



US SMS Compliance Guide

Summary

SMS is the most powerful communication channel for engaging your customers. In fact, people are 35x more likely to read a text message than an email. But even armed with that knowledge, getting started with SMS can be challenging - because compliance and regulations complicate things.

We're guessing you're not a fan of headaches – and neither are we. At Sinch we try to make things easy. Our cloud communications platform, including SMS, makes it easy for you to reach your audience – and we want to make it easy for you to send SMS in a compliant way, too.

Note that we can't give you legal advice – make sure to talk to your legal team to see how these regulations apply to your specific business. But we can break down the basics and give you an overview of the rules, what they mean, and how to handle them.

In this guide we will cover:

- TCPA and CTIA guidelines on consent and best practices
- P2P vs A2P messaging
- Number types
- Opt-ins and opt-outs
- SHAFT content
- Carrier expectations

Finally, we've got a handy **compliance self-check list** for you, and a list of **additional resources**. Let's get started!



Background

Okay, let's get the lay of the land. There are governmental regulations and policies in-place documenting how to send SMS in the US. There are also quite a few different carrier-specific guidelines, and new Codes of Conduct which aren't laws but must be adhered to. Ignore them, and your campaigns will either never launch, or end up blocked in carrier or aggregator filters. And you don't want that!

In the US, there are two main frameworks you need to keep in mind: the Telephone Consumer Protection Act (TCPA) regulations, and the guidelines issued by the Cellular Telecommunications & Internet Association (CTIA). (The Mobile Marketing Association's US Consumer Best Practices for Messaging guide is also a helpful resource - more on that later).

Let's start with the TCPA.

Telephone Consumer Protection Act (TCPA)



Alright, this is an important one. The Telephone Consumer Protection Act (TCPA) is a set of laws passed by Congress in 1991. The act was intended to stop unwanted telemarketing phone calls, and it applies to all telemarketing, text messages, and pre-recorded calls. The most important rule of the TCPA is that companies cannot contact consumers without prior expressed consent. But the type of consent needed varies, depending on factors such as the content of the message, the device, and the technology used to send the message.

Another key fact to remember is that the TCPA applies even if you accidentally target the wrong number – perhaps due to a call being reassigned or ported. This means that consumer verification before any contact is essential. Do your homework!

Consumers have the right to sue companies that violate the act. Trust us; you don't want to mess with TCPA. Many major companies have made mistakes with this, paying fines of hundreds of millions of dollars. You don't want to be one of them.

CTIA guidelines

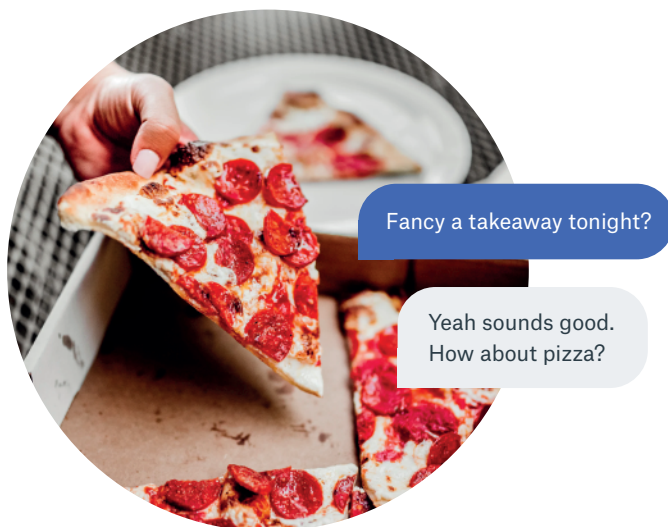
The Cellular Telecommunications & Internet Association (CTIA) is – just like it sounds – a trade association representing the US wireless communications industry. The CTIA includes representatives from a wide range of companies such as wireless carriers, CPaaS companies, VoIP operators, manufacturers, etc. Their goal is to maintain the most positive experience possible for end-users.

