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Stop Unwanted Robocalls and Texts

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Unwanted calls – including illegal and spoofed robocalls – are the FCC's top consumer complaint and our top consumer protection priority. These include complaints from consumers whose numbers are being spoofed or whose calls are being mistakenly blocked or labeled as a possible scam call by a robocall blocking app or service. The FCC is committed to doing what we can to protect you from these unwelcome situations and is cracking down on illegal calls in a variety of ways:

- Issuing hundreds of millions of dollars in enforcement actions against illegal robocallers.
- Empowering phone companies to block by default illegal or unwanted calls based on reasonable call analytics before the calls reach consumers.
- Allowing consumer options on tools to block calls from any number that doesn't appear on a customer's contact list or other "white list."
- Urging phone companies to implement [caller ID authentication \(/call-authentication\)](#) to help reduce illegal spoofing.

Banning Spoofed Foreign Robocall...



FCC Chairman Ajit Pai explains new FCC rules [banning malicious caller ID spoofing of text messages and calls originating overseas \(https://www.youtube.com/watch?v=aezv4WqfcDY\)](#).

More Video - Chairman Pai explains how voice service providers can [block unwanted and illegal robocalls \(https://youtu.be/jygyuBxb8uc\)](#) by default and offer customers new [opt-in tools to block calls \(https://youtu.be/J6kh-JlyBs0\)](#).

Consumer Video: Don't Hang On, Hang Up! - Learn how to avoid spoofing scams. To [watch this video with captions \(https://www.youtube.com/watch?v=PS3llOfRLD8\)](#), click on the play button, then the "CC" icon.

Recent Enforcement Action - [FCC Fines Robocaller \\$82M \(/document/fcc-fines-robocaller-82-million-illegally-spoofed-calls\)](#) | [FCC Proposes \\$37.5M Spoofing Fine \(/document/fcc-proposes-375-million-fine-spoofed-telemarketing-calls\)](#) | [FCC](#)

- Making consumer complaint data available to enable better call blocking and labeling solutions.

[Issues \\$120M Neighbor Spoofing Fine \(/document/fcc-fines-massive-neighbor-spoofing-robocall-operation-120-million\)](#)

Learn more about [FCC Initiatives to Combat Robocalls and Spoofing \(/about-fcc/fcc-initiatives/fccs-push-combat-robocalls-spoofing\)](#) and download the [FCC Report on Robocalls \(https://docs.fcc.gov/public/attachments/DOC-356196A1.pdf\)](#).

[File a complaint with the FCC \(https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=39744\)](#) if you believe you have received an illegal call or text. Click the tabs below for tips, FAQs and resources.

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Consumer Tips to Stop Unwanted Robocalls and Avoid Phone Scams

- Don't answer calls from unknown numbers. If you answer such a call, hang up immediately.
- You may not be able to tell right away if an incoming call is spoofed. Be aware: Caller ID showing a "local" number does not necessarily mean it is a local caller.
- If you answer the phone and the caller - or a recording - asks you to hit a button to stop getting the calls, you should just hang up. Scammers often use this trick to identify potential targets.
- Do not respond to any questions, especially those that can be answered with "Yes."
- Never give out personal information such as account numbers, Social Security numbers, mother's maiden names, passwords or other identifying information in response to unexpected calls or if you are at all suspicious.
- If you get an inquiry from someone who says they represent a company or a government agency, hang up and call the phone number on your account statement, in the phone book, or on the company's or government agency's website to verify the authenticity of the request. You will usually get a written statement in the mail before you get a phone call from a legitimate source, particularly if the caller is asking for a payment.

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- Use caution if you are being pressured for information immediately.
- If you have a voice mail account with your phone service, be sure to set a password for it. Some voicemail services are preset to allow access if you call in from your own phone number. A hacker could spoof your home phone number and gain access to your voice mail if you do not set a password.
- Talk to your phone company about call blocking tools they may have and check into apps that you can download to your mobile device to block unwanted calls.
- If you use robocall-blocking technology already, it often helps to let that company know which numbers are producing unwanted calls so they can help block those calls for you and others.
- To block telemarketing calls, register your number on the [Do Not Call List](https://www.donotcall.gov) (<https://www.donotcall.gov>). Legitimate telemarketers consult the list to avoid calling both landline and wireless phone numbers on the list.



