

TCPA COMPLIANCE

TCPA compliance can be difficult to navigate. Here is the most important information you need to remain compliant under the TCPA.

What is the TCPA?

The Telephone Consumer Protection Act (TCPA) was enacted in 1991 to combat unwanted telephone marketing calls by placing restrictions around the use of an automated telephone dialing system and maintaining and adhering to Do Not Call (DNC) lists.

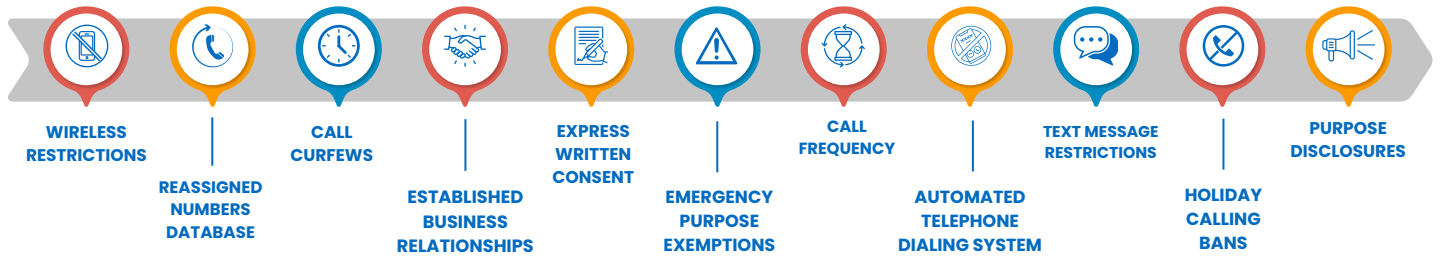


What are the fines?

TCPA violations can cost your organization **\$500 to \$1500** per dial.



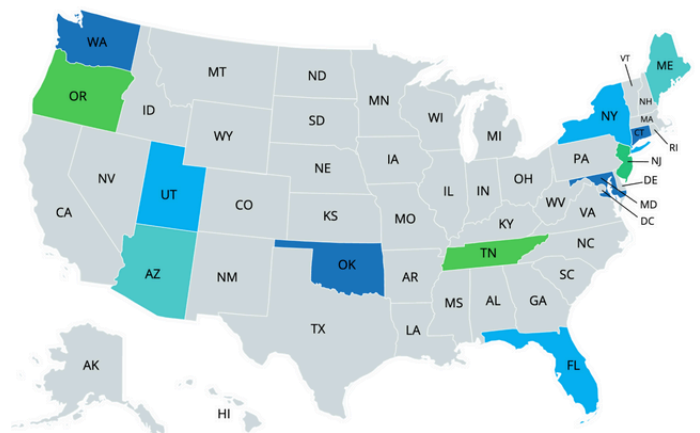
How does the TCPA regulate telemarketing laws?



Major TCPA violations

- Unauthorized pre-recorded voice messages (robocalls)
- Unsolicited text messages
- Failure to provide opt-out mechanism
- Failure to obtain prior express written consent to autodial cell phones
- Failure to disclose
- Violations of the Do Not Call registry
- Deceptive caller ID practices (spoofing)
- Failure to obtain prior express written consent

Are you calling into any of these states?



Arizona, Connecticut, Florida, Maine, Maryland, New York, New Jersey, Oklahoma, Oregon, Tennessee, Utah, and Washington have their own telemarketing legislation that differ from the federal TCPA standards.

The federal TCPA does not preempt state laws, so it's important to know the nuances of state's individual telemarketing laws before reaching out.

What is the Do Not Call registry?

The National Do Not Call Registry is a database maintained by the United States federal government, listing the telephone numbers of individuals and families who have requested that telemarketers not contact them.

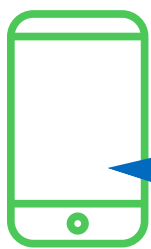
11 states operate their own do not call list in addition to the federal registry:

- Colorado
- Florida
- Indiana
- Louisiana
- Massachusetts
- Missouri
- Oklahoma
- Pennsylvania
- Texas
- Tennessee
- Wyoming

Text messaging is also subject to regulation

Organizations must obtain prior express written consent to text consumers.

The ways to get consent in the digital age are:



- Website forms
- Text messages
- Telephone key presses
- Voice recordings

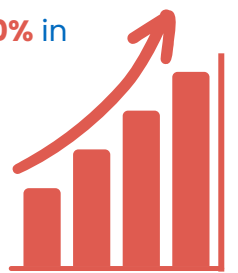
TCPA violations and regulations are on the rise

Seven states have enacted major changes to their telemarketing laws in 2023: Maryland, Florida, New Jersey, Massachusetts, Illinois, Ohio and Colorado

In August 2023, the FCC issued a record-breaking fine of **\$282.5 million** to an international network of companies making billions of illegal robocalls regarding auto warranties.

TCPA violations were up almost **10%** in 2023 from the previous year.

Of all TCPA lawsuits in 2023, almost **55%** were Class Action lawsuits.



Source: WebRecon, CNN

Ready to start your compliance journey?

Gryphon ONE automated compliance allows you to consolidate and manage compliance in a single platform. Our proprietary compliance engine evaluates every phone number against TCPA, state, federal, and other Do Not Call lists to protect your company from costly compliance violations.

Best practices for achieving TCPA compliance

- Always obtain proper consent
- Maintain and honor national, state, & internal do not call lists
- Keep records of consent
- Regularly update consumer contact info
- Include clear opt-out info in all communications
- Regularly train staff
- Conduct regular risk assessments
- Stay informed about industry changes & standards

