



## **Automated Polling (IVR & Robocalls): Best Practices for Researchers**

In addition to existing federal disclosure requirements for survey and opinion researchers making use of artificial or prerecorded voice calls, Congress and various state legislatures are considering legislation that would further restrict, or even outlaw, such calls.

There are certain state laws that effectively prohibit automated polling. In order to prevent future legislative activity directed at the research profession, further legitimacy of the profession and improve respondent cooperation, CMOR recommends that survey and opinion researchers disclose as much information about themselves and the sponsors/clients of such polls as possible and disclose and maintain an opt out policy (preferably automated).

### **What the law requires**

The federal Telephone Consumer Protection Act (TCPA) requires that all “artificial or prerecorded voice messages” identify the entity “responsible for initiating the call” at the beginning of the call, and that the entity’s phone number be disclosed during or after the call. “The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges.” Laws on the state level vary dramatically, including some states that require advance registration, a live operator to introduce the call, or prior consent.

### **What is an automated poll?**

Such calls include “robocalls”, and calls made with artificial or prerecorded voice, interactive voice response (IVR) systems, or automatic dialing announcing devices (ADAD).

### **Survey and opinion researcher best practices**

1. Disclose the sponsor or client at the beginning of the call when possible, or at the end when necessary to avoid survey bias; and
2. Check state and federal laws about advance registrations and requirements for prior consent or live operator introductions.

### **Opt out**

Wherever possible, just as the law requires for telemarketers, researchers should provide respondents an automated opt out (such as dialing 0 or another number during the call) to be added to the researcher’s internal do not call list, and inform the respondents as such. If not automated, respondent should be able to dial 0 or 1 to be connected to a live operator for the same purpose.

### **Disclosing name and number**

The disclosed number should be one that the respondent can call back on. Further, it should be one that is answered (by a live person or a recording, with the ability to leave a message) during the research organization’s normal business hours and one that would allow a respondent to leave a message, after hours. Depending on the business needs of the research organization, such a number could be an 800 number, or other such number, which results in **no cost to the respondent**.

### **More information**

For more information on laws and best practices impacting research, contact MRA, and consider becoming a [member](#) to get free access to the [MRA Compliance Guide](#).