

TRICOLINK

**POLICY FOR TEXT MESSAGING USE AND
PRIVACY**

Formal Policy Document

Prepared for professional distribution and review.

Use of text messaging communications by “Non-Consumer” businesses, organizations, or other entities, including telecommunications companies like TriCoLink (hereinafter referenced as TriCoLink or the “Company”) has increased and such services (Short Messaging Service (SMS) in particular) have become a convenient and trusted communication tool for interacting with customers and meeting their service needs. Text messaging services subject to this Policy are those which use 10-digit telephone numbers assigned from the North American Numbering Plan (NANP) as the unique identifier for the sender and/or recipient(s) of individual or group messages.

In using text messaging communications with customers or other consumers who are interested in TriCoLink’s services, the Company operates with an understanding that certain text messaging is subject to various legal requirements. This includes for example regulatory requirements established by and pursuant the federal “Telephone Consumer Protection Act” (TCPA), the “CAN-SPAM Act”, the “Communications Act of 1934”, as amended, the “Federal Trade Commission Act”, and implementing regulations and decisions adopted by the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC).

The TCPA, as one example, places strict limits on the use of automated telephone dialing systems for either voice calling or text messaging (robocall and robotext restrictions). Businesses are prohibited from using such technologies to contact consumers without their prior consent, except in specific cases such as emergency notifications.

The purpose of this “Policy” is to set forth those industry accepted “Best Practices” which TriCoLink follows in its management and use of text messaging to maintain trust and confidence in the Company’s services and ensure compliance with the applicable laws. The Company acknowledges that its use of text messaging for customer communication and service is an ongoing and iterative process that continues to evolve as new use cases arise and as the applicable laws may change. Accordingly, this Policy will be updated and amended as the need arises to prevent our customers and other consumers interested in TriCoLink services and products from receiving unwanted messages and to further ensure that the privacy rights of all these individuals are otherwise fully preserved and protected.

Emphasis on Regulatory Compliance

TCPA “text message compliance” refers to the adherence to specific guidelines for sending text message (SMS) communications to consumers. Compliance requires businesses like TriCoLink to follow specific legal protocols, primarily focusing on obtaining express consent from consumers and providing clear mechanisms for them to “opt out” of future communications. To achieve compliance, TriCoLink focuses on addressing a number of core requirements which serve as the foundation for legal and responsible text message communications. These requirements guide the Company as to obtaining the required consent, communicating transparently, managing ongoing interactions with consumers, maintaining and updating consumer contact lists and consent records, and in monitoring texting communications practices to protect against unintentional violations.

Prior to taking any new actions related to Company use of text messaging for consumer communications, TriCoLink seeks regulatory advice, if needed, to ensure full legal compliance. The Company has also adopted the specific “Best Practices” listing below which aid by establishing specific parameters and guidelines applicable to the Company’s use of SMS communications with consumers (through the use of texting for informational, emergency notification, other non-commercial, marketing or promotional purposes).

Industry “Best Practices” followed by TriCoLink

1. Obtaining Prior Express Consent

TriCoLink practices relating to the use of text messaging with consumers are strictly tied to regulatory requirements governing prior consent for text messages, certain text message content, and consumer rights to “Opt-Out” of such messages. The Company understands the difference between “informational” vs. “marketing” texts and its practices for obtaining “prior consent” from customers for each of these types are different as necessary to meet applicable TCPA requirements:

(a) For “marketing texts” which generally promote or advertise a service or product (new fiber internet packages, discount offers, product announcements, upsell campaigns, etc.) the Company requires an “express written consent”, a higher standard of TCPA consent. This consent is presented and collected in a way that is clear and unambiguous, disclosing all information required to be disclosed under applicable law. The express written consent required will be obtained through either a paper or electronic form. The consumer signature required on the form may be either physical or electronic/digital.

(b) For “informational” or “transactional” messages which do not promote or advertise anything (billing notices, outage alerts, existing service updates, transactional notifications, etc.) “prior express consent” from the consumer, either written or verbal written is required. Prior express written consent equivalent to what is required for marketing messages is not required. Consent for receiving informational text messages from the Company will disclose all consumer disclosure information required by applicable law and will most often be received through customer completion of an electronic form/process, which, in part, will include collection of the customer’s mobile phone number for service-related updates or other informational releases from the Company.

(c) TriCoLink understands TCPA’s strict limits on the use of automated telephone dialing systems (ATDS) and that those limits apply to both voice and text communications (robocalls and robotexts). Businesses are prohibited from using robocall or robotext technologies to contact consumers without prior consent, except in specific cases such as emergency notifications, making it essential that the Company has obtained the proper consent before sending any automated SMS messages. In some cases, the Company may as a means of ensuring that it has obtained and/or documented the proper consent from the consumer use a follow-up “Double Opt-in” message to confirm that such consent has been received.

2. Understanding Exemptions under the TCPA

The Company also understands that there are certain categories of text messages subject TCPA exemptions (where formal consent is not required). Several examples of TCPA exempted messages would be those sent for “health or safety emergencies”, those sent for a “non-commercial purpose”, or those not sent through an automated system but manually dialed. If at any point, TriCoLink believes any of its text messaging content may qualify for a TCPA exemption it will seek legal counsel advice before making any related change to its text messaging content or practices.

3. Implementation of Clear “Opt-Out” Mechanisms

TriCoLink provides all consumers with an easy and straightforward way to Opt-Out of receiving future text communications, whether marketing, informational, non-commercial or other types of texts messages, for example by replying to a Company text with input of the universal keyword “STOP”, or use of other words such as “QUIT”, “END”, “REVOKE”, “OPT-OUT”, “CANCEL” or “UNSUBSCRIBE.”