Date Last Updated/Reviewed: Friday, August 2, 2019

Bureau/Office:

[Consumer and Governmental Affairs \(https://www.fcc.gov/consumer-governmental-affairs\)](https://www.fcc.gov/consumer-governmental-affairs)

Tags:

[Consumers \(/tags/consumers\)](#) - [Do-not-call \(/tags/do-not-call-0\)](#) - [Junk Faxes \(/tags/junk-faxes-0\)](#) - [Robocall \(/tags/robocall\)](#) - [Robocalls \(/tags/robocalls\)](#) - [Scams \(/tags/scams\)](#) - [Telephone Consumer Issues \(/tags/telephone-consumer-issues\)](#) - [Telephone Consumer Protection Act \(TCPA\) \(/tags/telephone-consumer-protection-act-tcpa\)](#)

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Consumer Help Center

Learn about consumer issues - visit the FCC's Consumer Help Center at [fcc.gov/consumers](https://www.fcc.gov/consumers). ([/consumers](https://www.fcc.gov/consumers))

File a Complaint with the FCC

File Your Complaint

(https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=39744)

Visit our Consumer Complaint Center at consumercomplaints.fcc.gov (<https://consumercomplaints.fcc.gov>) to file a complaint or tell us your story.

How to stop robocalls, block numbers on your iPhone, Android and even landline

Kim Komando, Special to USA TODAY Published 6:00 a.m. ET Feb. 7, 2019 | Updated 1:04 p.m. ET Feb. 8, 2019

*Corrections & Clarifications: A previous version of this column neglected to note that calling *77 on your mobile phone may instead connect you with law enforcement.*

"Hello! Please don't hang up... did you know that you could save a bundle on...?"

It's a robocall, another automated telemarketer. Nowadays, [robocalls make up 50 percent of all phone calls](https://www.komando.com/happening-now/489341/research-50-of-all-calls-are-robocalls-how-to-stop-them-on-your-phone) (<https://www.komando.com/happening-now/489341/research-50-of-all-calls-are-robocalls-how-to-stop-them-on-your-phone>). In 2018 alone, [robocallers spammed us with 26.3 billion calls](https://www.komando.com/happening-now/522953/here-are-the-most-notorious-robocalls-of-2018-and-what-you-can-do-about-them) (<https://www.komando.com/happening-now/522953/here-are-the-most-notorious-robocalls-of-2018-and-what-you-can-do-about-them>). And it's only going to get worse: [Robocalls are going to become more constant in coming years](https://www.komando.com/happening-now/505452/robocalls-are-getting-worse-every-year) (<https://www.komando.com/happening-now/505452/robocalls-are-getting-worse-every-year>).

The moment you hear that electronic voice, everything stops. Your pulse quickens; your blood pressure rises. It doesn't matter what you were doing before. Maybe you were laughing at a joke. Maybe you were enjoying lunch. Perhaps you were watching your kid's Little League game.

None of that matters now. You picked up that call, and you regret it. You want to shriek: Don't call me again. I don't care who you are. Just go away! Your words would fall on deaf ears. There is no one on the other end, and if you breathe a word, your voice may be recorded for future use.

It's time to end those robocalls for good. Luckily, you have a whole arsenal of smartphone tools at your disposal. You block numbers, turn on Do Not Disturb mode, use your carrier's tools, or use third-party apps to end this telephonic pestilence.

Here are seven pointers for minimizing, or eradicating those unwanted calls.

There's a whole arsenal of tools at your disposal to stop those dreaded robocalls.

