

LIVEVOX

*2<sup>ND</sup> EDITION*

# A Guide to Compliance-Focused Omnichannel

Mitigate Risk, Not Reward

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**DISCLAIMER** This ebook and the statements therein do not constitute legal advice. We urge businesses to consult with their own experienced legal counsel to independently review the topics covered in this paper and independently evaluate any compliance measures they undertake.

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### *Today more than ever, cloud software is the lifeblood of modern business.*

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We're living in a best-of-breed world, and there is more innovation coming our way than most organizations even know what to do with.

Organizations now have access to powerful new platforms and tools that – when implemented quickly and used effectively – can have a huge impact on growth, brand perception, and quality of service. The challenge is how to keep pace with it all - not just because doing so might save some money or improve productivity, but because your organization's success actually depends on it.

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**For contact centers, communication technology sits behind every challenge and every opportunity.** It's core to every business initiative. In today's omnichannel world, a contact center's ability to adopt, use, and even build the best communication strategies is one of the biggest drivers for future success.

Just as the cloud unleashed this wave of innovation, omnichannel communication also opened the floodgates to the number and types of channels contact centers manage.

Today's world presents a whole new paradigm for customer engagement. **Success depends not only on a contact center's ability to provide excellent service to customers, but also on how well they manage and act on data.** Even more so on how closely they follow the compliance-focused principles that govern new digital channels.

**Compliance is the lynchpin for the modern omnichannel ecosystem.** It's the new communications standard in a world where there are so many ways to connect, so many channels to surf. And it's the foundation on which any contact center should be grounded.

**Adopting a compliance risk-mitigation mindset allows you to build trust with your customers by going beyond simple box-checking to make sure you adhere to regulations.** And, a continuous, dynamic compliance-friendly program is essential if you are to limit your exposure to high-cost, high-implication litigation.

So, we came up with a shortlist of things to look for from your contact center platform provider. These seven pillars will help you thrive in the modern communications era by keeping you agile in an ever-changing environment.





# Don't be Vulnerable — Best in Class Omnichannel Integrates Compliance-Focused Principles.



When you add channels you do so in an effort to cater to customer preference. Each channel comes with its own set of compliance practices. Risk-mitigation is about the health and well-being of your business. When evaluating contact center software, choose a provider that isn't tethered to the success of any one single channel or outreach method— meaning you want a provider who offers the same level of compliance mechanisms across every channel.

Your contact center software provider should be committed to connecting every channel you want to use with a consistent level of quality and depth.

## **This means it should offer robust data capture and tracking.**

You know your organization best. And you should always choose the technology that's best for you and your customers. If you want to be truly best of breed, a unified data repository that stores interaction & call history with real-time consent triggers is a necessity.

When it comes to managing consent on all these channels, oftentimes software providers will have the channels figured out but no way to track or marry how each customer wants to be contacted or whether a certain consent preference has been revoked.

Americans answer less than half of the calls made to their mobile phones yet most organizations still rely on this traditional method. With the majority of consumers transitioning to digital channels like SMS and email, contact attempts are increasingly regulated and the issue of consent is top of mind. There's a rush to balance the transition to digital with customer protections across these new channels.

Without the ability to track channel preferences in a holistic and automated way, businesses are left to manage the fluid nature of consent essentially in siloes. With the struggles of cell phone consent management fresh in their minds, many contact centers remain daunted by the process and revert back to relying on outdated methods like phone and printed letters to make contact. This means too many of us are missing key engagement opportunities.

*Americans answer less than half of the calls made to their mobile phones*





## WHAT IS THE TCPA?

To understand the TCPA we have to go back in time. Way back to the early 1930s when Congress passed The Communications Act of 1934 which combined and organized federal regulation of consumer telephone, telegraph, and radio communications.

The Act governs new communications technologies and provides provisions for how organizations are allowed to communicate with customers & subscribers.

In 1991 a new provision was signed into law as a response to a growing rise in unregulated and unwanted telemarketing outreach to consumers. And thus, the TCPA was born.

