Gambit Platform SMS/MMS Consent Flow

1. Overview

Service Name: Gambit (AI Personality Chat Services)
Short Description: Gambit enables end users to chat with unique AI-driven personalities, representing both individuals and brands, via SMS/MMS.

Users grant consent to receive messages from a single Gambit personality ("Personality X") via a dedicated Twilio toll-free number. This document outlines how we (Gambit) obtain express, informed consent, how users can revoke consent, and how we manage user statuses to comply with industry rules and regulations.

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2. Advertising and Call-to-Action

We will present the Twilio toll-free number (or QR code that links to `sms:<registered_number>`) in one or more of the following ways:

1. **Website Placement**: A webpage or landing page containing an invitation to text the toll-free number.
2. **Physical Print Media**: Flyers, brochures, posters, or any in-person visual avenue prompting users to text the toll-free number.
3. **QR Code:** A scannable code that automatically opens the user's messaging app with the toll-free number pre-filled, prompting them to send a message (e.g., "Hello").

Example Call-to-Action Language

"Text **HELLO** to ###-###-#### (Toll-Free) to chat with **[Personality X]** powered by <Gambit Client Name>! Msg & Data rates may apply. Reply STOP to cancel now or at any time. Terms and Conditions Apply: <link>"

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3. Initial User Interaction & Onboarding Status

When a user sends any initial SMS message to the toll-free number (whether typed in or launched via QR code):

1. **System Check**:
   - Our system checks if the incoming phone number is new or if it was previously opted-out or re-assigned.

- o If the number **has never interacted** with our system before (or was marked as re-assigned), our platform assigns the user the status of "onboarding" and **triggers the opt-in confirmation message**.
  2. **Opt-In Message**:
     - o The system sends the following **one-time** confirmation message:

"Welcome to <Gambit Client's Name> chat with [Personality X]. Reply **YES** to confirm you want to receive messages. Reply **STOP** to opt out. Msg & Data rates may apply. Msg frequency varies. T&Cs: [URL]. Privacy Policy: [URL]."

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4. User Consent

To complete the opt-in, the user **must reply "YES."** Upon receiving the "YES" response:

1. Our system updates the user record to a status of **"consented."**
2. We then **send the first message** from the personality or brand (e.g., a welcome message or conversation starter).

Example Post-Opt-In Welcome Message

"Thanks for confirming! You can now chat with [Personality X] anytime. Reply STOP to unsubscribe at any time."

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5. Failure to Consent

- **No "YES" Reply**: If the user does not reply, **no additional marketing or conversation messages** will be sent. The user remains in "onboarding" status until they either confirm or the number is seen to be re-assigned, at which point the status is changed to "reassigned" in the Gambit system.
- **Reply received that is not "YES"**: If the user does not reply with "YES" (other text that's not recognized as confirmation), **no additional marketing or conversation messages** will be sent. The user remains in "onboarding" status until they either confirm or the number is seen to be re-assigned, at which point the status is changed to "reassigned" in the Gambit system.
- **STOP Before Consent**: If the user replies "STOP" (or equivalent such as "CANCEL"), then the system marks the user as **opted-out**, and we send a STOP confirmation message (see below).

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6. Message Flow & Frequency

Once a user is marked as "consented":

1. **Conversation Messages**: The user can exchange texts freely with the AI personality. Gambit's conversation engine will respond at the user's request.
2. **Message Frequency**: Frequency varies based on user prompts and check in variation. We do not send recurring marketing blasts, check in frequency is dependent on user usage and chat contents but is expected to be less than 10/month in all cases; however, the main usage is ongoing conversation.
3. **Data Rates**: Standard message and data rates may apply to each message sent or received, depending on the user's mobile carrier.

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7. STOP Instructions

STOP: Users can reply with **STOP** at any time to immediately opt out of all future messages.

- When the system receives a STOP, it updates the user's status to **"opted-out"** and sends the following STOP confirmation message:

"You have been unsubscribed from <Gambit client's name> chat experience. No more messages will be sent. Reply START to re-subscribe."

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8. Data & Privacy

1. **Data Collection**: We store user phone numbers, timestamps, and conversation messages to deliver the AI chat functionality.
2. **Data Sharing**: User information is **not shared** with third parties for marketing purposes outside of Gambit's service.
3. **Privacy Policy**: All data usage and retention policies follow our published privacy policy.
4. **Reassigned Numbers**: If we detect (through user complaint or Twilio re-assignment checks or alerts) that a phone number has changed ownership, we will treat any inbound message from that number as a new user and re-trigger the opt-in flow.

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9. Compliance with TCPA and CTIA

Our SMS opt-in flow and messaging policy follow these industry standards:

- **TCPA (Telephone Consumer Protection Act)**

- o We obtain express, written consent from users before sending any marketing or automated messages.
  - o Users must proactively reply "YES" to confirm consent.
- **CTIA Guidelines**
  - o We clearly identify our brand/service name (Gambit, [Personality X]) and the nature of the messages.
  - o We disclose possible carrier charges and data rates.
  - o We include **STOP** instructions in the confirmation and promotional messages.

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10. Potential Edge Cases & Exceptions

1. **User Already Consented**
   - o If the user's status is already "consented," we continue normal conversation. No new opt-in prompt is triggered.
2. **User Unsubscribes, Then Sends a New Message**
   - o If a user previously unsubscribed and then sends a new message, we re-initiate the **opt-in flow** (onboarding → confirm → consent) to ensure compliance.
3. **International Users**
   - o For numbers outside the United States, the same opt-in flow will apply.

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11. Example User Flow Diagram

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User sees the toll-free number or QR code
      |
      v
User texts "Hello" (or any message)
      |
      v
System checks if user is new or re-assigned
      |
      |-- If new/re-assigned --> Send Opt-In Message
      |-- If already consented --> Proceed with chat
      |
      v
User replies "YES"
      |
      v
System sets status to "consented"
      |
      v
System sends welcome or first AI personality message
      |
      v
User conversation continues
```