

2024 TCPA Consent Rules

KEEPING IT SAFE WITH COMPLIANCE-FOCUSED SMS OUTREACH



Table of Contents

3 NAVIGATING THE NEW FCC RULES ON
CONSENT REVOCATION: A COMPREHENSIVE
GUIDE FOR CONSUMER OUTREACH

7 REVOKING TCPA CONSENT "IN ANY
REASONABLE MANNER..."WHAT DOES IT MEAN?

11 THE TCPA RULE THAT CAN LOWER YOUR
GLOBAL OPT-OUTS

14 THE NEW KEY FOR TCPA COMPLIANCE?
DATA INTEGRATION.

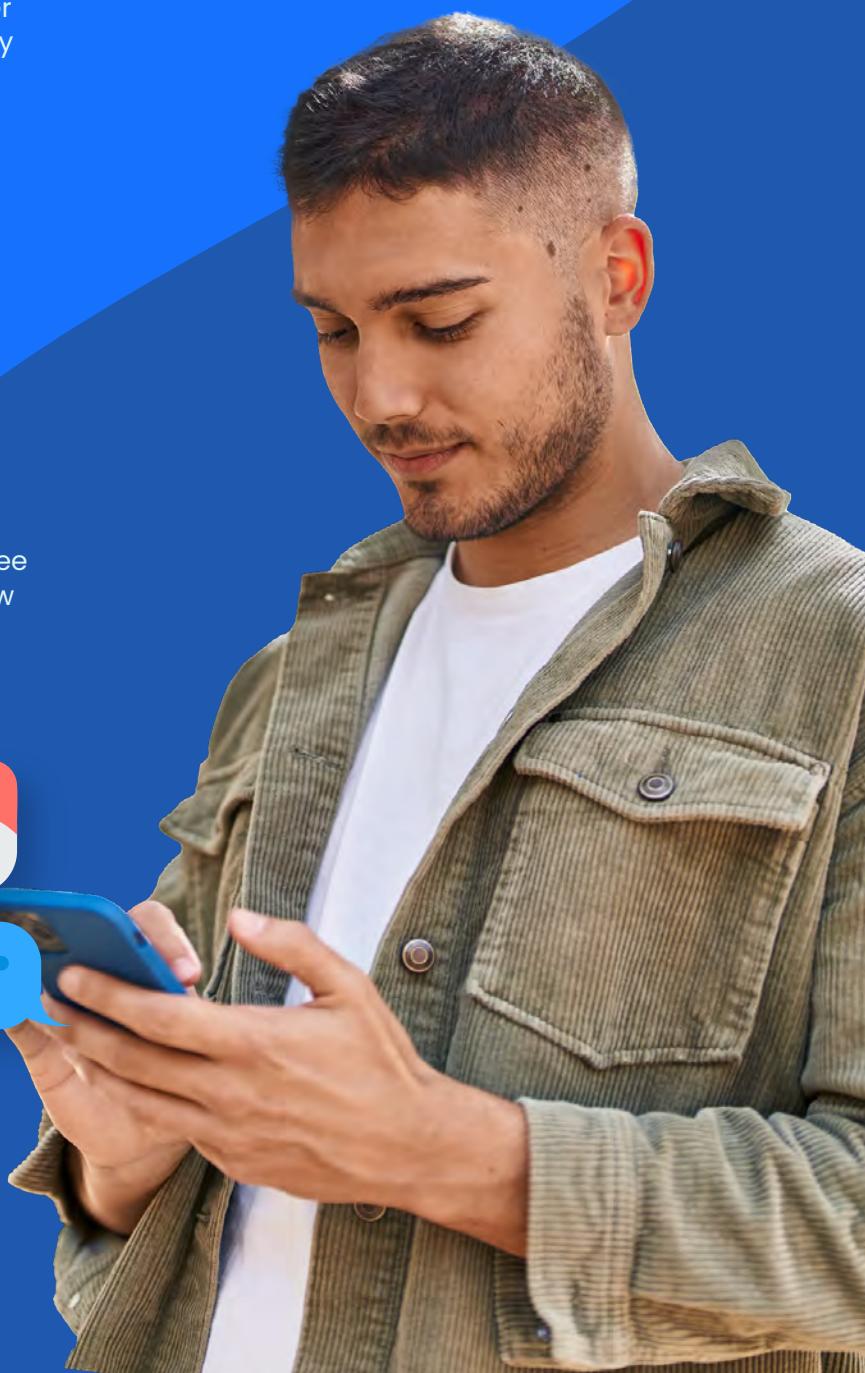
Navigating the New FCC Rules on Consent Revocation: A Comprehensive Guide for Consumer Outreach