The TCPA restricts, among other things, telephone solicitations and the use of automated phone equipment such as autodialers. The TCPA governs the use of pre-recorded voice messages, automatic dialing, and SMS and fax use. Without explicit customer consent, organizations must adhere to various rules about the use of an autodialer and pre-recorded voice messages, honor the National Do Not Call Registry, and consumers may sue a company that violates the TCPA.

**Over the years the interpretation of the TCPA has changed, and a nebulous haze around it remains. The general gist is this:**

1. Callers may not use automated dialing to call wireless phones nor leave pre-recorded messages on wireless phones without prior express consent.
2. Consumers may revoke consent to receive calls or SMS messages by any reasonable means.
3. Callers must cease calling any reassigned phone numbers unless they have prior express consent from the party to whom the number has been reassigned.
4. Some emergency exceptions allow a company to call or send SMS messages to wireless phones without prior express consent, such as medical alerts.

**Here are some risk mitigation best practices to keep in mind in regards to texting under the TCPA:**

- Let your customers text first or if not, ensure valid consent such as during a recorded phone conversation.
- Support the STOP keyword for opt-out.
- Avoid texting reissued mobile phone numbers.
- Keep complete records of opt-in and consent.
- Text like a person, not a robot. The channel is conversational, your activity on it should be too.

**In regard to phone calls under the TCPA:**

- If using an autodialer, ensure and maintain valid consent.
- Understand the dialing system you are using and whether it's an automated or a manual system.

# Your Channel Stack is Dynamic — Your Consent Capture Must Be Equally Adaptive



Combining consent management and transparency across channels allows you to incorporate real-time consent into your campaign workflows.

The ability to provide or revoke consent by channel is also critical. If a customer opts out of SMS, for example,

that information should travel back to your system of record and automatically update your workflows.

The use of multichannel consent capture and revocation should be seen as a strategic attribute of all of your campaigns as it enables maximum omnichannel efficiency.

**Unified consent across channels means that once consent is given it is integrated fully into campaigns.** This allows you to create highly personalized and intelligent engagement efforts based specifically on real-time channel preferences.

As organizations add new channels, they face additional consent rules which differ from those they are accustomed to with voice. This means they need to establish additional processes based on these consent requirements to mitigate compliance risks.

**Your contacts should have the ability to opt-out of commercial text messages at any time.** Most contact centers follow the CTIA's guidelines for stop instructions. Commercial texts should include "Text STOP to opt out" on each SMS communication sent to the consumer stating very clearly that they can stop receiving SMS at any time.

However, commercial messages should be distinguished from transactional messages where different rules regarding consent apply.

## Consent Regulations for Sending Emails

One of the following mechanisms for opting out should be available in commercial emails:

- A functional return email address, allowing the recipient to simply "reply" to the email indicating their intention to opt out.
- An Internet-based opt-out mechanism (for example, a link to a separate web page containing the opt-out mechanism).

## WHAT IS THE CTIA?

The Cellular Telecommunications Industry Association, or CTIA represents the U.S. wireless communications industry and companies throughout the mobile ecosystem.

The CTIA acts as an advocate for companies within the wireless and cellular communications industry. Their principal business is to monitor, negotiate, protect, and advance the interests of wireless companies.

They track industry trends, conduct surveys on consumer behavior as it impacts wireless communication, and even release helpful guidelines for how to remain compliance-focused in your consumer-facing communication.

The rigors associated with securing consent under the TCPA may help you comply with the CTIA, but the CTIA's guidelines go above and beyond the TCPA in many instances.

According to CTIA's "Messaging Principles and Best Practices" (updated July 2019), CTIA guidelines favor the consumer to enroll in or subscribe to your text message service by initiating a text message to you, but there are other reliable measures which may also satisfy the CTIA guidelines.



# Avoid Fragmentation; Use One Platform to Manage Consent



Collecting better data about your customers adds an efficiency layer to your communication strategy. It also helps your brand obtain consent and channel preferences in a way that adds value to both customers and clients.

Look for a platform with built-in activity tracking so you can capture receipts for all interactions. Having an activity thread that is unique to each customer profile is precaution number one when it comes to memorializing consent. By managing consent in this way your platform acts as an automatic record keeper, minimizing risk and ensuring that you remain compliance-focused.

