

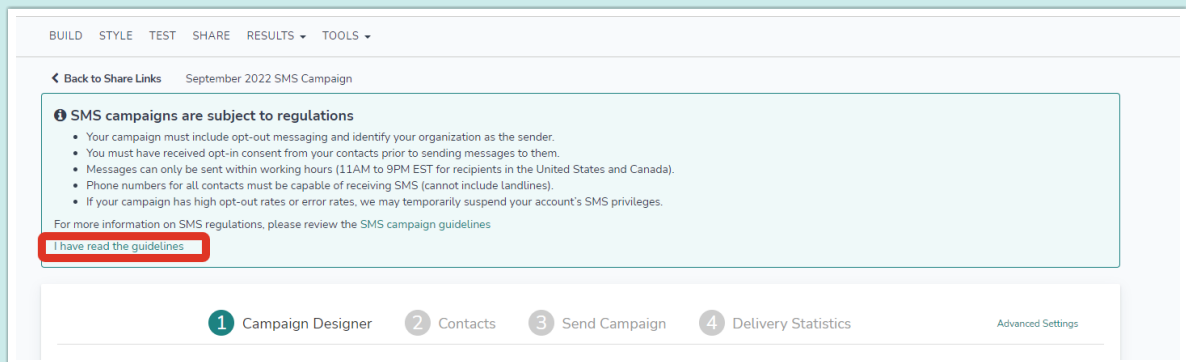
# SMS Compliance

SMS campaigns may be subject to various legal compliance requirements depending on the nature of your SMS campaign, the location from where you are sending your text messages, and the location of your recipients. You should consult with your legal counsel to ensure that your SMS campaign meets all applicable legal compliance requirements.

## SMS campaigns are subject to the following regulations:

- Your campaign must include opt-out messaging and identify your organization as the sender.
- You must have received opt-in consent from your contacts prior to sending messages to them.
- Messages can only be sent from 11am to 9pm EST for recipients in the United States and Canada.
- Phone numbers for all contacts must be capable of receiving SMS (cannot include landlines).
- If your campaign has high opt-out rates or error rates, we may temporarily suspend your account's SMS privileges.

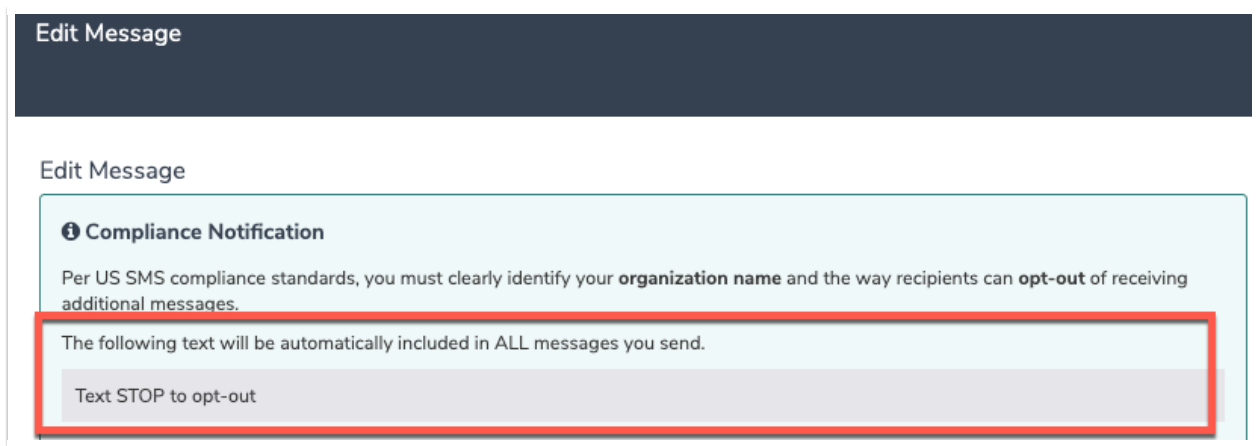
The first time you send a survey via SMS, you'll be prompted to read and agree to these conditions.



Alchemer uses [Twilio](#) to send SMS campaigns. In order to do so, Alchemer shares the recipient phone numbers and messages being sent with Twilio.

## Opt-out Messaging

Outbound messaging from Alchemer must identify the methods that recipients can "opt-out" of receiving future messages. Alchemer automatically includes an opt-out text at the end of [all](#) messages sent, including reminder and thank you messages.

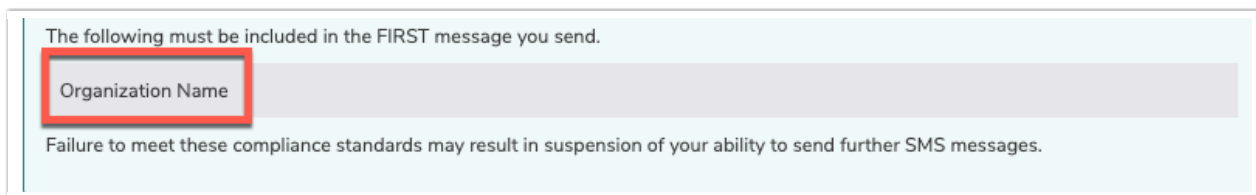


Alchemer survey takers are able to text "STOP" to opt-out of receiving future messaging from an SMS campaign.

