

TCPA Policy (Policy)

Regarding The Telephone Consumer Protection Act (TCPA) and Do Not Call List

Regulatory Summary

The federal Telephone Consumer Protection Act (TCPA), related FCC regulations, and related court interpretations protect consumers from specific types of telemarketing. Under the TCPA “telemarketing” is defined as “the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.” 47 C.F.R. § 64.1200(f)(12). The TCPA restricts cold calls, prerecorded sales calls, the use of autodialers, fax machines and prohibits most calls to cellular telephones.

The TCPA mandates that telemarketers:

- Maintain and abide by a Policy;
- Provide a copy of the Policy to requesting consumers;
- Only make calls between 8 a.m. and 9 p.m. (local time of the person being called);
- Only make calls and texts to numbers not on the National Do Not Call List (DNC);
- Only make calls and texts to numbers not on the business’ internal do not call list;
- Restrict the use of automatic telephone dialer systems (ATDS) to consumers that have given prior express consent to receive such calls;
- Restrict the use of artificial or prerecorded voice recordings to consumers that have given prior express consent to receive such calls;
- Identify the caller name and location, and company name;

Statement of Policy

THE BUSINESS is not a telemarketer and does not engage in telemarketing. All employees, independent contractors, vendors, and any persons or entities purporting to act on behalf of THE BUSINESS are strictly forbidden from making any telemarketing calls without first consulting with the legal department of THE BUSINESS and being briefed on the required procedures for adhering to the TCPA, related FCC regulations and guidance, all court decisions related thereto and all applicable state laws. For the avoidance of doubt, any vendor or contractor telemarketing in reference to THE BUSINESS, a product of THE BUSINESS or marketing for THE BUSINESS shall adhere to the TCPA, related FCC regulations and guidance, all court decisions related thereto and all applicable state laws.

Noncompliance with the TCPA carries with it severe penalties.

Any violation of this policy or the TCPA may subject an employee, contractor or vendor to such penalties, and/or employment termination, and/or contract termination and other discipline.