Its odd to think I’ve been talking about this for nearly three years.

On December 12, 2018 the FCC first announced the creation of the reassigned number database. The results of years of advocacy by industry participants who advised the FCC they were being held strictly liable under the TCPA for efforts to contact their customers after phone numbers had changed hands without their knowledge, the database helps to assure that good actors in the ecosystem can safely detect phone numbers that may no longer be valid.
Here’s a little background.

**The Problem**

Over 30 million cell phone numbers change hands each year. And the new recipients of those numbers don’t want phone calls intended for the former owners of those phones. Until today, however, there was no definitive way for businesses to know whether their customers’ numbers had changed hands.

Moreover, the TCPA is considered a strict liability statute by many courts. So if a caller attempted to reach their customer on a cell phone number that had changed hands, they could be sued for $500.00 per call—even though the business might have no idea the number no longer belonged to their customer.

**The Solution**

A database that tracks all cell phone reassignments in the United States. The FCC has required carriers to provide updated information regarding cell phone numbers and their ownership for nearly three years now. Owing to privacy concerns, however, the database is extremely limited in terms of the data that is shared.

Containing only cell phone number and reassignment dates, the database should prove extremely effective at identifying reassigned numbers—but it will not assist callers attempting to avoid wrong numbers, or attempting to confirm that the number they have was properly provided by a consumer.

**How it Works**

A user of the database—which has been in a beta test since July of this year—will submit two pieces of information: a cell phone number and a “last good” date. The Database Administrator will respond with either a “yes” or a “no.” The “yes” means that a number has been reassigned since the last good date and cannot be called. A “no” means that the number has not been reassigned and is presumptively ok to call.

A “last good” date is the last date that the caller is comfortable the phone number belonged to the called party—generally an “RPC” (right party contact) date.

As I have been saying for years now, therefore, it is critical that all callers who wish to take advantage of the database—and that should be everybody—track last good dates for their entire cell phone database.

**The Safeharbor**

For folks that make use of the reassigned number database there is a very big
The FCC has issued a safe harbor shielding such callers from liability in the event that the database is inaccurate. So if a caller properly sets up a protocol for scrubbing against the database, the caller should be completely protected against TCPA liability calls to reassigned numbers—a very important protection to have.

There are some limitations here, however:

1. The safe harbor only protects callers against errors in the database—errors in identifying data to transmit, errors in last good date identification, and errors in operationalizing database results are all outside the scope of the safe harbor. So if you mess up on implementing the database you will have done yourself more harm than good;

2. Again, the database does not protect against all wrong number calls—it is not designed to detect dissimilarities between the “called party” and the subscriber to a cell phone service, for instance. So callers will need to remain on guard against wrong number calls using other best practices—such as double form fills, multi-factor authentication, vendor solutions, etc.

3. Most importantly, the safe harbor does not protect you if you do not use the database, obviously, and businesses electing not to use the database may be more likely to be found to have “willfully” violated the statute—although I don’t think that results necessarily follows.

In any event, it's a big day TCPA.World. Be sure to take advantage of the database to the fullest extent you can.

The database can be found here: [http://www.reassigned.us/](http://www.reassigned.us/)

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