



PERSONAL DATA
PROTECTION COMMISSION
S I N G A P O R E

**CLOSING NOTE FOR PUBLIC CONSULTATION ON
PROPOSED BUSINESS OPERATIONS OF THE DO NOT
CALL REGISTRY**

30 September 2013

Part I: Background.....	3
Part II: Overview of key issues raised during the public consultation on the proposed business operations of the DNC Registry.....	6
<i>Registration and Deregistration of Telephone Numbers with the DNC Registry for Individuals</i>	6
<i>Account Creation</i>	8
<i>Methods Proposed to Check the DNC Registry</i>	16
<i>Payment Schemes</i>	19
<i>Retrieving Checked Telephone Number Results</i>	20
<i>Account Termination</i>	22
<i>Proposed Fees for Checking the DNC Registry</i>	24
Part III: Conclusion	27
ANNEX A: FEES FOR CHECKING THE DNC REGISTERS	28

Part I: Background

- 1.1 The Personal Data Protection Commission (the “**PDPC**”) launched a public consultation on 15 May 2013 on business operation rules of the Do Not Call (“**DNC**”) Registry.
- 1.2 The Personal Data Protection Act (“**PDPA**”) enacted on 2 January 2013 sets out the requirement for organisations (which apply to persons including individuals as well as companies, associations and other bodies of persons, corporate or unincorporated) to comply with the DNC provisions in Part IX of the PDPA.¹ The DNC provisions contain a number of obligations that apply in relation to organisations sending specified messages to Singapore telephone numbers.² In particular, such organisations are required to perform the following obligations (the specific sections of the PDPA under which these obligations arise are cited below for reference):
- a) Duty to check the DNC Register – before an organisation sends a specified message to a Singapore telephone number, the organisation must check with the DNC Registry established by the PDPC under the PDPA to confirm that the number is not listed on a DNC Register established by the PDPC as part of the DNC Registry, unless the organisation has obtained clear and unambiguous consent in evidential form from the user or subscriber of the number³ (section 43 of the PDPA); and
 - b) Duty to identify the sender of a message – when sending a specified message to a Singapore telephone number, the organisation must:
 - i. include information identifying the sender and how the recipient can contact the sender (section 44 of the PDPA); and

¹ As drafted, the Do Not Call Provisions impose obligations on a “person” sending specified messages. However, as may be seen from the definitions of “person” in section 2(1) of the Interpretation Act, the term includes natural persons as well as companies, associations and other bodies of persons, corporate or unincorporated.

² The term “Singapore telephone number” is defined in section 36(1) of the PDPA to include a telephone number beginning with the digit 3, 6, 8 or 9 that is in accordance with the National Number Plan issued by the Infocomm Development Authority of Singapore (as referred to in regulation 12A of the Telecommunications (Class Licence) Regulations (Cap. 323, Rg 3).

³ The term “subscriber” is defined in section 36(1) as the subscriber of the telecommunications service to which the Singapore telephone number in question is allocated.

- ii. for voice calls, not conceal or withhold from the recipient the sender's calling line identity⁴ (section 45 of the PDPA).

Meaning of specified message

- 1.3 Section 37 of the PDPA defines what constitutes a "specified message" for the purposes of the DNC provisions. Under section 37(1), a message is a specified message if the purpose of the message, or one of its purposes, is to obtain or provide, advertise, promote, or offer to supply or provide:
- a) goods or services;⁵
 - b) land or an interest in land;
 - c) a business opportunity or an investment opportunity;
 - d) to advertise or promote a supplier/provider (or a prospective supplier/provider) of the items listed points (a) to (c); or
 - e) information related to any other prescribed purpose⁶.
- 1.4 For simplicity of reference and ease of understanding, "telemarketing messages" will be used in lieu of "specified messages" in this Closing Note.
- 1.5 The public consultation closed on 14 June 2013 with 22 responses from organisations (including business associations) representing various sectors. The majority of responses came from organisations in the Financial Services, IT/Telecoms and Legal sectors. Please refer to the PDPC website for the full list of respondents and their submissions⁷. The PDPC thanks all respondents for their comments and participation.

⁴ The term "calling line identity" is defined in section 36(1) as the telephone number or information identifying the sender.

⁵ The terms "goods" and "services" are defined in section 36(1) of the PDPA, as follows:

"goods" means any personal property, whether tangible or intangible, and shall be deemed to include (a) chattels that are attached or intended to be attached to real property on or after delivery; (b) financial products and credit, including credit extended solely on the security of land; (c) any residential property; or (d) a voucher;

"services" includes (a) a service offered or provided that involves the addition to or maintenance, repair or alteration of goods or any residential property; (b) a membership in any club or organisation if the club or organisation is a business formed to make a profit for its owners; (c) the right to use time share accommodation under a time share contract (as defined in section 36(1) of the PDPA); and (d) financial services (as defined in section 2 of the Consumer Protection (Fair Trading) Act (Cap. 52A).

⁶ There are presently no such other prescribed purposes.

