

# Texting and Communications Retention (TCR) Policy for Private Wealth Group, LLC

## I. Purpose and Objective

The purpose of this Texting and Communications Retention (TCR) Policy is to establish a comprehensive framework governing the retention, archiving, and monitoring of text messaging (SMS, MMS, instant messaging applications, and similar communication technologies) within **Private Wealth Group, LLC**. This policy ensures compliance with the Investment Advisers Act of 1940, SEC regulations, and applicable Tennessee state securities laws, particularly regarding the retention of communications relevant to the firm's advisory activities.

## II. Scope and Applicability

This policy applies to all employees, officers, directors, contractors, affiliated persons, and any third parties who communicate on behalf of **Private Wealth Group, LLC** (hereafter collectively referred to as "employees"). The policy covers all text messaging communications, including those conducted on company-issued devices, personal devices used for business purposes, and through any messaging application or platform used in connection with the firm's advisory services.

This policy is mandatory and non-compliance will result in disciplinary action up to and including termination and may also involve legal consequences.

## III. Definitions

1. **Text Messaging:** Includes SMS (Short Message Service), MMS (Multimedia Messaging Service), and any form of instant messaging through applications such as WhatsApp, Signal, iMessage, Slack, or similar platforms.
2. **Business-Related Communication:** Any communication that pertains to client accounts, investment strategies, trading, financial advice, or other advisory services provided by the firm.
3. **Archiving:** The systematic collection, storage, and retrieval of text messages to ensure compliance with regulatory record-keeping requirements.
4. **Retention:** The period during which business-related communications must be kept in a format that is accessible and secure for regulatory or legal purposes.

## IV. Permissible Use and Content

1. **Approval and Authorization**
  - a. Text messaging for business purposes is strictly prohibited unless expressly authorized by the Chief Compliance Officer (CCO).
  - b. Employees must submit a formal request to use text messaging for business purposes, specifying the intended use, the clients involved, and the platforms or devices to be used.
  - c. Only firm-approved platforms and devices that have been configured to comply with regulatory archiving and monitoring requirements are authorized for business-related text messaging.
2. **Content and Professionalism**
  - a. All text messages must be clear, accurate, and professional. Employees must avoid using informal language, slang, or emojis in business communications.
  - b. Employees must adhere to the firm's code of ethics and conduct in all text communications, ensuring that they reflect the firm's values and maintain client trust.

## V. Archiving and Retention Requirements

1. **Archiving Process**
  - a. All business-related text messages must be archived in accordance with SEC Rule 204-2, Tennessee state regulations, and other applicable laws.
  - b. The firm will use technology solutions that automatically capture and archive text messages sent from approved devices and platforms. This includes metadata such as timestamps, sender and recipient information, and message content.
2. **Retention Period**
  - a. All archived text messages must be retained for a minimum period of five years, or as required by applicable law, whichever is longer.
  - b. The firm will ensure that archived messages are stored securely and are readily accessible for regulatory inspections and audits.
3. **Review and Supervision**
  - a. The CCO or designated compliance personnel will regularly review archived text messages to ensure adherence to this policy.
  - b. Reviews will include both automated systems and manual assessments to identify any potential violations, unauthorized communications, or patterns of non-compliance.
4. **Data Security and Privacy**
  - a. Archived text messages must be stored in a secure manner that protects the integrity and confidentiality of the data.
  - b. Access to archived communications will be limited to authorized personnel and will be controlled through secure login credentials and audit trails.

## **VI. Prohibited Activities**

1. **Confidential and Sensitive Information**
  - a. Employees are strictly prohibited from using text messaging to communicate non-public personal information (NPPI) or material non-public information (MNPI).
  - b. Employees must not use text messaging to discuss or transmit any details related to client account numbers, Social Security numbers, passwords, or other sensitive information.
2. **Unauthorized Devices and Platforms**
  - a. Employees are prohibited from using personal devices or unapproved platforms for any business-related communication. All devices and platforms must be approved by the CCO and configured for compliance.
  - b. Text messaging through unapproved social media platforms or other non-secured messaging services is strictly forbidden.
3. **Deletion or Alteration of Communications**
  - a. Employees must not delete, alter, or otherwise tamper with any business-related text messages. All communications must be retained in their original form to ensure compliance with regulatory requirements.
  - b. Any attempt to circumvent the firm's archiving or retention processes will result in severe disciplinary action.

## **VII. Client Communication and Consent**

1. **Informed Client Consent**
  - a. Before engaging in any business-related text messaging, employees must obtain explicit written consent from clients, acknowledging that their text messages will be archived and monitored.
  - b. Clients must be provided with a detailed explanation of the firm's TCR policy, including the risks and limitations of using text messaging for business communication.
2. **Client Opt-Out Rights**
  - a. Clients have the right to opt out of receiving text messages from the firm at any time. Upon receiving an opt-out request, employees must immediately cease all text communications with the client and update the client's communication preferences in their profile.
  - b. The opt-out process must be clearly documented, and any text messages sent after a client has opted out will be considered a violation of this policy.

## **VIII. Training and Education**

### **1. Mandatory Training**

- a. All employees must complete mandatory training on the TCR policy at the time of hire and on an annual basis thereafter.
- b. Training will cover the legal and regulatory requirements for text messaging, the firm's specific policies, and real-world scenarios to illustrate compliant and non-compliant behavior.

### **2. Acknowledgment of Policy**

- a. Employees must sign a written acknowledgment confirming their understanding of the TCR policy and their agreement to comply with all provisions.
- b. The signed acknowledgment will be maintained in the employee's compliance file and reviewed during annual compliance audits.

## **IX. Reporting and Enforcement**

### **1. Reporting Violations**

- a. Employees are required to report any suspected or actual violations of this policy to the CCO or designated compliance personnel immediately.
- b. The firm will investigate all reported violations promptly and take appropriate corrective action, which may include retraining, disciplinary measures, or termination.

### **2. Disciplinary Actions**

- a. Non-compliance with the TCR policy will result in disciplinary action, which may range from a formal warning to termination of employment, depending on the severity of the violation.
- b. In cases where non-compliance results in regulatory violations or legal exposure, the firm may take additional actions, including reporting the violation to regulatory authorities.

### **3. Legal and Regulatory Consequences**

- a. Any violations of this policy that result in breaches of SEC or Tennessee state regulations will be treated with the utmost seriousness. The firm will cooperate fully with regulatory investigations and may pursue legal action against employees who willfully breach this policy.

## **X. Policy Review and Updates**

### **1. Annual Review**

- a. This policy will be reviewed annually by the CCO to ensure it remains current with regulatory requirements and industry best practices.
- b. The review will consider any changes in technology, communication practices, and regulatory guidance that may impact the firm's approach to text messaging.

### **2. Amendments**

- a. Any amendments to this policy must be approved by senior management and communicated to all employees.
- b. Employees will be required to complete additional training if significant changes to the policy are made.

### **3. Continuous Improvement**

- a. The firm is committed to continuously improving its compliance framework and will regularly seek feedback from employees and clients to enhance the effectiveness of the TCR policy.