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SMS & WhatsApp Consent Capture Processes

Explicit consent capture, recordkeeping & opt-out policy (US & Canada)

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Prepared for: CA Solutions LLC

Governing Law: State of Wyoming, United States

Markets Covered: United States & Canada

This document sets out CA Solutions LLC's standard processes for capturing, recording, and managing explicit consent for SMS, MMS, RCS, WhatsApp, and related automated communications, for both CA Solutions-managed and Client-managed programs serving recipients in the United States and Canada. It supplements the Master Services Agreement, the Statement of Work, the Data Processing Addendum, and the Privacy Policy. It is operational guidance and a compliance baseline, not legal advice; each program must be reviewed against then-current law and platform policies before launch.

1. Policy Purpose

The purpose of this policy is to ensure that every messaging program built, configured, or operated through CA Solutions captures legally sufficient, well-documented consent; provides required disclosures; honors opt-outs promptly; and maintains durable evidence of consent. The policy is designed to support compliance with the U.S. Telephone Consumer Protection Act (TCPA) and FCC rules, applicable U.S. state telemarketing and privacy laws, the CAN-SPAM Act, Canada's Anti-Spam Legislation (CASL) and applicable Canadian privacy laws, CTIA messaging principles and carrier rules, messaging-provider rules, and the WhatsApp Business Messaging Policy and Meta business terms.

2. Scope

This policy applies to the following channels and contexts:

2.1 SMS — text messages to mobile numbers. **2.2 MMS** — multimedia messages. **2.3 RCS** — Rich Communication Services messages. **2.4 WhatsApp** — messages via the WhatsApp Business Platform. **2.5 Voice Calls** — autodialed, prerecorded, or artificial-voice calls where in scope. **2.6 Email Relationship** — email consent is governed separately (CAN-SPAM / CASL) but coordinated with messaging suppression. **2.7 Client-Managed Campaigns** — programs the Client operates using systems CA Solutions built or configured. **2.8 CA Solutions-Managed Campaigns** — programs CA Solutions operates on the Client's behalf within a written scope.

3. Definitions

Consent — a recipient's permission to receive messages, obtained as required by applicable law and platform policy.

Express Written Consent — for telemarketing/marketing autodialed or prerecorded messages under the TCPA, a written agreement, signed by the recipient (including electronically), clearly authorizing the sender to deliver marketing messages to a specified number using an autodialer or prerecorded/artificial voice, that is not a condition of purchase and that includes the required disclosures.

Opt-In — the recipient's affirmative action to provide Consent.

Opt-Out — the recipient's request to stop receiving messages.

Transactional Message — a message that facilitates, completes, or confirms a transaction or relationship the recipient previously requested (e.g., order or appointment confirmations).

Marketing Message — a message that promotes or advertises products, services, or offers.

Informational Message — a non-marketing message providing information the recipient would expect (e.g., account notices).

Automated Message — a message sent using automated technology or templates.

One-to-One Consent — consent given to a single, identified seller for a logically and topically related purpose. *Status note:* the FCC’s 2023 “one-to-one” consent rule was vacated by the Eleventh Circuit in January 2025 and is not currently a federal requirement; CA Solutions nonetheless treats one-to-one, seller-specific consent as a best-practice control to reduce legal and platform risk and to satisfy lead-generation and carrier expectations.

Suppression List — the record of numbers/handles that have opted out and must not be messaged.

Consent Record — the durable evidence of a recipient’s Consent (Sections 8 and 9).

4. Legal and Platform Framework

4.1 TCPA. Marketing autodialed/prerecorded calls and texts generally require prior express written consent; certain informational/transactional messages require prior express consent. **4.2 FCC Rules.** The FCC’s consent-revocation rule (effective April 11, 2025) requires senders to honor opt-out requests made through any reasonable means and to process them promptly; a sender may send a single confirmation/clarification message. **4.3 State Telemarketing Laws.** Several states (e.g., Florida, Oklahoma, Washington, and others) impose additional consent, timing, and disclosure requirements; confirm applicable state rules for each program. **4.4 CAN-SPAM Relationship.** Email programs require sender identification, a valid physical address, and a functioning unsubscribe mechanism. **4.5 CASL.** Commercial electronic messages to Canadian recipients generally require express opt-in consent (unchecked boxes), sender identification, and an unsubscribe mechanism; consent records must be retained. **4.6 PIPEDA and Canadian Privacy Requirements.** Collection and use of phone numbers and messaging data must follow meaningful-consent and safeguards principles; Quebec Law 25 may add transparency obligations. **4.7 CTIA and Carrier Rules.** Messaging must follow CTIA messaging principles and carrier requirements, including 10DLC brand/campaign registration for application-to-person SMS in the U.S. **4.8 Messaging-Provider Rules.** Provider terms (e.g., Twilio or other messaging providers) impose consent, content, and opt-out requirements. **4.9 WhatsApp Business Messaging Policy.** Senders must obtain opt-in permission before messaging recipients on WhatsApp and respect opt-outs; template messages are categorized (e.g., marketing, utility, authentication) and subject to approval, with regional restrictions that may apply (including limits on marketing templates to certain regions). **4.10 Meta Business Terms.** Use of the WhatsApp Business Platform is subject to applicable Meta terms.