⁷ <http://www.pdpc.gov.sg/personal-data-protection-act/public-consultations/responses-received-at-14-june-2013>

- 1.6 The majority of the responses centred on the proposed business rules that would affect how the DNC Registry will be used by businesses.
- 1.7 The PDPC has carefully considered all the comments and has endeavoured to address them and explain PDPC's decision on the final positions adopted, as fully as possible, in this Closing Note.
- 1.8 This Closing Note seeks to:
- highlight and summarise the key issues raised in the consultation, and
 - address common issues or queries which were raised by respondents.
- 1.9 Organisations should note that the provisions relating to the DNC Registry in Part IX of the PDPA will fully come into force on 2 January 2014 and the data protection provisions in Parts III to VI of the PDPA will come into force on 2 July 2014.

Part II: Overview of key issues raised during the public consultation on the proposed business operations of the DNC Registry

Registration and Deregistration of Telephone Numbers with the DNC Registry for Individuals

Positions Consulted

- 2.1. The PDPC consulted on the registration methods and the manner in which individuals could add or remove his Singapore telephone number, and sought views / comments on the proposed process of registration and deregistration.
- 2.2. It was proposed in the consultation that an individual could register / deregister his Singapore telephone number with the DNC Registry via three methods:
 - a) Call a toll-free number connected to a fully automated Interactive Voice Response System (“**IVRS**”);
 - b) Send an SMS message to a designated number; or
 - c) Register online through the DNC Registry website.

Feedback from the Public

- 2.3 Feedback and suggestions from the public centred on the following categories of issues:

Registration / Deregistration Methods

- 2.3.1 PDPC to indicate the type of call / SMS (for example, real estate, insurance related calls etc) or indicate a particular type of organisation / industry to be excluded from making telemarketing calls to an individual registered with the DNC Registry.
- 2.3.2 PDPC to remove the need to choose which DNC Registers (No Voice Call Register, No Text Message Register and / or No Fax Message Register) by registering into all three DNC Registers (by default) with every request to register.

Preventing Registration / Deregistration Mischief

- 2.3.3 PDPC to send a notification to the contact address of the individual if he changes his DNC Registry status (for example, from registered to de-registered) to prevent an act of mischief.

Assessment of Feedback

2.4. Registration / Deregistration Methods

2.4.1 The PDPC adopts the principle of having simple, straight-forward and minimal steps to register a telephone number in the DNC Registry. The suggestion made in paragraph 2.3.1 will make the process to register / deregister one's telephone number complicated as there is no international- or national-level standard definition for all business categories. The lack of a consistent definition will make it difficult for an individual to appreciate and understand the precise scope of the various business categories and be able to remember what they have opted out from telemarketing. The PDPC will also have operational difficulty to administer and enforce compliance because companies can argue that they do not fall into the category that an individual has selected to opt out of telemarketing. Hence, the policy decision was taken when enacting the PDPA to develop a general DNC Registry for all sectors of the economy to avoid confusion to individuals and organisations especially at the initial stages of operating the DNC Registry, when there is unfamiliarity with the requirements and operations of the DNC Registry. An individual who wishes to receive telemarketing messages from specific organisations, notwithstanding his registration with the DNC Registry, can continue to do so by giving clear and unambiguous consent to the relevant organisations.

2.4.2 For suggestion in paragraph 2.3.2, the PDPC believes that an individual should have the flexibility to decide the relevant Register to add / remove his telephone number, and the PDPC should not presume that the individual would want to be registered in all three Registers and make it a default arrangement.

2.5. Preventing Registration / Deregistration Mischief

2.5.1 Adhering to the principle of collecting minimal personal data, the DNC Registry does not capture the mailing address or any other data besides the telephone number of the individual when he registers or deregisters his telephone number with the DNC Registry. Hence, the suggestion to send notifications to the mailing address of the registered individual when there is a change in the registration status would require collection and maintenance of additional personal data fields. PDPC is of the view that the need to first acquire the device (mobile or fixed line telephone tied to the telephone number) before any registration or deregistration can be made on the DNC Registry will serve as a deterrent to any mischief to a large extent (please

refer to the PDPC website for the registration process⁸).

Conclusion on Proposed Positions Consulted

- 2.6 After assessing the merits on each of the suggestions received, PDPC is of the view that the proposed processes have catered to the suggestions and concerns raised without introducing added complexity and going against the design principle of keeping the system simple to use. Hence, the PDPC maintains the positions consulted on the registration and deregistration methods for the DNC Registry.

Account Creation

Positions Consulted

- 2.7 The PDPC consulted on the following positions and sought views / comments on the proposed requirements for an organisation to create a main or sub-account to access the DNC Registry to check telephone numbers. In particular, views / comments were solicited on the following categories of issues:

Requirements for Account Creation

- 2.7.1 Foreign organisations with no presence and operations in Singapore, i.e., not registered with the Accounting Corporate and Regulatory Authority (“**ACRA**”) of Singapore, and therefore would not have a Unique Entity Number (“**UEN**”), would not be able to apply for an account to access the DNC Registry.
- 2.7.2 The proposed account creation process of an organisation included the use of Singpass to capture the identity of the person applying for a main or sub-account for his organisation for accountability purposes. The account creation process was proposed to take up to 48 hours.

Different Types of Account and Entitlements Given

- 2.7.3 For large organisations that decentralised their marketing activities⁹, sharing an account to access the DNC Registry could be less than efficient and difficult to identify accountability. Hence, it was proposed that each organisation could create one main account and up to 20 sub-accounts to facilitate distributed access to the DNC Registry. The main account would

⁸ <http://www.pdpc.gov.sg/resources/publications-educational-materials>

⁹ Certain business departments within a large organisation may run their own marketing campaigns. For example, the telecommunication companies have indicated that their marketing campaigns are separately run by their line of business units.

have all the administrative rights to manage its sub-accounts such as password change, termination, and viewing its transaction history. However, it was proposed that the main account could not see the telephone numbers submitted and the results received by the sub-accounts.