To that end, the CTIA publishes the **Messaging Principles and Best Practices**. And you should follow these practices! While not all of the CTIA guidelines are laws per se, you do need to follow them if you don't want your campaigns cancelled or blocked. The CTIA and the WMC Compliance Team actively audit messaging campaigns in the US. The carriers as well as their direct aggregator partners are also charged with active monitoring and blocking campaigns or content that is found to be clearly in violation.

Make sure you stay up to date on these guidelines and refer to **the latest version**, as they are updated regularly – most recently in Q4 2020 when carrier specific guidelines were added for how companies should engage their customers for all A2P mediums.

P2P versus A2P

We're not done with the jargon and acronyms quite yet. Many of the rules and guidelines set forward depend on the type of messaging concerned: Person-to-Person (P2P) or Application-to-Person (A2P).

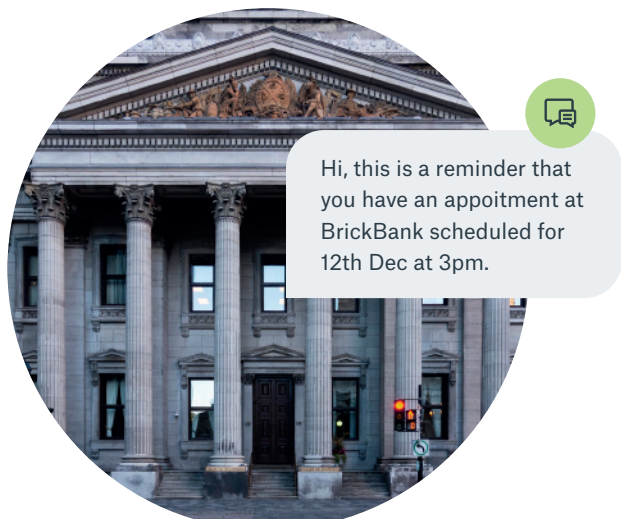


P2P

P2P is the regular texting most people do in their everyday lives – low volumes of wanted messages between two consumers. When you text a friend or family member, you're engaging in P2P messaging. (Take note – a company employee or business agent sending a message to a consumer is not considered P2P.)

A2P

A2P is pretty much everything else – including what your company is doing. In other words, it's the important part. The CTIA defines A2P traffic as "all messaging that falls outside the definition of P2P", or "traffic that is not consistent with typical human operation". That means marketing messages, appointment notifications, various alerts, customer support messages, sales...the whole works.



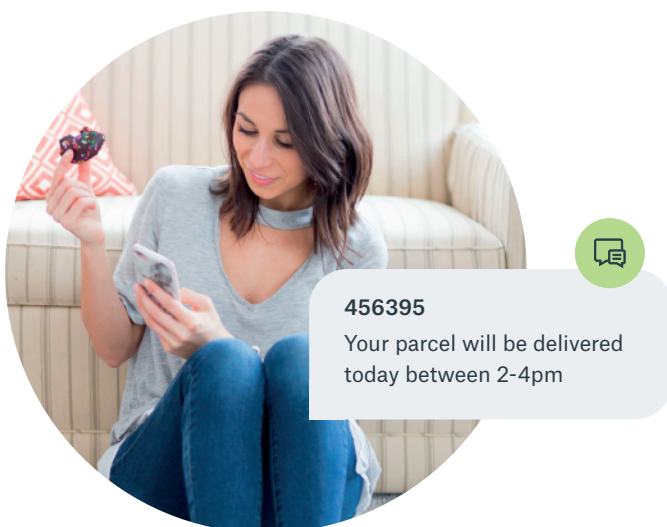
Sinch number types

Let's go through what number types Sinch offers for A2P traffic, the benefits of each, and how compliance affects them.

Short Code (Standard and Free to End User)

Speaking of keeping things easy, short codes are exactly what they sound like – short (five or six-digit) phone numbers. Many companies choose a so-called "vanity code", using specific digits to spell out a word or brand name. Other short codes are random. It's up to you - select what suits your business best!

Short codes are powerful things - they're the numbers that have the highest throughput of all. But keep in mind that US short codes only work in the US – you can't use them to message customers in any other country. When it comes to compliance, note that short code numbers usually go through a screening process of 8 to 12 weeks, and the CTIA audits them now and then to make sure they're being used as intended.