The ability to effectively capture, store, and manage consent removes significant obstacles to capitalizing on additional channels. Find a platform that integrates seamlessly with existing business systems and creates a feedback loop that automatically updates when vital information like phone number, address, and especially consent and channel preferences as they are updated.

## Without LiveVox



Voice Silo



Email Silo



SMS Silo




Webchat Silo

## With LiveVox



All of the above on one unified CRM

A recent [Deloitte digital report](#) found...



*Key drivers of trust for consumers are centered around how brands handle data security and privacy because this shows they're putting consumer interests first.*

The customer service organizations of the future have trust and compliance on center stage.

**Here are just some of the benefits contact centers can reap by investing in all-in-one platforms:**

- A single view of the customer – where a full customer history, across all channels, is recorded and easily accessible by other employees within the organization. Also critical is the ability to solicit, capture and deliver against customer needs, with process visibility across channels and services.
- Better plans for data usage – this includes checking in periodically with customers to ensure financial products are still available in order to have better customer conversations and achieve better outcomes.
- Business intelligence & analytics to power agent coaching for consistent delivery of services.
- Guidance to flag during business processes to recommend activities for compliant, consistent customer service.
- Stakeholder communication management and cross-departmental visibility into reporting.
- Transparent case management, prioritization, communication and remediation.
- Holistic agent scorecarding to power positive interactions. Combining sales and service volume with client outcomes to capitalize on cross-sell opportunities and improve NPS scores.
- Staff development and engagement strategy: Deliver and track bespoke training to enable staff on compliance, pivot to customer centricity and ensure role-based capabilities are maintained.





## WHAT IS THE TRACED ACT? ●

The TRACED Act was signed into law on December 30, 2019 and is intended to stem unlawful robocalls.

The TRACED Act generally addresses STIR/SHAKEN, call blocking and authentication, penalties for intentional TCPA violations, and TCPA exemptions, with attendant obligations for private parties and the FCC in these areas.

The new law mandates that within 18 months of enactment, the FCC require voice service providers to implement STIR/SHAKEN for IP networks and “reasonable measures” for non-IP networks.

In the wake of an increase in predatory robocalls, STIR/SHAKEN is fundamentally aimed at re-establishing trust in the communications ecosystem, a stronger stance against malicious robocalling, and protecting consumers against fraud and abuse from robocalling.

STIR/SHAKEN aims to re-establish trust for carriers and consumers; it’s a framework that creates a stronger stance against malicious robocalling, and seeks to protect consumers against the kind of fraud and abuse that is associated with robocalling. It does this by promoting high connection rates for legitimate businesses and protecting consumers from known bad actors.

Your software provider should monitor the future developments, findings, and regulations that might arise from the TRACED Act and be prepared with compliance-focused solutions.

## Enable Transparency Within Your Organization. Give Agents and Managers the Right Tools



Establishing the appropriate level of trust with customers to mitigate the risk associated with multichannel communication requires you to arm agents with the ability to take appropriate action. The actions can include elevating the frequency of communications, ending communications, or simply switching the preferred channel. Doing so requires visibility into what's happening across your communications ecosystem, insight into the customer's preferences, as well as the ability to act based on that insight.

As the incoming requests to your contact center become more complex, **your agents need to interact with multiple separate programs & applications to support customers.** This is cumbersome and creates needless friction in both the agent and customer experience.

To reduce this complexity and enable agents to focus on the customer, break down internal silos and opt for integrated software that connects **all channels and information in a unified data layer.**

Integrated platforms that easily connect with your existing systems of record to provide all relevant information, such as **customer contact information, contact history, and communication preferences** makes relevant information readily searchable but it also allows agents to save time and address issues faster. No more scattered information across different platforms, long hold times, or gaps in visibility.

Improving the transparency within your agent's processes will yield gains beyond just individual productivity levels. Unifying information allows for interdepartmental visibility into business-critical data and makes reporting on and tracking insights more manageable.

Seek out platforms with native business intelligence capabilities that enable you to see not just what's happening in a specific area of your business, say the contact center, but allow you view how that activity relates to your larger organizational strategy, vision, and goals.