- 2.7.4 Every main account would be given 350 numbers to check for free every year. Sub-accounts would not be given free numbers. However, the main account could choose to distribute the free numbers amongst its sub-accounts.

Feedback from the Public

- 2.8 Feedback and suggestions from the public received on account creation can be grouped into the following categories:

Who Can Create Account

- 2.8.1 Some organisations had called for foreign organisations with no presence and operations in Singapore to be allowed to access the DNC Registry to check telephone numbers if they choose to do so. They highlighted that this would facilitate compliance and help foreign telemarketing companies who were engaged by local Singapore organisations to conduct telemarketing activities to check the DNC Registry directly without relying on local Singapore organisations. Moreover, there were no compelling reasons to deny foreign organisations that intend to comply with the DNC provisions on their own volition to register and check the DNC Registry.
- 2.8.2 There was a clarification on the application of DNC provisions in the PDPA to individuals who did not have a registered business but nevertheless conducted business activities. These individuals could be private tuition teachers, freelance insurance agents, etc.

Creation of Sub-accounts

- 2.8.3 Majority of the organisations commented that 20 sub-accounts would not be sufficient for a large organisation. This would be more acute when applied to the real estate or financial services sector where each organisation in these sectors could have up to 5,000 agents that would require access to the DNC Registry. Since a charge would be levied for each sub-account, there should not be a limit imposed on the amount of sub-accounts required. Separately, the real estate and financial services sectors had also suggested allowing their agents to create DNC Registry accounts as an individual and not as a sub-account for ease of operation management, i.e., remove the concept of sub-accounts and treat each account as a main account. Respondents from these sectors explained that it would be administratively challenging and expensive for them to manage a large number of sub-accounts.

Requirements to Create Account

- 2.8.4 Some organisations highlighted the administrative reluctance of associating the DNC account (a corporate resource) with a personal identity such as Singpass. They commented that Singpass should not be used for authentication in the account creation process.

Charges Levied to Create Account, Free Numbers Entitled and Rights of Main Account

- 2.8.5 PDPC to waive the fee charged for account creation especially for small and medium enterprises (“SMEs”) during the first year of the DNC Registry operation or eliminate the need to charge for sub-account creation. Some organisations suggested increasing the amount of free numbers to check from 350 to 1,000 annually.

Assessment of Feedback

Who Can Create Account

2.9 Foreign Organisations

- 2.9.1 Through the public consultation and PDPC’s engagement with the industry, the PDPC understands that in general, there are 2 ways an outsourced telemarketing function is conducted. The outsourced telemarketing organisations will either conduct telemarketing activities (on behalf of the hiring organisation) using their own database of telephone numbers or use a list of telephone numbers provided to them by the hiring organisations. The former is generally the more popular engagement model as it is a more complete outsourcing arrangement, which yields greater cost savings to the hiring organisations. The PDPC also understands that some foreign telemarketing organisations will not ‘sell’ or disclose their database of telephone numbers to protect their competitive edge.
- 2.9.2 Hence, for local organisations that engage foreign telemarketing organisations overseas to help them with telemarketing functions, placing the requirement to check the DNC Registry on the local organisations may invariably require them to obtain the telephone list from the outsourced telemarketers or through other means. This “additional requirement” diminishes the advantage of the fully outsourced telemarketing model and may render it impractical. The PDPC notes the feedback that there may be foreign organisations that may genuinely want to observe the DNC requirements in the PDPA but may not be given the option to do so if their access to the DNC Registry is to be denied. Internationally, other jurisdictions such as UK, Australia, Hong Kong, and Canada allow foreign organisations to register with the DNC Registry and

check their DNC Registry directly.

- 2.9.3 One of the design principles of the DNC Registry is to keep the costs of compliance affordable by making the process to check the DNC Registry simple without imposing significant changes to existing telemarketing practices that may drive up the cost of compliance. Hence, taking in the feedback from the public consultation, the PDPC will allow foreign organisations to create accounts and access the DNC Registry directly to check the telephone numbers.
- 2.9.4 The revised position will better preserve the cost benefit of the existing telemarketing outsourcing arrangements between the foreign organisations and their hiring local organisations. There is no issue of accountability as local organisations remain accountable for the actions taken by the foreign organisations that they engaged for telemarketing activities conducted in Singapore. The revised position will also facilitate voluntary adoption by other foreign organisations (with no presence in Singapore) who want to voluntarily check the DNC Registry. This will help further reduce unwanted telemarketing calls from overseas operations, thus benefiting consumers in Singapore.
- 2.9.5 With the above revision, the PDPC will levy a different charge for registration of foreign accounts to recover the costs associated with the additional document verification¹⁰ and administrative efforts required to approve account applications made by foreign organisations.

2.10 Individual Persons

- 2.10.1 A question was asked in response to PDPC's proposed position that only organisations registered with ACRA and issued with a UEN could apply for an account to access the DNC Registry. Under the Business Registration Act¹¹, any person who wants to carry on business for the purpose of gain/profit must register a business, company or limited liability partnership in Singapore before carrying out such business¹². Hence, the account creation function for the DNC Registry was designed to cater to registered businesses in Singapore.

