Neustar® TCPA Compliance FAQs

Complying with the Telephone Consumer Protection Act (TCPA) is a stiff challenge. The act is designed to safeguard consumers from harassing or predatory calls. Its rules are complex and sometimes difficult to interpret—and failure to adhere can result in large fines. To help you comply with Federal Communications Commission (FCC) regulations and requirements, Neustar has prepared this set of Q&A’s. PLEASE NOTE, this Q&A reflects our views only, and is provided for informational purposes. It is not a substitute for legal advice.

**Numbers provided by consumers**

**Q:** If a consumer provides a phone number without specifying it as landline or mobile, is the company in violation if you call and the number is mobile? Does this only apply to third parties or to lenders’ collections as well?

**A:** From an FCC perspective, you don’t have to worry if a consumer gives you a phone number and you are calling to follow up for an existing business purpose such as collections. Important to note: the number is not to be used for solicitation, such as telemarketing.

In certain cases the FCC has permitted businesses to assume that if a consumer provides a phone number in regard to a transaction, that person will expect to receive calls about the transaction on that number, whether it is assigned to a mobile or landline phone.

According to a recent court case, if a lending institution gets either consent or a phone number from an individual at the time of a transaction, the institution can then share that phone number with collections.

Please note: some court cases conflict with that ruling, and do require some affirmative consent from the individual. Moreover, there are very complicated rules involving when the number is provided and what you’re allowed to assume or infer from the consumer. It is best to consult with qualified legal counsel on this issue.

**Calls forwarded to mobile phones**

**Q:** If you have pre-determined that a given number is assigned to a landline, are you liable if a call placed to that landline is forwarded by the consumer to a mobile phone number?

**A:** If you are calling the landline, logically you should not be liable for the forward. There isn’t firm precedent for this situation, so you should seek specific legal advice.
Changes to regulations

Q: Is there any proposed legislation that will change any of the current TCPA boundaries?
A: In 2011, the House of Representatives considered amending the TCPA, but this effort seems to have stalled. Neustar does not anticipate any near-term legislative activity to modify TCPA regulations. However, there are many petitions seeking modification or clarification of the Rule in front of the FCC. The Commission appears to understand that TCPA regulations are extremely important to many companies and industries, and they understand that it’s important for them to act on these petitions fairly soon. We expect to see some action on these petitions in 2015.

Leaving prerecorded messages on landlines

Q: If I have express prior written permission to reach a customer on a landline number, may I leave a pre-recorded telemarketing message?
A: Yes.

Best practices in collections

Q: What are best practices in regard to contacting consumers with autodialers?
A: Landlines can be dialed with a predictive dialer whereas cell phones cannot, so the first and most important thing is the ability to differentiate between a cell phone and landline phone—that’s really where the rubber meets the road. That’s why major collections companies have used Neustar—to distinguish landline numbers from mobile numbers.

Data practices

Q: How cautious is Neustar in regard to the regulations and legal implications of data capture and sharing?
A: Neustar watches this space very, very carefully.

Currently, the practices under greatest scrutiny involve the collection of data about specific behaviors when a consumer is online and alternative “scoring” products. With respect to our TCPA service, we have met with representatives of the FCC to explain how our service works and to outline its capabilities and limits. We think services like ours help protect consumer privacy and prevent unwanted calls to mobile numbers. This is a volatile issue, and we pay close attention to every development.

Data sources

Q: What are Neustar’s data sources, and how do they allow you to determine if a phone number is landline or mobile?
A: Neustar has more than 200 data sources, including communication service providers and other companies that have billing relationships with consumers, as well as many other types of data. Regarding the specific question about determining whether a phone number is landline or wireless, Neustar, as the Number Portability Administrator, publishes a list of numbers that have been ported from landline to wireless and vice versa. In addition, Neustar has unique proprietary sources for this information, which helps us understand when a wireless number has been recycled to another user. We also use additional data sources, including the original equipment assignments for blocks of phone numbers, because the intermodal porting data doesn’t tell you everything—for example, if a telephone number has always been a wireless number, or if it has changed hands.

In Conclusion
TCPA compliance involves keeping internal policy attuned to court rulings and FCC guidelines and requirements. This Q&A is not legal advice; TCPA rules are complex and confusing, so you should consult legal counsel about TCPA issues. Contact Neustar for further details on how our TCPA services can support your business goals and reduce your compliance risk.