Currency note (June 2026): Confirm the live status of FCC waivers (including the “revoke-all” portion of the consent-revocation rule, subject to extension), state-law changes, and current WhatsApp template-category restrictions before each launch.

5. Consent Design Principles

Every consent mechanism must embody these principles:

1. **Clear and Conspicuous Disclosure** of who is sending, what messages will be sent, and the key terms.
2. **Affirmative Action** by the recipient (e.g., checking an unchecked box, sending a keyword, or signing).
3. **Separate Channel Consent** so that SMS/WhatsApp consent is distinct from email and other channels.

4. **Program-Specific Consent** describing the specific program(s) the recipient is joining.
5. **Seller-Specific Consent** identifying the specific business that will message the recipient (best practice).
6. **No Pre-Checked Boxes** — consent checkboxes must default to unchecked.
7. **No Bundled Consent** where separate consent is required for different channels or purposes.
8. **No Consent as a Purchase Condition** for marketing messages, unless a transactional message is necessary to deliver a requested service.
9. **Easy Withdrawal** of consent at any time by reasonable means.
10. **Evidence Preservation** — capture and retain a complete Consent Record.

6. Approved Consent Capture Channels

Consent may be captured through the following approved channels, each configured per this policy: **6.1 Website Form**; **6.2 Checkout Flow**; **6.3 Account Signup**; **6.4 Lead Form**; **6.5 Booking Form**; **6.6 Paper Form**; **6.7 Verbal Consent** (recorded or documented per applicable law); **6.8 Inbound Text Opt-In** (recipient texts a keyword to a published number); **6.9 WhatsApp Inbound Conversation** (recipient initiates or accepts opt-in); **6.10 QR Code** linking to a compliant opt-in page; and **6.11 Point-of-Sale Capture**.

7. Website Form Consent Process

Website opt-in forms used for SMS/WhatsApp must include the following elements:

1. **Required Checkbox Placement** — an unchecked, clearly labeled consent checkbox near the phone-number field and submit button.
2. **Required Consent Text** — e.g.: “By checking this box and providing my phone number, I agree to receive [PROGRAM TYPE: e.g., marketing and account] text messages from [SELLER/BRAND NAME] at the number provided, including messages sent by autodialer. Consent is not a condition of purchase. Message frequency varies. Message and data rates may apply. Reply STOP to opt out and HELP for help. See our Privacy Policy and Terms.”
3. **Required Links** to the Privacy Policy and Terms.
4. **Message Frequency Disclosure** (e.g., “Message frequency varies” or a stated cadence).
5. **Message and Data Rates Disclosure** (“Message and data rates may apply”).
6. **STOP Instructions** (“Reply STOP to opt out”).
7. **HELP Instructions** (“Reply HELP for help”).
8. **Carrier Liability Disclosure** (“Carriers are not liable for delayed or undelivered messages”).
9. **Privacy Policy Link** describing how phone numbers and consent data are handled and that opt-in data is not sold or shared with third parties for their own marketing.
10. **Terms Link** to the messaging terms.
11. **Submit Button Confirmation** recording the affirmative action.
12. **Record Creation** — on submission, create a complete Consent Record (Section 8).

8. SMS Consent Record Requirements

Each SMS Consent Record must capture, where available: (1) Phone Number; (2) Consent Status; (3) Date and Time; (4) Time Zone; (5) Consent Source (form/URL/keyword); (6) Consent Language Version; (7) IP Address or equivalent evidence; (8) User Agent; (9) Related Form URL; (10) Program Name; (11) Seller or Sender Name; (12) Message Category (transactional/marketing/informational); (13) Terms and Privacy Version; and (14) Revocation History.