¹⁰ Additional documents (such as utility bills sent to the business etc) to prove the legitimacy of the applying foreign organisation will be asked for verification before they can be approved to hold an account. Other requested information may comprise – the nature of business, their potential clients in Singapore, etc.

¹¹ Chapter 32. Part II, Section 5, sub-section 1

¹² This requirement does not apply to “any office, employment or occupation”, which are not defined in the Business Registration Act (“**BRA**”), as well as the list of excluded businesses in the First Schedule to the BRA (licensed hawkers, certain craftsmen, taxi drivers, etc).

2.10.2 However, considering that there may be individuals who are not employed by an organisation but may wish to engage in telemarketing activities (for example, as a private tuition teacher), and that the DNC provisions in the PDPA apply to any person¹³ who engages in telemarketing activities, the PDPC will create an “Individual Person” account category to allow individual persons to create DNC accounts. The same terms and conditions¹⁴ for account creation will apply. The individual person’s NRIC number will be required under this account category to allow validation of authenticity of the registration.

2.11 Sub-accounts and Checking On Behalf of Other Organisations

2.11.1 The PDPC’s position to limit up to 20 sub-accounts for each main account was proposed based on its initial findings from its early public engagement and conversations with various business associations and groups that a typical organisation might not have more than 20 departments performing decentralised telemarketing activities.

2.11.2 Taking into consideration the responses submitted in the public consultation that large organisations implement distributed telemarketing functions, the PDPC has decided on the following:

- a) Maintain the position for sub-accounts to be created under a main account. This is to facilitate distributed telemarketing functions in a large organisation without the need to share a single account.
- b) Each organisation will be allowed to create any number of sub-accounts as the organisation sees fit for its operations so as not to create additional barriers to compliance. The PDPC assesses that the risk of frivolous sub-account creation will be low as the charge levied on each sub-account created will likely help reduce such a risk. The main account holder will be responsible for all transactions through the sub-accounts (which are, in effect, done on its behalf).
- c) Under the DNC Registry policy framework, the PDPC allows organisations (account holders) to check the DNC Registry on behalf of other organisations. This will facilitate compliance and avoid having multiple organisations checking the same list, for example, where a telemarketing company or an insurance agent wishes to check the DNC Registry on behalf of an organisation whose products and services they will be marketing. The PDPC thus notes the industry feedback that the main

¹³ Makes no distinction if the person is an individual or business.

¹⁴ The same account creation charges and entitlement to free numbers annually will apply.

account and sub-account configuration may not be appropriate in sectors that employ agents to market their products such as insurance and real estate. Hence, the PDPC will allow agents of organisations to create their DNC Registry accounts under the “Individual Person” category and the requirements under this new category will apply. The PDPC notes that even if agents have their own accounts, the organisations that hire these agents will be accountable, under the PDPA, for telemarketing activities undertaken by their agents to market the organisation’s products to consumers unless the organisation has taken reasonable steps to prevent its agents from sending specified messages. Hence, these organisations will need to ensure that relevant checks are done with the DNC Registry either directly or on their behalf by their agents and that their agents adhere to the other obligations under the DNC provisions in the PDPA. For enforcement purposes, the individual account holders will need to produce evidence to show proof that they are checking the DNC Registry on behalf of their hiring organisations.

2.11.3 Additionally, the PDPC will extend the ability to create sub-accounts to foreign organisations with no presence and operations in Singapore, according them similar terms and conditions as the local organisations for using the DNC Registry.

2.12 Requirements to Create Account

2.12.1 In response to the proposed position to use Singpass for authentication in the account creation process, several organisations highlighted the administrative reluctance and discomfort of associating a personal identity with a corporate resource such as the DNC Registry account. While the PDPC understands the reluctance, it is not a new process because currently, there are employees who use their Singpass to help their organisations perform e-services, such as tax filing.

2.12.2 The use of Singpass will give greater accountability when it comes to investigation and enforcement. It also helps organisations better prevent fraud or mischief with unauthorised individuals masquerading as an employee of an organisation and accessing the DNC Registry. Hence, the PDPC will maintain the position of using Singpass as an authentication mechanism until the new Corporate Pass, which will provide a one-stop access for businesses to transact online with the Government, is available in 2016.

2.12.3 However, the PDPC notes that foreign organisations will not be able to use Singpass as the authentication mechanism because the employees of these foreign organisations will not have Singpass. Hence, the PDPC will allow the main and sub-accounts of foreign organisations to use only IDs and

passwords issued and maintained by the DNC Registry.¹⁵

2.13 Charges Levied to Create Account and Free Numbers Entitled

2.13.1 The proposed position to charge \$30 for applying each DNC account aims to help reduce frivolous account creation and to promote good account management. This position was proposed after learning from experiences of DNC Registries operating in overseas jurisdictions such as that in Australia. Overseas experience showed that not charging for account creation had resulted in frivolous and at times fraudulent creation of accounts over the years. Account holders who had forgotten passwords simply created another account and this had resulted in many dormant accounts in their DNC Registries. The PDPC will thus retain its proposed position of charging a minimal sum for account creation to discourage frivolous account creation and to promote good governance on account management at the onset.