The Federal Communications Commission (FCC) recently issued a Report and Order issuing new rules under the Telephone Consumer Protection Act (TCPA) aimed at strengthening consumer rights to stop receiving calls and text messages. These rules bring significant changes and bolster a consumer's ability to revoke consent in a timely manner:

- 1 Consumers can revoke consent in "any reasonable manner".
- 2 Enterprises can send one message to confirm opt-outs and clarify scope (within limits).
- 3 Enterprises must honor revocation requests within 10 business days.

In this first article, Drips Co-Founder and CEO Aaron Christopher "A.C." Evans goes over the three key aspects of these changes, giving an overview of why each matters to your business. In further articles, we'll share even more details and solutions for each rule.



What Are the New TCPA Consent Rules?

The new TCPA rules change a number of things and should be considered carefully with your counsel on how they impact your organization as a whole.

More bluntly, the new rules affect enterprises in three key areas:

- 1 Enterprises must now allow consumers to revoke consent in any reasonable manner.
- 2 Enterprises may now allow the use of a one-time text message to confirm or clarify scope of opt-out, as long as it does not include any marketing information.
- 3 Connectivity across enterprise data and preference management is table stakes.

Revoking Consent in Any Reasonable Manner

One of the core elements of the new FCC rules is the clarification that consumers can revoke consent to receive communications in any reasonable manner. This means that enterprises must be prepared to honor revocation requests promptly and efficiently.

Drips, a leader in Conversations as a Service (CaaS), is already equipped to handle this requirement seamlessly. Our AI-powered platform utilizes natural language processing (NLP) to recognize a wide range of revocation expressions beyond traditional keywords like "STOP" or "CANCEL." By categorizing responses into tiers based on explicitness and intent, we empower enterprises to manage revocation requests effectively and minimize brand liability.

Drips clients can leverage Disqualified by Drips, built off the back of over 1.5 billion conversations. This NLP service leverages a proprietary database of double-blind, hand-approved "hot" terms to easily recognize the many ways a user can ask to be removed from a campaign. More to come in the coming months on the availability of Disqualified by Drips for all your outreach programs.

Understanding the rules on revoking consent is central to TCPA compliance and enterprises should take the FCC's recent decision to highlight certain opt-out terms very seriously. It is crucial now more than ever before that enterprises or their service providers are able to interpret opt-out signals correctly and be able to understand consumers' responses intelligently and accurately.

Puja J. Amin
Partner, Troutman Amin, LLP

Use of One-Time Text Message to Confirm or Clarify Scope of Opt-Out

The FCC rules permit the use of a one-time text message to confirm or clarify the scope of an opt-out request within five minutes. Drips leverages this allowance through conversational consent clarification, enabling personalized interactions to understand the specific preferences of consumers.

By engaging in dialogue to clarify consent scope, enterprises can reduce global opt-outs and tailor communications to individual preferences. Through rigorous split testing and optimization, Drips assists clients in minimizing opt-outs while enhancing customer engagement and satisfaction.

Connectivity across Enterprise Data and Preference Management

Seamless connectivity across enterprise systems is essential for compliance with FCC regulations. Enterprises must ensure access to accurate and up-to-date data, including do-not-call (DNC) and opt-out preferences. What's more, this data needs to be integrated with CRM and ERP systems.

Drips' open API integrations and partnerships with industry leaders like Possible Now help facilitate data synchronization and preference management. By bridging communication silos and streamlining data exchange, enterprises can navigate the complexities of compliance while delivering personalized and relevant messaging across diverse consumer segments.

