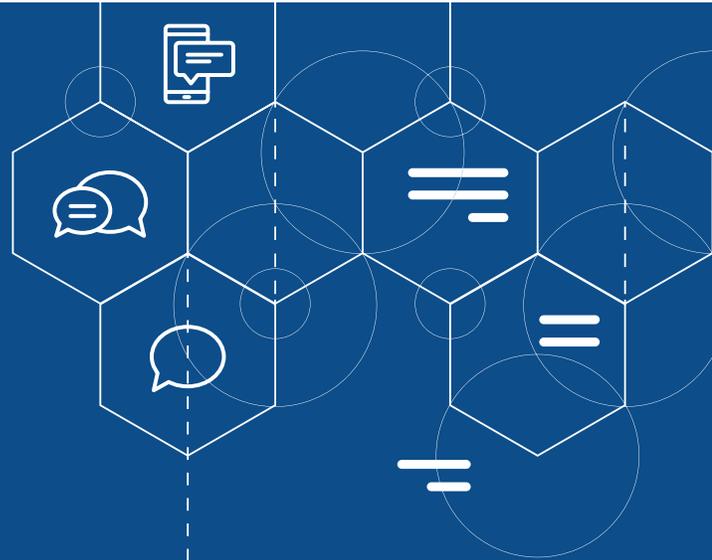


# Your Agency & Texting TCPA Compliance Checklist

This document highlights key TCPA compliance guidelines that agencies utilizing text messaging must follow. The content is derived from the [CTIA Messaging Principles and Best Practices guide](#). We encourage you to read the full guide for complete details.



This document is best viewed on a computer so you can click on the included links to digital resources.

## 1 ACQUIRE APPROPRIATE CONSENT

[CTIA Guidelines section 5.1.1, 5.1.2](#)

### Completed

### Action Items

#### Identify needed level of consent

- Acquire client's **express consent** for informational messages
- Acquire client's **express written consent** for marketing messages
- Ensure clients have **ability to revoke consent** at any time

#### Set up opt-in methods for clients

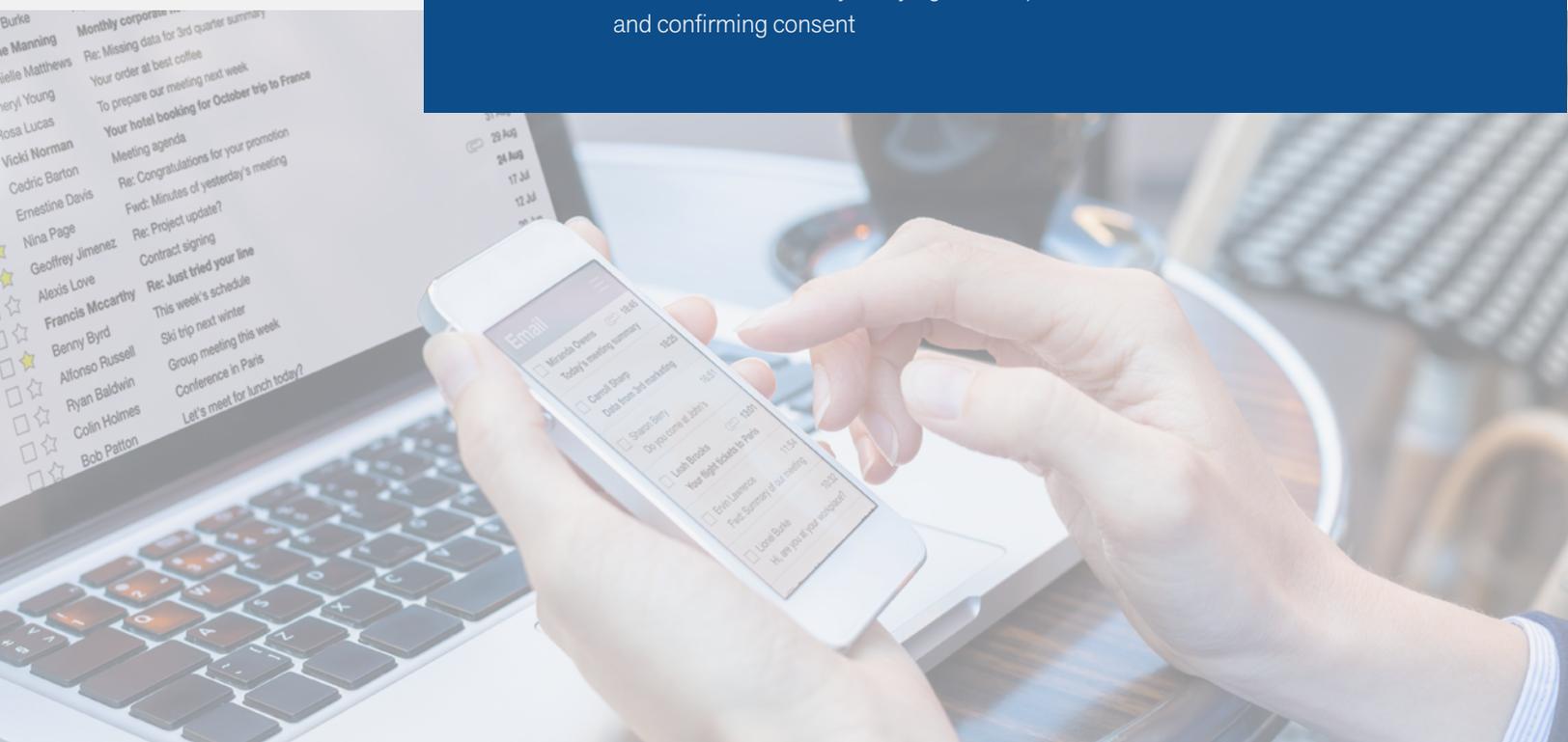
- Website form
- Mobile webpage button
- Text message containing a requested keyword
- Text conversation initiated by client (business can only reply with corresponding information)
- Signup sheet at point of sale or business location
- Phone using interactive voice response (IVR) technology

