

# Telephone Consumer Protection Act (TCPA) Checklist

A Suggested Guide to Creating a Compliant Text Messaging Program

## REGULATORY + SELF-REGULATORY

### Have you...

- Reviewed the recent 2015 [Federal Communications Commission rulings](#) on the Telephone Consumer Protection Act (TCPA)?
- Determined your responsibilities under the TCPA and additional legal and ethical obligations when engaging children under age 13?
- Reviewed [Mobile Marketing Association's Code of Conduct](#) and [Consumer Best Practices](#) for mobile marketing?
- Determined whether you will be [obtaining a Common Short Code \(CSC\)](#) to run standard-rate (SMS), multi-media (MMS) or free-to-end-user (FTEU) programs?
- Downloaded the latest [CTIA Short Code Monitoring Handbook](#) and familiarized yourself with carriers' program certification requirements?
- Prepared to collect appropriate written, verbal and electronic consent agreements or opt-out requests?

## OPERATIONAL

### Do you...

- Use a shared or a dedicated short code for your text messaging program? Do you run multiple programs per shortcode?
- Have a seamless process in place to identify wireless or ported phone numbers for proper handling?
- Verify your active accounts using a data-hygiene process and manage message deliverability with carriers?
- Have a standardized process to receive and respond to CTIA and carrier audits for your short code programs?
- Have a process to identify, flag and manage abuse complaints, verbal and other non-standard opt-out requests such as through your website or social media?
- Regularly liaise with your SMS technology vendor to ensure the operational soundness of your program?

## GOVERNANCE

### Will you...

- Document procedures to obtain TCPA and COPPA-compliant consent records for new customers, ported customers and legacy subscribers?
- Define policies to retain opt-in and opt-out records until a minimum of 6 months after the user has opted out?
- Schedule regular meetings with your legal counsel to ensure compliance with federal, state and case law?
- Regularly review your privacy policy, terms of service and other consumer-facing disclosures?
- Document procedures to ensure program calls-to-action, terms & conditions, and text message content satisfy CTIA requirements?
- Participate in industry coalitions such as the [DMA](#), [CTIA](#), and [ESPC](#) to stay on top of emerging trends and issues?