



TCPA COMPLIANCE BRIEF

(Telephone Consumer Protection Act – US Regulatory Framework)

1. Purpose of this document

This document outlines key compliance requirements under the **Telephone Consumer Protection Act (TCPA)** applicable to all outbound calling, SMS, and lead generation activities targeting United States consumers.

The goal is to ensure that all marketing and lead generation activities are conducted in a **lawful, consent-based, and risk-controlled manner**, minimizing exposure to litigation, regulatory penalties, and financial damages.

2. Scope

This compliance framework applies to:

- Outbound voice calls to US consumers
 - Inbound and outbound lead generation campaigns
 - SMS/text message marketing
 - Automated dialing systems (dialers, predictive dialers, VoIP systems)
 - Lead selling, lead transfer, and affiliate marketing campaigns
 - Third-party call center operations (domestic or offshore)
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3. Core TCPA Principle (Critical Rule)

No consumer contact may be made without prior express consent where required by law.

Consent must be:

- Verifiable
- Documented
- Time-stamped
- Clearly linked to the marketing purpose
- Specific to the type of communication (calls, SMS, prerecorded voice)

4. Consent Requirements

4.1 Express Written Consent (High-Risk Categories)

Required for:

- Debt relief / debt settlement
- Credit repair services
- Mortgage relief / refinancing outreach
- Medicare and health insurance marketing (in many cases)

Consent must include:

- Clear disclosure that the consumer agrees to be contacted
- Identification of the seller/marketing entity (or categories of partners)
- Explicit mention of automated dialing systems or prerecorded calls where applicable

4.2 Implied Consent (Limited Use Only)

May apply only when:

- Consumer voluntarily submits inquiry through a compliant opt-in form
- Contact aligns strictly with the original inquiry purpose

⚠ Implied consent is **not sufficient for high-risk verticals** in most enforcement cases.

5. Do Not Call (DNC) Compliance

All campaigns must comply with:

- National Do Not Call Registry (US)
- Internal Do Not Call lists

Requirements:

- Scrub all calling lists against DNC registry at least every 31 days
- Maintain and honor internal opt-out requests permanently
- Do not contact numbers on DNC unless explicit prior consent exists

6. Autodialers and Automated Systems (ATDS Risk)

TCPA places strict restrictions on:

- Predictive dialers
- Robodialers
- Automated text messaging systems

Compliance requirement:

- Systems must only be used where valid consent exists
 - Dialing logic should be configurable to avoid “random or sequential number generation”
 - All system usage must be auditable
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7. Call Timing Restrictions

Calls must not be made outside:

- 8:00 AM – 9:00 PM (recipient local time in the US)
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8. Identification Requirements (Mandatory Disclosure)

At the start of each call, agents must clearly disclose:

- Identity of the caller/company
- Purpose of the call
- Nature of the offer or inquiry
- Option to opt out of future communication

Misrepresentation or omission of identity is a **serious TCPA and FTC violation risk**.

9. Consent & Data Integrity Requirements

All leads used must be:

- Generated via compliant opt-in funnels OR verified third-party sources

- Traceable back to original consent source
 - Stored with metadata including:
 - IP address (if digital)
 - Timestamp
 - Form URL or landing page
 - Consent language version
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10. Prohibited Practices

The following are strictly prohibited:

- Cold calling without verified consent (for high-risk verticals)
 - Purchased “scraped” or unverified data lists
 - Misleading scripts or false eligibility claims
 - Calling DNC-listed consumers without consent
 - Using spoofed caller IDs
 - Claiming government affiliation (e.g., Medicare, SSA, IRS)
 - Sharing or selling leads without consent documentation
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11. Record Keeping (Critical for Defense)

Maintain records for at least:

- 4–5 years (recommended industry standard for TCPA defense)

Records must include:

- Consent logs
 - Call recordings (where applicable)
 - Dialer logs
 - Lead source documentation
 - Opt-out records
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12. Vendor / Offshore Call Center Compliance

If operations are outsourced or offshore:

- Vendor must follow identical TCPA compliance rules
- Contract must include indemnification clauses

- Regular audits should be conducted
 - Scripts must be pre-approved
 - Training must be documented
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13. Enforcement Risk Summary

Violations may result in:

- Statutory damages: **\$500 per violation**
 - Willful violations: **up to \$1,500 per call**
 - Class-action lawsuits (multi-million dollar exposure)
 - FTC enforcement actions
 - Payment processor termination (Stripe, PayPal, etc.)
 - Client contract termination
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14. Best Practice Compliance Standard (Recommended)

To operate safely at scale:

- Use **100% opt-in lead funnels**
 - Avoid any gray-area data sources
 - Maintain strict vertical separation (especially debt & Medicare)
 - Implement automated DNC + consent verification systems
 - Conduct quarterly compliance audits
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15. Final Statement

TCPA compliance is not optional. It is a **strict liability framework**, meaning violations can occur even without intent.

A strong compliance system is essential for:

- Business continuity
- Client retention
- Payment processing stability
- Legal risk mitigation