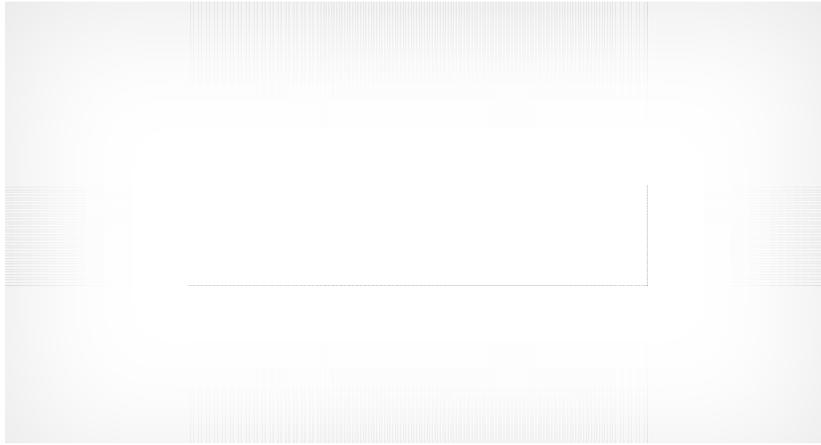
There's a whole arsenal of tools at your disposal to stop those dreaded robocalls. (Photo: GETTY)

1. Reject Anonymous Calls Automatically

Many robocalls come up as "anonymous" on your caller ID, while most businesses and human beings come up as identifiable phone numbers. Chances are, you could terminate all anonymous calls without missing anything important.

Depending on your service, you may have access to Anonymous Call Rejection. Try this on your landline. Make sure your caller ID is activated. Enter the magic number *77, and you will hear three beeps. Hang up, and any call that hides its number will be rejected.

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This service varies by carrier, and some carriers charge extra. But it's a helpful tool for scammers or robocallers who slip through the Do Not Call Registry.

Note: In some jurisdictions, dialing *77 on your mobile phone may connect you with law enforcement. [Tap or click here for a list](https://drivinglaws.aaa.com/tag/emergency-radio-cellular/) (<https://drivinglaws.aaa.com/tag/emergency-radio-cellular/>), or check with local or state law enforcement before trying *77.

Misdialing on mobile: [Dialing *77 on mobile may reach 911 instead](/story/tech/talkingtech/2019/02/07/77-how-dial-911-alternatives-mobile-without-calling-wrong-number/2806961002/) (</story/tech/talkingtech/2019/02/07/77-how-dial-911-alternatives-mobile-without-calling-wrong-number/2806961002/>)

Enraged by endless robocalls? [Help is on the way](/story/news/2018/11/15/robocalls-verification-system-ftc-fcc-telecommunications-caller-id-shaken-stir/1682591002/) (</story/news/2018/11/15/robocalls-verification-system-ftc-fcc-telecommunications-caller-id-shaken-stir/1682591002/>)

2. Join the National Do Not Call Registry List

Millions rejoiced when the FTC created the [National Do Not Call Registry](https://www.komando.com/tips/12146/3-things-you-need-to-know-about-the-do-not-call-registry/all) (<https://www.komando.com/tips/12146/3-things-you-need-to-know-about-the-do-not-call-registry/all>) – and in a perfect world, signing up would stop telemarketers from calling you. Technically, it's illegal for telemarketers to call you if you are on this list.

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But the world isn't perfect. Scammers don't follow the rules, nor do they care about this list. It's still smart to register your number as an added layer of protection against unwanted calls. Just go to the website [donotcall.gov](https://www.donotcall.gov) (<https://www.donotcall.gov>) and enter the landline or cellphone number you want on the list.

You can also call 1-888-382-1222 from any phone you want on the list. That's all it takes, and your number stays on the list until you ask for it to be removed or you give up the number.

Once you sign up, the Do Not Call list takes you off for-profit business call lists, but it isn't immediate. Telemarketers update their listings only periodically, so the FTC says it can take up to 31 days.

Also, political organizations, charities and survey takers are still permitted to call you. Businesses you've bought something from or made a payment to in the last 18 months have a right to call. When they call, however, firmly tell them to take you off their list and they have to honor your request, although they might still try to talk you into reconsidering.

Uh-oh: [Could a tsunami of robocalls be heading to our cellphones?](/story/money/columnist/tompor/2018/07/05/robocall-rule-changes-up-review-fcc/759830002/) (</story/money/columnist/tompor/2018/07/05/robocall-rule-changes-up-review-fcc/759830002/>)

3. Use Carrier Tools to Block Unwanted Calls

The four major carriers have tools to identify, filter and prevent suspected nuisance numbers from calling or texting your phone. Most require an extra monthly fee to activate the caller ID service, but network-level blocking is free of charge across all the carriers.

