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Marketing Compliance Made Simple

MAKING THE CASE FOR CONSENT MANAGEMENT

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WHAT'S INSIDE

Page 1
Establishing the Need for Consent Management

Page 2
Defining the Benefits of Consent and Preference Management

Page 4
Framing the Decision: Build vs Buy

Page 5
Fostering Internal Consensus

Page 6

Conclusion: Moving From Discussion to Action

Page 7

About PossibleNOW

Establishing the Need for Consent Management

Consumers around the globe are demanding personalization, privacy, and the power to control engagement with the brands that serve them.

For many CMOs and CTOs, the challenge is not in proving or establishing the need to address privacy, personalization, and increasing demands for interaction. Rather, the challenge lies in establishing the best method for achieving success.

How should a company proceed? Is the marketing department in charge of engagement? Is customer service in charge of experience? Is IT shared by both groups or managed according to an entirely separate structure and vision?

Unfortunately, there are legal considerations, as well. As data privacy regulations evolve around the globe, consent management is becoming a focal point of B2B and B2C interactions.

In the United States, the FCC enacted new rules under the Telephone Consumer Protection Act (TCPA) around the revocation of consumer consents, in effect as of April 11, 2025. Specifically, it enhances consumer rights regarding revocation of consent for receiving robocalls and text messages.

These changes focus on how consumers can revoke consent and the obligations of businesses in honoring such requests. Any business placing robocalls, robotexts, and/or prerecorded messages to consumers is at risk.

Fortunately, compliant consent management can be tangible project with a specific action plan and set of goals to improve both experience and engagement.

The following pages will demonstrate how a consent management initiative can be defined to internal decision-makers, framed for budgeting, communicated to collaborating stakeholders and ultimately approved for action.

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Defining the Benefits of Consent Management

The case for consent management is typically organized into two clear categories:

A) strengthening compliance with privacy regulations and

B) improving customer relationships, increasing customer lifetime ROI.

Each would present a compelling case on its own. But considered together, addressing both with one solution offers a compelling argument.

> "Businesses crave insight into the context in which consumers are using their products - and consumers want businesses to deliver contextually relevant services." - Fatemah Khatibloo, Forrester Research

Stronger compliance and privacy protection

Regulators and legislators around the globe are working quickly to introduce and refine legislation such as the EU's General Data Protection Regulation (GDPR), the United States' Telephone Consumer Protection Act (TCPA), Canada's Anti-Spam Law (CASL), and others, to enhance consumer privacy protections and address widespread consumer concerns about data and identity theft, unwanted communications, and behavior tracking.

For example, the TCPA requires companies to collect consent prior to calling or sending text messages to mobile devices. Fines for sending text messages without first obtaining express written consent range from $500-$1500 per text message sent. With a recent rise in class action lawsuits, these fines can add up quickly, with companies like Jiffy Lube being fined $47 million for their TCPA violations.

The GDPR requires marketers to give strong consideration to obtaining and maintaining strict permissions in order to communicate with any citizen of the EU. Central to the regulation is a high standard for consent and fines as great as 20 million euros or four percent of total worldwide annual revenue, whichever is larger.

CASL requires consent prior to sending commercial electronic messages such as emails and text messages and carries penalties of up to $1 million for individuals and $10 million for corporations per violation.

Proper consent collection presents a critical opportunity to protect the right to interact with a consumer. Moreover, appropriate storage and maintenance of such data through an active consent and preference management program protects its legal authority when challenged.

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Improved Marketing ROI

Maintain consent to contact a consumer by reducing opt-outs and increasing opt-ins. With the implementation of a simple opt-down system — a component of a consent and preference management solution accessed through an email unsubscribe link — PossibleNOW customers see an average of 60 and 90 percent fewer opt-outs.

In addition to preserving the pool of prospects, the ongoing collection of consent and preference data reveals new opportunities will emerge that marketers can proactively leverage to their advantage.

For a clothing retailer, understanding customer insights along with product interest and channel of choice could result in a seasonal swimwear promotion via email instead of an expensive and marginally effective one-size-fits-all brochure or catalog.

Finally, the collection and management of consent and preferences for zero-party data allows CMOs to shift staff time and budget dollars from guesswork to fact-based decision-making.

A marketing team that only has access to purchase history and customer shipping addresses trend towards broad, one-size-fits-all campaigns, often with discouraging results. Gain a consumer's consent to receive communications for niche campaigns that address stated needs at timely intervals — with their direct permission.

Presented together, the broad compliance and marketing benefits of consent and preference management offer a compelling case for consideration.

Risk mitigation has become an important part of the CMO job description and the management of customer consent and preference data addresses a number of its critical challenges. It's also the key to building customer trust, facilitating lasting customer engagement and real-time responsiveness with rich, marketable data that powers campaigns and delivers bottom-line results.

