

27 December 2013

PDPC CLARIFIES SCOPE OF EXEMPTION ORDER

In response to media queries, the Personal Data Protection Commission (PDPC) wishes to clarify that registering with the Do Not Call (DNC) Registry is still effective despite the Exemption Order, which will come into effect on 2 January 2014.

Individuals can still block unsolicited telemarketing calls/messages by registering their Singapore telephone numbers on the DNC Registry.

The intent behind the DNC registry remains unchanged with the Exemption Order. When the Exemption Order comes into effect, individuals will be able to receive a subset of messages (i.e. information from organisations about goods and services which are related to the subject of their ongoing relationship with the organisation) that they may otherwise not receive if their Singapore telephone numbers are on the DNC Registry.

The PDPC wishes to emphasise that several conditions must be fulfilled for the organisations to send exempt messages under the Exemption Order.

For instance, organisations can only send exempt messages to an individual when the messages are related to the subject of the ongoing relationship with the individual. For example, a bank or credit card company would be able to send its existing credit card holders telemarketing messages about related services, such as a rewards programme for credit card holders.

A one-off transaction is not sufficient to constitute an ongoing relationship. Organisations must not rely on the exemption once the ongoing relationship has ceased. In addition, organisations must not rely on the exemption to market all other aspects of their business indiscriminately without considering the subject of the ongoing relationship.

Each exempt message must also contain an opt-out facility that the recipient may use to opt out from the sending of any exempt messages by the organisation to that Singapore telephone number.

Hence, if an organisation relies on the exemption to send an exempt message to a Singapore telephone number, and the subscriber or user of that Singapore telephone number uses the opt-out facility to opt out, that sender should not rely on the exemption to send any other exempt message to that Singapore telephone number within the stated timeframe.

Lastly, only specified text messages and specified fax messages fall within the scope of the Exemption Order. Specified messages sent via voice calls, which tend to be more intrusive, are not exempted.

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

The Personal Data Protection Commission (PDPC) administers the Personal Data Protection Act 2012 in Singapore, which aims to safeguard individuals' personal data against misuse and promote proper management of personal data in organisations. In addition, the Act will enhance Singapore's competitiveness and strengthen our position as a trusted business hub, putting Singapore on par with the growing list of countries with data protection laws. For more information, please visit www.pdpc.gov.sg.

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