AT&T

AT&T subscribers can use a free iOS and Android app called [AT&T Call Protect](https://www.att.com/features/security-apps.html?partner=LinkShare&siteId=TnL5HPStwNw-Rx5lV3O_EZN0ARk0f.Sfdg&source=ECay0000000CEL000) (https://www.att.com/features/security-apps.html?partner=LinkShare&siteId=TnL5HPStwNw-Rx5lV3O_EZN0ARk0f.Sfdg&source=ECay0000000CEL000). It has automatic fraud blocking and suspected spam warnings. You can manually block unwanted calls.

Verizon

Verizon recently announced a free call-blocking service that debuts in March. Verizon previously offered a "Caller Filter" service for \$2.99 per month per line.

Verizon also has identified 300 million spam and scam phone numbers that it will block through free spam alerting and call-blocking tools also coming in March.

More from Tech: [Motorola's Moto G7 line aims for budget phone shoppers with three new phones \(/story/tech/talkingtech/2019/02/07/moto-g-7-line-aims-budget-phone-shoppers-three-new-phones/2795588002/\)](/story/tech/talkingtech/2019/02/07/moto-g-7-line-aims-budget-phone-shoppers-three-new-phones/2795588002/)

More from Tech: [NYPD demands Google remove police reporting feature from Waze over DUI checkpoint concerns \(/story/money/2019/02/07/waze-dui-checkpoints-nypd-tells-google-remove-feature-app/2799474002/\)](/story/money/2019/02/07/waze-dui-checkpoints-nypd-tells-google-remove-feature-app/2799474002/)

More from Tech: [Consumers can save dramatically on wireless by skipping unlimited \(/story/tech/talkingtech/2019/02/07/mint-mobile-says-most-customers-dont-use-much-data-and-can-save/2796411002/\)](/story/tech/talkingtech/2019/02/07/mint-mobile-says-most-customers-dont-use-much-data-and-can-save/2796411002/)

T-Mobile

T-Mobile provides two free ways to combat robocallers and spam calls.

First is Scam ID, an automatic system that identifies spam numbers when your phone rings. T-Mobile automatically does this on its network, and there's no app to install or service to turn on.

The second free method is Scam Block. Unlike Scam ID, which simply identifies known spam numbers, Scam Block gives you an option to block those numbers. To turn this on, dial #662# on your T-Mobile handset. To turn it off, dial #632#.

Similar to Verizon's Caller Name ID, T-Mobile has its own paid "Name ID (<https://www.t-mobile.com/resources/name-id>)" service, which identifies and provides caller information like the name, location and type of organization. You can block them as needed. This is included in T-Mobile ONE Plus plans. For other T-Mobile plans, it costs \$4 a month per line.

Sprint

Sprint customers can sign up for its "Premium Caller ID (https://shop.sprint.com/mysprint/services_solutions/details.jsp?detId=caller_id&catId=service_communication&catName=Communication&detName=Premium+Caller+ID&specialCat=)" service to protect themselves from robocalls and caller ID spoofers.

This service is \$2.99 a month, and it provides a threat level indicator to give customers an idea of how suspicious a call is. It does this by flagging calls with real-time data trends gathered across the U.S.

This service doesn't automatically block known spam calls. Based on the threat level, you can choose to answer the call, block the number or report it to prevent future calls.

They're everywhere: [Robocalls aren't stopping and this time they're in Chinese \(/story/tech/columnist/2018/07/03/chinese-robocalls-part-international-phone-scam/735409002/\)](/story/tech/columnist/2018/07/03/chinese-robocalls-part-international-phone-scam/735409002/)

4. Use the Best Apps to Block Robocalls

Another way to stop nuisance calls on your smartphone is via [call-blocking apps \(https://www.komando.com/apps/417558/3-awesome-apps-that-block-unwanted-robocalls\)](https://www.komando.com/apps/417558/3-awesome-apps-that-block-unwanted-robocalls). These apps can identify who is calling you and block unwanted calls that show up on a crowd-sourced spam and robocaller list.