> "The typical terms of agreement that we check when we want to use the services of an Internet company invariably give the company the right to redeploy our information for their own benefit. Some companies also give consumers the right to opt-out of that information-gathering, but it is usually a process that requires some effort. A far better approach would be customers opting in instead of opting out."
>
> - **Joe Nocera, The New York Times**

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Framing the Decision: Build vs Buy

With the need for consent and preference management established and its benefits defined, many organizations face a growing dilemma of awareness – is it something we must engage a third party to implement or can we build it internally? It's a complicated but necessary question that should include each of the considerations listed here:

Consideration	In-house	Outsourced
Subject matter expertise	What resources do you have in-house?	Expert providers think about customer data collection and management every day from all perspectives; customer engagement, privacy, technology, etc
Are resources available? Is there a risk that they will be pulled off the project?	If you have in-house resources, are you willing and able to commit them to this project on an ongoing basis to implement and maintain the system?	Resources are available & have experience implementing and maintaining solutions with both feature updates & compliance requirements.
When do you need it deployed?	Design, development, and deployment can take 2 to 3 years. Have you created a timeline for this project?	Typical deployments take 1 to 6 months
Can you absorb the expense?	Large up front capital expense of $5 to $20 million is common. Have you estimated the cost of your project?	Typical implementation fees are relatively small since the solution is built out, and ongoing monthly fees are nominal.
Are your systems designed to house and archive customer consent data?	CRMs, Marketing Automation, Marketing Databases – No	Yes
Can you centralize customer consent and preference data?	?	Yes
Can it be designed to easily set up new programs?	?	Yes
Can you develop an API toolset to share data across the organization?	?	Yes
Can you develop configurable reports?	?	Yes
Can you develop a validation and alert process?	?	Yes
Can you develop comprehensive data collection and delivery?	?	Yes

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Fostering Internal Consensus

Implementation of consent management in an enterprise environment requires a rigorous, multi-party justification process. It's not uncommon: an enterprise considers a new technology that holds the potential to impact or even transform many of its legacy processes and systems.

In this case, the dynamic is influenced by previous efforts or research into the issue. Any enterprise organizations already has certain customer data management tools in place and have studied or considered its broader implications.

How is the enterprise currently collecting, managing, and distributing customer consent data?

The answer may lie in sales, support, marketing, IT or all of the above. In many cases, siloed departments hold their own data interaction models or rely on limited customer data management tools via an Email Service Provider (ESP), a marketing agency, or other third party.

The process must uncover all of the different systems and procedures that should be considered as part of a consent management solution by understanding what communications are being sent to what customers and why.

What does the enterprise's leadership think it is doing to collect, maintain, and distribute customer consent data?

The distance between perception and reality is critical in framing the larger implementation question. Confusion over terminology, departmental authority, what is included as part of consumer consent data, how data collection is deployed, or exposure to risk, if unforeseen, can lead to costly and unnecessary delays.

Who are the necessary partners for implementation of customer consent management, even on a limited scale?

With a reliable view of existing efforts, internal partnerships for the project should be identified in order to move forward. It will likely include representatives from support, sales, marketing, legal, and IT, alongside a "champion" within the organization who is prepared to introduce the topic from an actionable position.

Key steps for implementing a consent and preference management platform:

- Identify a problem that needs to be solved or opportunity with upside potential
- Establish a project team
- Determine present state and outcome goals
- Prepare rollout plan
- Measure results
- Conduct post mortem and identify areas for improvement
- Report results to management team
- Begin phase II

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Conclusion: Moving from Discussion to Action

Here's an all-too familiar scenario: senior leadership recognizes the need for better, more efficient customer engagement and understands that a sophisticated solution for managing consents, preferences, and other customer data is a necessary prerequisite to achieving that goal.

Consent management is listed as a specific priority and handed to IT for a feasibility and cost study. The study reveals significant challenges and results in a gloomy report that it is prohibitively expensive, requires an unreasonable timetable, or is deemed impossible given the enterprise's current infrastructure.

Discouraged by the result, senior leadership shelves the initiative, only to return to it during the next budget/planning cycle.

It's an unfortunate pattern but one that can be broken. The key, in many cases, is creating a smaller goal and letting the consent management initiative prove itself prior to larger investment or broader expansion. Here are three simple actions (in order of complexity) that can be proposed, piloted, budgeted, and achieved quickly:

1. Offer opt-down functionality in your email marketing, maintaining consent to contact them for other areas of interest:
   Instead of presenting customers with an all-or-nothing engagement, give them the power to tailor communications to suit their interests. Offering an opt-down option drastically reduces opt-outs and helps marketers focus messaging accordingly to prevent consent revocation.

2. Install a website preference center:
   Create an easy-to-use portal where prospects and customers can create individual profiles, give or revoke their consent to be contacted, select topics of interest, their preferred delivery channels, and pace of communications. Centers of this kind provide customers the ability to easily maintain or adjust their consent selections as their interests change over time.

3. Expand your consent collection with a limited starter program:
   The ability to manage customer consents should be present at every interaction point between brand and customer, such as mobile, social media, in-store, contact center and more. However, these initiatives require approval from many stakeholders and can quickly become bogged down or even abandoned. Identify a specific brand or line of business to use as a starter program to prove ROI and gain momentum before seeking company-wide application.

Approaching consent management as a series of actionable steps makes it easier to plan and earn organizational buy-in. The challenge of making the case in an enterprise environment can be complex and multi-faceted.

In many ways, it quickly becomes a process of simplification — clear delineation of what it is, why it is important, and how to begin.

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PossibleNOW is the pioneer and leader in customer contact compliance. From federal and state regulations to international laws, our platform DNCSolution consolidates everything a business needs to stay compliant with regulations such as Do Not Call, TCPA, CAN-SPAM, and Reassigned Numbers Database. We back our solutions with a 100% compliance guarantee and keep companies out of the crosshairs of professional litigators.

Our MyPreferences platform centralizes the collection and distribution of customer communication consents and preferences, making compliance and personalization possible across the enterprise.

PossibleNOW's strategic consultants take a holistic approach, leveraging years of experience when creating strategic roadmaps, planning technology deployments, and designing customer interfaces.

Our technology, processes and services enable relevant, trusted, and compliant customer interactions.

PossibleNOW: Marketing Compliance Made Simple.

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