

PART IV: REQUIREMENT TO INCLUDE IDENTIFICATION AND CONTACT INFORMATION IN SPECIFIED MESSAGES

12 Overview of Part IV

- 12.1 Section 44(1) of the PDPA prohibits a person from sending a specified message addressed to a Singapore telephone number unless the message includes clear and accurate information on the following:
- a) information identifying the person who sent or authorised the sending of the specified message (the “sender”); and
 - b) information about how the recipient can readily contact the sender.
- 12.2 The above information must be reasonably likely to be valid for at least 30 days after the message is sent. The message must also include such other information and comply with any conditions specified in regulations made under the PDPA.
- 12.3 The PDPA neither prescribes the form or manner in which this information must be presented, nor the type of information which should be included in a specified message. Persons should determine the best way of providing this information such that there is sufficient and appropriate information provided for individuals who receive specified messages to be able to identify and contact the sender.
- 12.4 Section 45(1) of the PDPA prohibits a person who makes a voice call containing a specified message (or causes or authorises the making of such a call) addressed to a Singapore telephone number from a telephone number or facsimile number, from concealing or withholding from the recipient the calling line identify of the sender.
- 12.5 Contravention of section 44(1) or 45(1) is an offence under sections 44(2) and 45(2) respectively, and in either case, the offender is liable on conviction to a fine not exceeding \$10,000. The Commission also has the discretion, under section 55(2), to compound any offences under Part IX of the PDPA prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of not exceeding \$1,000.
- 12.6 These Guidelines provide some examples of how persons may provide such information in compliance with the obligation in section 44(1).

13 Requirement to provide clear and accurate information identifying the sender²⁴ (“identification information”)

13.1 The policy intent of this requirement is that a recipient of a specified message is able to, using the identification information included in the message, find out who sent or authorised the sending of the message.

Use of website address as identification information

13.2 Persons may choose to use their website address as identification information if the recipient can identify the sender using the information provided within the text of the website address itself, or within the contents of the landing page which the website address leads to.

	Example Message	Identification information provided?
13.3	ABC Company sends the following message: “You are invited to an online sale at www.abc.com.sg ”	Yes. The recipient is able to identify the sender as ABC Company from the text of the website address.
13.4	ABC Electronics sends the following message: Message: “you are invited to an online sale at www.personalelectronics.com.sg ”	Yes, if ABC Electronics can be identified as the sender using the information provided within the contents of the landing page which the website address leads to.
	a) The URL leads to ABC Electronics’ webpage where ABC Electronics’ name and logo is displayed prominently.	In this scenario, ABC Electronics would be considered to have provided identification information.
	b) The URL leads to a webpage which does not contain ABC Electronics’ name or logo and does not identify ABC Electronics as the operator of the webpage in any other manner.	In this scenario, ABC Electronics would not be considered to have provided identification information.

²⁴ This is set out in section 44(1)(a) of the PDPA.

Using other names as identification information

13.5 The Commission recognises that in certain circumstances, persons who send specified messages may wish to identify themselves using a name other than their own which is more closely related to the goods or services offered (“related names”) or if the related name would be more familiar to the recipient. Examples of such related names could be the names of a person’s brands, retail outlets, buildings or property developments. Persons should not attempt to obscure or conceal their identity by using related names as identification information.

13.6 In the following examples, “XYZ” is a related name of “ABC company”.

	Example Message	Identification information provided?
13.7	<p>ABC company sends the following specified message:</p> <p>“You are invited to a sale at XYZ Shopping Centre.”</p>	<p>Yes, if ABC is the owner or manager of XYZ Shopping Centre.</p>
13.8	<p>ABC company sends the following specified message:</p> <p>“You are invited to a sale at all the outlets of XYZ retail store.”</p>	<p>Yes, if ABC is the owner or manager of XYZ retail store.</p>
13.9	<p>ABC company sends the following specified message:</p> <p>“XYZ product on sale! For more information, call [mobile number].”</p>	<p>Yes, but only if ABC is the sole or exclusive supplier of XYZ products or the owner of the XYZ brand.</p> <p>The Commission notes that in many cases there would be multiple suppliers for the majority of products or services.</p> <p>In such situations, it would not be sufficient for one of these suppliers to send such a message as it would not be reasonable to assume that the recipient would be able to identify the sender from a message that only identifies the product or service being offered.</p>