Here are the top call blocking apps:

Nomorobo

Nomorobo is an iOS and Android app that offers real-time protection from a growing list of robocallers, telemarketers and phone scammers.

Nomorobo lets the phone ring once, then tries to identify the caller. If the number is on the app's robocaller list, the app will automatically block the call for you.

Nomorobo is free to use for 30 days, and then it costs \$1.99 per month or \$19.99 for an entire year. To sign up, you will need to provide Nomorobo with information. List the type of phone you have – wireless or landline – and select your carrier. Note: Not all major cell carriers support Nomorobo.

Truecaller

The [Truecaller \(https://www.komando.com/apps/304812/great-tactic-to-block-spam-calls-on-your-smartphone\)](https://www.komando.com/apps/304812/great-tactic-to-block-spam-calls-on-your-smartphone) app for iOS and Android lets you find out who's behind that unknown number. Copy and paste the number into the app's search bar. Truecaller will search the unknown number to find out who it is. With a community-based spam list from over 250 million users, it's a great resource to avoid answering an unwanted robocall.

Another great feature of Truecaller is its ability to block spam calls. When a pesky telemarketer calls, there will be a big warning in red, telling you that it's a spam call. Just swipe up when this happens to automatically block that caller and add them to the spam list.

The Truecaller app is free for both download and use. However, there is a professional version that can be bought as an in-app purchase for \$1.99 per month.

Hiya – Caller ID & Block

The Hiya – Caller ID & Block app is perfect for identifying calls that you want to accept and blocking calls and texts you want to avoid. The Hiya app is available for free on both Apple and Android gadgets with no ads, and it is simple to use. If you had to choose one, this is the best choice, in my opinion.

It allows you to block calls, blacklist unwanted phone numbers and text messages, reverse phone search incoming call information and receive spam alerts. The app is powered by a database of hundreds of millions of phone numbers confirmed to be spam by other users.

Call Control – Call Blocker

The Call Control – Call Blocker app automatically blocks spam calls and calls from other numbers you don't want to hear from. You can block entire area codes (like 888) if you're getting tons of calls you don't want from a particular location. The Call Control app is free and available for both Apple and Android gadgets.

Worried about missing out on important calls? Call Control gives you your own personal Whitelist and Contacts Protection to make sure people you know get through.

The app's users actively report their spammers so its catalog is always up to date.

Call Control will automatically block active spammers, and the reverse lookup allows you to track them to their source. You can add numbers to the Community Blacklist and choose to block specific numbers that won't leave you alone.

What you need to know: [How to keep from getting scammed by robocalls \(/story/money/2018/05/13/robocalls-out-control-heres-how-keep-getting-scammed/603657002/\)](/story/money/2018/05/13/robocalls-out-control-heres-how-keep-getting-scammed/603657002/)

5. Some Phones Block Robocalls Automatically

Did you know that some smartphones already have built-in spam and robocall protection in place? Samsung's flagship Galaxy and Note smartphones have a native feature called Smart Call that automatically screens and flags suspicious numbers.

Google's Android smartphones like the Pixels and the old Nexus and Android One have built-in spam call protection. With this feature, users with Caller

ID enabled will get a warning if a suspected spam call or robocall is received.

Aside from ignoring the call, the user has the option to either block the number or whitelist it if the spam flagging is deemed an error. Any blocked number can be unblocked at any time. An option to report the call to Google is available.

Don't pick up: [The one thing you should do to stop robocalls \(/story/tech/columnist/2018/04/20/could-we-please-love-all-things-good-stop-these-annoying-robocalls/535555002/\)](/story/tech/columnist/2018/04/20/could-we-please-love-all-things-good-stop-these-annoying-robocalls/535555002/)

6. Block Individual Phone Numbers

Here's a feature that's available on any iPhone and Android – the ability to block specific numbers. Although this cannot possibly stop every robocall and spammer number, you can at least block the recurring ones.

iPhone

On an iPhone, open your Phone app, go to your Recents tab, then tap the circular information icon on the right side of the number you want to block. On the next page, tap "Block this Caller" to put the number on your block list.

