent to telemarketing to contact in this situation.

The TCPA places the responsibility for identifying and removing outdated contact information on affiliate marketers, not consumers.



I Don't Need to Document Every **Phone Call**

A key aspect of TCPA compliance for marketers is having a written procedure for handling their marketing calls to protect themselves against fines or other TCPA penalties attributable to inadvertent TCPA violations.

Remember, it's critical to have documentation that proves how the FCC and courts handle a marketing call to protect against fines or other TCPA penalties attributable to inadvertent TCPA violations.



Text Messages That Violate **TCPA**

Companies using texting or transactional messages as part of their marketing and sales efforts should be aware of the messages that violate TCPA compliance.

Any unsolicited texts are prohibited if the consumer has given no prior express consent. Without prior written consent, requesting payment or further information from a consumer by SMS is also a TCPA violation.



How **Attribute** Can Help You Track Your Leads

Follow the compliance checklist set out above to rest assured knowing you're staying TCPA compliant. That said, being compliant is only part of ensuring that your leads are attributed and tracked.

At Attribute, we work with you throughout different phases to help you attain a full 360° view of leads and take control. You receive seamless integrating capabilities and real-time data presented conveniently and effortlessly by trusting us, achieving greater retention levels.

Whether your current SMS marketing campaigns are proving difficult to track or you want to take complete control of your sales and operations processes, we can help!



Do's

	Educate employees about practices that consumers consider unfair or deceptive.
	Make sure that recipients have the option to opt-out and have their phone number added to the DNC list if using a prerecorded message.
	Keep a Do Not Contact list for your business contacts and honor their requests for five years.
	Provide your name, your company's name, and a contact point so the consumer can get in touch.
	Don't purchase lists of phone numbers with contacts that have chosen to opt-out.
	To keep up with the latest changes, check the regulatory updates frequently.

Dont's

	Don't contact homes before 8 AM or after 9 PM.
	Don't text or call anyone on the National.
	Do Not Call Registry.
	Don't use autodialers, recordings, or simulated voices for people or any recipients who pay for their call.

You shouldn't use an automatic dialing:

	Emergency phone lines of physicians, hospitals, service offices, health care facilities, poison control centers, fire departments, or police departments.
	A hospital's phone line in any guest room or patient room.
	The phone number is assigned to a paging service, cell phone service, or mobile radio service.

Print this checklist to check how your process complies.