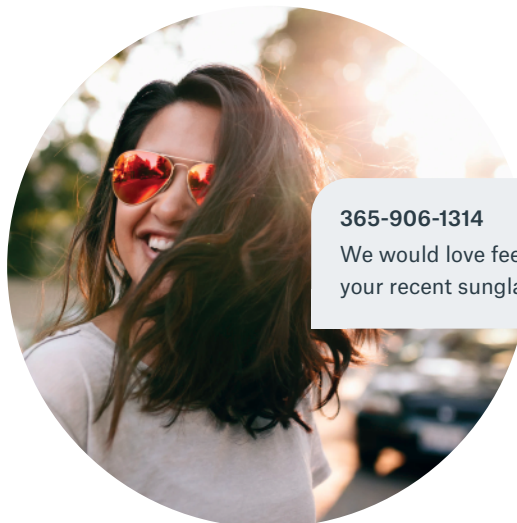


Long Code

Long codes have many names in the ecosystem. 10DLC, Long Number, **Local Virtual Number** (LVN), and Landlines all refer to long code numbers. There are differences with each, but all are – surprise! – phone numbers consisting of 10 digits. Unlike short codes, they have a shorter provisioning cycle and are all voice capable. The entire industry is moving to a 10DLC model that incorporates vetting and campaign approval at onboarding.

(PS, Sinch has been involved with multiple US mobile network operators in beta testing the new 10DLC product from the very beginning. Find out more about **Sinch 10DLC here** – we're happy to help you get up-and-running!)





365-906-1314

We would love feedback on your recent sunglasses order

Toll-Free Numbers (TFN)

A toll-free number is (who would have guessed?) toll-free for the end user. The receiving party pays for the costs, which means that customers frequently trust these numbers more than others. Toll-free numbers begin with one of the following three-digit codes: 800, 888, 877, 866, 855, 844, or 833. These all belong to the North American Numbering Plan (NANP) and like other 10-digit numbers, they can be used quickly. For smaller campaigns you can even get them up and running in just one to three days. Also like other long codes, toll-free numbers can be filtered by the carrier if established guidelines are not followed. With proper vetting and campaign onboarding you can increase A2P SMS throughput, reaching upwards of 15 messages per second.

Summary

To summarize: there are different types of numbers with different benefits and different aspects to consider. Here's a useful chart to keep on hand.

Product features	Short Code	Toll-Free Number	Traditional Long Number	10DLC (10 Digit Long Code)*
Digit length	5-6 digits	10-digits	10-digits	10-digits
Messaging model	A2P	A2P	P2P	A2P & P2P
Voice enabled	N/A	Yes, US and Canada	Yes, US and Canada	Yes, US and Canada
Requires vetting	Yes - US only	No	No	Yes
Requires campaign approval	Yes	Recommended	No	Yes, via TCR (The Campaign Registry)
Provisioning	3-6 weeks	1-3 days	1-3 days	3-5 days
Throughput	10-500 msg/sec	1MPS default up to 30 msg/sec with campaign pre-approval	1 msg/sec	1-1000 pending carrier approval
Delivery receipts	Yes	Most of NANP**, SMSC Nack in Canada	No	No handset DLR, SMSC DLR in most of NANP
MMS	Yes - US only	Yes, US and Canada	Yes, US and Canada	Yes, US and Canada
Keywords required	Opt-in/out and Help	STOP, UNSTOP - network managed	No	Opt in/out
FTEU	Available	Not supported	Not supported	Not supported
Endorsed by US carriers	Yes	Yes	No - carrier filtering/blocking	Yes
Endorsed by CITA	Yes	Yes	No	Yes
Supported US carriers	All	All	All	AT&T, T-Mobile/Sprint, US Cellular

* 10DLC has been launched by all tier 1 carriers in the US. US cell, Interop and Clearsky are following slowly

** NANP: North American Number Plan countries: US, Canada, The US territories and the Caribbean.

But there are some things you need to keep in mind regardless of number type – so let's move on to the fun part!

