

# Contact Center Compliance Webinar



*Bringing you the **ANSWERS**  
you need about compliance  
in your call center.*



American Teleservices Association

# Welcome

## Business to Business Compliance Protocols

- Mitch Roth
  - ATA General Counsel
  - Partner – Williams Mullen
  
- Josh Scism
  - ATA Director of Government Affairs



## Telemarketing Sales Rule

Calling Hours

Mandatory Disclosures

Do Not Call

Call Abandonment

Caller ID

Calling Hours

Fraud Prevention



# FTC Jurisdiction

- Exception

- Nondurable office supplies
- Cleaning Supplies

- But:

- National DNC
- Record keeping requirements





➤ **No Person or Entity Shall:**

- Initiate any call for telemarketing purposes to a residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government.



NATIONAL  
DO NOT CALL  
REGISTRY



# Entity-Specific DNC

## ➤ No Person or Entity Shall:

- Initiate any call for telemarketing purposes to a residential telephone subscriber unless such person or entity has instituted procedures for maintaining a list of persons who request not to receive telemarketing calls made by or on behalf of that person or entity.





*Our Title Sponsor*

# CONTACT CENTER COMPLIANCE

*Contact Center Compliance provides high-availability “Do Not Call” software products and services that enable call centers & telemarketers to operate more efficiently and in a compliant manner with regard to the National and State “Do Not Call” rules.*

**DNC Scrub**<sup>TM</sup> – Online National, State & Wireless “Do No Call” list scrubbing with EBR & Internal DNC list management. Web based, FTP , and API Dialer and CRM Integration modules.

**SmartBlock**<sup>TM</sup> – Real Time DNC Blocking. Hosted or onsite appliance versions with desktop companion for click to call automated DNC compliance.

**Training Master**<sup>TM</sup> – Customizable Online Training for Agents and Supervisors with DNC Regulation Certification for guaranteed safe harbor protection.

**Compliance Guide** – Online Compliance Guide complete with compliance gap analysis, email alerts, and easy to use interface. Includes State Registration & Exemption wizard for call campaign licensing.

**Data Enhancement** – Validates and enhances the hygiene of your customer data.

To sign up for a Free Trial: [www.DNC.com](http://www.DNC.com)

Federal Communications Commission

# Calling Hours

## ➤ No Person or Entity Shall:

- Initiate any call for telemarketing purposes to a residential telephone subscriber before the hour of 8 a.m. or after 9 p.m. (local time at the called party's location)



# Cell Phones

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Any telephone number assigned to a cell phone or any service for which the called party is charged for call without prior express consent.



## Companies May Liberally Interpret “Consent” When Calling Cellular Telephones

*ACA International -- Autodialed and prerecorded message calls to wireless numbers that are provided by the called party to a creditor in connection with an existing debt are permissible as calls made with the "prior express consent" of the called party*



## Federal Communications Commission

# Wireless Number Portability

- TCPA -- No calls by predictive dialers to:  
“any telephone number assigned to a paging or cell phone service
  
- Identifying wireless numbers:
  - Area code/exchange (NPA/NXX-(X))
    - Neustar ([www.nationalpooling.com](http://www.nationalpooling.com))
    - Telcordia: Local Exchange Routing Guide (LERG)
  
  - “Ported” Wireless Numbers
    - [www.tcpacompliance.com](http://www.tcpacompliance.com)





- **PossibleNOW is pleased to be a sponsor for today's Webinar**
- **For over 9 years, PossibleNOW has helped ATA Members**
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# Prerecorded Messages

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Initiate any telephone call to any residential line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party, unless the call, unless . . . .



## Federal Communications Commission

# Prerecorded Messages

- Made for emergency purposes
- Prior express consent of called party
- Not made for commercial purposes
- Made for commercial purpose, but does not constitute a telephone solicitation / advertisement
- Made to person with whom caller has an established business relationship
- Made on behalf of a tax-exempt, nonprofit organization



Federal Communications Commission

# Prerecorded Messages

## Scripting Requirements for Approved Messages

- Identity of entity responsible for initiating the call
  - business name under which entity is registered to conduct business in its home state
- Telephone number of such business for telemarketing calls



Federal Communications Commission

# Dialing Requirements

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Use an automatic telephone dialing system in such a way that two or more telephone lines of a multi-line business are engaged simultaneously.



