Office of Thrift Supervision, Treasury

§ 571.24 Reasonable opportunity to opt out.

(a) In general. You must not use eligibility information about a consumer that you receive from an affiliate to make a solicitation to the consumer about your products or services, unless the consumer is provided a reasonable
§ 571.25 Reasonable and simple methods of choosing to not receive marketing communications.

(a) In general. You must not use eligibility information about a consumer that you receive from an affiliate to make a solicitation to the consumer about your products or services, unless the consumer is provided a reasonable and simple method to choose not to receive your marketing communications, as required by § 571.21(a)(1)(ii) of this part.

(b) Examples. (1) Reasonable and simple methods.

(i) Designating a check-off box in a prominent position on the notice; and

(ii) Providing an electronic means to receive the notice, such as by posting the notice at an Internet Web site at which the consumer has obtained a product or service. The consumer acknowledges receipt of the notice by clicking on the notice. The consumer is given 30 days after the date the consumer acknowledges receipt to choose not to receive the marketing communications.

(2) Opt-out methods that are not reasonable and simple. Reasonable and simple methods for exercising the opt-out right do not include—

(i) Requiring the consumer to write his or her own letter;

(ii) Requiring the consumer to call or write to obtain a form for opting out;

(iii) Providing an electronic means to opt out, such as by clicking an opt-out button or by clicking on a link to receive the notice; and

(iv) Providing a toll-free telephone number that consumers may call to opt out; or

(v) Allowing consumers to exercise all of their opt-out rights described in a consolidated opt-out notice that includes the privacy opt-out under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.), the affiliate sharing opt-out under the Act, and the affiliate marketing opt-out under the Act, by a single method, such as by clicking a single opt-out button or link.

(2) Opt-out methods that are not reasonable and simple. Reasonable and simple methods for exercising an opt-out right do not include—

(i) Requiring the consumer to write his or her own letter;

(ii) Requiring the consumer to call or write to obtain a form for opting out;