	Example Message	Identification information provided?
13.10	ABC company sends the following specified message: "XYZ product on sale! For more information, call Mark at [mobile number]"	Yes, even if there are multiple suppliers of XYZ product. For this message, the recipient is able to identify Mark as a sender of this message.
13.11	"123 company", a marketing agency for property development XYZ, sends the following specified message: "Units in XYZ condominium going fast!"	Yes, if this message is being sent on behalf or with the authority of the owner, developer or manager of property development XYZ. However, if 123 is marketing the development on its own, it must identify itself as the sender.

Generic pronouns generally not considered to identify the sender

13.12 Identification information must be provided in the form of a name or alias that is able to identify the sender. The sender would not be considered to have provided identification information if that information is provided solely in the form of generic pronouns, e.g. "me" or "us", informal nicknames, or fictitious names.

	Example Message	Identification information provided?
13.13	"ABC product is on sale. Contact Mark Tan at [mobile number]."	Yes, the recipient is able to identify Mark Tan as the sender.
13.14	"ABC product is on sale. Contact M.T. at [mobile number]."	Yes, the recipient is able to identify a person with the initials M.T. as the sender.
13.15	"ABC product is on sale. Contact me at [mobile number]."	No, the recipient is unable to identify the sender as there could be multiple suppliers of ABC product.

	Example Message	Identification information provided?
13.16	“ABC product is on sale at ABC department store. Contact us at [mobile number].”	Yes. In this scenario, the recipient is able to identify the sender as ABC department store.

14 Requirement to provide clear and accurate information about how the recipient can readily contact the sender²⁵ (“contact information”)

14.1 Section 44(1)(b) requires that the contact information must enable the recipient to “readily contact” the sender. The PDPA does not define the terms “readily” or “contact”. These terms would apply as they are commonly understood in relation to the scenario where a recipient of a specified message would like to communicate with the sender directly, in writing or otherwise. The Commission would consider this requirement to be met so long as the contact information enables the recipient to directly contact the sender in a reasonably convenient manner.

14.2 The most straightforward way to provide contact information would be to provide an operational Singapore telephone number which can receive incoming calls or text messages, or a valid email address which can receive incoming emails.

14.3 Persons should note that short codes and “No-Reply” email addresses would not be considered contact information, as they do not allow the recipient to readily contact the sender.

14.4 As good practice, any contact information provided should be readily accessible from Singapore and operational during Singapore business hours. In considering whether the contact information provided enables the recipient to readily contact the sender, the Commission will take into account the actual outcome when the contact information is used.

	Example Message	Contact information provided?
14.5	“ABC organisation invites you to a sale. Contact or SMS ABC at 12345678.”	Yes.
14.6	“ABC organisation invites you to a sale. Contact ABC at abc@abc.org.”	Yes.

²⁵ This is set out in section 44(1)(b) of the PDPA.

	Example Message	Contact information provided?
14.7	“ABC organisation invites you to a sale. Reply YES to 12345 to get in touch with ABC.”	No. Short codes do not allow the recipient to readily contact the sender ²⁶ .

14.8 Persons may choose to display the identification or contact information outside of the body of message. A typical example would be displaying the contact information in the “From” field, usually located directly above the body of the message.

	Example Message	Contact information provided?
	 <p>This is a stylised depiction of a typical text message, with the “From” field located at the top of the message</p>	
14.9	<p><u>From: 12345678</u></p> <p>“ABC organisation invites you to a sale.”</p>	Yes.
14.10	<p><u>From: abc@abc.org</u></p> <p>“ABC organisation invites you to a sale.”</p>	Yes.
14.11	<p><u>From: ABC organisation</u></p> <p>“ABC organisation invites you to a sale.”</p>	No. There is no information provided which enables the recipient to directly contact the sender.

