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## Time's Up on 1-to-1 Consumer Consent

*Telecom Wise Guys - Ask our voice & messaging experts!*

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Commio Voice & SMS  
[www.commio.com](http://www.commio.com)



# 1-to-1 Consumer Consent is Here!



*(Okay, almost—1/27/25)*

Consumers are inundated with marketing...much of it fraudulent. The FCC is giving back some control.

*(Businesses are less happy.)*



# But What IS It?!

The Telephone Consumer Protection Act (TCPA) states you must have:

1. Prior,
2. Express, and
3. Written/digital (e-sign) consent

...from a consumer **before** marketing to them.

This consent must clearly identify the brand and the type(s) of communication they're consenting to receive, and include the consumer's signature in compliance with the E-sign Act.



# But What IS It? *(cont'd)*



## Consent applies to:

- Telemarketing / robocalling
- Messaging campaigns / robotexting
- Consumers only—not B2B (but a big question mark if it's the same cell phone)
- Exemption: emergency situations

# The Penalties

- \$500 - \$1500 per violation—  
*per person called*
- But wait: states have their own laws and penalties!
- Carriers have penalties, as well
- Perhaps worst of all? Damage to your brand's reputation



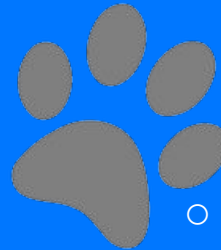
# Who Needs to Care?

- Marketers / other communicators
- Companies that share lists between sister brands
- Lead generators / sellers
- Your legal team (we're not lawyers)
- Compliance officer / internal expert (if you don't have one, you should!)
- Make sure your team is educated



# Track Each Consumer's Consent / Opt-in

- In writing
- With explicit details:
  - What they're consenting to (robocalls and/or texts)
  - From whom (the registered brand)
  - The expected frequency
  - Date, time, consumer's name, preferred language
  - Subscriber/consumer's full name
  - Mobile number
  - Date & time stamp
  - IP Address (if applicable)
  - Consent acquisition medium (e.g., cell-submit form, physical sign-up form, SMS keyword, etc.)
  - Capture of experience (e.g., language and action) used to secure consent
  - Specific campaign for which the opt-in was provided (request for consent must relate to the reason for interacting)
  - Web confirmation consent box was checked



# Track Each Consumer's Consent / Opt-in (*cont'd*)

- ☐ I provide my **ESIGN** consent to receive SMS/MMS text messages, from an automated dialing system, to my cell number provided above for **account notifications and alerts** from [COMPANY]. I understand that I am not required to provide my consent as a condition of purchasing any products or services. I understand that I can opt-out of receiving text messages at any time by responding with STOP. I can reply with HELP to get help. I understand that message frequency may vary. I understand that message and data rates may apply depending on my mobile carrier and that T-Mobile and other mobile carriers are not liable for delayed or undelivered messages.
- ☐ I provide my **ESIGN** consent to receive SMS/MMS text messages, from an automated dialing system, to my cell number provided above for **marketing promotions** from [COMPANY]. I understand that I am not required to provide my consent as a condition of purchasing any products or services. I understand that I can opt-out of receiving text messages at any time by responding with STOP. I can reply with HELP to get help. I understand that message frequency may vary. I understand that message and data rates may apply depending on my mobile carrier and that T-Mobile and other mobile carriers are not liable for delayed or undelivered messages.

☐ General Account Alerts ☐ OTP/2FA (account security) Alerts ☐ Marketing Promotions

I provide my **ESIGN** consent to receive SMS/MMS text messages from [COMPANY], sent from an automated dialing system, to my cell number provided for each category I selected above. I understand that I am not required to provide my consent as a condition of purchasing any products or services. I understand that I can opt-out of receiving text messages at any time by responding with STOP. I can reply with HELP to get help. I understand that message frequency may vary. I understand that message and data rates may apply depending on my mobile carrier and that T-Mobile and other mobile carriers are not liable for delayed or undelivered messages.