**Business intelligence is like the plumbing in your house—It's not optional.** A solid business intelligence tool can serve as the foundation for fortifying your workforce and fostering a culture of continual improvement. Just like sloppy foundational work will corrode your house, leaving it, and possibly you, knee-deep in you know what, the same logic applies to how you construct your business processes, and tracking and reporting go hand in hand with process planning. With foundational infrastructure problems, you can't generate productivity gains, evaluate what's working, or get more done in less time which means you won't earn more money. See what we mean? Knee-deep in you know what.

With a unified platform that can easily integrate with existing systems, you expand your workforce's capacity to understand and serve customers at the most granularly bespoke levels while maintaining a bird's eye view of every intersection of your business.

### THE NUMBERS DON'T LIE



**21%\***

TCPA class action filings are up since 2017



**\$6,600,000\***

According to a leading TCPA blog, TCPAWorld, the average TCPA class action settlement in 2018 was \$6.6 million.



**\$171,325,011\***

The total amount of TCPA class action settlements submitted to courts for approval in 2018

[\\*source](#)

## Not All Clouds are Created Equal. Find a Solution That's Born and Built in the Cloud



Running a business used to be synonymous with owning a lot of technology. Before the cloud streamlined on premise system architecture into one neat, ethereal repository, companies had applications, hardware, phones, servers, etc. to manage. All of that in addition to expensive experts to maintain each part. In this legacy model, the bigger the business your organization brought in got the more expansive your technology footprint became and the more expensive your monthly bills became.

All of these operations costs end up taking a big bite out of your bottom line.

### But the cloud changed all of that.

With cloud-based software that includes a dialing system in addition to digital and BI components, your organization can take advantage of all that stuff at a far lower cost.

However, not all clouds are created equal. In order to deploy a compliance-minded communications program, you'll want to look for a platform that was born and bred in the cloud with a suite that includes four autonomous, on-demand cloud systems that are separated at both the hardware and software levels to address key TCPA concerns and optimize the trade-off between risk and efficiency.

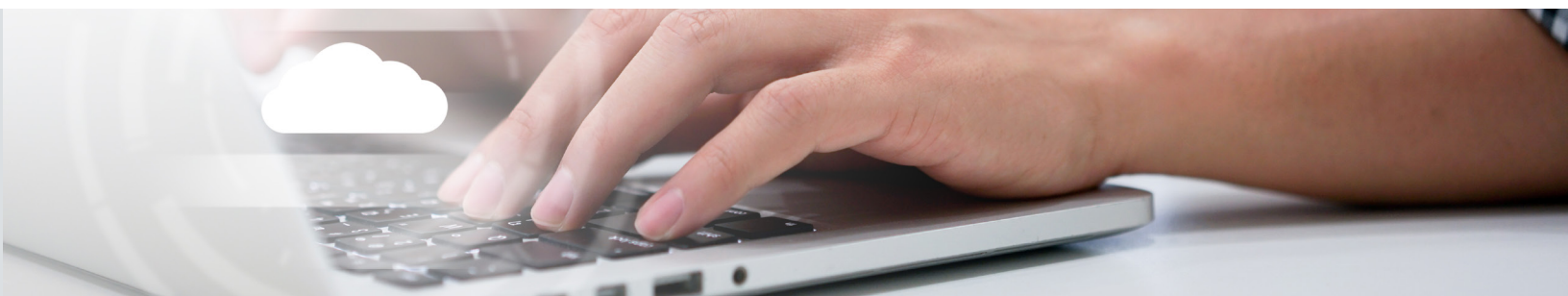
### Moving one part of your operation to the cloud but still relying on a predictive dialer presents a twofold vulnerability: It limits internal transparency.

It limits internal transparency and increases risk exposure.

At the core of both shortcomings is a dependency on stagnant, siloed, and capital-intensive hardware.

In today's fluid cloud environment, these updates can not only be costly, but also run the risk of being obsolete after the next regulatory shift. This inability to cost-effectively and quickly adapt technology to the nuances of a changing regulatory environment results in organization's simply relying on traditional back-office PBXs for outbound engagement while tacking on new digital communication channels.

Fortunately, the cloud is solving this issue by equipping companies with a cost-effective path to cutting-edge risk mitigation tools. Without the handicaps of legacy hardware, cloud can provide companies with a drastically simplified and low-cost path to the latest risk mitigation capabilities.





