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The Telephone Consumer Protection Act (TCPA)

The Telephone Consumer Protection Act (TCPA) requires every company to maintain a list of individuals who have requested that they not be contacted by telephone for marketing purposes. In addition, the TCPA requires that all companies maintain a Do Not Call Policy and provide this policy upon request. When responding to such a request, Business Groups must provide the requester with a copy of the following policy:

Wells Fargo Do Not Call Policy Under the Telephone Consumer Protection Act

Wells Fargo's Do Not Call Policy under the TCPA applies to all telephone solicitations that are made by team members or agents (i.e., outside firms marketing Wells Fargo products) by or on behalf of any Wells Fargo bank or company to a residential phone number for marketing purposes such as purchase or rental of, or investment in, property, goods, or services. The policy does not cover calls to a person who has given express permission to be called.

- Telephone solicitations, including telemarketing and voicemail broadcast messages, will only be made between 8 a.m. and 9 p.m. (local time of the party to be called).
- Before telemarketing may begin, the phone numbers and names of subscribers will be compared against the Wells Fargo Do Not Call list. No telemarketing offers will be made to any phone numbers that appear on the Wells Fargo Do Not Call list.
- At the beginning of every telemarketing call, callers must identify themselves by name and the name of the Wells Fargo bank or company on whose behalf the call is being made. Callers must also provide the person being called the telephone number or address at which the caller may be reached.
- When people who have been called request that they not receive any further telemarketing calls, their names and telephone numbers will be recorded at the enterprise level within 30 days of the date of the request.
- The fact that individuals being called have requested placement on the Wells Fargo Do Not Call list will not be shared with anyone; except under the following circumstances:
 - If the person has expressly agreed that the information may be shared with others, then such information may be shared in a manner that is consistent with that agreement.
 - All companies within the Wells Fargo family of banks and companies will be made aware that an individual has been placed on the Wells Fargo Do Not Call list.
- Do Not Call requests will be honored for at least five (5) years from the date that the request was made.





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Telephone Consumer Protection Act (T.C.P.A.) Including Information on the Do Not Call List.

**Actual business procedures have been developed in compliance with the regulations
and may vary by line of business**

1. Overview

The Telephone Consumer Protection Act (T.C.P.A.) was passed in 1991. The intent of the T.C.P.A. is to protect the public from telemarketing calls they do not want to receive. The Federal Communications Commission (FCC) implements the TCPA rules and regulations which went into effect December 20, 1992. The Fair Credit Reporting Act is the primary federal statute governing the sharing of information to and from credit reporting agencies. It is the source of the requirement to provide an "opt-out" notice to individual customers before "other personal information" is provided to affiliated bank or companies for marketing and solicitation purposes. This statute is complex and Law Department advice should be sought to interpret it.

2. Purpose

The TCPA guidelines place limits on unsolicited:

- Telemarketing calls ("cold calling"),
- Prerecorded telemarketing sales calls, and
- The use of auto-dialers, fax machines and other telecommunications equipment.

For the purposes of the TCPA, Telephone solicitation is defined as the initiation of a telephone call for the purpose of encouraging the purchase or investment in property, goods or services, which is transmitted to any person.)

3. General Provisions

The Telephone Consumer Protection Act affects you directly any time you are contacting a customer by telephone or fax. The most significant part of the TCPA regulations concern commercial solicitation calls made to residences. (*Another term for commercial solicitation is "cold calling".*)

Those making the calls are required to:

- Limit the calls to the period between 8 A.M. and 9 P.M. (local time of the person being called).
- Caller must identify themselves by giving their name, the bank's name and their location. Maintain a "do not call list" and honor any request to not be called again.
- A person's name must be kept on the "do not call list" indefinitely.

The Telephone Consumer Protection Act (TCPA) requires every company to maintain a list of individuals who have requested that they not be contacted by telephone for marketing purposes. In addition, the TCPA requires that all companies maintain a Do Not Call Policy and provide this policy upon request. When responding to such a request, Business Groups must provide the requester with a copy of the following policy:

4. Wells Fargo 'Do Not Call' Policy

Wells Fargo's Do Not Call Policy under the TCPA applies to all telephone solicitations that are made by team members or agents (i.e., outside firms marketing Wells Fargo products) by or on behalf of any Wells Fargo bank or company to a residential phone number for marketing purposes such as purchase or rental of, or investment in, property, goods, or services. The policy does not cover calls to a person who has given express permission to be called.