Compliance commandments

It's time for the Golden Rule of compliant A2P messaging: Consent, consent, consent!

These rules and regulations exist to make sure customers only receive the communications they want to receive. To make sure this is the case, the CTIA Messaging Guidelines say that all A2P messaging requires customer consent. The type and extent of consent needed for each is based on the messaging type and frequency. All A2P messaging campaigns must support established opt-out keywords – if a customer wants to revoke their consent, your campaign must let them.

Types of messaging content & required consent

Consumer-initiated conversational	Informational	Promotional
Conversational messaging is a back-and-forth conversation via text. If the consumer initiates the conversation and the business simply responds, then it is likely conversational and no additional permission is expected.	Informational messaging is when a consumer gives their phone number to a business and provides their consent to be contacted in the future for a non-promotional purpose. Appointment reminders, welcome texts, and other non-promotional alerts fall into this category.	Promotional messaging contains a sales or marketing promotion. Adding a call to action (e.g., a coupon code to an informational text) may place the message in the promotional category. Businesses require the consumer's written consent to send promotional messages.
• First message is always sent by the consumer • Two-way conversation • Message responds to a specific request	• First message is sent by the consumer or business • One-way or two-way conversation • Message contains information	• First message is sent by the business • One-way conversation • Message promotes a brand, product, or service • Prompts customer to buy something, go somewhere, or otherwise take action
Implied consent If the consumer initiates the text message exchange and the business only responds to each consumer with relevant information, then no verbal or written permission is expected.	Express consent Unless an exemption applies, the consumer should give express permission before a business sends them a text message. This could be over text, on a form, on a website, or verbally. Consumers may also give written permission.	Express written consent The consumer should give express written permission before a business sends them a text message. This could be via signing a form, checking a box online, or some other method.

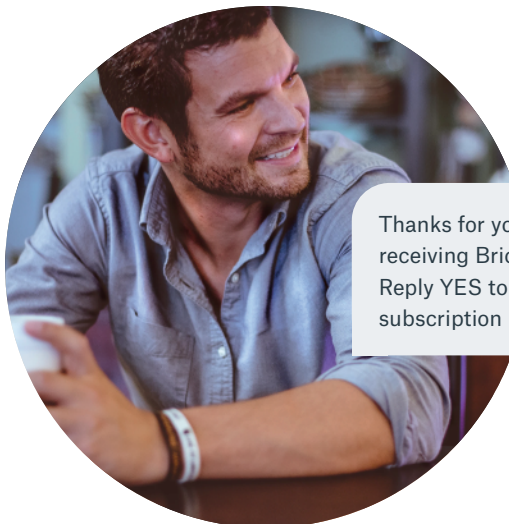
Require opt-ins

An opt-in is when you ask a customer if you can message them, and they say yes. You need to be clear about what the customer can expect: What type of message do you intend to send, and for what purpose?

It's also important to note that you can't repurpose an opt-in for one kind of communication for other kinds of communications. For example, a user who gives you consent to receive a one-time password (OTP) via text message is not consenting to marketing texts.

Under TCPA rules, there are also certain types of opt-ins – including for automated SMS marketing messages – which must be documented in writing. If you plan on sending promotional messages to customers, make sure you're properly logging all opt-ins.

So, what are you expected to keep in your records? Here's a quick guide to what you should document for your opt-ins, excerpted direct from the CTIA Messaging Principles and Best Practices July 2019:



- Timestamp of consent acquisition
- Consent acquisition medium (e.g., cell-submit form, physical sign-up form, SMS keyword, etc.)
- Capture of experience (e.g., language and action) used to secure consent
- Specific campaign for which the opt-in was provided
- IP address used to grant consent
- Consumer phone number for which consent to receive messaging was granted
- Identity of the individual who consented (name of the individual or other identifier, e.g., online username, session ID, etc.)