## WHAT IS THE CCPA?

In response to the much larger and more far-reaching GDPR which regulates how consumer data can be collected and used for EU citizens, the state of California, ever the trendsetter, enacted the California Consumer Protection Act, taking effect on January 1, 2020.

The California Consumer Privacy Act (CCPA) creates new consumer rights relating to the access, deletion, and sharing of personal information that is collected by businesses. It also requires the Attorney General to solicit broad public participation and adopt regulations to further the CCPA's purposes.

The CCPA isn't relevant for all businesses. In order to fall within the scope of CCPA action your business must:



Have **\$25M** or more in annual revenue; or



Possess the personal data of more than **50,000** “consumers, households, or devices” or



Earn **more than half** of its annual revenue selling consumers' personal data.

The sticky thing about the CCPA is that it doesn't specifically define what constitutes “personal information.” According to the California Lawyers Association, Personal information is defined under the CCPA as “information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household.”

The definition is broader (and more complex) than the GDPR, so it will be interesting to see how it unfurls in the courts as the regulation is enforced.

For now, data inventorying is the best step organizations can take while the courts work to better define the CCPA's parameters. Even if you don't fall within its legislative scope or do business in California, it's always best to be proactive. After all, data protection and privacy are two hot button issues that aren't going away any time soon.

So update your privacy policies, get even more meticulous about your record keeping, always track consent, and communicate with employees and customers alike regarding your data collection and storage processes.

## Channel Restrictions Have a Time & Place: CFPB 2021



The new CFPB guidelines limit calling attempts to a single customer to seven in a seven-day period about a particular debt. This will require you to be more strategic with your calls. It also means you need to have the ability to ensure you don't break the new rules. How? By having technology in place that can count all attempts to any phone number when you call customers.

Right now, you may have some restrictions in place based on specific clients, or some rules that you follow internally, but now you are given government mandates—and there will be penalties if you don't adhere—so you have to more closely watch your overall dialer operations. It becomes crucial to ensure that, depending on the type of call you're making, it is counted so you don't exceed the prescribed amounts.

This isn't just about reaching the customer at home, either. It applies to reaching the customer on any number. You need to be much more cognizant of what you're doing with your dialing now that there's going to be a hard federal guideline from the CFPB. And for extra peace of mind, you ideally want to have the right technology to make sure you don't break the new rules.

The validation notice piece is the most significant aspect of the CFPB's final rule to implement FDCPA requirements regarding certain disclosures for customers. The overarching retreat by the Bureau effectively waters down the Safe Harbor provision, which will have a significant impact not only on debt collectors, but also on their credit clients in terms of supervision and oversight. While the CFPB states that debt collectors can use the Model Form or a substantially different one, any departure could expose you to liability.

As for the rule about informing customers about their debt prior to credit reporting, this requirement should not be an onerous one. This will, however, more specifically impact agencies that collect on small-dollar balances and debt buyers. If you find that this rule could be a problem point for your business, you'll want to make sure you have an omnichannel communications strategy in place since you're permitted to send the disclosure via email.



## What are the new CFPB rules?

Before we can talk about how the new CFPB rules impact you, first it's important to have a broad understanding of the regulations. And it's important to note that the final ruling comes in two parts. The first part, released on October 30th, 2020, addresses a wide range of requirements and is available to read in its entirety at <https://bit.ly/3lxb0n8>. The [second part](#), specifically covering certain disclosures to customers, was released on December 18th, 2020. The rules are currently slated to take effect on November 30, 2021, but that date is subject to change.

Below is a summary of the changes taking effect one year from the respective publication dates of each set of guidelines.