Android

On Android, you can likewise open your Phone app, navigate to the Recents section, do a long press on the suspicious number then select "Block/report spam." (This may vary, depending on the manufacturer and model of your Android phone.)

Out of control: [98 million robocalls hit Americans every day. The FCC's fines aren't stopping them. \(/story/tech/news/2018/03/23/robocall-battle-continues-fcc-and-ftc/453782002/\)](/story/tech/news/2018/03/23/robocall-battle-continues-fcc-and-ftc/453782002/)

7. Set Your Phone on Do Not Disturb

To block every number except your most trusted contacts or favorites, you can turn on your iPhone or Android phone's built-in Do Not Disturb Mode. It's an extreme solution but it will definitely stop all unwanted calls, including robocalls, telemarketing calls and spam calls.

Keep in mind that you will undoubtedly miss some legitimate calls when this mode is on, but unknown callers will always have the option to leave a voice message. You can add any number to your contacts list to let them through in the future.

iPhone

To customize your Do Not Disturb preferences on an iPhone, go to Settings >> Do Not Disturb. Here, you can turn the mode on, set a Do Not Disturb schedule and set your allowed calls to either all your saved contacts or just your Favorites list. To quickly activate Do Not Disturb, go to your iPhone's Control Center (swipe down from the upper-right corner on iPhone X, swipe up from the bottom for other iPhones) and toggle the Do Not Disturb switch (the icon looks like a moon).

Android

On Android, go to Settings >> Sound (or Sound & Notification in other phones) >> then Tap Do Not Disturb to customize your Do Not Disturb settings.

To activate Do Not Disturb, simply swipe down from the top of your display to access the Quick Menu then tap the Do Not Disturb icon to turn it on. (This may vary, depending on the manufacturer and model of your Android phone.)

8. Common Sense Prevails

This is the simplest solution, and many people try this low-tech approach to robocalls. If you receive a call from an unknown number or one that doesn't show up on caller ID, don't answer. If it's an important call, the person will leave a message and you can get back to them. Millions of people are unencumbered by robocalls, and they don't give these pests a second thought.

But be advised: If you answer the phone and the caller (often a recording) asks you to hit a button to stop receiving calls, just hang up. Scammers often use these tricks to identify and target live respondents. Once they know the number is active, you may receive more calls in the future.

What digital lifestyle questions do you have? Call my [national radio show \(http://station-finder.komando.com/\)](http://station-finder.komando.com/) and [click here to find it on your local radio station \(http://station-finder.komando.com/\)](#). You can listen to the [Kim Komando Show \(https://www.komando.com/\)](https://www.komando.com/) on your phone, tablet or computer. From buying advice to digital life issues, [click here for my free podcasts \(https://www.komando.com/listen/podcast-directory\)](https://www.komando.com/listen/podcast-directory).

Read or Share this story: <https://www.usatoday.com/story/tech/columnist/komando/2019/02/07/no-more-robocalls-how-block-unwanted-calls-iphone-android/2778059002/>



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Emergency Communicatio...



Emergency Communications

Watch FCC Video: [Don't Be Scared, Be Prepared!](https://www.youtube.com/watch?v=eQueUz1Q9gM) (<https://www.youtube.com/watch?v=eQueUz1Q9gM>) Communicating can be challenging during power outages caused by severe weather. Learn how to prepare for such emergencies and what to do when outages occur.

- [FCC/FEMA Emergency Communications Tips \(/emergency\)](#)
- [After Storms, Watch Out for Scams \(/consumers/guides/after-storms-watch-out-scams\)](#)

A Phone Scam That Starts With a Postcard

In a complaint filed with the FCC, a consumer described a scam that began with a postcard marked "urgent, regarding a reward" in the consumer's name. When the consumer called the toll-free number to claim the prize, the woman who answered said there was a "handling fee." [Read more \(/phone-scam-starts-postcard\)](#)

- **More scams:** [Hear How Medicare Card Scams Begin \(/older-americans-and-medicare-card-scams\)](#) | [Telecom Scam Glossary \(/scam-glossary\)](#)

