

# Common Misconceptions About the PDPA: An Interview with PDPC's Call Centre Manager

*Since the establishment of the Personal Data Protection Commission (PDPC) in January 2013, the Commission's call centre has been handling daily calls and emails from both organisations and individuals. One of the call centre managers, Calvin Lam, gives us a glimpse of what he does at the frontline and how he helps the individuals he comes in contact with.*



## What's a typical day like for the call centre team at the PDPC?

**Calvin:** On average, we receive about 150 calls and emails daily. Occasionally, we also have members of the public dropping by our office to lodge their complaints.

## Given that the Do Not Call (DNC) provisions came into effect first, would most of the queries received from the public be related to the DNC Registry?

**Calvin:** Yes, most individuals contact us to resolve DNC-related issues. Often, it is because the individual is annoyed after receiving unsolicited telemarketing messages from a particular organisation even though he had registered his telephone number on the DNC Registry. However, there are some cases where it is due to a misunderstanding.

## What kind of misunderstanding?

**Calvin:** For example, some individuals thought that their telephone numbers would be automatically registered on the DNC Registry and asked us why they continue to receive calls. We do get some interesting complaints where the messages were about one-time passwords and the individuals wanted such messages blocked. Some individuals also thought that emails are part of the DNC framework.

In some cases, the organisation may be relying on the Exemption Order to send a telemarketing message to an existing customer. The Exemption Order allows an organisation which has an ongoing relationship with a customer to send marketing text or fax messages related to a subject of an ongoing relationship to that customer without checking against the DNC Registry. For example, when the



- Mr Calvin Lam, PDPC call centre manager

individual is a member of a rewards programme, the organisation may rely on the Exemption Order to send a text message to the member regarding the perks related to the rewards programme, provided that the member had not withdrawn his consent or indicated that he did not consent to the organisation sending him such messages. However, some members may not be aware of this. So when an individual contacts the PDPC to complain that he does not want to receive marketing messages from an organisation that he has an ongoing relationship with despite registering on the DNC Registry, we would advise him to inform the organisation to withdraw the use of his personal data for such telemarketing purposes.

## What is the one myth about the DNC Registry that you would like to dispel?

**Calvin:** Many individuals think that the DNC Registry will automatically block all incoming telemarketing calls and messages once they have registered their number. The DNC Registry does not include an automatic feature that will block

all telemarketing calls or messages. Instead, organisations are required to check the list of telephone numbers they intend to use for telemarketing purposes against the DNC Registry before doing so. An organisation cannot call or send messages to telephone numbers in the DNC Registry for marketing purposes, unless it has obtained explicit consent from intended recipients or if there is an exclusion or exemption in the Personal Data Protection Act (PDPA) that it can rely on.

### **What are some of the common queries about the DNC Registry from organisations?**

**Calvin:** Organisations tend to ask if the DNC Registry covers B2B (business-to-business) messages, such as the promotion of office supplies to organisations. We usually clarify that the DNC Registry rules apply only to B2C (business-to-consumer) messages, and that B2B messages are excluded from the DNC provisions. Some also mistakenly think that they can use telephone numbers found in the public domain for telemarketing purposes without first checking against the DNC Registry. The DNC requirements apply even for publicly available telephone numbers.

### **The Protection provisions only came into effect in July 2014. Are there any aspects that organisations tend to be unclear about?**

**Calvin:** Well, some organisations think that the appointment of a DPO (Data Protection Officer) is optional. It is actually mandatory under the PDPA for every organisation to have at least one individual (a DPO) to handle data protection responsibilities and ensure compliance with the PDPA. The DPO function need not be a dedicated job role, and can be assigned to existing employees within an organisation, depending on the needs of the organisation.

### **Give us another example.**

**Calvin:** Generally, information on a business card given in a business setting is considered as BCI (Business Contact Information) and excluded from the scope of the Data Protection provisions of the PDPA. However, if an individual gives out his business card information for a personal purpose, such as for signing up for a gym membership, the information will not be treated as BCI and the Data Protection provisions in the PDPA will apply.

### **What happens when an individual complains to the Commission?**

**Calvin:** Most of the time, complaints stem from a lack of communication between the complainant

### **Members of public who the call centre team has helped:**

“Thank you for the efficient work. I will follow up on my end and seek assistance only if needed... Once again, thank you for your help. Have a great day.”

**- Benjamin Alexander Cai**

“Thanks for taking time to reply. Your information provided is good for me.”

**- Randy Lim**

and the organisation. For example, the PDPA allows organisations to continue using personal data collected before 2 July 2014 for the same purposes that it was used. But complainants may have forgotten that they had given consent some years back. Hence, when we receive complaints on the use of an individual’s email for marketing purposes, we would advise the complainant to first contact the DPO of the organisation to ask if consent had been provided for such purposes, and if so, withdraw the consent. Should the organisation not respond or should the two parties not resolve the issue, then we will step in to facilitate. For more serious cases, we may refer them to our enforcement colleagues to assess if enforcement action needs to be taken.

### **What advice would you give to an individual or organisation that has a query on the PDPA?**

**Calvin:** For individuals, we would recommend that they check out our online FAQs which provide clarification on most of the commonly asked questions. For organisations, they could take a look at the resources available on the PDPC website, including our e-learning programme. We also have a section on the PDPC website that lists the various forms of assistance available to help organisations comply with the PDPA.

Other self-help tools include the advisory guidelines and factsheets on our website. There are also sector-specific guidelines which relate to scenarios familiar to organisations from certain industries. Of course, we understand that organisations sometimes face more complex or unique scenarios. In such cases, the PDPC will step in to provide guidance that is organisation-specific.