Federal Communications Commission

# Dialing Requirements

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Disconnect an unanswered telemarketing call prior to at least 15 seconds or four (4) rings.



Federal Communications Commission

# Call Abandonment

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Abandon more than three percent of all telemarketing calls that are answered live by a person, measured over a 30-day period.



## Federal Communications Commission

# Call Abandonment

- An outbound call is abandoned if a person answers it and the telemarketer does not connect the call to a sales representative within two (2) seconds of the person's completed greeting
- Play a prerecorded identification message that states only the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for "telemarketing purposes."



## Federal Communications Commission

# Call Abandonment

- The telephone number so provided must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.
- The telephone number may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.
- The seller or telemarketer must maintain records establishing compliance with this section.





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- **Neustar** ~ **converge your technologies to optimize success.**
- **Neustar** ~ **enhance your communications.**  
For individuals, businesses, organizations, industries, government entities and many others.
- **Neustar** ~ **Wireless Do-Not-Call (WDNC) service.**  
Keep up with the very latest wireless, wireline and intermodal number porting data. Comply with the Telephone Consumer Protection Act (TCPA).

**visit [www.tcpacompliance.us](http://www.tcpacompliance.us) to investigate  
Neustar's WDNC service for yourself**

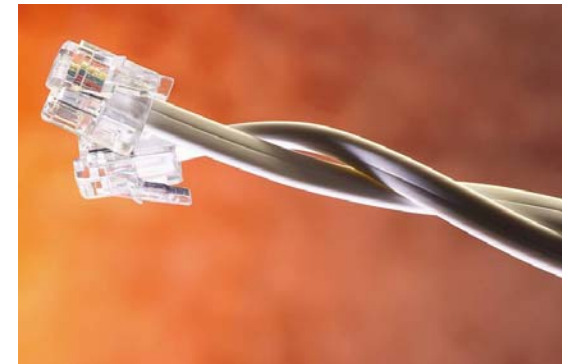


Federal Communications Commission

# Line Detection

## ➤ No Person or Entity May:

- Initiate any telephone call using an automatic telephone dialing system or an artificial or prerecorded voice to:
  - Use any technology to dial any telephone number for the purpose of determining whether the line is a facsimile or voice line.



# Restrictions on Call Monitoring

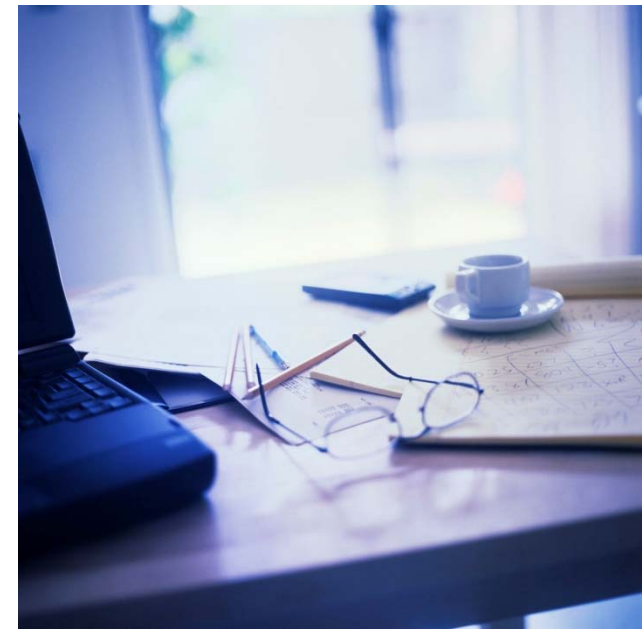
- One-party v. two-party consent
- Other issues:
  - What state law applies?  
Origin or recording?
  - Implied/express consent





# Home Based Businesses

- Considerations
  - Size of business
  - Source of lead generation
  - Statutory language
  - Colorado case law



# Upcoming Webinars

- **Tuesday, November 10**
  - Operations Compliance:  
The “Nuts and Bolts” of Backend Compliance
- **Tuesday, December 15**
  - Disclosures & Caller ID



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