2.13.2 The PDPC had proposed for each main account to be given 350 free numbers every year for checking the Registry. This was proposed to aid organisations with small telemarketing needs (particularly the Small and Medium Enterprises (“SMEs”)) so as to help lower their compliance cost. This quantum was proposed based on PDPC’s initial findings through its early industry engagement where SMEs indicated that they typically do not have more than 300 - 500 numbers for telemarketing a year. However, in answering to calls from the public consultation to increase the free numbers given to each main account each year to help organisations defray the cost of compliance, the PDPC has decided to increase the amount of free numbers from the proposed 350 to 500 per year. The PDPC notes that the revised quantum is comparable to free accounts given in DNC Registries in overseas jurisdictions such as the Australian DNC, which also gives 500 free numbers to each of the account holder yearly.

Conclusion on Positions Consulted

2.14 Having assessed all the feedback provided through the public consultation in relation to Account Creation, the following summarises PDPC’s decision on the issues consulted:

- a) Foreign organisations will be allowed to create a DNC Registry account to access and check telephone numbers without the need to go through a local organisation. This will help better preserve the present outsourcing practices and arrangements of local organisations that engage foreign

¹⁵ Singpass is only issued to Singapore citizens or permanent residents or personnel on employment pass.

organisations to perform telemarketing activities. This also facilitates voluntary adoption by overseas players (with no presence in Singapore), which will help reduce unwanted marketing calls to consumers in Singapore thus benefiting the latter.

- b) A new account category for “Individual Person” will be created to allow individuals who want to engage in telemarketing activities to access the DNC Registry and check telephone numbers. This new category will allow individuals with a need to check the DNC Registry to comply with the PDPA. Furthermore, based on feedback, the creation of this category will better meet the needs and practices of organisations in the real estate and insurance trade that engage large number of agents to market their products and services. The revised arrangement will allow the agents to check the DNC Registry directly, and independently or on behalf of the organisations.
- c) PDPC will maintain a charge of \$30 for each account created (main or sub-account). This is to deter frivolous account creation and promote good account management practices.
- d) PDPC will maintain the sub-account concept to facilitate distributed telemarketing functions in large organisations, but will remove the proposed limit on the number of sub-accounts. PDPC will allow each organisation to decide on the number of sub-accounts required as it sees fit for its operations. The main account remains full accountability for the actions of each sub-account and the charge levied on each sub-account will help reduce frivolous creation of sub-accounts by an organisation.
- e) PDPC will increase the amount of free numbers from 350 to 500 for each main account a year for checking the DNC Registry. PDPC will monitor market development to assess if the free number quantum needs to be further adjusted going forward to better meet needs of businesses.

2.15 With the changes proposed to allow foreign organisations and individual persons to create a DNC Registry account, the types of account that can be created are as follows:

Types of Account	Charges Levied (one-time fee)	Free Numbers Per Year
Local Organisation – Main Account	\$30	500
Local Organisation - Sub-account (can only be created under a main account)	\$30	N.A
Foreign Organisation – Main Account	\$60	500
Foreign Organisation – Sub-account	\$30	N.A
Individual Persons Eg. Insurance agents (Singaporeans and PR only)	\$30	500

Methods Proposed to Check the DNC Registry

Positions Consulted

2.16 The PDPC consulted on 2 methods in which organisations could choose to submit their telephone numbers to check with the DNC Registry:

- a) Small number lookup – organisations could submit 10 telephone numbers at a time through the DNC Registry website; and/or
- b) Bulk upload – organisations could upload a list of telephone numbers using a template provided on the DNC Registry website.

Feedback from the Public

2.17 The feedback and suggestions received on the proposed methods to check the DNC Registry centred around providing more ways to check the DNC Registry and increasing the checking capacity:

- a) Download DNC Registry information
Allow download of all the telephone numbers registered with the DNC Registry for organisations to perform their checks themselves instead of uploading telephone numbers to the DNC Registry. Respondents provided examples of other jurisdictions such as Hong Kong that offered

such a model and commented that “improve efficiency” and “less resource intensive” were among the key reasons cited.

- b) Offer unlimited checks to the DNC Registry with an annual subscription
Akin to unlimited use with just one payment, organisations commented that this would speed up transaction and checking.
- c) Integrate with the DNC Registry
Allow automation such as application interface so that their IT systems could connect directly to the DNC Registry database to perform the checks automatically.
- d) Increase the processing volume for Small Number Lookup
Some organisations had suggested increasing the quantity of telephone numbers that could be submitted using the small number lookup function from the existing 10 to 500 or 1000.

Assessment of Feedback

2.18 Methods of checking the DNC Registry

a) Download DNC Registry information

The suggestion to allow organisations to download all telephone numbers from the DNC Registry to allow them to perform the checks themselves was considered when developing the PDPA. It was recognised then that allowing the download of all the registered telephone numbers in the DNC Registry would invariably reveal a large pool of telephone numbers that an organisation or individual do not have in the first place, especially if the DNC Registry is to be opened up to foreign organisations overseas with no presence in Singapore. In line with good personal data management practices, and the responsibility for PDPC to safeguard all telephone numbers registered with the DNC Registry, the indiscriminate release of all telephone numbers registered with the DNC Registry will not be consistent with this responsibility. Furthermore, compliance cost to some organisations may increase as they will need to put in place sizable computer systems to download the DNC Registry¹⁶ and run the checks on their own. Hence, the policy position was taken when enacting the PDPA to not adopt the indiscriminate downloading method as a way to check the DNC Registry. The PDPC will thus not adopt the suggested option.

