

## First Northern Credit Union Phone Call, SMS (text), Email, and Fax Communications Policy

First Northern Credit Union will ensure that all covered phone calls, SMS messages (text messages), email communications and covered faxes comply with the requirements of the Telephone Consumer Protection Act (TCPA) (including revisions as a result of the Pallone-Thune Telephone Robocall Abuse Criminal and Deterrence Act (TRACED Act), the Junk Fax Prevention Act (JFPA), and the Controlling the Assault of Non-Solicited Pornography and Marketing Act (CAN-SPAM).

### Definitions:

- **AUTOMATIC TELEPHONE DIALING SYSTEM (AUTODIALER):** The TCPA's definition of an Automatic Telephone Dialing System is any technology which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator to dial such numbers. Even though the Credit Union's system does not currently have the capacity or capability at this time to make these calls, the system would still be considered an "autodialer" if it had the capacity to be upgraded in the future to make these calls.
- **COMMERCIAL MESSAGE:** A commercial message is defined by CAN-SPAM as those having the primary purpose of advertisement or promotion of a product or service (including email that promotes content on commercial websites). "Transactional" or "relationship" messages are not considered commercial emails.
- **TELEMARKETING:** Telemarketing is defined as the initiation of a telephone call to someone with whom we have an existing relationship, for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.
- **TRANSACTIONAL OR RELATIONSHIP MESSAGE:** CAN-SPAM defines a transactional or relationship message to mean an email message with the primary purpose to:
  - Facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the Credit Union (sender), or
  - Provide warranty information, product recall information or safety or security information with respect to a commercial product or service used or purchase by the recipient, or
  - Provide notification concerning a change in terms or features, recipient's standing or status, or at regular periodic intervals: account balance information or other type of account statement for a subscription, membership account, loan or comparable ongoing commercial relationship involving the ongoing purchase or use by the recipient of products or services offered by the Credit Union (sender), or
  - Provide information directly related to an employment relationship or related benefit plan in which the recipient is currently involved, participating or enrolled, or
  - Deliver goods or services, including product updates or upgrades, that the recipient is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the Credit Union (sender).

- **UNSOLICITED ADVERTISEMENT:** TCPA defines an unsolicited advertisement to mean “any material advertising the commercial availability or quality of any property, goods, or services, which is transmitted to any person without the person’s prior express invitation or permission, in writing or otherwise.”

**Guidelines:**

- **EXPRESS CONSENT FOR AUTODIALER, SMS (TEXT), AND FAX MESSAGES .** Credit Unions wishing to make automatic telephone dialing system (autodialer) calls, send SMS (text) messages and send faxes for telemarketing purposes should have express consent from the member to ensure compliance. The member’s express consent must comply with the following disclosure requirements:
  - The consent is in writing bearing the signature of the consumer providing consent, or is completed via an electronic or digital form of express consent;
  - Specifies the telephone number/ fax number to which the consumer is consenting to be called/faxed;
  - Clearly authorizes the Credit Union to call the consumer using an automatic telephone dialing system (autodialer) or prerecorded message for telemarketing purposes; and
  - Is not a condition of purchasing goods or services.
- **CONSENT TO EMAIL.** Means that for commercial emails (which does not include “transactional or relationship messages”) sent by the Credit Union, the member consented to:
  - Receive the message in response to a clear and conspicuous request for such consent or at the member’s own initiative; or
  - Receive the message by providing their email address at account opening; or
  - If the message is from a party other than the party to which the recipient communicated such consent, the email recipient was given notice via a written Privacy Policy that at the time the consent was communicated, the recipient’s email address could be transferred to another party for the purpose of initiating commercial email messages.
- **E-MAIL COMMUNICATIONS.** Commercial email communications must provide notice of the opportunity to decline to receive further commercial electronic mail messages from the Credit Union (sender), and include a valid physical postal address of the Credit Union (sender). The Credit Union will:
  - Not disguise the Credit Union’s name or the purpose of the message; and
  - Include a clear and conspicuous way for members to opt out of receiving further e-mail solicitations using e-mail or by sending a written opt-out request to the Credit Union’s physical address. The Credit Union will comply with opt-out requests as soon as is reasonably possible. The Credit Union will retain an opt-out list for electronic solicitations

for at least 5 years after the request is made. The Credit Union will also monitor and maintain the list accordingly.

- **REVOCAION OF CONSENT.** The member can revoke consent at any time and that revocation will be accepted if submitted to the credit union in any reasonable manner. For certain calls and text messages, the use of "Stop" or other similar message in a text reply is considered reasonable and must be accepted by the Credit Union. The Credit Union will have procedures in place to process the revocation within 10 business days after receipt of the request.
- **TELEMARKETING.** The Credit Union may initiate telephone calls with existing members for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, for so long as the Credit Union maintains a relationship with that member.