



# Key Takeaways Of The FCC's One-to-One Consent Ruling

WHITEPAPER | 2024





# Introduction

In an ongoing effort to strengthen consumer protection and transparency when it comes to telemarketing communications, the Federal Communications Commission (FCC) has passed a new one-to-one consent ruling.

The ruling which will go into effect in early 2025 states that telemarketers must obtain explicit individualized consent from consumers for every separate seller.

This ruling in turn eliminates the use of broad, generalized consent forms. The following whitepaper explores the four key components of this ruling.

Having a firm understanding of these points is crucial for insurance businesses and other related professionals to remain compliant and maintain trust with their present and future clients.

Disclaimer: The following content is provided for informational purposes only and is not intended as legal advice. Please consult your legal counsel for advice regarding your specific situation and compliance with applicable laws and regulations.



# Explicit Individual Consent Required

Telemarketers are now required to gain a consumers' express written consent for each individual seller they're dealing with.

The consent must be both clear and straightforward, leaving no doubt that the consumer has agreed to be contacted by the particular seller at hand, using automated systems or prerecorded messages.

Additionally, the consent form should specify the nature of the communication that the consumer will receive. By making sure that customers are aware of who will be contacting them and what kind of messages they can expect, unsolicited or unexpected communications will be kept to a minimum.

# Good Written Consent Example



## Consent Form:

*By signing below, I, [Consumer's Name], give [Company Name] permission to contact me via automated telephone systems, prerecorded messages, and text messages at the phone number [Phone Number]. I understand that these communications may include marketing messages, special offers, and updates related to [Product/Service]. I acknowledge that this consent is specific to [Company Name] and does not extend to any other sellers.*

*I understand that I am not required to provide this consent as a condition of purchasing any goods or services.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Good Written Consent Explained



## Key Points:

- **Clarity:** Specifies the seller ([Company Name]) and the nature of communication (marketing messages, special offers, updates).
- **Specificity:** Clearly states the type of contact methods (automated systems, prerecorded messages, text messages).
- **Consumer Awareness:** Acknowledges that the consent is specific to [Company Name] and not a general consent for multiple sellers.
- **Voluntary Consent:** Indicates that consent is not a condition of purchase.



# Bad Written Consent Example

## Consent Form:

*By signing below, I agree to receive calls and messages.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Key Points:

- **Lack of Clarity:** Does not specify the seller or the nature of the communications.
- **No Specificity:** Fails to mention the types of communication methods to be used.
- **General Consent:** Ambiguous as it does not clarify if the consent is for a specific seller or multiple sellers.
- **No Voluntary Statement:** Does not include a statement indicating that consent is not required for purchasing goods or services.



# No General Consent For Multiple Sellers

The new ruling also prohibits the use of single consent forms that cover multiple different sellers. Once the rule is enacted, every vendor or seller will need to obtain their own unique consent from a consumer, each of which must be documented separately.

In general, this change stops the practices of one business obtaining consent on behalf of several vendors, which for consumers, can result in an abundance of unsolicited calls and messages from various organizations.

Again, this portion of the ruling improves consumer protection and choice by giving individuals the ability to pick which sellers can contact them.





# Changes For Comparison Shopping Websites

Comparison shopping websites are also now required to obtain separate one-to-one consents for each seller that's listed on their platform.

Previously, these websites would gain a consumer's consent only one time for multiple sellers or lead generators. This rule change necessitates comparison shopping websites to update their consent forms so that every seller is individually listed with separate opt-in options.

The goal is to make sure that customers don't get flooded with messages from numerous vendors that they didn't specifically consent to hear from. For businesses, the rule change will likely increase the quality and intent of each consumer, since they will have agreed to communications from a specific seller.





# Clear & Prominent Disclosure Required

To prevent any possible misunderstandings or fraud, consent documents have to be prominently displayed, and easy to understand.

Consumers must be made fully aware of the particular vendors from whom they have consented to receive communications, as well as the nature of those communications. This calls for the use of simple language and an easy-to-read format.

Additionally, it's recommended to stay away from industry related jargon or misleading wordings, to ensure that there are no confusions.

By making sure that consumers are 100% aware of what they're consenting to, more people will be trusting of telemarketing practices and you'll spend less time wasted on frustrated individuals.



# Good Example of Clear & Prominent Disclosure

## **Consent Form:**

*By checking this box, I, [Consumer's Name], agree to receive marketing communications from [Vendor's Name], including automated calls and text messages to the number provided. These communications will contain special offers, updates, and information about [Vendor's Name]'s products and services.*

*I understand that I am consenting specifically to [Vendor's Name] contacting me and that my consent is not required as a condition of purchasing any products or services.*

*I agree to receive communications from [Vendor's Name].*



# Clear & Prominent Disclosure Example Explained

## Key Features:

- **Prominent Display:** The consent checkbox is placed prominently and clearly labeled.
- **Simple Language:** Uses straightforward language to describe who will contact the consumer and the nature of the communication.
- **Specificity:** Clearly states the vendor's name and the types of messages (marketing communications, special offers, updates).
- **Voluntary Nature:** Explicitly mentions that consent is not a condition for purchasing.



# Bad Example of Inadequate Disclosure

## Consent Form:

*By checking this box, I agree to receive notifications.*

*I agree.*

## Key Features:

- **Lack of Detail:** Does not specify who will send the communications or the nature of the notifications.
- **Vague Language:** Uses generic terms like "notifications," which could mean anything and does not clarify the purpose.
- **Unclear Consent:** The consent is not clearly linked to a specific vendor or purpose, making it difficult for the consumer to understand what they are agreeing to.



# In Summary

The FCC's recent one-to-one consent ruling is intended to greatly improve consumer protection and the transparency of telemarketing practices. By focusing on the requirement of explicit, individual consent and clear, unambiguous disclosures, consumers will gain more control over who contacts them and why.

These alterations have particular significance for telemarketers, comparison shopping websites, and lead generators, all of which will need to modify their practices in order to comply with the stricter consent requirements.

While the landscape of telemarketing is clearly changing, by staying adaptable, preparing efficiently, and keeping up with legal updates in relation to the ruling, businesses should have no problem remaining compliant into the future.

To explore how Benepath can help you stay compliant and drive business growth, [visit our website](#) or contact us at (866) 368-0377.