<b>Time and place</b>	Clarifies the times and places at which a debt collector may communicate with a customer.
<b>Channel restrictions</b>	A customer is allowed to restrict the channel a debt collector uses to communicate with them.
<b>Frequency restrictions</b>	Imposes limits on the number of calls that can be made about a particular debt.
<b>Email and SMS</b>	Clarifies the use of email and text messages in debt collection, with certain limitations and requirements, such as providing explicit opt-out messaging.
<b>Managing consent</b>	A debt collector must obtain consent before sending texts to customers.
<b>Validating contacts</b>	The CFPB has a model validation notice to be used as a template.
<b>Limited-content message</b>	Describes what a limited-content message needs to look like.
<b>Call recordings</b>	Debt collectors must retain call recordings for 3 years following the date of the last communication.
<b>Time-barred debt</b>	Prohibits debt collectors from making threats to sue, or from suing, customers on time-barred debt where the applicable statute of limitations has passed.
<b>Debt parking</b>	Customers must be informed of their debt—orally, in writing, or electronically—before that debt can be reported to a consumer reporting agency.
<b>Validation notice</b>	Detailed disclosures about the debt and rights in debt collection must be provided at the outset of collection communications with a customer.



# Don't Wait for Calls to Get Blocked Before Preparing for STIR/SHAKEN



According to the FCC, robocalling is the #1 complaint from consumers, with an average of 185,000 complaints filed during the last five years. To address this problem, in March 2020, the FCC adopted new rules requiring all originating and terminating voice service providers to implement caller ID authentication using STIR/SHAKEN standards by June 30, 2021. To help, we've put together this quick guide to break down what STIR/SHAKEN is, how the new rules impact you, and what you can do to stay focused on compliance and achieve success with these new changes.

At its core, STIR/SHAKEN is about Caller ID authentication, which is a new system purpose-built to combat illegal caller ID spoofing. Once STIR/SHAKEN is implemented, voice service providers will be able to provide more accurate caller ID information, giving consumers a better idea of which calls to answer. This is because STIR/SHAKEN provides a digital validation for calls passing through the web of telephone networks, enabling the consumer's service provider to verify that a call is actually coming from the number shown on the Caller ID. This type of system will make it much harder for scammers to trick consumers into answering their phones by illegally spoofing a caller ID. It will also make it easier for consumers and law enforcement to identify the source of illegal robocalls, ultimately reducing the number of these types of calls and their impact. What makes this all possible is call attestation. STIR/SHAKEN has a three-level system to categorize the essential information about the caller into levels of "attestation" for the call. These attestation levels characterize a caller's right to use a particular number. Calls with the highest level of validation will receive an "A" rating, with "B" and "C" ratings given for calls where the identity of the caller cannot be 100% verified.