Drips: Effective Outreach with TCPA Compliance in Mind

The new FCC rules on consent revocation represent yet another change in consumer protection regulations, requiring enterprises to adapt their communication strategies accordingly. Embracing technologies like Drips' Conversations as a Service (CaaS) and prioritizing data connectivity and preference management can help meet these new challenges. With CaaS, enterprises can not only strive toward compliance with regulatory mandates, but also enhance customer experiences and foster long-term relationships.

Drips stands ready to support enterprises on this journey, empowering them to navigate regulatory challenges while driving business growth through effective and responsible communication practices.



Revoking TCPA Consent “In Any Reasonable Manner...” What Does It Mean?

The first key item from the recent FCC changes is that consumers are free to opt out in “any reasonable manner.” This means that consumers have more power to revoke their TCPA consent, and your enterprise will need techniques to recognize and process these new forms of opt-out requests.

- Automated systems which only understand replies with a predefined keyword like STOP may no longer be compliant.
- The FCC defined seven words and phrases all senders must accept as revocation of consent.
- In reality, consumers express intent to opt out in way more than seven ways. Disqualified by Drips is capable of recognizing these natural language opt-outs.



In its February 2024 Report and Order (in CG Docket No. 02-278, FCC 24-24) (“Order”), the FCC underlined changes and clarifications to the rules for automated SMS and phone outreach. One key point of the Order said that after consumers give prior express written consent, they can revoke consent in any reasonable manner. This potentially expands the ways that consumers can opt out of texts and calls. In turn, this opens the door for new compliance issues for certain texting platforms and strategies. Let’s dive in.

Specifically, we codify a new rule that will make clear that consumers may revoke prior express consent for autodialed or prerecorded or artificial voice calls and autodialed texts in any reasonable manner that clearly expresses a desire not to receive further calls or text messages, and that callers may not infringe on that right by designating an exclusive means to revoke consent that precludes the use of any other reasonable method.

CG Docket
No. 02-278, FCC 24-24

New FCC Order

That’s a mouthful. In summary:

- The FCC is strengthening people’s right to easily opt out after giving prior express written consent.
- This applies to contact via autodialer (ATDS), prerecorded and artificial voice, and autodialed SMS.
- Businesses that send automated texts may not be able to limit or decide what counts as an opt-out.

New Challenge for Texting Your Audience

Many current texting platforms prompt consumers to opt out using a specific keyword, like “STOP.” With this new ruling, simple approaches like including “Text Stop 2 end” in your SMS messages may not be enough.

In the Order, the FCC ruled that senders must accept certain keywords as a reasonable way for people to revoke their consent. These words are:



So, as long as texting platforms understand these terms, everything’s fine, right? Well, not so fast.

What Counts As a Reasonable TCPA Opt-Out?

While those keywords must be accepted, the FCC did not say that these are the only opt-out methods businesses need to worry about. In fact, they were clear that this is not the case. Let's look at another quote from the FCC's Order:

This does not preclude, however, the use of other words and phrases to revoke consent. If the reply text contains words or phrases other than those listed above, and should any dispute on this point arise, the text sender, who is responsible for processing the revocation request, will have an opportunity to explain why the consumer's use of alternative words or phrases does not constitute a reasonable means to revoke consent.

CG Docket
No. 02-278, FCC 24-24

This means that the definition of "reasonable manner" is still fairly open. Importantly, the burden of showing that a specific method isn't reasonable falls on you, the business sending the campaign.

People Don't Text Like Machines

Things would be simple if people expressed their desire to opt out in a predictable way. But people don't text like robots. Let's look at a few examples of the ways we've seen users text in practice:



None of these texts match words from the FCC's list. And yet, any human reading these texts would understand that the text recipient no longer wants to be contacted. By that definition, these could all very likely be considered "reasonable means" to revoke consent under the FCC's Order.

