

VIII. Privacy – TCPA

- The institution or its third-party vendor maintains records to support the three-month process. [47 CFR 64.1200(c)(2)(i)(D)]
- The telephone call was made between the hours of 8 a.m. and 9 p.m. local time for the called party's location. [47 CFR 64.1200(c)(1)]

Automated Dialing and Abandoned Calls

- Any calls that were made using artificial or prerecorded voice messages to a residential telephone number met the requirements in 47 CFR 64.1200(a)(6)(i).
 - The name, telephone number, and purpose of the call were provided to the subscriber if the call was abandoned. [47 CFR 64.1200(a)(6)]
 - The institution or its third-party vendor maintains appropriate documentation of abandoned calls, sufficient to determine whether they exceed the 3 percent limit in the 30-day period reviewed. [47 CFR 64.1200(a)(6)]
 - The institution or its third-party vendor transmits caller identification information. [47 CFR 64.1601(e)]
3. Ensure that the financial institution does not participate in any purchase-sharing arrangement for access to the national “Do-Not Call” registry. [47 CFR 64.1200(c)(2)(i)(E)]
 4. Observe call center operations, if appropriate, to verify abandoned call practices regarding ring duration and two-second transfer rule. [47 CFR 64.1200(a)(6)]

Conclusions

1. Summarize all findings, supervisory concerns, and regulatory violations.
2. For the violation(s), determine the root cause by identifying weaknesses in internal controls, audit and compliance reviews, training, management oversight, or other factors; also, determine whether the violation(s) are repetitive or systemic.
3. Identify action needed to correct violations and weaknesses in the institution's compliance program.
4. Discuss findings with the institution's management, and obtain a commitment for corrective action.
5. Record violations according to agency policy to facilitate analysis and reporting.

References

Federal Trade Commission Resources

Do Not Call Website

<http://www.ftc.gov/bcp/online/edcams/donotcall/index.html>

Telephone Disclosure and Dispute Resolution Act of 1992

http://www.law.cornell.edu/uscode/html/uscode15/uscode15_usc_sup_01_15_10_83.html

Telemarketing and Consumer Fraud and Abuse Prevention Act

http://www.law.cornell.edu/uscode/html/uscode15/uscode15_usc_sup_01_15_10_87.html

Telecommunication Act of 1996

http://www.law.cornell.edu/uscode/html/uscode15/uscode15_usc_sec_15_00005714----000-.html

Do-Not-Call Implementation Act

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ010.108.pdf

Do-Not-Call Registry Act of 2003

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ082.108.pdf

Federal Communications Commission Resources

Do Not Call Registry

<http://www.fcc.gov/cgb/donotcall/>

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-05-132A1.pdf

FCC Delays Effective Date for Rules Concerning Unsolicited Fax Advertisements

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-259689A1.pdf

Job Aids

Telephone Consumer Protection Act Worksheet

This worksheet can be used to review audit work papers, to evaluate bank policies, to perform transaction testing, and to train as appropriate. Complete only those aspects of the worksheet that specifically relate to the issue being reviewed, evaluated, or tested, and retain those completed sections in the work papers.