¹⁶ In an extreme case, the PDPC estimates that the DNC Registry may potentially contain up to 8 million registered telephone numbers out of the population of 10 million telephone numbers.

- b) Offer unlimited times to check the DNC Registry with an annual subscription

This suggestion is akin to allowing one to download all the telephone numbers in the DNC Registry as one can simply submit the desired range of telephone numbers¹⁷ to the DNC Registry. Moreover, this way of checking the DNC Registry does not instil discipline in organisations' use of the DNC Registry's resources.

- c) Integrate with the DNC Registry

Several organisations had also suggested for the DNC Registry to develop a computer application programme interface that would enable an organisation's computer system to connect to the DNC Registry database directly for fully automated checking of telephone numbers.

The PDPC is concerned with increased cyber-security risks with the above suggestion. If an organisation's computer system is compromised, such direct interfaces may result in the DNC Registry database being compromised as well. Hence, the PDPC proposes not to adopt the suggested alternative way to checking the DNC Registry.

2.19 Increasing the processing volume for Small Number Lookup

- 2.19.1 Some organisations called for an increase in the amount of telephone numbers that the Small Number Lookup function would provide to 500 or 1000. The intent of providing a Small Number Lookup function is to provide instant results for organisations that do not have a long list of telephone numbers to conduct telemarketing activities, and where results from each check are returned to them immediately. Also, the display of 10 fields to input the telephone numbers would fit a webpage without the need to perform scrolling. Increasing that amount to 500 or 1,000 defeats the purpose to provide speedy input and results. Hence, as a start, the PDPC will maintain the proposed position of offering up to 10 telephone numbers only for submission each time for the Small Number Lookup function. The PDPC will monitor market development and users' feedback to see if the number of fields should be further increased, while retaining the efficiency of the Small Number Lookup function in returning results.

¹⁷ For example, from 80000000 to 99999999. DNC Registry will indicate which telephone number is registered and in the process reveal telephone numbers that are legitimate.

Conclusion on Proposed Positions Consulted

2.20 After assessing the merits of each of the suggestions received on the methods of checking the DNC Registry, the PDPC has decided to maintain the originally proposed positions in relation to the two methods made available for organisations to check the DNC Registry.

Payment Schemes

Positions Consulted

2.21 The PDPC had proposed a pre-paid scheme and a pay-per-use scheme to charge organisations for checking telephone numbers with the DNC Registry. Organisations could choose to (a) pre-pay a certain quantity of numbers offered in a tiered scheme and the DNC Registry would subsequently deduct from this pre-paid account for each check made; or (b) pay by per number requested each time they submit their request to the DNC Registry. The PDPC sought views on the proposed modes of payment which included online payment using VISA and MasterCard or Internet Direct Debit ("**IDD**") services. The PDPC also requested information on the average quantity of telephone numbers that an organisation would likely submit for checks per month and their preferred payment mode.

Feedback from the Public

2.22 All respondents supported the 2 payment schemes. About 70% and 15% of the respondents indicated that they would go for the pre-paid scheme and the pay-per-use scheme, respectively. The remaining indicated that they would use both schemes when appropriate.

2.23 Suggestions on providing more avenues to pay such as direct debit (e.g., **Bank Transfer**) or telegraphic transfers ("**TT**") were made. Some had asked for more credit card types (such as American Express ("**AMEX**") and PayPal) to be offered on top of VISA and MasterCard. One suggestion was made to provide post payment invoicing option and allow cheque payment.

Assessment of Feedback

2.24 The offering of credit card payment online was intended to facilitate instant payment and purchase of pre-paid numbers. AMEX will also be offered as part of the group of credit cards¹⁸ that has signed up for eNETS payment that the DNC Registry has subscribed to. Currently, PayPal charges a higher transaction charge for each transaction and the demand for using PayPal to

¹⁸ Includes VISA and MasterCard

make online payment is also lower¹⁹ compared to the other payment modes. Hence, the PDPC has decided not to include PayPal as a payment mode at the initial stage, but will monitor demand and feedback from business users to see if further adjustments are needed.

- 2.25 Also, recognising the possibility that organisations may spend amounts exceeding their credit card limit, the PDPC agrees to offer Bank Transfer and TT payment as an added avenue to facilitate payment for amounts that credit cards cannot permit due to amount limitations. Because Bank Transfer and TT will take time for the payment to be transferred to the PDPC's account, the purchased credits cannot be released to the paying organisations immediately and will be placed on hold until payment is cleared. The turnaround time needed between payment transfer from the paying organisations to activation of credits purchased may take up to 5 business days. Given the additional administrative processing work involved, while PDPC will allow Bank Transfer and TT payment for account creation upon request, PDPC will limit the offer of Bank Transfer and TT for transaction with a minimum of \$5,000 for checking telephone numbers with the Registry.

Conclusion on Proposed Positions Consulted

- 2.26 The PDPC will maintain the 2 proposed payment schemes and will allow eNETS (with the inclusion of VISA, Mastercard and AMEX) online payment. As a start, PayPal will not be offered.
- 2.27 The PDPC will offer Bank Transfer and TT for account creation upon request, and for checking telephone numbers with the Registry, PDPC will offer the 2 payment facilities for payment amounts with a minimum of \$5,000 to ease the amount limitation imposed by credit card companies.