Verbal consent is allowed, *but*:

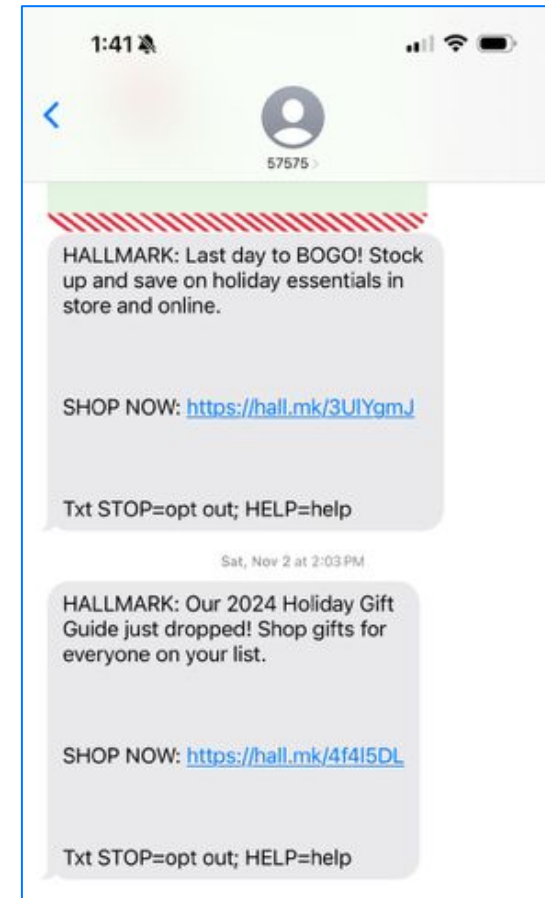
- Company agent taking consent must verbally state the mandatory disclosures and ask for a yes before proceeding.
- The company/brand needs to send a double-opt in text message to that subscriber confirming consent.
- Confirmation must be captured and stored.

You must maintain the record  
for *five (5) years*.

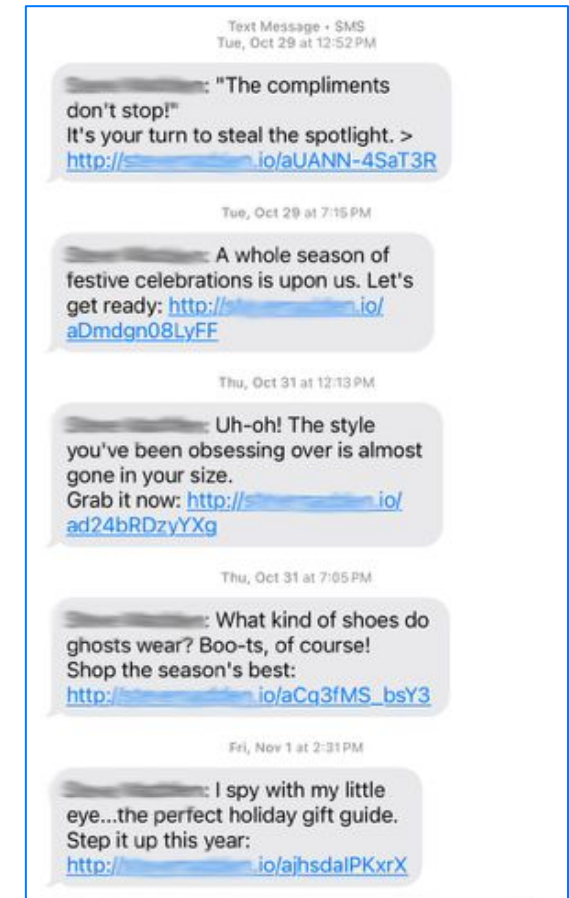


# After They Opt In

- Every call/message must make it easy to UNsubscribe
- You must be able to show evidence immediately upon request (saying it's with your lead source isn't good enough!)
- Lists should be scrubbed to remove TCPA litigators



*Every time!*



*UGH*

# Text Messages = Calls!



- Subject to the same requirements as calls on the Do Not Call Registry (DNC)
- Neither calls nor texts can go to someone on the DNC list without express consent
- Carriers need to block numbers identified as fraudulent

