

Using SMS and email in collections in the US

This guide details how intelligent collections is compliant when using SMS and email for collections in the United States.

The omnichannel approach used in intelligent collections engages your customers using the channels they prefer - whether that's SMS or email. Our product, Collect ensures that all compliance requirements are upheld throughout each customer's personalised journey. Licensed in all states, all consumer protection and regulatory requirements are embedded directly into Collect's code and are responsive to precisely where your customers are located.

How did Reg F impact the use of SMS and email collections in the US?

Reg F was implemented in November 2021 by the Consumer Financial Protection Bureau to modernize the Fair Debt Collection Practices Act. It tightened regulations around voice calls, heightened the importance of using electronic communications, and created safe harbors. The CFPB believes that it's better for consumers that collections communications are sent electronically, as they have a higher likelihood of being delivered and opened than more traditional channels such as letters and phone calls. This is stated in [§1006.2\(b\)](#): Communicate or communications means the conveying of information regarding a debt directly or indirectly to any person through any medium.

How is consent obtained for email and SMS communications in collections?

There are two relevant Acts related to email and SMS:

- **Fair Debt Collections Practice Act: Covers both email and SMS**

This does not require consent to use any medium to contact a customer about a debt.

- **Telephone Consumer Protection Act: Covers SMS only**

This requires you to have consent to text a customer. Here, consent is normally captured by the client but it can be obtained at any time, by anyone. Unless consent is revoked prior to the sale of the debt, the consent passes to the debt buyer. You can send a text without consent if you use human intervention / peer-to-peer.

Unpack the regulations further with [this video](#) from our Chief Compliance Officer, Tim Collins.

How does InDebted ensure that SMS messages are not sent to unauthorized 3rd parties? How does Collect verify phone numbers prior to sending these texts?

Once an account is placed with us, all phone numbers are verified through the FCC Reassigned Number Database. This provides us with information regarding any phone number assignment changes (reassignments and deactivations) throughout its assignment to us. This verifies that the phone number given belongs to the customer.

If a number is flagged, it's tagged as a 'bad number' on our systems. This automatically removes the number from all future voice and SMS campaigns on this account. This scrub is performed on initial SMS sends and every 30 days without a SMS RPC thereafter, prior to any campaign generation. Any numbers that aren't obtained directly from our clients (e.g. through skip tracing) will not be texted, until we explicitly obtain consent from the customer directly to SMS them on this number. This is in line with Subpart B-Rules for FDCPA Debt Collectors which outlines safe harbor if reasonable procedures for prevent email and text message communications to be sent to 3rd parties are maintained.

[Take a tour of Collect](#)