



PUBLIC CONSULTATION FOR MANAGING UNSOLICITED  
COMMERCIAL MESSAGES AND THE PROVISION OF GUIDANCE  
TO SUPPORT INNOVATION IN THE DIGITAL ECONOMY

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**Submission of comments to the Personal Data Protection Commission  
from**

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Date : 12 June 2018



**Question 1: What are your views on the proposed scope and applicability of the DNC Provisions and the Spam Control Provisions?**

**Bayer Comments:**

We welcome the combined and New Act (DNC Provisions and the Spam Control Act) as one act/law. This would be easy for both, the consumer and the organization.

**Question 2: What are your views on including commercial text messages sent using IM identifiers under the Spam Control Provisions?**

**Bayer Comments:**

While we welcome including commercial text message sent using IM identifiers under the SCP, we see practically difficulty. In a scenario where the Organization A has tied up with an Instant Messaging ("IM") provider (example-WeChat, Facebook, etc.) would the PDPC expect the Organization A to share its list of unsubscribe base with these IM providers. We would request more clarity on the above proposal.

**Question 3: What are your views on the proposed reduction of the period for effecting withdrawal of consent to 10 business days, in line with the period to effect an unsubscribe request under the Spam Control Provisions?**

**Bayer Comments:**

The 10 business days provisions is onerous for any organization. The current requirement of 30 days by the PDPC should be applicable in the New Act. The current practice is in line with international standards, example *under the United Kingdom's Privacy and Electronic Communications Regulations ("PECR") the organization receives 28 days to stop any calls, texts or other electronic communications and postal communications should stop within two months.*

**Question 4: What are your views on prohibiting the use of dictionary attack and address harvesting software for sending of commercial messages to all telephone numbers, IM identifiers and email addresses?**

**Bayer Comments:**

We welcome the move on the above prohibition.

**Question 5: Should B2B marketing messages be subject to the requirements under the DNC Provisions, in alignment with the coverage under the Spam Control Provisions?**



**Bayer Comments:**

The purpose of B2B calling is marketing for the organization needs and requirements and not necessarily the individual. Hence, we would suggest that B2B marketing messages should not be included in the New Act.

In an event the individual holding the number does request to withdraw his/her request not to receive marketing messages on the number, the organization should have processes in place to ensure the request is actioned.

***Question 6: What are your views on the proposal for the DNC Provisions to be enforced under an administrative regime?***

**Bayer Comments:**

No comments.

***Question 7: What are your views on the proposed obligation to communicate accurate DNCR results, and liability on third-party checkers for any infringements of the DNC Provisions resulting from inaccurate information they provided?***

**Bayer Comments:**

We welcome the views for the third-party checkers to be liable for any infringements of the DNC Provisions.

***Question 8: What are your views on the proposed prohibition of resale of results of telephone numbers checked with the DNCR?***

**Bayer Comments:**

We agree with the proposal of prohibiting of resale of results of telephone numbers by any third party.

***Question 9: What are your views on the proposed deeming provision?***

**Bayer Comments:**

No comments