Not convinced? When we looked at our own data from real consumer conversations, the results were clear. Of all the opt-out messages we tagged as "explicit" — meaning upset consumers with a negative sentiment — only 21.2% used a standardized keyword (Drips CaaS Data, Month of April 2024). That means relying on these keywords would miss four out of five of these consent revocations. That's a huge risk!

Even when you look at more calm and collected consumers (which we tag simply "unsubscribes"), only 44.8% used a standard keyword (Drips CaaS Data, Month of April 2024). Overall, our data shows that enterprises are likely to miss a significant majority of opt-outs if they rely only on the FCC keywords.

It's too soon to know how the courts would rule for non-standard opt-outs like these. However, just the fact that complaints — or even lawsuits — are on the table is concerning for organizations who need to reach their audiences. This is not a risk that enterprises want to take.

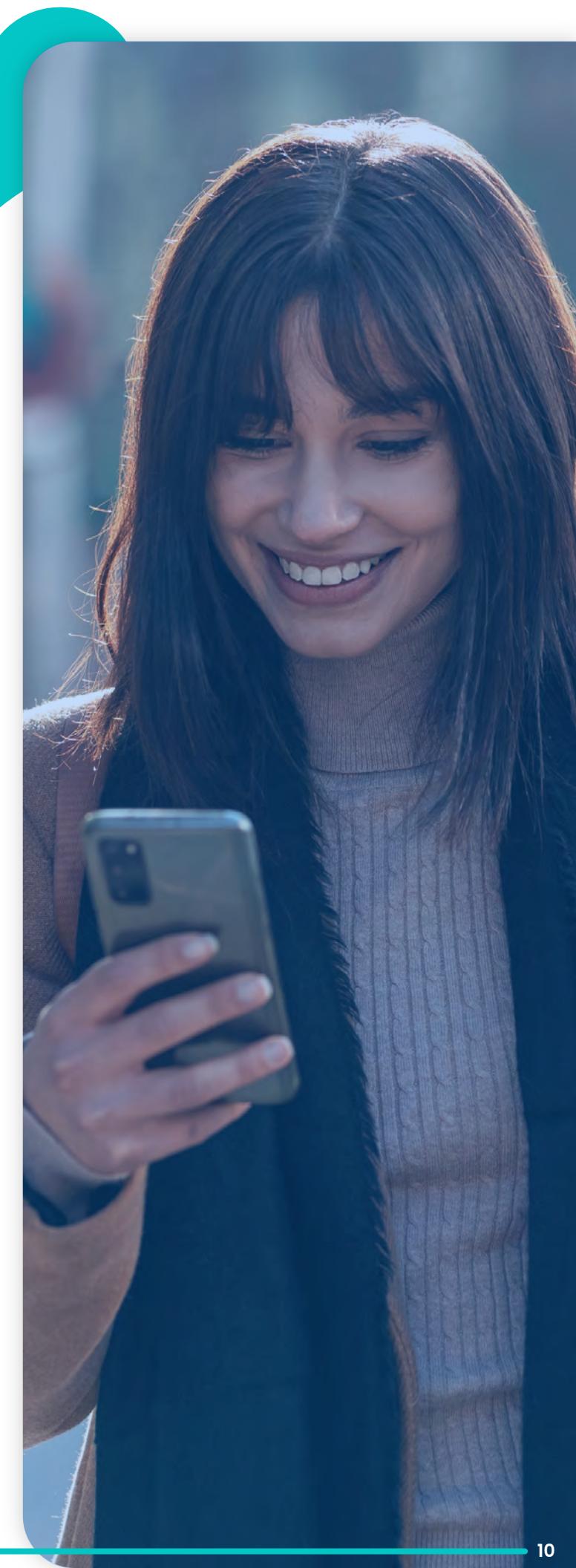
A Conversational Approach to TCPA Consent Revocation Requests

Legacy texting platforms are never going to be able to understand the thousands of ways real people request an opt-out. However, it is possible to handle these requests at scale with the right approach.

Drips solves this problem with our natural language understanding technology, extensive experience, and data built from billions of real-world touchpoints. We built a proprietary language model that powers a specialized service for TCPA consent and preference management. We call it Disqualified by Drips.