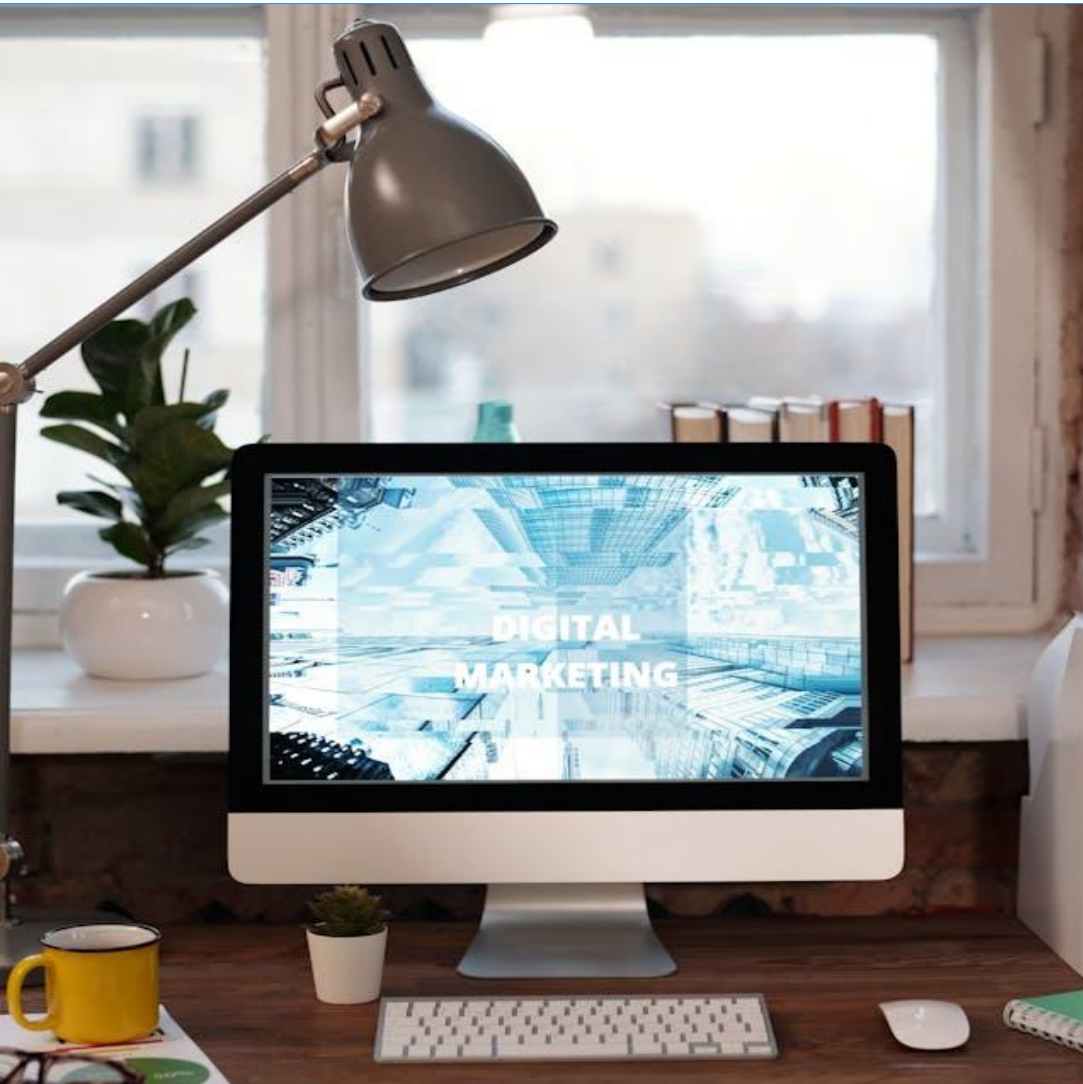
# Your Website Must be Clear

*We will not share your opt-in (consent) to an SMS campaign with any third party for marketing and/or promotional purposes.*

You must clearly state how you protect consumers' opt-in information and make it easy to find:

- Privacy Policy
- Terms & Conditions

# Buying / Selling Leads: Best Practices



You can still buy/sell leads, but...

- Tracking consent should be in your contract
- Both buyer (brand) and seller should track
- If a comparison site is used, brand names must be listed individually for the consumer to choose from
- *Again:* the brand must be able to show consent when asked
- The onus is on the brand doing the telemarketing / texting!

***\*The brand owns most of the risk\****

# Using 1-2-1 to Your Advantage

- Show customers you respect their privacy
- Demonstrate you're an ethical, reliable company
- Happy consumers become customers...and repeat customers

*A bird in the hand...*



# Some Tools



- Products like ActiveProspect help you track and manage your leads
- Take advantage of Commio's free SmartReview
- Download our Messaging Registration Checklist

*Links will be in the email and blog post after the webinar*

# Q&A



## Time's Up on 1-to-1 Consumer Consent

*Telecom Wise Guys - Ask our voice & messaging experts!*

*Contact your account manager, email us: [support@commio.com](mailto:support@commio.com)*