### Sender Identification

All outbound messages are required to clearly identify the sender of messages by their Organization name. Alchemer will enforce the inclusion of an Organizations name in the **first** message sent.

**NOTE:** Reminders and Thank you messages do not include the Sender identification.



### Opt-in Consent

Anti-spam regulations in both the United States and Canada require opt-in processes for SMS messages sent to mobile phones. SMS senders should always offer transparent opt-in mechanisms, and in most cases, consumers must consent clearly to receive all messages.

### Opt-in Regulations for the United States

SMS messaging in the United States is governed by:

1. Telephone Consumer Protection Act (TCPA): This legislation places restrictions on telecommunications via voice calls, SMS texts, and fax.
2. Cellular Telecommunications and Internet Association (CTIA): This trade association represents the wireless communications industry in the United States, including wireless carriers, suppliers, manufacturers, and providers of wireless products and services.

Alchemer offers Application-to-Person (A2P) messaging through its platform. A2P is defined by CTIA as all traffic that falls outside normal consumer-to-consumer interactions. Under the new CTIA guidelines, A2P messaging requires consent from consumers, with the type of consent (implied, explicit, or written) varying by use case. Some guidelines include:

1. Consumers should be opting in to specific messages for a reasonable period of time.
2. Under the TCPA, certain opt-ins, such as for automated SMS marketing messages, must be logged in some form of writing.
3. Whether messages are promotional or otherwise, all opt-ins should be documented in order to demonstrate how and when the sender received the consumer's consent.

Some examples of opt-in methods include:

1. Handset opt-in: The consumer opts in by sending an SMS message to a posted business phone number.
2. Non-handset opt-in: The consumer opts in through an action outside of sending an SMS, such as a web form or application, an IVR/phone tree, or during purchase through a point of sale device.
3. Web, application, or paper forms: The consumer provides their phone number to a website, mobile application, paper form, or otherwise without using a handset.

### **Opt-in Regulations for Canada**

Canada's Anti-Spam Legislation (CASL) applies to a commercial electronic message (CEM) that is sent to an electronic address (including SMS and other messaging to mobile phones and devices) to a recipient in Canada. A CEM is a message where one of the purposes is to encourage the recipient to participate in a commercial activity. This can include through the message content, hyperlinks in the message to website content or a database, and contact information. Examples:

1. Offers to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land;
2. Offers to provide a business, investment or gaming opportunity; and
3. Promoting a person, including the public image of a person, as being a person who does anything referred to above, or who intends to do so.

See this [page](#) for more information about what qualifies under CASL.

If an SMS message meets the above criteria, the sender must obtain consent, provide identification information, and include an unsubscribe mechanism in each message. Consent can be obtained either through express or implied consent. Implied consent is acceptable if the sender has an existing business relationship based on a previous commercial transaction with the recipient, if the sender has an existing non-business relationship with the recipient such as membership in a club or organization, or where the recipient makes their contact information publicly available on a website.

See this [page](#) for more information about express and implied consent.

## Proof of Opt-in Process

To provide proof of your opt-in process:

1. Review opt-in requirements for the country in which you are sending SMS messages to. Alchemer's recommendations should not be taken as direct legal advice.
2. Provide written documentation of an opt-in process that meets the opt-in requirements for the country in which you are sending SMS.
3. Provide an example of how you have implemented or will implement this opt-in process.
  - a. This document must include the opt-in date and time and the method of opt-in for a sample of contacts from the campaign(s) (such as "Verbal", "Website", etc.) that resulted in the errors. The contact information can be obfuscated for privacy.
  - b. Your opt-in process can be verbal if you record it in a document or database at the time that opt-in consent is given.
4. If the opt-in is older than 18 months, then the recipient must re-opt-in or be removed from SMS campaign contact lists.

## Resolution Plans for Number Validation

Some phone numbers you are trying to contact via an SMS campaign may not be capable of receiving SMS. This is typically due to the phone number belonging to a landline. It is highly recommended to have a resolution plan for number validation in order to avoid high error or opt-out rates.

To provide a resolution plan for number validation:

1. Identify a service providing phone number validation that includes line type identification as well as active number validation.
  - a. Alchemer does NOT accept simple number identification services such as [www.phonevalidator.com](http://www.phonevalidator.com) or Google's libphonenumber library.
  - b. Alchemer recommends using [Twilio's Lookup API](#) with carrier lookup, which offers line type identification. Note that validation of Canadian phone numbers requires additional approval by Twilio.
  - c. The following services can also be considered, although Alchemer cannot recommend one over the other.
    - i. <https://telnyx.com/number-lookup>
    - ii. <https://www.plivo.com/lookup/>
    - iii. <https://cdyne.com/phone-verification>
2. Provide written documentation of the service you will be using to validate phone numbers on all SMS campaigns sent through Alchemer and the estimated date in which this validation will

be implemented.