9. WhatsApp Consent Record Requirements

Each WhatsApp Consent Record must capture, where available: (1) WhatsApp Number; (2) Opt-In Permission; (3) Consent Source; (4) Consent Scope (message categories); (5) Message Category; (6) Business Name; (7) Date and Time; (8) Proof of Disclosure; (9) Withdrawal Method; (10) Template Category; and (11) Meta/Provider Account Reference.

10. Double Opt-In Process

Where double opt-in is used or required, after the initial opt-in the system sends a confirmation message asking the recipient to confirm (e.g., reply YES). Only after confirmation is the recipient marked fully opted in. The confirmation message must identify the sender and include HELP and STOP instructions. Double opt-in is recommended for marketing programs and may be required by certain providers or for WhatsApp.

11. Transactional Messaging Process

Transactional messages must relate to a transaction or relationship the recipient initiated, identify the sender, avoid marketing content unless separately consented, and honor opt-outs. Prior express consent (not necessarily written) is generally appropriate for informational/transactional messages.

12. Marketing Messaging Process

Marketing messages require prior express written consent (TCPA) for autodialed/prerecorded marketing, must not be a condition of purchase, must include sender identification and opt-out instructions, and must respect frequency representations. For Canadian recipients, CASL express consent applies.

13. Mixed-Purpose Messaging Process

If a program sends both transactional and marketing content, the more protective consent standard (marketing) applies, and disclosures must reflect the full scope of messages. Recipients who consent only to transactional messages must not receive marketing messages.

14. Contact Import and List Hygiene

Imported contacts may be messaged only if each contact has a valid, documented consent meeting this policy. Lists must be screened against suppression lists, deduplicated, and validated. Purchased or rented lists, and contacts without verifiable consent, must not be used.

15. Lead Generation Controls

15.1 One-to-One Consent — as a best practice (see Section 3 status note), consent should identify the specific seller that will message the recipient. **15.2 Seller-Specific Consent** — avoid using a single consent to message on behalf of multiple unrelated sellers. **15.3 Topical Relationship Requirement** — messages should be logically and topically related to the interaction that prompted consent. **15.4 Consent Transfer Restrictions** — consent generally may not be transferred to unrelated parties. **15.5 Third-Party Lead Vendor Review** — lead vendors must be vetted, and their consent capture, disclosures, and records must be obtained and retained.

16. Message Template Approval

16.1 SMS Template Review; **16.2 WhatsApp Template Review** (including correct category selection and Meta approval); **16.3 Legal Review** of consent and disclosure language; **16.4 Brand Review**; **16.5 Platform Approval** (10DLC campaign and WhatsApp template approval); and **16.6 Version Control** of approved templates. All templates are recorded in Appendix E.

17. Required Message Elements

Outbound program messages should include, as applicable: (1) Sender Identification; (2) Purpose of Message; (3) Opt-Out Instructions; (4) HELP Instructions; (5) Frequency Statement (at least at opt-in and periodically); and (6) Rates Disclosure (at least at opt-in).

18. Opt-Out Process

Opt-outs must be honored when made by any reasonable means (consistent with the FCC rule), including but not limited to: **18.1 STOP Keywords** (e.g., STOP, END, QUIT, CANCEL, UNSUBSCRIBE, REVOKE, OPT OUT); **18.2 WhatsApp Withdrawal** (blocking, replying to stop, or other published method); **18.3 Email Requests**; **18.4 Phone Requests**; **18.5 Web Form Requests**; and **18.6 Reasonable Alternative Methods**. **18.7 Processing Deadline** — opt-outs must be processed promptly and no later than the time required by law (the FCC requires honoring revocation within a reasonable time, not to exceed ten business days). **18.8 Confirmation Message** — a single opt-out confirmation/clarification message may be sent. **18.9 Suppression List Update** — the number/handle is added to the suppression list immediately. **18.10 Cross-System Sync** — suppression is synchronized across all systems and channels used for the program.

19. Re-Opt-In Process

A previously opted-out recipient may be re-added only after providing a new, documented opt-in meeting this policy. Senders must not message opted-out recipients to solicit re-opt-in except as permitted by law.

20. Suppression List Management

Suppression lists are maintained, backed up, and protected as Consent Records. They are not sold or shared for third-party marketing. Suppression entries are retained for the period required to demonstrate compliance and are synchronized across systems.

21. HELP and Customer Care Process

Replying HELP returns sender identity, program description, support contact, and opt-out instructions. Inbound questions are routed to [CLIENT SUPPORT CHANNEL] for response.

22. Consent Audit Process

Consent capture and records are periodically audited (Appendix F) to confirm checkbox configuration, disclosure language, record completeness, opt-out functionality, suppression sync, and platform registration status.