Why should enterprises invest in Disqualified by Drips?

- Benefit from our proprietary database of double-blind, hand-approved “hot” terms that signal an opt-out request.
- Opt-outs aren’t black and white. Disqualified by Drips can determine when the user may only wish to opt out of one campaign but remain engaged with another.
- When users report that they aren’t the intended recipient, Drips reports that insight so you can improve record quality and assess your lead sources.



The TCPA Rule That Can Lower Your Global Opt-Outs

One notable part of the February 2024 FCC Order is the allowance for enterprises to clarify the scope of a consumer's opt-out request. Specifically, text senders can use a one-time text message within five minutes of the opt-out to confirm if the consumer wants to stop all or just some communication. Let's look at what this means in practice and how enterprises should be taking advantage of this.

- Enterprises can send a single text message within five minutes of receiving an opt-out request to confirm the opt-out.
- This text cannot contain any marketing material or promotional content.
- This message can be used to clarify the specific communications the consumer wishes to stop.
- It is possible to use this opportunity to prevent a global opt-out when the consumer really only wanted to stop a single campaign or program.



What Is the TCPA Rule about Opt-Out Confirmation Texts?

The relevant section from the February 2024 FCC Order starts by commenting on the practice of replying to an opt-out message to confirm you have received the revocation of consent. The FCC states:

...a one-time text message confirming a consumer's request that no further text messages be sent does not violate the TCPA or the Commission's rules as long as the confirmation text merely confirms the called party's opt-out request and does not include any marketing or promotional information, and the text is the only additional message sent to the called party after receipt of the opt-out request.

