

## **Regulatory and Legal Notice**

Note: This material is intended for general information purpose only and is not intended as legal advice or as a substitute for the particularized advice of your own counsel and should not be relied upon as such. The information may not be current and may be changed without notice.

The Text My Main Number terms of service requires you to comply with applicable federal and state laws and regulations. As part of that requirement, prior to your sending a text messages or media messages to any recipient using the Text My Main Number service, it is necessary for such recipient to “opt-in” to receive messages from your organization. For the opt-in to comply with applicable laws and regulations, there must be prior, express, written, consent (“PEWC”), which should be documented and retained for your records. Would-be recipients can opt in in a number of ways, including via email, an initial text sent by them to your organization, a sign-up widget on a website, etc. Note that obtaining an individual’s phone number is not the same as receiving permission to contact them.

PEWC is one of the legal and regulatory requirements imposed by the Telephone Consumer Protection Act (the “TCPA”). The TCPA is designed for the protection of consumer privacy rights and, in certain cases, failure to adhere to its requirements may subject your organization to legal liability and monetary damages for each violation (i.e. for each unsolicited message sent to each recipient without PEWC). The monetary damages imposed may be increased if the violations are determined to be “willful or knowing”. Note, also, that the TCPA permits class actions.

You must include opt out instructions should be in the first 160 characters (including spaces) sent to each recipient (e.g. “Reply STOP to unsubscribe”). Furthermore, the message content should contain the name of the content provider (your organization). In obtaining PEWC, you must make it clear what the end user will receive (e.g. the circumstances under which you will send text messages and the anticipated number of recurring text messages that will be sent, if applicable).

You may find the following resources helpful in designing and establishing compliance protocols for your organization:

- The Data & Marketing Association Ethics and Compliance Resources Database:  
<https://thedma.org/resources/compliance-resources/>
- The CTIA Messaging Principles and Best Practices Guide:  
<http://www.ctia.org/docs/default-source/default-document-library/170119-ctia-messaging-principles-and-best-practices.pdf>