Don't Let Your Mobile Number Get Hijacked

Scammers may target your mobile number to access private texts, calls and other personal information. Posing as you, they ask your phone company to 'port' your number to a new device, enabling them to reset your financial and social-media access credentials before you know it. [Learn more about porting \(/phone-fraud-porting-out-scam\)](#)



Consumer Complaint Center

File a Complaint / Tell Your Story

[\(https://consumercomplaints.fcc.gov/\)](https://consumercomplaints.fcc.gov/)



Consumer Complaint Data

Charts, Maps, APIs

[\(/consumer-help-center-data\)](/consumer-help-center-data)

Consumer Guides



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[/download](#) What is caller ID spoofing and how does it work? Get helpful tips about what you can do if you think you're being spoofed.

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TV Channel Transition

Find out what channels are changing in your area, when the changes will occur and what you should do to ensure a smooth transition. [What to Watch For \(/TVrescan\)](/TVrescan) | [Remember to Rescan \(/rescan\)](/rescan) | [Consumer FAQs \(/consumers/guides/consumer-faqs-tv-spectrum-auction\)](/consumers/guides/consumer-faqs-tv-spectrum-auction)

Getting Connected to Broadband

Broadband improves lives for people of all ages, from connecting far-flung family members and friends to providing easy online access to a virtual world of goods and services. Learn more about how you can - and why you should - Get Connected.

- [Consumer Guide: Getting Connected to Broadband \(/connected\)](#)
- [Blog Post: Older Americans & Broadband \(/news-events/blog/2018/05/24/older-americans-and-broadband-getting-connected\)](#)



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Consumer and Governmental Affairs Bureau

The Consumer and Governmental Affairs Bureau develops and implements the FCC's consumer policies and serves as the agency's connection to the American consumer.

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Telephone Consumer Protection Act (TCPA), Robocalls and Text Messaging

Search Frequently Asked Questions...

NOTE: This is not legal advice. The DMA is providing you with general information about the rules below and DMA-related

What is TCPA? For legal questions specific to your company, please ensure you are working with your own legal counsel who can represent your organization.

The Telephone Consumer Protection Act was passed in 1991. The Federal Communications Commission's (FCC) rules and regulations implementing the act went into effect on December 20, 1992. This rule is analogous to the rule regulated by the Federal Trade Commission, the Telemarketing Sales Rule (TSR) as set established by the Do-Not-Call Implementation Act (DNCIA, 2003). The latest changes to the FCC's TCPA go into effect on October 16, 2013.

The rules were recently updated. Regulations were issued by the Federal Communications Commission in February of 2012 with an effective date of October 16, 2013 due to consumer complaints about unwanted prerecorded telemarketing calls and texts, consistently in the top three consumer complaint categories at the FCC in 2011.

According to the agency, artificial, or "robocalls" invade consumer privacy, and can in the

case of calls to wireless devices, eat up minutes. A “robocall” is a prerecorded telemarketing message. The new rules reduce regulatory uncertainty and are meant to “maximize consistency” with the other federal agency that regulates calls, the Federal Trade Commission. The rule applies to all autodialed robocalls to residential land lines, and residential and business mobile phones. Moreover, text messaging is also covered under the autodialer definition of the FCC.

Recent Changes

- Require marketers to obtain prior written express consent from an individual for that marketer before any robocalls or text messaging can be made; this includes using an electronic form for the signature to the extent such a signature is valid under law such as set forth in the E-SIGN Act or state contract law. The rules for obtaining prior express written consent mirror those required by the FTC for prerecorded sales messages.
- When obtaining prior written express consent the marketer must disclose to the individual that giving permission will allow the marketer to make autodialed robocalls and/or text messages and that providing consent is not a condition of any purchase. Both disclosures should be clearly displayed at the time when the marketer is seeking written consent.
- Since most marketers who have already obtained written consent have not displayed the two disclosures in a. above, such prior written consent does not satisfy the new rule. [Note: DMA is petitioning the FCC to accept the pre October 16, 2013 prior written consent without the disclosures.]

