

Contact Center Compliance Webinar



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

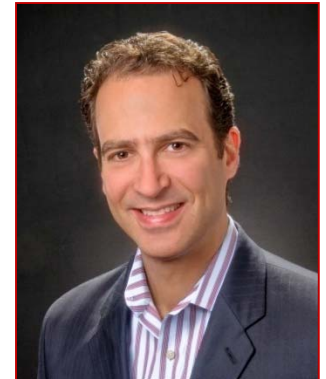


American Teleservices Association

Welcome

Disclosures & Caller ID Compliance Protocols

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





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 ScrubTM – 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.

SmartBlockTM – Real Time DNC Blocking. Hosted or onsite appliance versions with desktop companion for click to call automated DNC compliance.

Training MasterTM – Customizable Online Training for Agents and Supervisors with DNC Regulation Certification for guaranteed safe harbor protection.

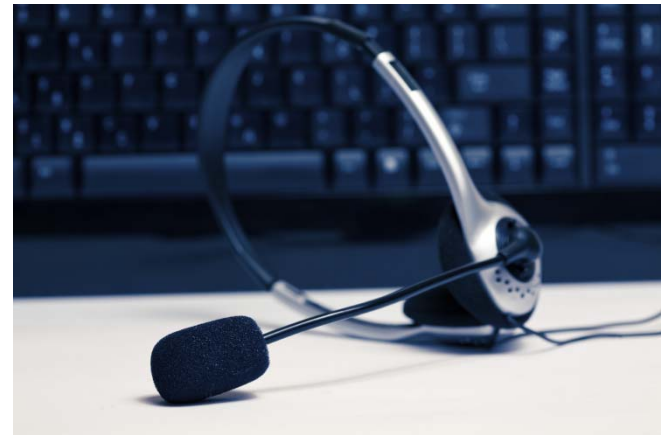
Compliance Guide – Online Compliance Guide complete with compliance gap analysis, email alerts, and easy to use interface. Includes State Registration & Exemption wizard for call campaign licensing.

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

To sign up for a Free Trial: www.DNC.com

Telemarketing Sales Rule Initial Disclosure Requirements (Sales Calls)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - Identity of seller
 - Purpose of call is to sell goods or services
 - Nature of goods or services



Telemarketing Sales Rule

Initial Disclosure Requirements (Credit Protection)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - In the sale of any goods or services represented to protect, insure, or otherwise limit a customer's liability in the event of unauthorized use of the customer's credit card,
 - ✓ the limits on a cardholder's liability for unauthorized use of a credit card pursuant to federal law.



Telemarketing Sales Rule Initial Disclosure Requirements (Consumer Credit)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - The disclosures required for compliance with:
 - ✓ Truth in Lending Act;
 - ✓ Regulation Z.



Telemarketing Sales Rule

Initial Disclosure Requirements

(Refund Policy)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - If the seller has a policy of not making refunds, cancellations, exchanges, or repurchases, a statement informing the customer that this is the seller's policy;
 - If the seller or telemarketer makes a representation about a refund, cancellation, exchange, or repurchase policy, a statement of all material terms and conditions of such policy;



Telemarketing Sales Rule

Initial Disclosure Requirements

(Prizes)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - No purchase or payment is necessary to win a prize promotion;
 - purchase will not increase the odds of winning;
 - All material costs or conditions to receive or redeem a prize that is the subject of the prize promotion.



Telemarketing Sales Rule

Initial Disclosure Requirements (Negative Options)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - All material terms and conditions of the negative option feature, including, but not limited to:
 - ✓ the fact that the customer's account will be charged unless the customer takes an affirmative action to avoid the charge(s),
 - ✓ the date(s) the charge(s) will be submitted for payment



Telemarketing Sales Rule Initial Disclosure Requirements (Up-sells)

- ✓ All disclosure requirements apply to up-sell
- ✓ Exception for internal up-sell



Telemarketing Sales Rule Initial Disclosure Requirements (Charitable Solicitations)

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to disclose promptly, and in a clear and conspicuous manner:
 - The identity of the charitable organization on behalf of which the request is being made; and
 - That the purpose of the call is to solicit a charitable contribution.