Retrieving Checked Telephone Number Results

Positions Consulted

- 2.28 The following key positions were proposed:
- a) Bulk Upload method to take up to 24 hours for the results to be returned; and
 - b) Results of Small Number Lookup method would not be stored online for future reference by organisations.

¹⁹ Less than 10% of respondents in the public consultation requested for PayPal.

Feedback from the Public

2.29 Feedback and suggestions on the positions consulted are as follows:

Store the Small Number Lookup results online

- a) Results returned from Small Number Lookup should be maintained and stored online for reference or emailed to the registered contact person for safe keeping. This would allow organisations to conduct their investigation swiftly if any complaint arises.
- b) An email notification should be sent to the organisations to inform them to log in to the DNC Registry and retrieve the results after the check had been completed. This email should be sent to both the main and sub-accounts.

Shorten the processing time for Bulk Upload

- c) Shorten the proposed 24 hours to check and return the results for the Bulk Upload method to 2 hours.

Assessment of Feedback

2.30 **Store the Small Number Lookup results online**

The PDPC had proposed that the results of the Small Number Lookup would not be stored online for subsequent retrieval because organisations could print or save the results at their end for their own reference. However, as the DNC Registry will keep a record of the Small Number Lookup results for enforcement purposes, the PDPC will thus allow results from the Small Number Lookup to be stored online and be accessible by organisations performing such checks for a period of 2 years. The revised arrangement will facilitate timely retrieval of information by organisations in handling complaints.

2.31 **Shorten the processing time for Bulk Upload**

The PDPC will generally process and return the results through the Bulk Upload function in less than 24 hours. However, as a start, the PDPC will maintain the proposed position of 24 hours to gauge operational efficiency before committing to a lower turnaround time.

Conclusion on Proposed Positions Consulted

2.32 Taking the feedback from the public consultation into consideration, the PDPC will make available online and searchable, results from the Small Number

Lookup method for up to 2 years. The PDPC will maintain the proposed position of processing and returning the checked results for the Bulk Upload function within 24 hours.

Account Termination

Positions Consulted

2.33 Views / comments were sought on the following key proposed positions:

- a) Refund the balance of all unused pre-paid credits from the sub-accounts back to the main account only, to allow ease of administration and better control for the PDPC and organisations; and
- b) Unused pre-paid credits purchased will not be refunded after their 3-year validity period. This is to ensure active use of the DNC Registry account and to reduce the administrative burden of managing dormant accounts²⁰.

Feedback from the Public

2.34 Some respondents suggested processing the refund directly into the sub-account and not back to the main account. Reasons such as “ease of management” and “different accountability” were cited to support their suggestions.

2.35 One respondent suggested that unused pre-paid credits in an account should be refunded after it had passed the validity period of 3 years even if there had been no transactions from the account for 3 years. The respondent reasoned that such a condition would “disadvantage” buyers of the pre-paid scheme over the pay-per-use scheme.

Assessment of Feedback

2.36 The proposed position to refund the balance of unused (not expired) pre-paid credits (including those in the sub-accounts) to the main account holder only was to allow ease of administration and better control for the PDPC and organisations. With the revised approach of allowing unlimited creation of sub-accounts for an organisation, the refund process can become complex and time consuming if refunds are to be made to different sub-accounts, it could also become operationally burdensome for an organisation to track the refunds across the different sub-accounts. Hence, the PDPC will maintain the proposed position to process refunds (including those for the sub-accounts) back to the main account only. This arrangement is also consistent with the

²⁰ Accounts that did not register any log in activities to the DNC Registry for more than 12 months will be classified as dormant accounts. The DNC Registry has an automated procedure to trigger regular reminders to dormant accounts to prompt the account holders to log in.

PDPC's principle that the overall accountability for the activities under the sub-accounts lies with the main account and any purchase of credits by a sub-account holder will be done on behalf of the main account holder.

2.37 On the treatment of dormant accounts, the PDPC assesses that it is beneficial to impose a validity period on pre-paid credits for the reasons highlighted in paragraph 2.33(b) but will make the following changes in view of the feedback from the public consultation:

- a) Accounts that are inactive after 12 months²¹ will be classified as dormant and suspended if account holders are not contactable for another 3 months. The suspension will disable account logins to the DNC Registry. However, the credentials of the suspended account will not be removed from the DNC Registry to allow for account recovery²² if the account holder decides to reactivate the account. All dormant accounts will be suspended for a period of 36 months from the date of last login²³ before account termination. Notifications will be sent to the affected account holders to remind them of the account suspension.
- b) The PDPC will refund the amount of unused pre-paid credits remaining in any terminated account.

Conclusion on Proposed Positions Consulted

2.38 The table below summarises PDPC's decision with regard to handling inactive accounts and providing refund of unused pre-paid credits remaining in terminated accounts.

DNC Registry Account	Status	Action Taken
1) Active. 2) With expired pre-paid credits	Active	Refund the amount of expired pre-paid credits to account holder
Inactive continuously for 12 months from date of last log in	Dormant	1) Suspend account after 3 months from date of last log in if account holder is uncontactable. 2) Terminate and close the account after 36 months from date of last log in 3) Refund the amount of any unused pre-paid

²¹ From the date of the last login

²² The account holder will need to contact the PDPC to reactivate the account without the need to go through the account creation process again.