### **Proof of Compliant Messaging**

SMS may be filtered by Twilio for violating Twilio's [Messaging Policy](#) or [Acceptable Use Policy](#), or by a wireless carrier for violating carrier rules or regulations.

- Examples of messaging that would be blocked by Twilio are spam, phishing, and fraud.
- Carrier filters are used to block abusive traffic, as well as to enforce rules or regulations about what types of messaging are allowed to that country or mobile network.

To provide proof of compliant messaging:

1. Collect three or more samples of SMS messages that have the “undelivered” status with the error 30007 within the previous seven days. Alchemer can help obtain this information by reviewing messaging logs.
2. Review the message samples against the following possible violations ( [reference](#)):
  - a. Has the recipient of the message provided consent (opt-in) to receive messages from the customer?
  - b. Has the phone number used to send the message been subject to high opt-out rates in the past?
  - c. Do the message contents violate Twilio's [Acceptable Use Policy](#) or [Messaging Policy](#)?
  - d. Does the message violate [CTIA's Best Practices](#) for A2P messaging?
  - e. Does the message violate country-specific SMS guidelines? See compliance considerations for the [United States](#) and [Canada](#).
  - f. Does the message use case fall into a [forbidden message category](#)?
  - g. Does the message clearly identify who is sending the message and include compliant opt-out language? Note: This is enforced by Alchemer.
  - h. Does the message contain URLs that have been shortened by shared public URL shorteners, such as TinyUrl or Bitly links? Does the message contain URLs that have been otherwise obfuscated?
  - i. Does the message use unnecessary emojis, special characters, or have poor grammar or spelling?
3. If the message violates any of the above, the customer should provide written documentation of a plan to correct the violation, if possible. Some violations, such as non-compliant message content (phishing, fraud, etc.), may result in permanent suspension of SMS access through Alchemer.

4. If the customer and Alchemer believe the messages are compliant with Twilio and carrier policies, Alchemer can provide the message samples, using the [Message SIDs](#), to the [Twilio support team](#) for additional messaging review.

### **A2P 10DLC Registration**

A2P 10DLC refers to a system in the United States that allows businesses to send Application-to-Person (A2P) type messaging via standard 10-digit long code (10DLC) phone numbers. Carriers in the US consider all Twilio traffic to be A2P. Carriers' A2P 10DLC offerings provide better delivery quality and lower filtering risk than long code SMS of the past, using the same phone numbers.

If you register for A2P 10DLC, you will benefit from improved deliverability and increased throughput in the new verified A2P 10DLC ecosystem.

To complete A2P 10DLC registration:

1. Assess whether you will be sending more than 3000 messages per day. If yes, you will need to register as a Standard brand. If no, you can register as a Starter brand. There are currently no differences in cost of SMS for Alchemer customers based on the brand type, but this may change in the future.
2. For a Standard brand registration, Alchemer will need the following information from you. You can fill out this [survey](#) to provide the required information.

<p>Business Information</p>	<ul style="list-style-type: none"> <li>• Business Name</li> <li>• Physical Address (Street, City, State/Province/Region, Postal Code, Country)</li> <li>• Business Identity (Direct Customer or ISV/Reseller/Partner)</li> <li>• Business Type (Sole Proprietorship/Partnership/Corporation /Co-Operative/LLC/Non-Profit)</li> <li>• Company Status (Private/Public)</li> <li>• Stock Ticker &amp; Exchange (if Public)</li> <li>• Business Registration Number &amp; Type (EIN for US-based companies, other business identifier for non-US companies)</li> <li>• Industry</li> <li>• Website</li> <li>• Regions of Operations</li> </ul>
<p>Points of Contact</p>	<p>One authorized representative with the following info:</p> <ul style="list-style-type: none"> <li>• Name</li> <li>• Email</li> <li>• Title</li> <li>• Phone Number</li> <li>• Job Position (Director/VP/GM/General Counsel/CEO/CFO)</li> </ul> <p>A second point-of-contact may also be provided but is optional.</p>
<p>Campaign Use Case</p>	<ul style="list-style-type: none"> <li>• Type of <a href="#">campaign use case</a></li> <li>• Description of campaign use case</li> <li>• 2 sample messages</li> <li>• Whether messages will include embedded links or phone numbers</li> </ul>

3. For a Starter brand registration, Alchemer will need the following information from you. You can send this information to [smsproduct@alchemer.com](mailto:smsproduct@alchemer.com).

Point of Contact	<ul style="list-style-type: none"><li>• Full name (first and last)</li><li>• Email address</li><li>• Billing address</li><li>• Phone number</li></ul>
Campaign Use Case	<ul style="list-style-type: none"><li>• Type of <a href="#">campaign use case</a></li><li>• Description of campaign use case</li><li>• 2 sample messages</li><li>• Whether messages will include embedded links or phone numbers</li></ul>

4. Once this information has been provided, Alchemer will [register your brand](#) with Twilio on your behalf.

*At this time, only US and Canadian phone numbers are supported.*

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