Telemarketing Sales Rule

Purchase Disclosure Requirements (Sales Calls)

- Disclosures to be made before completion of sale
 - Total cost to purchase goods and services
 - Number and amount of billing installments
 - Total quantity of goods purchased
 - Tax and shipping costs
 - Material restrictions, limitations, conditions
 - ✓ if known, would likely affect consumer's decision to purchase goods



FCC Rule

Disclosure Requirements

- A person or entity making a call for telemarketing purposes must provide the called party with:
 - the name of the individual caller,
 - the name of the person or entity on whose behalf the call is being made, and
 - a telephone number or address at which the person or entity may be contacted.
 - ✓ The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.



FCC Rule

Disclosure Requirements

Recorded Messages

- At the beginning of the message, state clearly:
 - the identity of the business, individual, or other entity that is responsible for initiating the call.
 - ✓ If a business is responsible for initiating the call, the name under which the entity is registered to conduct business with the State Corporation Commission (or comparable regulatory authority) must be stated,



FCC Rule

Disclosure Requirements

Recorded Messages

- During or after the message, state clearly the telephone number (other than that of the auto-dialer or prerecorded message player that placed the call) of such business, other entity, or individual.
 - ✓ The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.
 - ✓ For telemarketing messages to residential telephone subscribers, such telephone number must permit any individual to make a do-not-call request during regular business hours for the duration of the telemarketing campaign.



States

Disclosure Requirements

Recorded Messages

- FTC disclosures – promptly
- FCC – at some point
- State examples:
 - Alabama – within 10 seconds;
 - AZ – “before beginning solicitation”
 - DC – 30 seconds
 - FL – within first 30 seconds
 - NM – within 15 seconds
 - HI – 3 minutes
 - MA – 1 minute
 - NJ – 30 seconds





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**PossibleNOW is pleased to be a sponsor for today's Webinar.
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PossibleNOW & CompliancePoint can help!**

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Telemarketing Sales Rule

Caller Identification

- It is an abusive telemarketing act or practice and a violation of this Rule for any seller or telemarketer to fail to transmit or cause to be transmitted:
- the telephone number, and,
 - when made available by the telemarketer's carrier, the name of the telemarketer, to any caller identification service in use by a recipient of a telemarketing call;



Telemarketing Sales Rule

Caller Identification

- ✓ No violation to substitute (for the name and phone number used in, or billed for, making the call) the name of the seller or charitable organization on behalf of which a telemarketing call is placed, and the seller's or charitable organization's customer or donor service telephone number, which is answered during regular business hours.





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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 to investigate Neustar's WDNC service for yourself



FCC Rule

Caller Identification

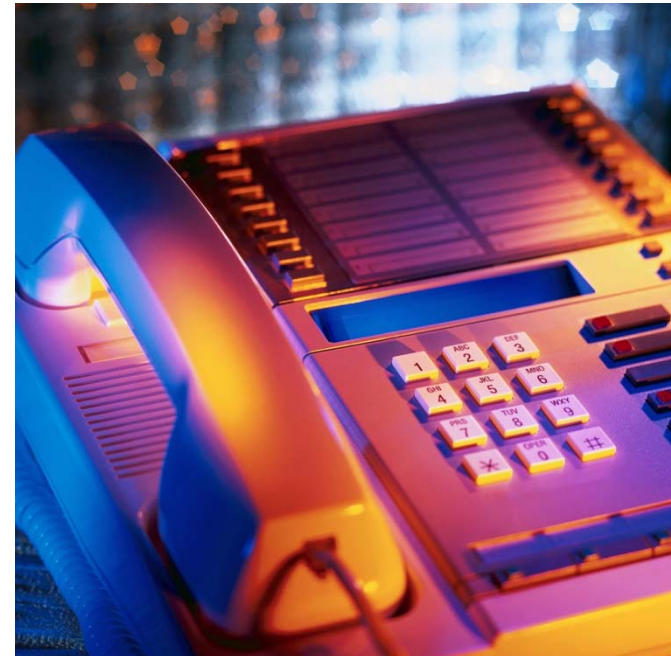
- Any person engaging in telemarketing must transmit caller identification information.
 - ✓ Must include either CPN or ANI, and, when available by the telemarketer's carrier, the name of the telemarketer.
 - ✓ No violation to substitute (for the name and phone number used in, or billed for, making the call) the name of the seller on behalf of which the telemarketing call is placed and the seller's customer service telephone number.



FCC Rule

Caller Identification

- ✓ The telephone number provided must permit any individual to make a do-not-call request during regular business hours.
- ✓ Any person or entity that engages in telemarketing is prohibited from blocking the transmission of caller identification information.
- ✓ Tax-exempt nonprofit organizations are not required to comply with this paragraph.





American Teleservices Association



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