

RESPONSE TO PUBLIC CONSULTATION PAPER

Consultation topic:	Public Consultation For Managing Unsolicited Commercial Messages And The Provision Of Guidance To Support Innovation In The Digital Economy
Name¹/Organisation: <small>¹if responding in a personal capacity</small>	FWD Singapore Pte. Ltd.
Contact number for any clarifications:	6727 5745 / 6727 5746
Email address for any clarifications:	Livia.Aminah@fwd.com / Markose.Thomas@fwd.com

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

Comment:

We view that there is an inconsistency where organisation is required to check the Do Not Call Registry (“DNCR”) before sending any unsolicited marketing text messages to Singapore telephone numbers, even though the definition of ‘unsolicited’ in Spam Control Act (“SPA”) means no consent obtained from recipient.

Para 3.5(a) of the Consultation Paper stated:

3.5 For regulatory clarity, PDPC proposes to remove the overlap and streamline the scope and applicability of the DNC and Spam Control Provisions for the sending of text messages under the New Act in the following manner:

- a) The DNC Provisions under the New Act will apply to **unsolicited** marketing text messages that are **sent to Singapore telephone numbers**, regardless of whether they are sent in bulk.

Section 5(1) of Spam Control Act (“SPA”) stated:

Meaning of “unsolicited”

5.—(1) In this Act, an electronic message is unsolicited if the recipient **did not**—

(a) request to receive the message; or

(b) consent to the receipt of the message.

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

Comment:

We would like to clarify that under the Spam Control Provisions in the New Act, organisations are allowed to send commercial text messages using IM even when customers have previously declared ‘NO’ to marketing messages using sms, email and phone call?

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?

NIL

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?

NIL

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?

NIL

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

NIL

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?

NIL

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

NIL

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

NIL

Question 10: What are your views on the proposed Enhanced Practical Guidance framework?

NIL