## Caller ID Authentication Attestation Categories



**A**  
Verified



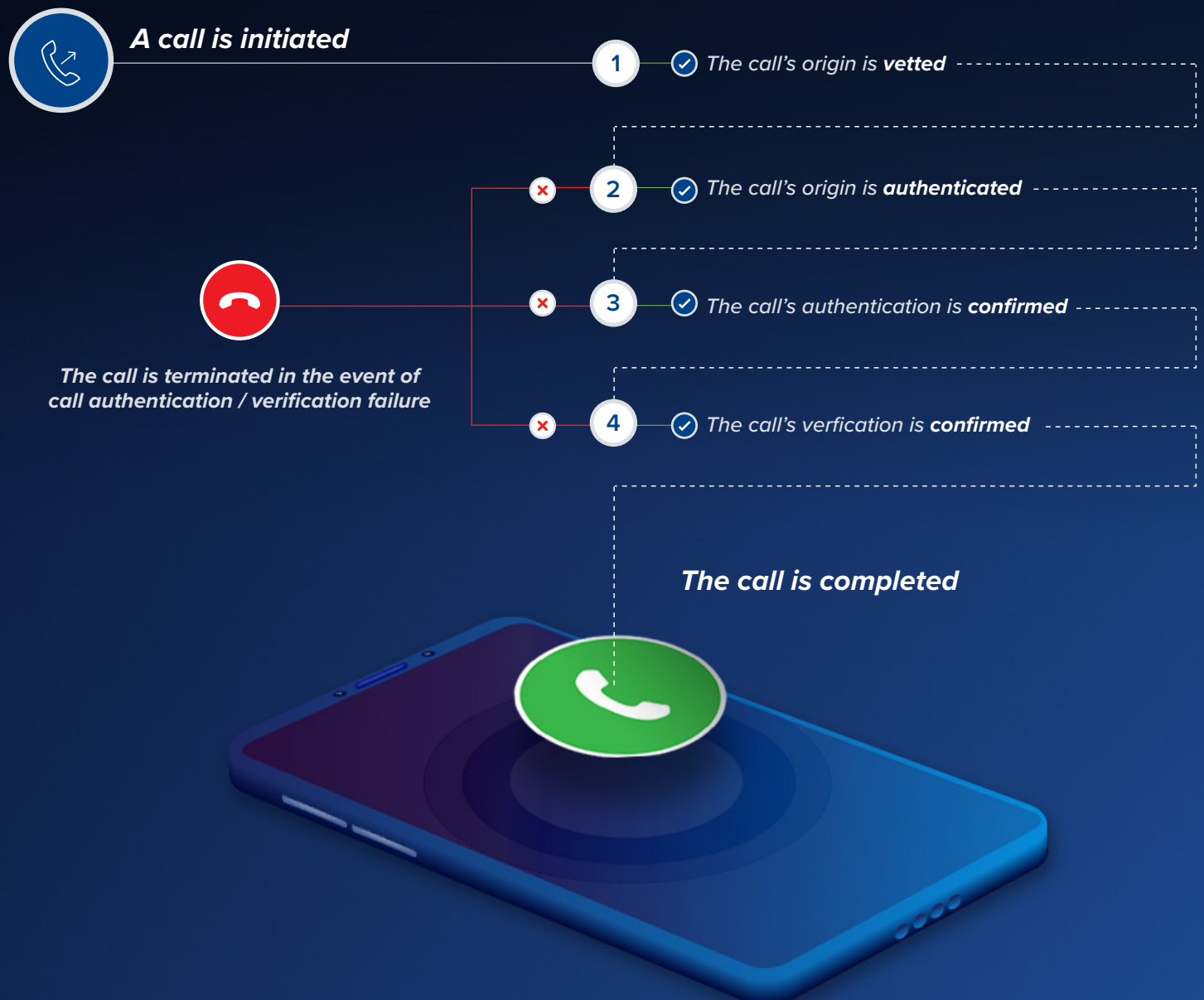
**B**  
Possible Spam



**C**  
Spam

## What is STIR/SHAKEN?

By definition, STIR and SHAKEN are acronyms for the Secure Telephone Identity Revisited (STIR) and Signature-based Handling of Asserted Information Using Tokens (SHAKEN) standards. STIR is a working group within the Internet Engineering Task Force (IETF), an open standards organization that develops and promotes internet standards. As such, STIR produces guidelines that form the basis of what is referred to as STIR/SHAKEN. SHAKEN defines the extensions and industry framework for the deployment and interworking of the technology in service provider networks. To put it more simply, the STIR portion refers to the process of providing attestation that the call is legitimate, while the SHAKEN part is more about how to handle the calls.



## CONCLUSION



You rely on your contact center to seamlessly serve your customers; connecting all of your channels across your communications ecosystem lets you seamlessly serve your agents.

Organizations that have taken advantage of innovative contact center technologies that both house and capture data, bundle digital and voice across a unified data model, and make business intelligence insights readily available into readymade reports and dashboards have expanded their understanding of satisfaction levels and agent performance.

Navigating today's regulatory waters can be difficult. Compliance-focused omnichannel cloud solutions that bring together channels, business intelligence, and quality management capabilities under a single risk-averse umbrella can help you keep your focus where it should be: on building relationships and providing the best possible support experience to your customers.



### About LiveVox

LiveVox is a next-generation contact center platform that powers more than 14 billion interactions a year. We seamlessly integrate omnichannel communications, CRM, AI, and WFO capabilities to deliver an exceptional agent and customer experience while reducing compliance risk. Our reliable, easy-to-use technology enables effective engagement strategies on communication channels of choice to drive contact center performance. Our battle-tested risk mitigation and security tools help clients maximize their potential in an ever-changing business environment. With 20 years of cloud experience and expertise, LiveVox's CCaaS 2.0 platform is at the forefront of cloud contact center innovation. Our more than 500 global employees are headquartered in San Francisco, with offices in Atlanta; Columbus; Denver; New York City; St. Louis; Medellin, Colombia; and Bangalore, India. To learn more, [schedule a demo today](#).