

COVER PAGE

**CONSUMERS ASSOCIATION OF SINGAPORE
(CASE)**

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SINGAPORE 279621

**FEEDBACK ON PUBLIC CONSULTATION
& SUPPLEMENTARY QUERIES**

ON

**PROPOSED BUSINESS OPERATION OF THE DO NOT
CALL REGISTRY**

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CONTACT PERSONS

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1. Summary of Major Points

- 1.1 Comments on Part II “DNC Operation for Individuals”: to give subscriber alert in the event of change of DNC Registry status of Telephone Number.
- 1.2 1st Supplementary query on Freelancers: whether such individuals come under DNC Registry purview.
- 1.3 2nd Supplementary query on Apps/ Internet Pop-up Messages: whether such online advertising messages come under DNC Registry purview.

2. Introduction

- 2.1 The Consumers Association of Singapore’s (“CASE”) Consumer Law Review Committee has considered the Public Consultation on the Proposed Business Operation of the Do Not Call (“DNC”) Registry dated 15 May 2013. CASE has a proposed suggestion to the consumer-relevant Part II of the said consultation paper as well as 2 supplementary queries for clarification on the Personal Data Protection Act (“PDPA”) relating to the DNC Registry.

2.2 Comments on Part II “DNC Operation for Individuals”

- 2.2.1 Referring to your paragraphs 3.6 to 3.9 of the consultation paper, the operational steps looked straight forward for registration and de-registration of subscribers’ Singapore Telephone Numbers. It is noted that the proposed steps have safeguards in place by linking the verification process with the access to the device through e.g. One-Time-Password and call-back methods, so that it helps cut down risks of fraudulent (de)registration. It is also noted

that under Section 40(2) of PDPA, an individual can also check at any time if his Telephone Number is registered or not with the DNC Registry.

2.2.2 However, CASE has some concerns regarding situations where there could be mischief acts committed on behalf of a subscriber nevertheless. As for example, where an unintended act of registration (or deregistration) has been made, for which the subscriber is unaware of in the first instance. In such a case, the subscriber himself would have been denied the “specified messages” (as defined in Section 37 of PDPA) for such period of time without plausibly ever knowing so. In the circumstance, he would also not have known to check at the DNC Registry on the changed status of his Telephone Number.

2.2.3 Thus, CASE suggests that for such cases, a subscriber alert could be triggered whenever there is a change of DNC Registry status of a Telephone Number. A notification can be sent to the billing address of the subscriber, thereby alerting a subscriber on the change of the DNC Registry status of his Telephone Number in any event of DNC registration or deregistration. Such notification sent to a billing address is useful, because it can be an independent reference to a subscriber that is not dependent on any devices, which could be mishandled by frauds.

3 Supplementary queries

3.1 On Freelancers

3.1.1 Under the PDPA, Eighth Schedule at Clause 1(b), any message sent by an individual acting in a personal or domestic capacity shall not be covered by the DNC regime, and the Eighth Schedule at Clause 2 also defines that an “individual” does not include a sole proprietor registered under the Business Registration Act. CASE would like to clarify whether the DNC registry applies to freelancers, who are not registered as sole proprietors, but who nevertheless send out marketing messages via SMS or fax, e.g. self-employed private tutors, swimming / fitness instructors, events management consultants, online business owners, etc. Would such individuals be covered by the DNC provisions?

3.2 On Apps / Internet Pop-up Messages

3.2.1 In recent times, there is a rise in complaints relating to apps pop-up messages delivered via internet that advertises on services and goods. There were especially those offering seemingly innocuous quizzes, puzzles and games. There have been cases of unsuspecting children and adults alike, chocking up chargeable hefty bills after accessing such messages. CASE has intention of further developing guidelines on the Singapore Code of Advertising Practice on such online advertising.

3.2.2 Under Section 38 of PDPA, the DNC provisions apply to a specified message addressed to a Singapore telephone number, while a “message” has been defined under Section 36(1) of PDPA as any message, whether in sound, text, visual or other form. CASE would like to clarify whether such apps/ internet pop-up messages come under Section 37 of PDPA as “specified message” and therefore under DNC Registry’s purview.

4. Conclusion

CASE proposes the above-mentioned suggestion for inclusion as a DNC operation and look forward to clarification on the supplementary queries as raised.