

The information presented in this article is for informational purposes only and is neither intended as nor should be substituted for consultation with your legal counsel or compliance team.

If you are leveraging Ascent360's SMS texting tools for your informational or promotional texting, we recommend you update your SMS Privacy Policy and Terms of Service.

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## Disclosure Language

You must include compliant disclosure language anywhere you are asking people to opt-in to SMS. If you are using Ascent360 Landing Pages, we'll populate for language for you upon form creation. To remain compliant, please do not remove or significantly alter this language.

See the below example of Disclosure Language:

By submitting this form and signing up for texts, you consent to receive marketing text messages (e.g. promos, special offers, sales, announcements, alerts) from [\[Program/Company Name\]](#) at the number provided. Consent is not a condition of purchase. Msg & data rates may apply. Message frequency varies. Unsubscribe at any time by replying STOP or reply HELP for help. [\[Privacy Policy Link\]](#) & [\[Terms Link\]](#)

## SMS Privacy Policy

It's recommended to add the following elements to your Privacy Policy before starting an SMS campaign.

1. The type of personal data you are collecting, including names, phone numbers, emails, etc.
2. The method of data collection, including POS/ecommerce, form submissions, opt-in keywords, manual data entry, etc.
3. Purpose of collecting data, including informational or promotional texting.
4. User rights, including user recourse for accessing or modifying personal data, opt-in and opt-out instructions, and third-party involvement.

You **must** link your Privacy Policy anywhere you request an opt-in. If your mobile call-to-action is a QR code or printed, you must spell out the full link to your Privacy Policy.

## SMS Terms of Service

Below are the mandatory elements your SMS Terms of Service should include:

1. Program, product, or brand name.
2. Disclosure of message frequency.
3. Link to customer support or help contact.
4. Opt-out instructions.
5. Disclosure of Costs ("Message & Data rates may apply").
6. Link to Privacy Policy

You **must** link your Terms of Service **anywhere** you request an opt-in. If your mobile call-to-action is a QR code or printed, you must spell out the full link to your Terms of Service.

## Example Terms of Service

[Brand/Program Name]

Mobile Message Service Terms and Conditions

Last Updated: [Date]

The [Brand/Program Name] mobile message service (the "Service") is operated by [Brand Name] ("[Company Name]", "we", or "us"). Your use of the Service constitutes your agreement to these terms and conditions ("Mobile Terms"). We may modify or cancel the Service or any of its feature without notice. To the extent permitted by applicable law, we may also modify these Mobile Terms at any time and your continued use of the Service following the effective date of any such changes shall constitute your acceptance of such changes.

By consenting to [Company Name]'s text messaging service, you agree to receive recurring SMS/text messages from and on behalf of [Company Name] through your wireless provider to the mobile number you provided, even if your mobile number is registered on any state or federal Do Not Call list. Text messages may be sent using an automatic telephone dialing system or other technology. Service-related messages may include updates, alerts, and information. Promotional messages may include promotions, specials, and other marketing offers.

You understand that you do not have to sign up for this program in order to make any purchases, and your consent is not a condition of any purchase with [Company Name]. Your participation in this program is completely voluntary.

We do not charge for the Service, but you are responsible for all charges and fees associated with text messaging

imposed by your wireless provider. Message frequency varies. Message and data rates may apply. check your mobile plan and contact your wireless provider for details. You are solely responsible for all charges related to SMS/text messages, including charges from your wireless provider.

You may opt-out of the Service at any time. Text the single keyword command STOP to cancel. You'll receive a one-time opt-out confirmation text message. No further messages will be sent to your mobile device, unless initiated by you. If you have subscribed to other [\[Company Name\]](#) mobile message programs and wish to cancel, except where applicable law requires otherwise, you will need to opt-out separately from those programs by following the instructions provided in their respective mobile terms. For Service support or assistance, text HELP or email [\[support email address\]](#).

The wireless carriers supported by the Service are not liable for delayed or undelivered messages. You agree to provide us with a valid mobile number. If you get a new mobile number, you will need to sign up for the program with your new number.

To the extent permitted by applicable law, you agree that we will not be liable for failed, delayed, or misdirected delivery of any information sent through the Service, any errors in such information, and/or any action you may or may not take in reliance on the information or Service.

We respect your right to privacy. To see how we collect and use your personal information, please see our Privacy Policy [\[Link to Privacy Policy\]](#).