

Want your campaign to hit the mark and stay out of trouble? A little planning goes a long way. Use this checklist, along with advice from your legal counsel, to help lay the right compliance groundwork before the first call or text goes out.

## 1. Confirm Permissible Call Purpose & Audience

- Identify the purpose of the campaign (sales, promotions, service reminders, etc.).
- Determine whether the outreach involves telemarketing, informational, or dual-purpose content.
- Segment consumers based on state, existing relationships, and consent status to help determine compliance obligations.

## 2. Obtain Required Consent

- Determine the appropriate level of consent needed. For manual calls, verify whether state laws require consent even if not autodialed.
- Confirm consent language includes all required TCPA elements.
- Document and retain timestamped logs of consent and consent revocations.

## 3. Maintain Do Not Call (DNC) Compliance

- Scrub when applicable against the National DNC Registry, state-specific DNC lists, and your company's internal DNC list.
- Honor opt-outs immediately (within 24 hours recommended).
- Keep numbers on your internal DNC list for at least 5 years (permanently recommended).
- Maintain, annually train employees on, and provide to consumers upon request, an internal DNC compliance policy.

## 4. Keep Your Marketing Messages in Compliance

- For text messages:
  - Review campaign against CTIA Messaging Principles and Best Practices.
  - Initial texts must include company name and should also include opt-out notice.
- For artificial & prerecorded voice messages:
  - Artificial & prerecorded voice messages must include automated opt-out instructions.
  - Artificial & prerecorded voice messages left on voicemail must include a toll-free number that connects to an automated opt-out system.

## 5. Evaluate Technology Platforms & Vendor Compliance

- Determine whether dialing platform qualifies as an automatic telephone dialing system (ATDS).
- Verify texting platform supports recognized opt out responses such as STOP.
- Confirm calling and texting platforms sync with your internal DNC list.
- Conduct vendor due diligence, confirm compliance capabilities, and configure the vendor system as needed to maintain compliance.

## 6. Apply Campaign Controls

- Display accurate caller ID information.
- Observe restricted call times (outside 8:00AM -9:00PM local time of the person called), recognizing stricter state rules may be applicable.
- Set limits on call and text frequency.
- Avoid contact patterns that may seem harassing.
- Track opt-outs in real time.
- Avoid abandoned calls.

## 7. Maintain Proper Recordkeeping and Documentation

- Retain consent records, call logs, text logs, and opt-out logs.
- Obtain and maintain any necessary telephone solicitation licenses/registrations.
- Store records for at least five years.

## 8. Train Employees & Review Scripts

- Review scripts for compliance requirements (e.g., opening disclosures, call recording disclosures, age verification, permission to continue, sale disclosures).
- Train staff on telemarketing rules and disclosure requirements.
- Provide refresher training for legal updates.

## 9. Conduct Regular Compliance Audits

- Schedule periodic internal reviews of outbound calling and texting practices.
- Audit vendor systems and data flows to confirm compliance.
- Document findings and corrective actions.
- Update processes based on new laws and regulatory guidance.

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