

Contact Center Compliance
DNC.com

DNC Quick Guide

What you need to know to stay compliant with the Do Not Call provisions of the Telemarketing Sales Rule.

Overview

The National Do Not Call or "DNC" List was created in 2003 to offer consumers a choice in limiting the telemarketing contact they receive. The DNC list is the result of amendments to both the Telephone Consumer Protection Act (TCPA), enforced by the Federal Communications Commission (FCC), and the Telemarketing Sales Rule (TSR), enforced by the Federal Trade Commission (FTC).

Did You Know?

The FTC has recovered over $52 million in civil penalties and $72 million in fines over Do Not Call Registry violations.

Do Not Call provisions of the Telemarketing Sales Rule

Internal Do Not Call List Requirements

The Internal Do Not Call List refers to the Entity-Specific Do Not Call Provision. This provision mandates that telemarketers keep and maintain their own do not call list, specific to their organization. When a consumer asks to be put on your do not call list, you should honor that request immediately.

Hot Tip

Failure to comply with the Internal Do Not Call List rules could result in a civil penalties from the FTC of $42,530 per violation.

National Do Not Call Registry Requirements

The DNC list is comprised of both landline and wireless numbers and has been open to telemarketers since September 2003. All telemarketers are required to check their lists against the National Do Not Call list at least every 31 days.

Hot Tip

A violation of the DNC list can incur civil penalties from the FTC up to $41,484 per violation.

Misuse of the Do Not Call List

Neither the National Do Not Call Registry nor any Internal Do Not Call list may be used for any purpose other than compliance with the TSR's Do Not Call provisions. This includes attempting to "share" the cost of accessing the National Do Not Call data. All organizations must have their own individual subscription.

Did You Know?

To date, the FTC has brought over 140 enforcement actions against companies and telemarketers for Do Not Call, abandoned call, robocall, spoofing, and Registry violations.

Interfering with Someone's Do Not Call Rights

When a consumer asks to be placed on your internal do not call list, you should accept this request and honor it immediately. Hanging up, refusing to honor or demanding the consumer listens to a sales pitch all constitute violations of this provision. Any organization caught violating this rule will lose any benefit from the TSR's safe harbor from erroneous violations and may be subject to civil penalties.

Do Not Call Exemptions

Established Business Relationship (EBR) Exemption

If you can demonstrate that you have an established business relationship with a consumer, and they have not asked to be on your internal do not call list, you can make live calls to that consumer even if they are on the National Do Not Call Registry. This exemption does not allow organizations to make automated calls or texts or to use pre-recorded messages. This exemption is limited to 18 months from the initial purchase, rental, lease or financial transaction between you and the consumer, or 90 days from the consumer's product or service inquiry. This exemption only applies to the organization who established the relationship and does not normally extend to subsidiaries or corporate parents.

Did You Know?

Satellite TV provider Dish Network was fined over $280 million after placing millions of calls that violated the Telemarketing Sales Rule.

Written Permission to Call Exemption

Calls and texts can be made even if the consumer's number is on the National Do Not Call Registry if you have prior express written consent. The consent must include the number to be called, and a written signature or electronic confirmation via a button press or conspicuous checkbox.

Safe Harbor

Do Not Call Safe Harbor

The TSR allows a limited safe harbor from civil penalties if a call or text to a number on the national DNC list was the result of an error and the calling organization can prove that they have done all the things they can to be compliant with the rules. Those things include but are not limited to:

- Having written policies and procedures in place and training employees to follow them.
- Maintaining an internal do not call list
- Scrubbing against the National Do Not Call Registry
- Scrubbing against the individual state do not call registries
- Checking your data for reassigned numbers (best practice)

Hot Tip

Unless you have consent to do otherwise, it is a violation of the TSR to call a consumer's home number before 8 AM or after 9 PM based on their local time zone.

Call Abandonment Safe Harbor

The TSR expressly prohibits telemarketers from abandoning outbound calls. Abandoned calls are primarily the result of the use of predictive dialers. A call is considered abandoned if the consumer answers and the call is not connected to a real person within two seconds of the consumer's completed greeting.

The abandoned call safe harbor promises that telemarketers will not be subject to actions or penalties for violating the call abandonment prohibition if they follow certain rules. The telemarketer must:

- use technology that regulates call abandonment rates to no more than 3% of all calls answered by a live person within a single calling campaign, or 30 days, whichever comes first
- allows the phone to ring for at least 15 seconds or 4 rings, whichever comes first
- plays a recorded message within 2 seconds (when a live person is not available) clearly identifying the seller by name and phone number and on whose behalf the call was placed
- maintains records documenting proof of compliance with the three requirements above

Hot Tip

Before you can access the Do Not Call list you must first subscribe to the area codes you wish to call. Once your subscription is successful, you will be provided with a Subscription Account Number (SAN) to access the Do Not Call data you need.

Best Practices

Scrub against the National Do Not Call List

Telemarketers are required to suppress phone numbers on the National Do Not Call Registry. It is important to note that individual states have separate Do Not Call rules, registries and registration requirements which must also be complied with. State DNC laws also carry their own separate penalties.

Maintain an Internal Do Not Call List

Organizations are required to maintain an internal Do Not Call list of consumers who asked not to be called or texted. Honor Do Not Call requests immediately and make sure all branches of your organization have access to the most updated version of your Internal Do Not Call list.

Keep Track of Established Business Relationships

Maintain a list of Established Business Relationships and their expiration dates. Create a campaign to reach out to consumers to maintain your relationships before they expire. Be mindful of individual state EBR laws as well.

Exercise Good Data Hygiene

Identify and remove disconnected numbers from your calling lists and internal do not call lists. Verify your consent to call by keeping records up to date with the consumer's current contact information.

Did You Know?

Numbers are only removed from the Do Not Call list when they have been Disconnected and reassigned or the consumer has specifically asked for their number to be removed.

Fun Fact

When the Do Not Call list started there was a 5 year expiration on DNC registrations. However, pending Congressional action, the FTC has held off dropping phone numbers from the Do Not Call list until it is decided on whether to make registration permanent.

This content was created for informational purposes only; the information herein is not intended to be legal advice; anyone reading this should not act, or refrain from acting, upon any of the information herein without consulting an attorney.

Bonus: DNC Cheat Sheet

DNC Do's and Don'ts

Provision	DO	DON'T
National Do Not Call Registry	Check your lists against the Do Not Call list	Misuse the Do Not Call List
Internal Do Not Call List	Maintain an Internal Do Not Call List	Interfere with someone's do not call rights

Safe Harbors

Do Not Call	Call Abandonment
Have written policies & train agents	Keep abandonment rate under 3%
Maintain an Internal Do Not Call List	Allow phone to ring for 15 seconds or 4 rings
Scrub against the National Do Not Call List	Play a recorded message within 2 seconds
Scrub against state do not call lists	Document compliance

EBR Exemption

You can make live calls to consumers on the Do Not Call List if you already have an established business relationship.

Written Permission to Call Exemption

You can call or text someone on the Do Not Call List if you have prior express written consent.