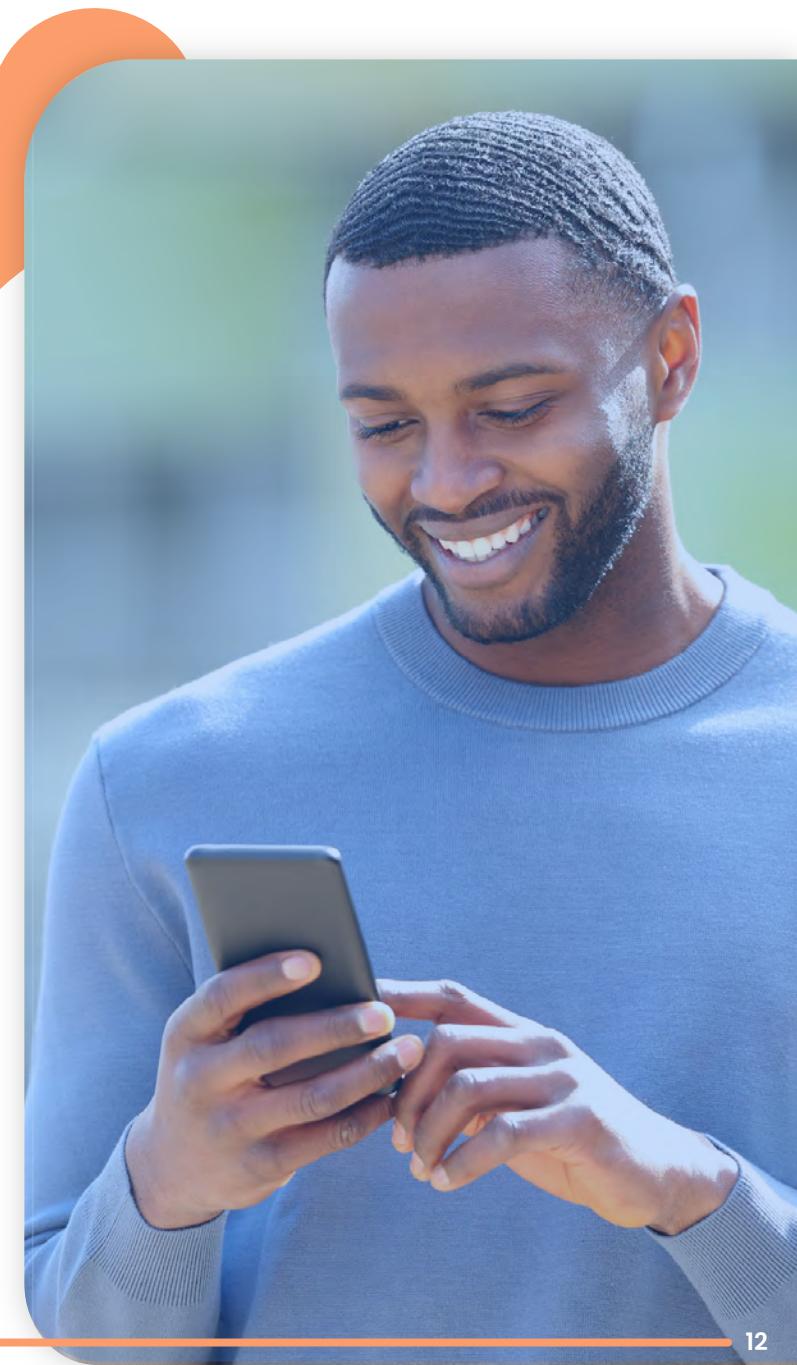
CG Docket
No. 02-278, FCC 24-24

In simpler terms, this means that, in most cases, it's not a TCPA violation to text a consumer a confirmation of their opt-out, as long as the confirmation follows the rules. This confirmation text cannot contain marketing or promotional material. The FCC also commented that this message must be sent within five minutes of receiving the opt-out request.

Why Does This FCC Clarification Matter?

First, the FCC is clearing up that it's OK to send a confirmation even though the consumer has technically revoked consent to text — as long as the confirmation fits the criteria mentioned above. This makes sense, as many consumers would probably like some notice that their request hasn't fallen on deaf ears.

But there's another important piece here that's easy to miss. The rule also opens up a way to reduce global opt-outs so that consumers can remain engaged.



We also adopt our proposal to codify that senders can include a request for clarification in this one-time confirmation text, provided the sender ceases all further robocalls and robotexts absent an affirmative response from the consumer. We limit this opportunity to request clarification to instances where the text recipient has consented to several categories of text messages from the text sender.

CG Docket
No. 02-278, FCC 24-24

This means that, if you offer multiple types of outreach to consumers, you have an opportunity to keep some engagement going even if the consumer texts "STOP." By clarifying the consumer's preferences, businesses can ensure they are only stopping the communications the consumer actually wants to opt out of, rather than all communications. However, failure by the consumer to make the clarification should be treated as a global opt-out of robocalls and robotexts.

Hi Maria, we got your request to stop hearing from Capitol College. Would you still like to get our weekly CapitolNews text newsletter?

This helps businesses maintain a valuable customer relationship, but it helps consumers, too. Engaging in a brief, clear interaction about their preferences can make consumers feel more respected and understood. This can improve the overall customer experience.

How Drips Can Help

The Drips Conversations as a Service platform can leverage the one-time text message allowed by the FCC as part of a suite of tools and tactics to maximize both performance and compliance.

Drips can help retain partial consent where the consumer otherwise would have stopped all engagement from all campaigns.

26%

For some use cases, we've been able to recover as much as 26% of opt-outs.

AI-Powered Opt-Outs: Our natural language processing (NLP) technology can interpret a wide range of consumer responses, allowing for accurate and effective consent recognition and clarification.

Greater Scalability: Handling consent clarifications manually can be labor-intensive and prone to errors, especially at scale. Drips' AI-driven platform makes it possible for enterprises to manage these interactions efficiently across large audiences.

Tailored Consent Management: The best way to manage consent preferences depends heavily on your industry, outreach strategy, and many other factors. Drips' managed service approach gives you a team of outreach professionals to develop a custom consent management plan just for you.

The New Key for TCPA Compliance? Data Integration.

A recent FCC Order clarified that when consumers revoke TCPA consent, that request must be honored within 10 business days. This means that enterprises must quickly and seamlessly integrate do-not-call, consent, and contact preference data across systems.

