

COMPLIANCE EDUCATION

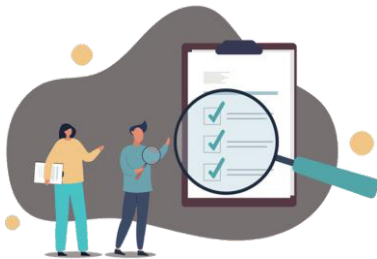
PEWC

answerNet
Compliance

Any time a business wants to make calls or send texts to a consumer using an ATDS or pre-recorded message, the business must have Prior Express Written Consent (PEWC).

REQUIREMENTS FOR OBTAINING PEWC

The Language



- 1) Identify the seller by name. Seller names can be listed behind a "marketing partners" link, but this method involves additional risk.
Note: According to the TSR, consent for prerecorded messages may only include a single seller.
- 2) Mention that calls or texts may come from an automated telephone dialing system or prerecorded voice (*where applicable*).
- 3) Indicate that the calls or texts will be of marketing or sales in nature.
- 4) State that consent is not required as a condition of purchase.
- 5) State that the consumer is providing an electronic signature of consent.

Disclosure Must Be Clear & Conspicuous

- Language should be next to the checkbox or call-to-action (CTA) button
- Size & contrast should be easy to read & similar to other language on the page
- Consent language should be tied to checking the box or clicking CTA button (*i.e., "by checking this box"*)
- TCPA disclosure should not come with other unrelated terms (*i.e., privacy policy*)

Starting
Jan 27,
2025!

- PEWC must be obtained on a **one-to-one basis** only. Multiple sellers in a single consent will not be allowed.
- The seller must be **logically and topically** related to the interaction where consent was provided.

Sample PEWC

By checking the box, I give express written consent to receive marketing and informational communications using an automatic telephone dialing system and/or an artificial or prerecorded voice, text message, or email from [company name]. I understand my signature is not a condition of purchasing and that I may revoke my consent at any time.

Recordkeeping



Each time PEWC is collected from a lead, the following information should be captured as proof of PEWC:

- 1) All data points collected as part of the lead generation form. At a minimum, should include the name & phone # of the individual.
- 2) Metadata associated with the data collection, including IP Address, URL & any other data that can be collected to help ID the unique form submission.
- 3) A screenshot of the filled-out form. (*This is not required but can be very helpful to show exactly how the consent language was displayed on the page.*)
- 4) A playback link. This is a recording of the person filling out the form on the website. This replaces the need for the screenshot & helps to provide more information to demonstrate that PEWC was collected.

NOTE: PEWC does not expire. It is valid unless revoked.

Best Practices

- 1) The phone number being given as part of the consent should be on the same page as the consent.
- 2) The context of the page and CTA button should inform the consumer that they will be called.
- 3) Consent is completely voluntary. The best approach is to provide a check box the customer must mark to give consent.
- 4) The form should not use sweepstakes or other gimmicks.
- 5) Place consent language above the button instead of below.
- 6) Be specific on the types of calls and how many calls should be expected by giving consent.

For more information,

visit us at answernet.com/compliance or email compliance@answernet.com