23. Record Retention

Consent Records, opt-out records, and suppression lists are retained for at least the longer of (a) the period required by applicable law (for example, CASL generally requires retaining proof of consent for three years after the relevant business relationship ends), and (b) [RETENTION PERIOD, e.g., 4-5 years] to support TCPA and other limitations periods. The party that owns the messaging program is responsible for retention unless the SOW states otherwise.

24. Vendor and Platform Responsibilities

Messaging providers and platforms must be configured to support consent capture, opt-out handling, suppression, and required registrations (e.g., 10DLC, WhatsApp Business). Provider and platform terms must be followed.

25. Client Responsibilities

Client is responsible for: the lawfulness of its lists and consent; approving disclosure and consent language with its counsel; content accuracy; honoring opt-outs; maintaining suppression lists it owns; completing required registrations; and overall program compliance. CA Solutions implements consent and messaging workflows only within the written scope.

26. CA Solutions Responsibilities

Within the agreed scope, CA Solutions will: configure compliant opt-in forms and flows; implement Consent Record capture; implement STOP/HELP and opt-out handling; implement suppression and cross-system sync; support template submission and platform registration; and provide reasonable documentation. CA Solutions does not guarantee platform approval, message deliverability, or that any program is compliant in the absence of Client legal review.

27. Incident Response

The following messaging incidents trigger investigation and remediation: **27.1 Wrong Recipient; 27.2 Opt-Out Failure; 27.3 Consent Record Gap; 27.4 Platform Complaint; 27.5 Carrier Filtering; and 27.6 Unauthorized Campaign.** Each incident is logged, the root cause identified, suppression and consent records corrected, and affected parties notified as required by the MSA, DPA, and applicable law.

28. Training Requirements

Personnel who operate messaging programs must be trained on this policy, including consent capture, disclosures, opt-out handling, and incident response, before operating a program and periodically thereafter.

29. Monitoring and Reporting

Programs are monitored for opt-out rates, complaint rates, carrier filtering, delivery issues, and registration status, with periodic reporting to **[STAKEHOLDER]**.

30. Periodic Legal Review

This policy and all program templates and disclosures are reviewed by counsel at least annually and upon material changes in law or platform policy.

31. Appendices

Appendix A — Website SMS Consent Screen Checklist

Element	Present
Unchecked consent checkbox near phone field	[]
Seller/brand identified in consent text	[]
Program/message types described	[]

“Consent not a condition of purchase”	[]
Message frequency disclosure	[]
“Message and data rates may apply”	[]
STOP and HELP instructions	[]
Carrier-liability disclosure	[]
Privacy Policy and Terms links	[]
Consent Record created on submit	[]

Appendix B — WhatsApp Opt-In Checklist

Element	Present
Opt-in obtained before messaging	[]
Business clearly identified	[]
Message categories disclosed (utility/marketing/auth)	[]
Withdrawal method explained	[]
Template categories approved by Meta	[]
Regional restrictions checked (e.g., US marketing templates)	[]
Consent Record created	[]

Appendix C — Consent Record Schema

Field	Example
phone_or_handle	[+1XXXXXXXXXX]
channel	SMS / WhatsApp
consent_status	opted_in / confirmed / opted_out
consent_datetime / time_zone	[ISO 8601 / TZ]
consent_source / form_url	[URL or keyword]
consent_language_version	[v#]
ip_address / user_agent	[value]

program_name / seller_name	[value]
message_category	transactional / marketing / informational
terms_version / privacy_version	[v#]
revocation_history	[timestamps & method]

Appendix D — Approved Opt-Out Keywords

STOP, END, QUIT, CANCEL, UNSUBSCRIBE, REVOKE, OPT OUT (and reasonable variations). Note: under current FCC guidance, opt-outs in any reasonable manner must be honored even if a non-listed word is used.

Appendix E — Message Template Inventory

Template ID	Channel	Category	Status	Version
[ID]	[SMS/WhatsApp]	[Category]	[Approved/Pending]	[v#]

Appendix F — Audit Checklist

Audit Item	Pass
Opt-in forms match Appendix A/B	[]
Consent Records complete & retrievable	[]
STOP/HELP tested and working	[]
Opt-outs processed within deadline	[]
Suppression synced across systems	[]
10DLC / WhatsApp registration current	[]
Templates approved & version-controlled	[]
Records retained per Section 23	[]

32. Approval

CA SOLUTIONS LLC

[CLIENT LEGAL NAME] (for Client-managed programs)

Approved By / Title

Approved By / Title

Date

Date