The recent FCC order established a deadline of 10 business days to process an opt-out request. If a change in consent preference is missed or is too slow to reach CRM and ERP systems, there is a chance that non-compliant outreach could be sent. This, in turn, may result in expensive TCPA violations and a breach of trust with your audience. With that in mind, let's look at the challenges and potential solutions to maintaining compliance through enterprise data connectivity.

- 💡 The February 2024 FCC Order stated that TCPA consent revocation requests must be honored within 10 business days.
- 💡 Gaps or slowdowns in data integration can lead to non-compliant outreach being sent after the 10-day limit.
- 💡 There is no one-size-fits-all solution. Enterprises can reduce the burden of data integration by leveraging open APIs and working with partners who understand consent management.



FCC Rules for Honoring Consent Revocation Requests

Let's look at what the FCC said about the deadline to process opt-outs:

Specifically, we amend our rules to require that callers honor company-specific do-not-call and revocation-of-consent requests within a reasonable time from the date that the request is made, not to exceed 10 business days after receipt of the request.

CG Docket
No. 02-278, FCC 24-24

The FCC is simply stating that requests must be honored in a reasonable time frame. They set an upper limit of 10 business days.

The Challenge of Customer Data Integration

Before we get too much further, we should admit that this is not an easy task. Except for organizations that are only dialing by hand, everybody is coming to grips with this challenge and finding the best path forward. There isn't a button you can push to solve this problem instantly, but there are resources that form pieces of the answer (more on that below).

To comply with the new TCPA regulations, businesses should strive for real-time access to updated company DNC and opt-out data. This means updating consent preferences promptly and integrating this information across various systems as quickly as possible and with as little error as possible.

For smaller companies or those without complex outreach processes, this may not be too hard. If an organization only has one or two systems processing consumer data, keeping information updated everywhere should be relatively simple.

However, most larger enterprises have more complex data systems. According to Salesforce, marketers in 2024 use an average of nine customer data sources and eight distinct marketing tools, including CRMs, mobile marketing platforms, and customer data platforms. The same report showed just 31% of marketers are fully satisfied that they can unify all this data (Salesforce).

31%

Less than a third of marketers are fully satisfied they can unify customer data (Salesforce).

And that's just talking about averages. For the largest organizations, things are often much more complex.

Consider large enterprises where different groups have traditionally managed communications independently. For instance, the Medicare group might handle customer outreach differently from the pharmacy group. The fraud alert team's communication strategies may differ from those of the marketing team. But at the end of the day, all

these groups and teams reach the exact same customer. And if that customer texts “STOP,” they’ll want it all to stop right away.

Ensuring that all these stakeholders have access to unified and up-to-date DNC and opt-out data is critical for compliance and effective communication. So, what’s the solution?

Data Integration Is Key for TCPA Compliance

As we mentioned above, data connectivity for large enterprises like healthcare, finance, or insurance is not a trivial task. One approach is to tackle integration with in-house resources. The time and resources required will depend on the specific data being processed and the platforms in use.

The first step should be an assessment and planning phase to evaluate your current systems and create a roadmap for the integration project. This roadmap will likely need to include choosing data integration tools, creating an architecture for data flow, lots of quality checks, and a plan for ongoing maintenance.

The time and expense of this project will vary a lot depending on the enterprise’s needs. One factor that could reduce the cost is using software tools with open APIs to make data integration easier. Another avenue is to work with a third party that offers consent management and preference management services. Drips works with an industry leader in this arena, PossibleNOW, to help our clients tackle this challenge.

Whichever way you choose, making sure your data is integrated is now virtually a requirement for effective and compliant outreach. If there are gaps in your data connectivity, there’s never been a better time to fix them.

How Drips Can Help

At Drips, we know that performance and compliance go hand in hand when it comes to best-in-class consumer engagement. Drips offers several solutions to address these integration challenges and support TCPA compliance.

