

Telemarketing Regulations - U.S.

as per the U.S. Federal Communications Commission

Pursuant to its authority under the Telephone Consumer Protection Act (TCPA), the FCC and the Federal Trade Commission (FTC) established a national Do-Not-Call Registry.

What is the National Do Not Call Registry?

The National Do Not Call Registry is a list of phone numbers from consumers who have indicated their preference to limit the telemarketing calls they receive. The registry is managed by the Federal Trade Commission (FTC), the nation's consumer protection agency. It is enforced by the FTC, the Federal Communications Commission (FCC), and state officials.

What calls are covered?

The Do Not Call provisions of the TSR cover any plan, program or campaign to sell goods or services through interstate phone calls. This includes calls by telemarketers who solicit consumers, often on behalf of third party sellers. It also includes sellers who are paid to provide, offer to provide, or arrange to provide goods or services to consumers.

The National Do Not Call Registry covers intrastate telemarketing calls under the FCC's rules. You can find information on the FCC's regulations at www.fcc.gov/cgb/donotcall/.

What types of calls are not covered by the National Do Not Call Registry?

The do not call provisions do not cover calls from political organizations, charities, telephone surveyors, or companies with which a consumer has an existing business relationship.

Who can access the national registry?

Access to the national registry is limited to sellers, telemarketers and other service providers. Sellers are companies that provide, offer to provide, or arrange for others to provide goods or services to a customer in return for some type of payment as part of a telemarketing transaction. Telemarketers are companies that make telephone calls to consumers on behalf of sellers. Service providers are companies that offer services to sellers engaged in telemarketing transactions, such as providing lists of telephone numbers to call, or removing telephone numbers from the sellers' lists.

Some sellers are exempt from the FTC's rules, but are required to access the registry under the FCC's rules. Some entities are exempt from accessing the national registry under both agencies' rules. These Exempt Organizations still may access the registry voluntarily, and do not have to pay a fee for that access. They must, however, submit appropriate certification information to gain access to the registry.

How can I access the registry?

The registry can be accessed only through the fully automated and secure website at www.telemarketing.donotcall.gov. The first time you access the registry, you must set up a profile and provide identifying information about you and your organization. If you are a telemarketer or service provider accessing the registry on behalf of your seller-clients, you will be required to identify your seller-clients and provide their unique Subscription Account Numbers (SANs). The only consumer information available from the registry is telephone numbers. After you (or the company telemarketing on your behalf) have accessed the registry and downloaded telephone numbers the first time, you'll have the option of downloading only changes in the data that have occurred since the last time you accessed the registry.

What information must I provide to access the registry?

The first time you access the system, you will be asked to create a profile and provide certain limited identifying information, such as your company name and address, contact person, and the contact person's telephone number and email address. If you are accessing the registry on behalf of a seller-client, you also will have to identify that seller-client.

How often must I access the registry and remove numbers from my calling list?

If your calls are covered by the registry, you have to synchronize your lists with an updated version of the registry at least every 31 days.

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How often may I download data from the national registry?

You will be able to access data for those area codes for which you have paid as often as you like during your annual period. However, to protect system integrity, you may download data files from the national registry only once in any 24-hour period.

How much does it cost to access the registry?

Data for up to five area codes is free. The annual fee is \$62 per area code of data (after five), with a maximum annual fee of \$17,050 for the entire U.S. database.

How often do I have to pay a fee?

The fee must be paid annually. Payment of the fee provides access to the data for an "annual period," which is defined as the twelve months following the first day of the month in which the seller paid the fee. For example, a seller who paid its annual fee on September 15, 2008, has an "annual period" that runs from September 1, 2008 through August 31, 2009.

What is the process for renewing my subscription?

The registry began accepting subscription renewals on September 1, 2004. Organizations are notified of their expiration dates when they log on to the system. An organization may renew its subscription no earlier than one month before its expiration. Subscriptions also are renewable after they expire. The new 12-month subscription period runs from the first day of the month in which an organization renews. Or, if the organization renews during the month before its expiration, the new 12-month subscription runs from the first day of the next month — starting immediately after the old subscription ends.

Who must pay the fee?

All sellers covered by the TSR must pay the appropriate fee for an area code of data before they call, or cause a telemarketer to call, any consumer within that area code, even those consumers whose telephone numbers are not on the registry. (Access to five or fewer area codes is free.) The only exceptions are for sellers that call only consumers with which they have an existing business relationship or written agreement to call, and do not access the national registry for any other purpose.

Telemarketers and service providers may access the registry, at no cost, through the use of their seller-client's unique Subscription Account Number (SAN). Even though they are not required by law to do so, telemarketers and service providers may gain access to the national registry on their own behalf, but they must pay a separate fee for that ability. But before placing calls on behalf of a seller-client, telemarketers are required to ensure that their seller-client has a valid SAN.

[How to register for a San Number](#)

For information on the individual states' DNC lists, click here:

<http://www.the-dma.org/government/donotcalllists.shtml>