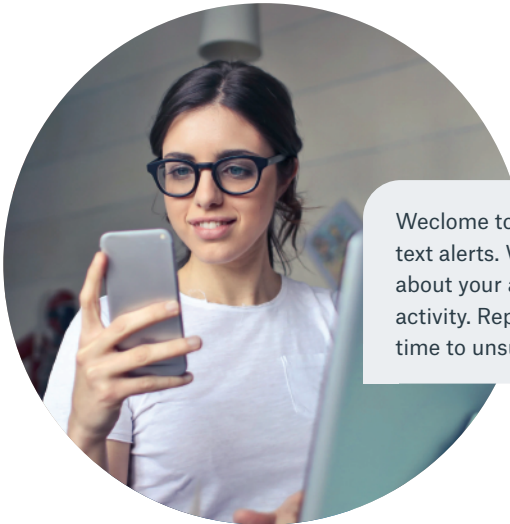
Documenting all opt-ins for at least six years is required by some mobile network operators. It provides proof that you have received consent to send to that destination number. Better safe than sorry!

That's why many companies use double opt-ins: sending a customer a welcome or initial message after the initial opt-in reminding them that they signed up, and asking them to respond and positively confirm their consent with a keyword (Y, Yes, OK, Begin etc.) This isn't an industry rule, but it is a best practice – and you want to be the best, don't you?

Honor opt-outs

Even if a customer agrees to let you message them with an opt-in, they can always change their mind – and you need to make it easy for them to do so.

The most common opt-out method is to let consumers respond to the SMS with the text "STOP" – but there are other ways to handle opt-outs as well. The Federal Communications Commission (FCC) states that customers must be able to opt-out through "any reasonable means." This could be a phone call, a text message, a web form, etc. – as long as it's not too complicated for the user.



Welcome to BrickBank text alerts. We'll text you about your account activity. Reply STOP any time to unsubscribe

Make it clear – preferably in each message - how a customer can opt-out, and when they send an opt-out request, make sure you acknowledge it. Failing to do so can get you into trouble. (Please note that Sinch is not responsible for any action taken against a business due to messaging complaints).

Keep it SHAFT-free

In addition to honoring opt-ins and opt-outs, we've got another commandment for you: stay free of SHAFT! SHAFT is a handy acronym to help you remember types of content which is either forbidden or subject to special rules.

- S:** Sexually inappropriate content
- H:** Hate speech or profanity
- A:** Alcohol
- F:** Firearms, and depictions or endorsements of violence
- T:** Tobacco (including vaping), or endorsement of illegal or illicit drugs, including marijuana and cannabidiol

Note: Some of this content (such as "adult" businesses like nightclubs, bars that serve alcohol, and firearms or tobacco sales) may be allowed by certain carriers if a campaign is submitted and approved in advance and a functioning "age-gate" is in place. Content promoting the use of marijuana, including businesses selling cannabidiol, is included in this restriction. This must not be sent on a US short code.

In addition to the above, the promotion of gambling is not allowed. However, a casino may run other types of campaigns. (For example, Harris Casino: Come check out our buffet! or Harris Casino: Hey Karlton come check out JLo in concert on May 28th!)

Understanding carrier expectations for short code campaigns

Alright, so we've got a bunch of rules and regulations from various agencies. Mobile carriers also want to make sure they stay compliant – which means they have their own best practices you should follow to ensure that your campaign doesn't get dropped.

In particular, there are some extra guidelines you should keep in mind when running short code campaigns. (For detailed information, see the [Common Short Code Handbook](#) from the CTIA).

You want to keep in mind five key questions from the customer's perspective, and the answers should be clear:

1. Who is the sender?
2. What is the offer?
3. Where can I learn more?
4. When will this service contact me?
5. How do I use the service, and how do I opt-out?

To make sure all these questions are answered, we recommend a strong call to action (CTA) for every campaign.

Call to action

Having an effective call to action (CTA) is the springboard to a successful short code program. A CTA both describes a mobile program and instructs potential users on how to participate.

Carriers conduct routine audits on live short code programs to ensure ongoing compliance, but this begins during the program certification process, so it is important to get off to a good start. The matrix below details carrier expectations for calls to action. Remember: the carriers' goal is to promote a consistent end-user experience across all short code programs.



Text SMS to 12345 for mobile marketing tips from Sinch Messenger. 2msgs/mo. Msg&dataRatesMayApply.

