What Happens When You Cannot Prove Consent?

CAPTURING CONSENT IS NOT ENOUGH. YOU MUST BE ABLE TO PROVE IT.

In today's regulatory environment, capturing consent is not enough. When a consumer disputes a call, text, or lead submission, the burden of proof falls on the business that made contact. If clear, defensible consent cannot be produced, the consequences can be severe.

REGULATORY EXPOSURE

Under the TCPA, penalties can range from **$500 to $1,500 per violation**, and it only takes a handful of disputed leads to create significant financial exposure.

WHY INTERNAL RECORDS OFTEN FAIL UNDER SCRUTINY

Many businesses assume they are protected because they collect form submissions and maintain internal logs. Unfortunately, when records are incomplete, unclear, or not independently verified, they frequently fail under legal challenge.

WHEN CONSENT CANNOT BE PROVEN, BUSINESSES MAY FACE

- Costly settlements or litigation
- Lead source disputes between buyers and sellers
- Chargebacks or rejected lead volume
- Compliance investigations and operational disruption
- Reputational damage with partners and regulators

The reality is simple: weak or missing consent evidence shifts risk directly onto your business.

What strong consent evidence should include

A strong consent record must clearly show what the consumer saw at submission, including disclosure language, timestamp, and supporting metadata. It must be preserved in a way that cannot be altered and be easy to retrieve when proof is required.

ANYTHING LESS CREATES CHALLENGEABLE GAPS

Partial records, internal screenshots, and fragmented logs can leave critical questions unanswered when disputes happen. Those gaps are exactly where legal, operational, and financial risk increases.

WHY INDEPENDENT EVIDENCE IS CRITICAL

A certified third-party record captures a verifiable snapshot of the consumer experience at the exact moment consent is given. This protects both lead buyers and sellers while strengthening overall compliance posture.

HOW EXPRESSCONSENT HELPS ORGANIZATIONS

LOWER CONSENT COSTS

Reduce consent costs by up to 60% compared to legacy providers.

KEEP DATA OWNERSHIP

Maintain full ownership of consent records with no data lock-in.

ACCESS PROOF INSTANTLY

Retrieve certified, audit-ready proof of consent whenever needed.

REDUCE TCPA RISK

Protect your business from avoidable disputes, penalties, and litigation pressure.

THE BOTTOM LINE

Consent evidence should not be complicated, expensive, or uncertain. It should be clear, defensible, and always within your control. If your team relies on internal screenshots, partial records, or third-party platforms that control your data, now is the time to evaluate whether your evidence would truly stand up if challenged.