**Completed      Action Items****Send opt-in confirmation text**

- Identify your business
- Provide the name or description of the text campaign
- Include your business contact information (e.g. phone number or HELP instructions)
- Give details on how to opt out of the text campaign at any time
- Disclose that messages are recurring and state the frequency of messages
- Disclose any associated fees and charges
- Provide double opt-in (optional): ask client to message a keyword (e.g. YES) to confirm their consent

**ADDITIONAL  
RESOURCE****[ACT Agency Texting Agreement & Sample Opt-in Form](#)**

- Recommends agencies provide an opt-in form with terms & conditions during a client's onboarding or renewal, to be kept in the client's file in the management system
- Provides a sample opt-in form and terms & conditions document
- Recommends annually verifying current phone number with client and confirming consent



**2 SET UP OPT-OUT**[CTIA Guidelines section 5.1.3](#)

Completed	Action Items
	<b>Allow clients to opt out at any time through any “reasonable means,” including phone call, webpage, email, or text</b>
	<b>Process opt-out requests immediately</b> <ul style="list-style-type: none"><li>Do not send any further messages after opt-out confirmation</li><li>Opt out clients even if their wording doesn't match the requested keywords (e.g. unsubscribe instead of STOP)</li><li>Retain records of opt-outs</li></ul>
	<b>Send an opt-out confirmation message to verify that opt-out was successful</b>

**Let your agency management system do the work**

**HawkSoft Text Messaging** has built-in functionality to meet key compliance requirements, right inside the agency management system. HawkSoft sends one-click opt-in texts to insureds, automatically opts out clients who use the STOP keyword, and displays the opt-in status for each mobile number on a policy.

**3 IMPLEMENT & TRAIN**[CTIA Guidelines section 5.1.2, 5.2](#)

Completed	Action Items
	<b>Document and archive proof of opt-in</b> <ul style="list-style-type: none"><li>▪ Timestamp of consent acquisition</li><li>▪ Consent acquisition method (email, web form, etc.)</li><li>▪ Capture of experience (language/action) used to secure consent</li><li>▪ Specific campaign for which opt-in was provided</li><li>▪ IP address used to grant consent</li><li>▪ Consumer phone number consent is granted to</li><li>▪ Identity of consenting individual (name, online username, session ID, etc)</li></ul>
	<b>Create standardized content for recurring texts</b> <ul style="list-style-type: none"><li>▪ Create templates for reminder texts for appointments, renewals, payment, policy updates, etc</li></ul>
	<b>Save text message conversations to client files</b>
	<b>Use a dedicated business number for texting, not personal numbers</b>
	<b>Train all staff on correct documentation procedures</b>
	<b>Put privacy and security measures in place</b> <ul style="list-style-type: none"><li>▪ Maintain and conspicuously display the agency's privacy policy</li><li>▪ Implement reasonable physical, administrative, and technical security controls to protect client information</li><li>▪ Conduct regular security audits</li></ul>

## Additional Compliance Information

### PROHIBITED ACTIVITIES

[CTIA Guidelines section 5.1.4, 5.5.2, 5.5.3](#)

#### Businesses should NOT

- Use opt-in lists that have been rented, sold, or shared
- Engage in any technique used to send messages spread across multiple phone numbers or short codes (i.e. snowshoe messaging)
- Use any setting, method, or path that is not authorized by service providers (i.e. grey routes)

### PROHIBITED CONTENT

[CTIA Guidelines section 5.3](#)

#### Message content should NOT

- Be unlawful, harmful, abusive, malicious, misleading, harassing, excessively violent, obscene/illicit, or defamatory
- Intend to deceive (e.g. sending phishing messages to gather confidential information)
- Invade privacy
- Cause safety concerns
- Incite harm, discrimination, or violence
- Intend to intimidate
- Include malware
- Threaten consumers
- Fail to meet age-gating requirements (e.g. marketing to underage children)
- Include links created by public URL shorteners, or any other links that conceal or obscure the business's identity
- Contain phone numbers that are assigned to or forward to unpublished phone numbers, unless the owner is clearly indicated in the content

## LAWS & REGULATIONS

### TCPA

Laws passed by US Congress

- [2015 TCPA Omnibus Declaratory Ruling and Order](#)
- [Summary of TCPA Rules](#)
- [Major orders, notices, and events](#) (Robocalls, Telemarketing)

Violation penalties (source: [Tatango TCPA Survival Guide](#))

- Fine of \$500-1500 per text from client or state lawsuit
- Forfeiture penalty imposed by FCC
- Maximum fine of \$40,000 from enforcement action initiated by FTC

### CTIA

Guidelines produced by phone service providers

- [Messaging Principles and Best Practices](#)
- [Compliance Principles for Short Codes](#)

Violation penalties (source: [CTIA Guide](#))

- Text messages to clients may be filtered or blocked by provider
- Short code may be deactivated by provider

## ARTICLES FOR FURTHER READING

- [TCPA Survival Guide \(Tatango\)](#)
- [Reducing Agency E&O Exposure \(IA Magazine\)](#)
- [The Reality of Texting for Insurance Agencies \(OIA\)](#)
- [Is Double Opt-In Required for SMS Marketing? \(Tatango\)](#)
- [Is Text Marketing a Viable Form of Client Communication? \(IA Magazine\)](#)
- [Agency Data Ownership Can Be Tricky in Age of Texting \(Insurance Journal\)](#)
- [9 Reasons Why Texting Insureds Makes Sense \(PropertyCasualty360\)](#)