

Consumer Groups Oppose Credit Unions' Attempts to Robocall, Text Message Customers Without Their Consent

FOR IMMEDIATE RELEASE: November 7, 2017 || **CONTACTS:** Margot Saunders, (msaunders@nclc.org) or Jan Kruse (jkruse@nclc.org); (617) 542-8010

The Credit Union National Association Has Petitioned the FCC for an Exemption from the Telephone Consumer Protection Act (TCPA)

WASHINGTON, D.C. - Today, the National Consumer Law Center filed comments with the Federal Communications Commission (FCC) opposing the Credit Union National Association's (CUNA) request for exemptions from the TCPA's prior-express-consent requirements for robocalls and text messages made by or on behalf of credit unions to their members' wireless phone numbers.

"Credit unions pride themselves on their ability to forge lasting relationships with their members," **said Margot Saunders, senior counsel at the National Consumer Law Center.** "If the information to be imparted by credit unions is so important and valuable to their members, the members will consent to receive it—eliminating any necessity for an exemption. Almost 60 million robocalls are now made monthly by financial institutions just to collect consumer debt; allowing credit unions to make calls without consent would add significantly to this number."

NCLC was joined in opposition to CUNA's petition by 19 other national and state public interest and legal services programs: Americans for Financial Reform, Consumer Action, Consumer Federation of America, Consumers Union, National Association of Consumer Bankruptcy Attorneys (NACBA), National Association of Consumer Advocates, Public Citizen, U.S. PIRG, Public Law Center, California, Connecticut Legal Services, Jacksonville Legal Aid, Florida, CARPLS Legal Aid, Illinois, Public Justice Center, Maryland, Public Utility Law Project of New York (PULP), Charlotte Center for Legal Advocacy, North Carolina, Financial Protection Law Center, North Carolina, Legal Aid Society of Southwest Ohio, South Carolina Appleseed Legal Justice Center, Northwest Consumer Law Center, Washington, and West Virginia Center for Budget and Policy.

CUNA's request that the FCC use its rulemaking authority to establish an exemption based on an established business relationship between credit unions and their members would be illegal under the TCPA, as there is absolutely no authority for the FCC to establish such an exception. CUNA's request sidesteps the primary goal of the TCPA's requirements for consent for calls to cell phones which is to protect the privacy of the called parties.

Allowing this exemption would gut those privacy protections and permit credit unions to make robocalls to their members and others, without redress. This would remove any incentives for credit unions to ensure that they are calling only members who have consented to receive robocalls and would likely open the floodgates for other industries seeking similar exemptions.

"The TCPA prohibitions against unwanted calls need to be strengthened, not reduced," said Saunders. During the first nine months of 2017, there were 22.5 billion robocalls made across the nation. And, in 2016, there were over five million complaints about unwanted calls filed with the Federal Trade Commission, increasing from over three and one half million in 2015. These unwanted

and invasive calls can lead to telemarketers perpetuating financial scams on unsuspecting consumers, especially older Americans.

“Callers such as CUNA’s member credit unions would like to bombard our cell phones with robocalls and text messages that we do not want and have not consented to receive,” said Saunders. “The FCC must reject CUNA’s request to dispense with the consent requirement—the key protection that keeps unwanted robocalls and text messages from skyrocketing.”

Consumers who wish to tell the Federal Communications Commission their views on CUNA’s petition or robocalls in general, can file comments directly with the FCC. Commenters should note that they are filing in proceeding # 02-278.

Related Links

- CUNA request for exemptions:
<https://ecfsapi.fcc.gov/file/10929652106182/CUNA%20petition%20draft.pdf>
- Coalition comments opposing the exemptions: <http://bit.ly/2yD0XIT>
- Comments can be filed with the FCC at: <https://www.fcc.gov/ecfs/filings>