- Telephone solicitations, including telemarketing and voicemail broadcast messages, will only be made between 8 a.m. and 9 p.m. (local time of the party to be called).

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For More Information Contact your Channel Compliance Manager or call (503) 614-6028



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- Before telemarketing may begin, the phone numbers and names of subscribers will be compared against the Wells Fargo Do Not Call list. No telemarketing offers will be made to any phone numbers that appear on the Wells Fargo Do Not Call list.
- At the beginning of every telemarketing call, callers must identify themselves by name and the name of the Wells Fargo bank or company on whose behalf the call is being made. Callers must also provide the person being called the telephone number or address at which the caller may be reached.
- When people who have been called request that they not receive any further telemarketing calls, their names and telephone numbers will be recorded at the enterprise level within 30 days of the date of the request.
- The fact that individuals being called have requested placement on the Wells Fargo Do Not Call list will not be shared with anyone; except under the following circumstances:
 - If the person has expressly agreed that the information may be shared with others, then such information may be shared in a manner that is consistent with that agreement.
 - All companies within the Wells Fargo family of banks and companies will be made aware that an individual has been placed on the Wells Fargo Do Not Call list.
- Do Not Call requests will be honored for at least five (5) years from the date that the request was made.
- Please be careful to follow Wells Fargo procedure for adding individuals to the "Do Not Call list" - Soliciting companies are subject to penalties if errors occur.

The TCPA also says that Auto-dialers and artificial or prerecorded voice messages cannot be pre-programmed to call any emergency phone lines, pagers or cell phones. In addition, the TCPA states that Auto-dialers and artificial or prerecorded voice messages cannot place calls for which a charge is made to the party being called. The list of emergency phone numbers the TCPA says auto-dialers & prerecorded voice messages can not call includes:

- 911 numbers,
- Hospital emergency lines,
- Physicians or medical service lines,
- Health care facilities,
- Poison control center,
- Fire protection /Law enforcement agencies

TCPA requires that anyone using an auto-dialer or an artificial or prerecorded voice message to call any number must state the identity of the caller at the beginning of the message and give the address and telephone number of the caller during the call. Tele-marketers cannot send unsolicited advertisements by fax to anyone without the recipient's prior express consent a prior business relationship is considered "consent" unless the recipient of the fax withdraws that consent.

A call is exempt from the TCPA if the call:

- Does not include an unsolicited advertisement, even if it is made for a commercial purpose.
- Is made to a consumer or business that has an established business relationship with the calling company.

A business relationship cannot be established merely by having made a prior solicitation call. The customer may end this exemption by requesting that no more calls be made.

5. Penalties for Non-compliance

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If TCPA guidelines are not followed, the Bank can be penalized. Examples of the kinds of penalties that can occur include:

- The individual who receives a call after a name removal request has been given to the caller is granted a private right of action in a local court and may sue for \$500 in damages for each violation. *In some cases, the courts can levy triple damages. (Similar suits may be filed for violations of the TCPA's provisions regarding faxes, auto-dialers, and artificial or prerecorded messages.)*
- States may initiate civil action against offending companies on behalf of their citizens.
- Complaints may be filed with the FCC which has the power to assess penalties against parties in violation of the TCPA

6. What Can You Do?

To ensure compliance with the TCPA, you should always:

- Follow Wells Fargo procedure for adding individuals to the "Do Not Call list" - Soliciting companies are subject to penalties if errors occur.
- Limit the calls to the period between 8 A.M. and 9 P.M. (local time of the person being called).
- When calling customers, identify yourself by giving your name, the bank's name and your location.
- Maintain a "do not call list" and honor any request to not be called again.
- A person's name must be kept on the "do not call list" indefinitely.
- Never call: 911 numbers, Hospital emergency lines, Physicians or medical service lines, Health care facilities, Poison control center, or Fire protection /Law enforcement agencies.

7. For More Information

To learn more about the Telephone Consumer Protection Act you can visit the web pages listed below. If you have particular questions about this or other regulations, please talk with your supervisor, or contact your site Compliance Channel Manager.

Legal website: <http://legal.homestead.wellsfargo.com/Group/RegTech/html/privacy.htm>

FCC web page: <http://www.fcc.gov/cgb/consumerfacts/tcpa.html>

State Telemarketing Law Matrix: <http://legal.homestead.wellsfargo.com/Group/RegTech/html/p-matrix.htm>