Privacy Policy: [Link to privacy policy]

Mobile Terms & Conditions: [Link to Terms & Conditions]

Example CTAs

Check out the example call to action message on the left.

Please keep in mind that on a web page, the T&Cs and Privacy Policy may take the form of linked text, but in print CTAs the full URL must be explicitly shown.

Cross-media CTA requirements

The required components for a successful call to action differ depending on the media it's published in. However, there are certain aspects that carriers look for in all CTAs:

- Company name
- Program name
- Description of offer
- Where to find terms and conditions
- Privacy policy location
- Customer support information*
- Opt-in instructions
- Opt-out instructions (if recurring) **
- Message and data rates disclaimer
- Message frequency

**Opt-out instructions and customer support information may be left out of the CTA if described within the Terms & Conditions, and the terms are properly linked from the CTA.*

***Although single-message programs are not required to display HELP and STOP keywords, they should still support HELP and STOP commands.*

Confirmation messages

A consumer's opt-in must be confirmed in the first message sent to the consumer for all recurring programs. Brands must state explicitly to which program the consumer enrolled and provide clear opt-out instructions.

Check out the example confirmation message on the right.



"Welcome to Sinch Messenger Alerts. You'll receive 2msgs/mo. Msg&data rates apply.

Text HELP for help, STOP to cancel."

Carrier-supplied deactivation files (blocklist)

Finally, make sure you are handling your blocklist properly. This is a requirement from mobile carriers, the CTIA, and Sinch, so don't forget it! It's important to process any deactivated or recycled phone numbers within three business days. Sinch is provided by, and provides these files to, service providers, and the message sender is responsible for removing deactivated numbers from opt-in lists within three business days of receipt.

Compliance self-check

Phew! That's a lot of information, we know. Keep this document on hand so you can refer back to it – and of course, make sure to always consult with your legal team on how these rules and regulations affect your business specifically.

To summarize, we made a handy little checklist for you to go through before sending any campaign. If you answer “no” to any of the following questions, your campaign is at risk of noncompliance.

Checklist

- ✓ Is your campaign free of SHAFT content?
- ✓ Do all your CTAs display opt-in, opt-out (STOP), and HELP instructions?
- ✓ Did you include a “message and data rates may apply” disclaimer, clear program terms, and privacy policies?
- ✓ Are all your mobile programs clearly identified?
- ✓ Have all your mobile end-users provided consent as defined by the TCPA?
- ✓ Is it clear that your user opted-in and consents to this specific program?
- ✓ Are all your end-users who opt in via web forms put through a double opt-in procedure?
- ✓ Are your HELP and STOP, END, CANCEL, QUIT, and UNSUBSCRIBE keywords functioning properly?
- ✓ Do you fulfill all opt-out requests within 72 hours of the end-user texting “STOP”?
- ✓ Are you processing carrier-provided deactivation files within three days?

If you answered “yes” to all these questions, you're good to go – good job!

Conclusion

That's all for now, folks!

This may seem like a lot to digest, but much of it is quite intuitive:

1. Make sure you're sending people messages that they want to get.
2. Get consent.
3. Be clear with what customers are consenting to
4. Make it easy for them to opt-out, and respect their wishes.

Make the experience easy and positive for your customers. Do that, and everybody wins: you'll get higher customer engagement and build longer-lasting customer relationships, hopefully resulting in more revenue for your company.

Happy messaging!

Other resources:

[TCPA](#)

[10DLC Messaging Guide](#)

[CTIA Short Code Monitoring Handbook](#)

[CTIA Messaging Principles and Best Practices](#)



About Sinch

Sinch brings businesses and people closer with tools enabling personal engagement. Its leading cloud communications platform lets businesses reach every mobile phone on the planet, in seconds or less, through mobile messaging, voice, and video. Sinch is a trusted software provider to mobile operators, and its platform powers business-critical communications for many of the world's largest companies. Sinch has been profitable and fast-growing since its foundation in 2008. It is headquartered in Stockholm, Sweden, and has a local presence in more than 30 countries.