

Compliance for TCPA and CASL with DNCsolution

Companies who utilize a permission marketing strategy soon learn that consent management goes well beyond data collection. Regulations in the US and abroad (such as **TCPA** or **CASL**) require that certain permissions or consent are obtained from the customer before conducting any marketing.

Since 2013, the Federal Communications Commission (FCC) has required that a company obtain **express written consent** from a consumer before delivering any type of advertisement, telemarketing call or text message that uses an automatic telephone dialing system to any mobile device.

These FCC rules mean that marketers can no longer rely on oral or implied consent.

Implied consent refers to the assumption that a consumer who provided a mobile phone number to a company was willing to be called on that device. Neither oral nor implied consent meet the FCC requirements for prior express written consent.

In addition, the FCC requires that marketers maintain records of all consent, permission, and data activities.

Because so many consumers today have dropped the use of landlines and rely solely on their cell phones, this can present a challenge for marketers.

How can DNCsolution help address TCPA?

Use DNCsolution to scrub against **federal and state Do Not Call lists**, as well as optional lists like **Wireless Portability, DNC Wireless Block Identifier, Telcordia Wireless Type, Litigator Lists**, and more.

Use DNCsolution to capture express written consent:

- A visitor enters their phone number into a lead collection form on your web site
- A web services call to PossibleNOW's database determines if the phone number is a landline or wireless
- If it is a wireless phone number, an e-signature form with the appropriate disclosure language displays to capture a valid e-signature for prior express written consent

PossibleNOW maintains this data for reporting purposes to ensure compliance with FCC recordkeeping rules.

Use our **Mobile Scoring Services** to determine the likelihood that a person is still associated with a specific mobile number, to mitigate compliance risk.

What about CASL?

CASL covers all **Commercial Electronic Messages (CEMs)** sent from, through, and into Canada. **Your business does not have to be located within Canada to be held to CASL compliance.**

A CEM is any electronic message that includes offers:

- To purchase or sell a good or service
- To provide business or investment opportunity
- That advertises either (a) or (b) above
- To promote a person who does anything referred to above

CASL does not apply to:

- Non-commercial activity
- Voice, fax or robo-calls
- Broadcast messages

Our DNCsolution® Do Not Contact technology helps mitigate CASL compliance risk by performing a CASL-compliant scrub of email addresses or phone numbers (for text messages) to check for valid express consent to contact. **DNCsolution handles bulk scrubbing or checking one email address or phone number at a time.**

Compliance for CAN-SPAM with DNCSolution

Does your company utilize email marketing?

The CAN-SPAM Act establishes requirements for commercial messages. Although CAN-SPAM was primarily designed to address email spam, it still applies to some communications via text as well. Each separate email that violates the CAN-SPAM Act is subject to penalties of up to \$41,484, so non-compliance can be very expensive.

Some key CAN-SPAM requirements include:

- Don't use false or misleading header information
- Don't use deceptive subject lines
- Identify the message as an ad
- Disclose your business location with a valid physical postal address
- Allow recipients to opt out of receiving future messages
- Honor those opt-out requests within 10 business days

How can DNCSolution help address CAN-SPAM?

Prior to any email campaign, DNCSolution "scrubs" your email list against your internal database of Do Not Email requests. DNCSolution handles high-volume email list scrubbing and is amazingly fast, whether you have thousands or even millions of email addresses to scrub - and also has a feature for single email checks as well.

DNCSolution allow seamless integration with your existing technology stack, including your CRM, and provides a "one-click" solution for customers and prospects.

Comply with CAN-SPAM by offering flexibility to manage opt-out requests company-wide, or by product, campaign, division, or department - you can customize it however you need! DNCSolution also provides a scrub receipt for record-keeping of your email compliance efforts, and maintains a historical archive of all opt-out requests.

The preference and consent management landscape is constantly evolving - from new technology, to regulatory updates, and expanding customer awareness. We can help evaluate your solution and make recommendations to enhance it based on our years of expertise and industry best-practices.

About PossibleNOW

Founded in 2000, PossibleNOW's focus has always been helping companies manage consumer regulatory compliance, preference management and consent collection. Our solutions are built with privacy by design - it's at the core of what we do.

Our initial offering, DNCSolution, was tailored specifically to address the Do Not Contact databases and regulations such as TCPA, CAN-SPAM and CASL. Companies using our DNCSolution platform can adhere to customer do-not-contact preferences with peace of mind that they are operating within national and state regulations and are backed by our 100% compliance guarantee.

In 2010, we pioneered the concept of enterprise consent and preference management. With our MyPreferences platform, companies can listen to their customers, remember what they like and dislike and respond in useful, personalized ways - increasing customer engagement and loyalty. Equally important, MyPreferences adheres to existing and upcoming global compliance regulations such as GDPR and ePrivacy. MyPreferences is an enterprise class cross channel platform, a central repository for preferences, and designed to integrate with all systems and databases across the organization.

Trust a company that's been built from the ground up with privacy by design and had a singular focus for the past 18 years - trust PossibleNOW.