See: <http://www.business.ftc.gov/documents/bus27-complying-telemarketing-sales-rule>
(<http://www.business.ftc.gov/documents/bus27-complying-telemarketing-sales-rule>)

- The rule eliminates the former “established business relationship” exemption. The exemption was allowed in the prior rule for robocalls to residential lines, but this exemption is now eliminated.
- Requires telemarketers to provide an automated interactive opt-out mechanism during each robocall so that consumers can immediately tell the telemarketer to stop calling.
- Strictly limits the number of abandoned or “dead air” calls that telemarketers make.

Telephone Consumer Protection Act (TCPA) a... <https://thedma.org/resources/compliance-resourc...>
within each calling campaign. The permissible 3% call abandonment rate should be calculated for each calling campaign so that telemarketers cannot shift more abandoned calls to certain other campaigns.

- Other kinds of calls not impacted are as follows: Prerecorded informational calls, such as those relating to school closings and flight changes can continue to be available to consumers who wish to receive them. Further, prerecorded calls from entities regulated by the Health Insurance Portability and Accountability Act of 1996 to residences are exempt. Such non-commercial calls are also allowed by tax-exempt nonprofit organizations and political organizations.

BACKGROUND ON TCPA:

The most significant part of the FCC's TCPA regulations concern commercial solicitation calls made to residences. Those making the calls are required to:

- Limit the calls to the period between 8 A.M. and 9 P.M.
- Maintain a "do not call list" and honor any request to not be called again. The FCC amended its rules in 2003 so that organizations use the FTC National Do Not Call List Registry process. (See <https://www.donotcall.gov/>) When such a do not call request is received, the requester may not be called again on behalf of the business for whom the solicitation is made. One error is allowed in a twelve-month period. Subsequently, the soliciting companies are subject to penalties. A person's name must be kept on the "do not call list" indefinitely.
- Have a clearly written policy, available to anyone upon request.
- Have a clearly defined training program for their personnel making the telephone solicitations.
- If you are a service bureau, forward all requests to be removed from a list to the company on whose behalf you are calling. It is that company that is legally liable under the TCPA, not the service bureau. The "do not call" request must also be honored by any affiliate or subsidiary of the company if there is a reasonable expectation on the part of the consumer that their request would apply also to the affiliate or subsidiary.

A call is exempt from the TCPA if the call:

- Is made on behalf of a tax-exempt nonprofit organization.
- Is not made for a commercial purpose.
- Does not include an unsolicited advertisement, even if it is made for a commercial purpose.

Other important provisions of the TCPA include:

- A ban on sending unsolicited advertisements by auto-dialer, prerecorded voice message, or fax to anyone without prior express consent.
- A ban on auto-dialers and artificial or prerecorded voice messages programmed to call any emergency phone lines (including 911 numbers, hospital emergency lines, physicians or medical service lines, health care facilities, poison control centers, fire protection or law enforcement agencies), pagers or cellular phones, or a call for which a charge is made to the calling party.
- A prohibition against the use of an auto-dialer to engage two or more lines of a multi-line business.
- A requirement that anyone using an auto-dialer or an artificial or prerecorded voice message to call any number state the identity of the caller at the beginning of the message and give the address and phone number of the caller during the call.
- Customers must be able to opt-out of future robocalls during a robocall. If there is an opt out requested, the call must be disconnected immediately and no future calls can be made to that consumer by that organization.

The TCPA can be enforced in at least three different ways:

- The individual who receives a call after a name removal request has been given to the caller is granted a private right of action in a local court and may sue for damages for each violation. In some cases, the courts can levy triple damages. Similar suits may be filed for violations of the TCPA's provisions regarding faxes, auto-dialers, and artificial or prerecorded messages.

- States may initiate civil action against offending companies on behalf of their citizens.
- Complaints may be filed with the Federal Communications Commission, which has the power to assess penalties against parties in violation of the TCPA.

Contact Us:

Consumers with complaints go to: <http://www.fcc.gov/complaints> (<http://www.fcc.gov/complaints>)

For questions or concerns, DMA members may contact ethics@thedma.org (<mailto:ethics@thedma.org>) or advocacy@thedma.org (<mailto:advocacy@thedma.org>)

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