

TCPA Regulatory Update — Commission Issues Clarification on “No Data” Reports from Reassigned Numbers Database

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The Federal Communications Commission’s Consumer and Governmental Affairs Bureau (“Bureau”) issued clarified guidance for callers who use the Reassigned Numbers Database (“RND”). The [Public Notice](#) explained that, going forward, the RND will return a value of “yes” – meaning the number has been reassigned – when the queried number is in the database and the disconnect date provided in the search is the same as or before the permanent disconnect date in the RND. However, the RND will return a value of “no” – meaning it has not been reassigned – if the queried number is in the database and the date provided in the search is after the permanent disconnect date in the RND, or if the number is not in the RND and the date the caller provides is on or after January 27, 2021. The RND will only return a value of “no data” if a queried number and the permanent disconnect date are not contained in the RND and the date the caller provides in their search is on or before January 27, 2021.

The Bureau’s new guidance is an improvement over the previous operation of the RND, which as we reported, went live on November 1, 2021. Under the operation of the RND so far, unless the “last good” date of a queried telephone number – the last date the caller believes the phone number belonged to the called party – was later than October 15, 2021, the RND has been returning a “no data” value. Callers do not receive the benefit of the RND’s safe harbor for calls made to numbers that return “no data.” Thus, many callers were left questioning the usefulness of the RND given the large volume of “no data” reports. The Bureau’s new guidance will maximize the potential of the RND since it will now return the greatest amount of actionable information callers may rely on for protection from Telephone Consumer Protection Act (“TCPA”) liability when calling numbers that have given consent but may have been reassigned.

As we explained previously, because callers are protected from TCPA liability only when they use the RND and only for errors in the RND itself, callers that make a large number of calls should set up a process for checking the RND before placing those calls.

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