²⁶ In addition, this does not fulfil the requirement that the contact information must be included within the specified message. Please see the section below on the “Requirement to provide identification and contact information within the message”.

Physical address by itself does not allow the recipient to ‘readily contact’ the sender

- 14.12 As explained above, section 44(1)(b) requires that the contact information must enable the recipient to readily contact the sender.
- 14.13 Solely providing the address of a physical location does not enable the recipient to directly contact the sender without expending more time and effort to either make a trip to the location or write a letter and send it by post to the sender. Therefore, the Commission would not consider the provision of a physical address by itself to fulfil the requirement to provide contact information that enables the recipient to readily contact the sender.

	Example Message	Contact information provided?
14.14	“ABC organisation invites you to a sale. Contact ABC at 123 Lane, #01-01, Singapore 123456.”	No.
14.15	<u>From: 12345678</u> “ABC organisation invites you to a sale. Contact ABC at 123 Lane, #01-01, Singapore 123456.”	Yes. In this scenario, the recipient is still able to contact the sender using the telephone number 12345678 if ABC organisation can be contacted at that number.

Providing contact information on a website

- 14.16 Persons who wish to direct recipients to access a website containing their contact information should ensure that the information is easily located on the website. The most straightforward manner of doing so would be to locate the information on the landing page of the relevant website address, or on the “Contact Us” (or equivalent) page.
- 14.17 When considering if a person had provided contact information on a website, the Commission will consider the relevant website in totality, taking into account all relevant factors. Such factors include but are not limited to: the overall process the recipient has to go through to access the information, where it is located and how it is presented.

	Example Message	Contact information provided?
14.18	<p>“ABC organisation invites you to a sale.</p> <p>Contact ABC at www.abc.org/contactus”</p> <p>An individual accessing that website through the URL address sees a webpage containing Organisation ABC’s telephone number and email address²⁷.</p>	Yes.
14.19	<p>“ABC organisation invites you to a sale.</p> <p>Contact ABC at www.abc.org”</p>	It depends on how accessible the contact information is to a reasonable individual who accesses the website with the intention of finding out how to contact ABC.

Combining contact information with information on how to unsubscribe from distribution lists

14.20 Persons who provide an unsubscribe facility within their messages may choose to combine that information with the contact information, so long as recipients can use that information to communicate with the sender directly on matters unrelated to unsubscribing from the distribution list.

	Example Message	Contact information provided?
14.21	<p>“ABC organisation invites you to a sale.</p> <p>UNSUB at 12345.”</p>	No. Short codes do not allow a recipient to contact the sender.
14.22	<p>“ABC organisation invites you to a sale.</p> <p>Contact us or UNSUB at 12345678.”</p>	Yes. It is clear from the message that individuals may contact ABC at 12345678 for matters other than to unsubscribe.

²⁷ As explained above, the Commission would not consider the provision of a physical address by itself to fulfil the requirement to provide contact information. This applies equally to the scenario where a person provides only a physical address as contact information on a website.

	Example Message	Contact information provided?
14.23	<p>“ABC organisation invites you to a sale. Call or SMS to 12345678 to UNSUB.”</p>	<p>Yes, if ABC can be contacted for matters other than unsubscribing at 12345678.</p> <p>However, if the telephone number may only be used for unsubscribing, then ABC would not be considered to have provided contact information.</p>

Requirement to provide identification and contact information within the message

14.24 Persons should note that the identification and contact information must be included within the specified message. The following examples illustrate when the information would not be considered to be included within the message.

	Example Message	Contact information provided?
14.25	<p>“ABC organisation invites you to a sale. Click <u>here</u> to contact ABC.”</p>	<p>No.</p> <p>Compared to a website URL that provides the website address, the hyperlink ‘here’ by itself does not provide any contact information within the message.</p> <p>In addition, an individual who accesses the message using a device which is unable to access the hyperlink directly (e.g. a mobile phone which is not a smart phone) would not be able to obtain any contact information for ABC.</p>
14.26	<p><u>From: ABC</u></p> <p>“ABC organisation invites you to a sale. Reply “Y” for contact details.”</p>	<p>No.</p> <p>There is no contact information provided within the message.</p>