The Company does not specify any exclusive means for revoking a prior provided consent. If a consumer revokes consent using the specific method prescribed by the Company, their revocation is viewed as definitively reasonable. However, revocation by a “reasonable manner” may also include non-traditional methods of opting-out, such as by consumer use of an email or a voice mail to an official email address or official telephone number of the Company.

TriCoLink honors all requests to revoke prior express consent or prior express consent for automated text messages that are made in any “reasonable manner”, such requests are honored as soon as practicable and not later than 10 days after being received from the consumer. Related to any such revocation requests, the Company may send a one-time follow-up text message to the requesting consumer for clarification purposes, to confirm scope of the revocation request (any such messages will not include any promotional content).

In reviewing consent revocation received from consumers, it is important for the Company to make a distinction and identify what type of communication the consumer initially received (i.e. whether the communication that the consumer responded to was a marketing text versus an informational text) to determine whether the business must solely discontinue telemarketing type messages or all types of messages from the consumer. Under the TCPA, businesses do not need prior express written consent to send informational communications. Consequently, despite any revocation of consent to receive marketing robotexts, the Company may continue to send informational text messages. With respect to Company treatment of revocation requests received, generally consumer requests to “Opt-Out” for informational messages will be applied to both informational and marketing messages; and consumer requests to “Opt-Out” for marketing messages will only apply to marketing, not informational messages.

4. Record Keeping Requirements

Robust record-keeping is an essential component of TCPA compliance and, accordingly, TriCoLink maintains records sufficiently documenting both consents and revocations of consent received from consumers relating to automated text messaging communications. This includes maintaining both consent and “Opt-Out” logs and tracking the following:

- (a) When and how consumer consent was obtained, recording the exact date and time consent was provided, along with the method used to collect it (e.g., web form, SMS opt-in, or paper form);
- (b) Exact language of the consumer consent agreement, preserving the specific language presented during the consent process to show that it aligns with TCPA requirements. This includes disclosures about the nature of messages, potential charges, and the opt-out process; and
- (c) Contact details of the consumer recipient, maintaining accurate records of the recipient’s contact information, including their phone number, to ensure messages are only sent to those who have provided consent.

5. Compliance with Time-of-Day Restrictions

The Company maintains compliance with TCPA requirements prohibiting the sending of automated text messages outside of “quiet hours” defined as messages sent before 8:00 a.m. and after 9:00 p.m. in the recipient’s time zone. To the extent that the state where the texted consumer is located imposes time-of-day limitations that are more restrictive, the Company ensures compliance with those restrictions.

6. FTC National “Do-Not-Call List” Requirements

TriCoLink has procedures in place to comply with FTC and FCC National “Do-Not-Call” (DNC) Registry” requirements and has trained its employees regarding the scope and application of those requirements. It is understood that pursuant to recent decisions of the FCC and FTC the “Do-Not-Call” restrictions are now deemed applicable to commercial text messages and that texters must also have the consumer’s prior express permission before sending any telephone solicitation or telemarketing text to any wireless number in the DNC Registry. In accord with these expanded DNC requirements, the Company protects consumers from unsolicited communications by scrubbing its contact numbers list associated with any automated texting campaign against a version of the National DNC Registry

that is obtained from the administrator of the Registry no more than 31 days prior to the date the planned text communications are sent by the Company.

7. Process includes Checking the FCC's Reassigned Numbers Database

The FCC's Reassigned Numbers Database (RND) is designed to prevent a consumer from getting unwanted calls intended for someone who previously held their phone number. TriCoLink uses that database to determine whether a telephone number may have been reassigned so it can avoid inadvertent calls to consumers who have not given consent for the call and avoid any potential TCPA violations. The Company has established a process for scrubbing its contact phone numbers associated with any automated texting campaign against the current RND data.

8. Compliance Efforts

(a) The Company regularly consults with its key regulatory compliance staff and is assisted by its consultants and legal counsel to stay updated on any legislative or administrative rule changes to verify its adherence to the current TCPA along with any other federal or state regulations applicable to commercial text messaging communications. The Company also keeps detailed records of its compliance processes, including but not limited to, a pre-launch review of new texting campaign reviews, review and approval of notices or sign-up language, etc.

(b) The Company regularly provides training instruction or exercises for its marketing and compliance personnel and other staff to ensure that they understand the requirements of the TCPA and other applicable federal or state commercial text messaging communication requirements. In addition, periodically, the Company conducts comprehensive audits of its consumer communications practices to identify and make corrections addressing any potential issues before they lead to violations of any applicable legal requirements.

(c) Company compliance efforts are also consistent with understanding and meeting any applicable federal CAN-SPAM Act requirements (which primarily cover text messages intended to advertise or promote a service or product - not messages that are purely transactional or relationship-based—order confirmations, account updates, service or product safety notices). These efforts include, but are not limited to: avoiding false or misleading header information and subject lines in text messaging; clearly identifying the message as an advertisement or promotion; and providing clear and valid contact information for the Company, as sender of the text messages.

(d) In addition, the Company retains the services of a reputable third-party vendor for its consumer engagement platform which includes supported text messaging services. The specific support services provided and the vendor's expertise regarding those services and the related regulatory requirements greatly assist TriCoLink in staying current with all legal requirements and understanding what is essential for full compliance.

Company Contact Information

TriCoLink welcomes any questions from customers or other consumers regarding this "Policy for Text Messaging Use and Privacy." Please note that this Policy has been adopted by the Company as a supplement to those policies and practices contained within its more general and comprehensive "Privacy Policy" which can be found on TriCoLink's website at:

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