²³ This aligns to the 36 months (3 years) validity period of pre-paid credits.

		credits in terminated accounts to account holders (unless refunds could not be made for reasons such as account holders could not be located)
--	--	---

Proposed Fees for Checking the DNC Registry

Positions Consulted

2.39 To cater to different needs and operations of businesses, two different schemes of payment for checking the DNC Registry were proposed in the public consultation:

Pre-paid Credits

- a) The scheme would allow the purchase of credits²⁴ in advance, to be expended for checking the DNC Registry anytime and as long as there was sufficient amount of credits.

Proposed Pre-paid Rates

Subscription Type	No. of credits	Cost (S\$)	Price Per Number (S\$)
A	5,000	100	0.02
B	10,000	150	0.015
C	25,000	350	0.014
D	100,000	1,200	0.012
E	250,000	2,700	0.0108
F	1,000,000	10,000	0.01

Pay-Per-Use

- b) Alternatively, payment could also be made on a per number basis. This scheme would cater to businesses where they might not check the DNC Registry frequently and hence had no need to purchase pre-paid credits.

Proposed Pay-Per-Use Rates

Quantity of Valid Numbers Submitted	Cost per Valid Number(S\$)
1 – 300	0.033
301 - 5,000	0.030
5001 - 10,000	0.026
10,001 - 25,000	0.024

²⁴ One credit is equivalent to one telephone number. Hence a pre-paid purchase of 500 credits will allow the buyer to check up to 500 telephone numbers against the DNC Registry.

25,001 - 100,000	0.019
100,001 - 250,000	0.015
250,001 - 1,000,000	0.012

Feedback from the Public

2.40 Majority of the feedback received centred on calling the PDPC to reduce the charges at least by half or waive the fee for SMEs to check the DNC Registry for the first year of the Registry’s operation. Some had commented that the rates proposed were “prohibitive” and would “penalise” those who would check large quantities of telephone numbers and called for a flat fee structure for simplicity. One respondent fed back that the cost proposed should reflect the operational cost of maintaining and operating the DNC Registry.

Assessment of Feedback

2.41 The principle of cost recovery for operating the DNC Registry system was adopted when PDPC proposed the rates for both the pay-per-use and pre-paid schemes. The DNC Registry’s operating costs include a ‘per transaction’ charge²⁵ whenever a payment is made and the ‘per transaction’ charge can accumulate significantly if the pay-per-use is frequently selected. Hence, the rates for the pre-paid scheme were already discounted in recognition of the bulk purchases, which will be less frequent than the pay-per-use transactions.

2.42 From the responses received from the public consultation, the PDPC assessed that the 2 payment schemes are still relevant as they cater to different business needs and operations. Hence, the PDPC will maintain the positions proposed on the 2 payment schemes. However, for pricing simplicity and in response to calls for lower charges, the PDPC will reduce the pay-per-use scheme from 7 to 2 tiers, and reduce the pay-per-use charges.

2.43 The PDPC will maintain the rates proposed under the pre-paid scheme as the rates are set at cost-recovery levels and are already discounted compared to the pay-per-use rates. The PDPC will monitor market demand and the cost of operating the DNC Registry, and assess if the charges should be further adjusted going forward.

²⁵ A ‘per transaction’ cost would include a 3% to 4% per transaction charge for ePayment online such as direct debit or credit card. The more pay-per-use scheme is selected, the more ‘per transaction’ cost would be borne by the PDPC.

Conclusion on Proposed Positions Consulted

2.44 The PDPC proposes to maintain the 2 payment schemes (pre-paid and pay-per-use) to meet different business needs and operations. The pay-per-use scheme will be simplified with 2 tiers of charges and the rates will be reduced. The rates in the pre-paid scheme, as proposed in the public consultation, will be maintained. Please refer to **Annex A** for the revised fees for checking DNC Registry.

Part III: Conclusion

- 3.1 The PDPC will monitor market developments and continually assess the need to revise the DNC business operation rules and prices in future to facilitate compliance with the DNC obligations.
- 3.2 The DNC business rules and factsheets will be available on the PDPC website. In addition, regular DNC briefings will also be conducted from mid October 2013 to March 2014 to help organisations better understand the DNC requirements and operation rules, and make the necessary adjustments to their operations. The dates of the DNC briefings will be published on the PDPC website. Interested parties may also visit PDPC's website for more information on the following:
 - How to contact the PDPC for general queries
 - Answers to Frequently Asked Questions
 - Briefing sessions conducted by the PDPC
- 3.3 Once again, the PDPC thanks all respondents for their comments and participation in this public consultation.

ANNEX A: FEES FOR CHECKING THE DNC REGISTERS

Pre-paid Rates

Subscription Type	No. of Credits	Cost (S\$)	Price Per Number (S\$) For Reference
A	5,000	100	0.02
B	10,000	150	0.015
C	25,000	350	0.014
D	100,000	1,200	0.012
E	250,000	2,700	0.0108
F	1,000,000	10,000	0.01

Pay-Per-Use Rates

Quantity of Valid Numbers Submitted	Price Per Number(S\$)
1 – 4,999	0.025
5,000 and above	0.023