

FTC Business Alert

Federal Trade Commission ■ Bureau of Consumer Protection ■ Office of Consumer and Business Education

Compliance on the Line: Telemarketers to Start Transmitting Caller ID Information

Beginning January 29, 2004, telemarketers must transmit Caller ID information in order to comply with the Telemarketing Sales Rule (TSR). This information will help consumers choose which sales calls they want to take.

The Federal Trade Commission (FTC), the nation's consumer protection agency, amended the TSR by creating the National Do Not Call Registry. The registry protects consumers' privacy by giving them a choice about whether they want to receive most telemarketing calls.

Telemarketers are required to transmit their telephone number, and if possible, their name, to consumers' Caller ID services. While it is technologically possible to transmit callers' *numbers* nearly everywhere, transmitting callers' *names* may not be available everywhere yet.

To comply with this requirement, a telemarketer may:

- transmit its own number and, where available, its own name, to consumers' Caller ID services, or
- substitute the name of the seller (or charitable organization) on whose behalf it is calling, and the seller's (or charitable organization's) customer (or donor) service telephone number, which is answered during regular business hours.

The FTC acknowledges that some situations may arise when a consumer who subscribes to a Caller ID service does not receive a telemarketer's transmission of Caller ID information, even though the telemarketer has arranged to transmit the information in every call. For example, that can happen if the Caller ID information is dropped somewhere between the telemarketer's call center and the consumer's telephone.

The FTC says that telemarketers who can show that they took all available steps to ensure the transmission of Caller ID information in every call will not be held liable for isolated instances when the Caller ID information fails to make it to the consumer's receiver. However, a telemarketer's use of calling equipment that can't transmit Caller ID information is no excuse for failure to transmit the required information.

According to the FTC, information transmitted through Caller ID can facilitate the filing of complaints if consumers suspect a caller is violating the National Do Not Call Registry. A consumer whose number has been on the Registry for at least three months must know the date of the call, and either the name or the telephone number of the company that called. Consumers who have signed up for the National Do Not Call Registry can file a do not call complaint at www.donotcall.gov or by phone at 1-888-382-1222.

Information about the Federal Communications Commission's telemarketing regulations under the Telephone Consumer Protection Act, including provisions governing the transmission of Caller ID (47 C.F.R. § 64.1200), is available at www.fcc.gov.

The National Small Business Ombudsman and 10 Regional Fairness Boards collect comments from small businesses about federal compliance and enforcement activities. Each year, the Ombudsman evaluates the conduct of these activities and rates each agency's responsiveness to small businesses. Small businesses can comment to the Ombudsman without fear of reprisal. To comment, call toll-free 1-888-REGFAIR (1-888-734-3247) or go to www.sba.gov/ombudsman.

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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