Open API and custom CRM integrations:

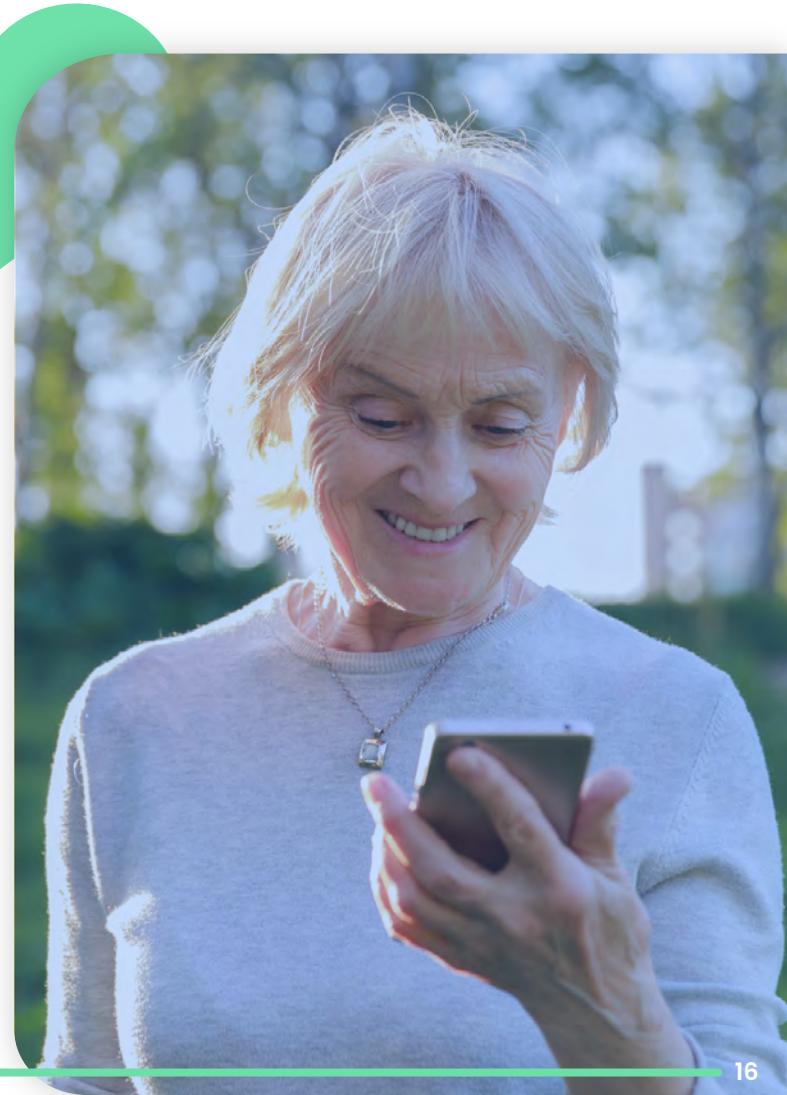
Drips provides an open API, making it easier to integrate your data sources with Drips. We can also build custom CRM integrations to meet our clients’ data needs.

Engage with an enterprise consent management platform:

Drips has worked closely with PossibleNOW, a leader in consent and preference management. This partnership helps our clients benefit from the best tools and practices to keep consumer data synced across complex systems.

Managed service with compliance in mind:

Drips isn’t just another tool to increase your integration headache. We give you a whole team of outreach professionals to make data and compliance management as easy as possible. As we learn about your needs, we’ll analyze your data sources and conduct a consent audit. Our goal is always to deliver customized conversational outbound that’s effective and puts compliance front and center.



Schedule Your FCC Rules Strategy Session

Understanding and implementing these new FCC rules can be complex, but Drips is here to help. Schedule a meeting with our team to explore how our solutions can deliver better results while aligning with your TCPA compliance efforts.

[Contact Drips](#)

Disclaimer: This document and all information contained in it are for educational and informational purposes only. Neither Drips nor any of the writers of this document are law firms or attorneys, and nothing herein should be construed as or relied on as legal advice. Drips and the authors herein disclaim any obligations relating to the timeliness or accuracy of the information contained here. No warranties should be implied. Although intended to be current and accurate, regulations and court rulings, as well as interpretations of the same, are always changing and we recommend consulting with your own counsel.