TCPA Law Rules and Guidelines within Conversica


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Updated

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What is TCPA?

The Telephone Consumer Protection Act (TCPA) was enacted to restrict unsolicited marketing communications, particularly through telemarketing, robocalls, and SMS Text messaging. This law aims to protect consumers from invasive marketing strategies and give more control to the user over how businesses are able to reach consumers.

How Conversica stays TCPA Compliant

All SMS Messaging from Conversica Agents is deployed through Twilio.

- Twilio works closely with major wireless carriers in the US to make sure that SMS Messaging is compliant with TCPA rules and regulations.
- Consent data and analytics are tracked and managed through Twilio and within the Conversica system.
- We partner with Twilio to ensure we stay SMS compliant. To review how Twilio is maintaining compliance, visit Twilio's Guideline and Compliance page: **https://www.twilio.com/en-us/guidelines**
- Security & Privacy Assurance: Conversica maintains a SOC 2 Type II audited control environment, and leverages Twilio (SOC 2 Type II certified) as an approved sub-processor for SMS delivery. More details on Conversica's compliance and certifications can be found at **https://trust.conversica.com/**.

Easy Opt-Out Messaging

- Leads that reply with "STOP" in SMS conversations will be flagged as "Do Not Contact" and messaging will cease. A specific opt out field for SMS can be sent back into the client's CRM/MAS upon request.
- All leads who otherwise express that they do not want to be contacted will be flagged as "Do Not Contact" and will not be messaged further by the Conversica Agent.

TCPA Guidelines - Requirements for Customers

- Conversica does not currently manage or collect SMS Consent from third party systems when a lead is sent to Conversica. When a customer signs our service agreement, they agree to only send leads with the proper consent to SMS First Conversations.
- Conversica supports conversations that begin via email and transition to SMS if requested by the lead. In the case of Email first conversations, Conversica collects and stores lead SMS consent in accordance with TCPA requirements.
- Before messaging through an SMS first conversation, companies must make sure the lead has given explicit written consent to text them. Customers must upload only leads that have provided prior express written consent to receive automated marketing texts from the brand identified in the message, as required by TCPA guidelines. Evidence of opt-in (timestamp, source page, check-box text) must be retained for a minimum of four years. For SMS First conversations Conversica does not currently store SMS consent gathered by the customer; the customer is the system of record.

Consent Types (TCPA)

- Prior Express Consent - verbal or electronic agreement that allows informational or transactional texts (e.g., order updates, appointment reminders).
- Prior Express Written Consent - a signed, verifiable agreement (digital or physical) that authorizes automated marketing or promotional texts.
- Because Conversica AI Agents send marketing-oriented messages, customers must obtain and retain prior express written consent from each lead before those leads are imported into Conversica for SMS First outreach.