



# Voice Documentation and the Telemarketing Sales Rule



A White Paper from OAISYS®



In 2003, the United States Congress passed the Do-Not-Call Implementation Act to protect consumers who were inundated with calls from telemarketers. To enforce this law and others relating to telemarketing, the Federal Trade Commission (FTC) amended its Telemarketing Sales Rule (TSR).

While most individuals and companies are familiar with the Do Not Call Registry aspect of the TSR, several other provisions have also been enacted or amended.

This white paper will discuss other facets of the TSR, the Talkument™ voice documentation solution and how implementing Talkument can help telemarketing sales organizations ensure compliance while maximizing productivity.

## A Brief Overview of the Amended TSR

In July, 2003, consumers were permitted to place their telephone numbers on the National Do Not Call Registry. In September of that same year, telemarketing operations were required to begin accessing this registry to ensure the telephone numbers on their lists were not to be called. Enforcement of the TSR began in October of 2003.

Exceptions to the rule were made for calls from charities, political organizations or businesses that had a pre-existing relationship with specific consumers on the list.

Other provisions of the TSR require the following:

For profit businesses working for charitable organizations must identify the organization they are soliciting for and the fact that the call is being made to solicit a donation.

Charitable fundraising calls cannot make misrepresentations.

Telemarketing calls must be connected to a sales representative within two seconds of a consumer answering the phone. If a representative is not available, the caller must begin playing a recorded message that identifies the name and telephone number of the seller. This recording cannot be part of a sales proposal. Telemarketers are required to create and maintain records that show compliance with these rules.

Telemarketers must obtain a consumer's direct and verifiable authorization in which they agree to be billed and also identify the method of payment. This includes a statement that the customer knows he or she will be billed as well as the specific date the charge will be submitted for payment. In a related requirement, telemarketers must obtain a consumer's express informed consent before submitting the consumer's billing information for payment.

If a transaction involves previously-acquired account information, the "express informed consent" must include:

- the consumer's express agreement to be charged from a specific account number
- the consumer's recitation of at least the last four digits of the account number
- an audio recording of the entire transaction, not just the verification

## Talkument and Voice Documentation

Talkument is a physical appliance that uses hardware and software to integrate with business telephone systems to capture calls as digital recordings and store them as searchable, playable electronic voice documents.

Talkument stores voice documents in a secure central server. User access to voice documents can be restricted based on assigned permissions relative to their job duties. An individual may be able to only access his or her own calls, while managers may have access rights to all calls within their department.

Talkument uses the innovative Portable Voice Document (PVD) technology, which centrally controls the voice document while making it securely accessible over data networks. When voice documents are shared, they are shared via a secure link. The document itself is never transferred—only streamed using encryption—and access rights can be set to expire after a period of time the sender designates.

These security features ensure Talkument voice documents are secure and unaltered to protect customer information, easily fitting into an organization's already established procedures for handling of electronic records.

## Voice Documentation and the TSR

Consider the following examples of how Talkument can help those firms using telemarketing ensure compliance with the TSR.

ABC Corporation is a firm that provides telemarketing services for a charitable organization and a catalog retailer. As required by the TSR, they regularly verify their calling lists against the National Do Not Call Registry and remove any corresponding matches from those lists.

One evening, ABC's agent Steven Jones calls Mary Smith on behalf of the XYZ charity. Their conversation ensues as follows:

SJ: Good evening. This is Steven Jones calling on behalf of XYZ charity. May I speak with Mary Smith?

MS: This is.

SJ: Ms. Smith, I'm calling to ask for your contribution to XYZ's annual fund drive to help underprivileged children in the metro area obtain school supplies for the upcoming school year. Your contribution will help buy notebooks, pens and pencils, as well as shoes and clothes for disadvantaged children. May we ask for a contribution at this time?

MS: I'm sorry, I'm not able to help right now.

SJ: Are you sure you can't spare even five dollars for this drive? Every little bit helps.

MS: I'm sorry, but no, and I would appreciate it if you would please take me off your calling list.

SJ: I'm sorry to have bothered you Ms. Smith and I'll make sure you are removed from our list right away. Thank you very much for your time. Have a nice evening.

With Talkument, a digital voice document of this conversation has been captured for both recordkeeping and collaboration purposes. After concluding the conversation, Jones can retrieve the call through Talkument's Microsoft Outlook® style interface, highlight the portion where Smith asks to be removed from the list, type in a text note, such as, "Remove from XYZ list," and share a secure link to the call with his list manager.

If there is any conflict or complaint later about how the call was handled, both Jones and ABC Corporation have a full and complete document that the company was in compliance with the TSR.

In another example, Jones calls Martin Doe with a home fitness equipment offer from the catalog retailer ABC works with under contract. Doe has previously ordered an elliptical machine from them, and the company is soliciting past customers to convince them to purchase an add-on component, an enhanced readout and monitoring module. Their conversation develops as follows:

SJ: May I speak with Martin Doe please?

MD: Speaking.

SJ: Mr. Doe, I'm with 123 catalog sales. I see you bought our elliptical exerciser back in June. How is that working out for you?

MD: I love it. My wife and I use it all the time.

SJ: Great. I'm glad to hear it. Did you know 123 now has an enhanced monitor and display for the exerciser that tells how many calories you've burned, your hydration level and other information?

MD: No, I didn't.

SJ: As you know, the display that came with the machine only indicated the distance traveled, the resistance setting and the workout length. The new one provides your pulse rate and speed so you can really target your cardio.

MD: That would be nice to have. How much does it cost?

SJ: Well, this is going to be a standard feature on the new models coming out next month, but that system will sell for a hundred dollars more than you paid. We're offering existing users the upgrade for \$59.99, plus shipping and handling.

MD: I've really been trying to keep to a faithful workout schedule, and I think that would be a help. Go ahead and sign me up.

SJ: Great. Would you like to use the same credit card?

MD: Sure.

SJ: All right, Mr. Doe. For security purposes, I'll need you to tell me the last four digits of that card.

MD: Sure, hold on a second. The last four digits are 1234.

SJ: And if you agree, a charge of 66 dollars and 98 cents will be posted to your card today. That's \$59.99 for the monitor and \$6.99 shipping and handling. Is that all right?

MD: Sure.

SJ: And we'll be shipping that display to the same address on Oak Lane?

MD: That's right.

SJ: Thank you for your time today, Mr. Doe. You should have your new display in two to four weeks.

MD: Okay, thanks.

SJ: Thank you again. Goodbye.

After the call, Jones files the order. He then pulls up a copy of the voice document, highlights the section that features Mr. Doe agreeing to the purchase and providing his payment information and shares a link with the call to his boss, who then reviews it as part of the company's ongoing compliance program.

His boss also shares a link to the call with the company's contract manager at 123 so they can ensure the call was handled in accordance with the TSR.

## Conclusion

The FTC's Telemarketing Sales Rule requires those businesses that engage in telemarketing to follow strict guidelines in how they deal with consumers.

Talkument, the voice documentation solution from OAISYS, enables telephone conversations to be saved as retrievable voice documents, complete with text annotations, which can then be securely shared with other authorized users. Using this powerful tool, telemarketers can effectively reduce their liability, ensure compliance and maintain accurate, long-term records of their interactions, providing protection from disputes and enhancing customer service levels.



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