Public Consultation For

(a) Managing Unsolicited Commercial Messages and

(b) the Provision of Guidance to Support

Innovation in The Digital Economy

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This is a response to the 'Public Consultation for Managing Unsolicited Commercial Messages and the Provision of Guidance to Support Innovation in The Digital Economy.' [1]

1. **Response to Question 1: "What are your views on the proposed scope and applicability of the DNC Provisions and the Spam Control Provisions"**

1.1 It makes good sense to merged DNC Provisions and the SCA to be into a single legislation ("New Act") governing all unsolicited commercial messages because in reality, most users who received spam do not have the resources to pursue civil recourse.

1.2 With reference to "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.". This statement is odd to me because under the current DNC provision, *regardless* of whether the unsolicited marketing text message is **once or in bulk** to registered DNC Singapore telephone numbers, it is already a violation.

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

2.1 Currently, DNCR captures the Singapore telephone numbers which is sound. However, the idea of including IM identifiers may pose practical registration challenges as highlighted in 3.13. Do implement with care such that it is easy for the registrant to view, edit and add various entries.

2.2 One may use a single email for the registration to multiple online accounts, or an email address to each online account. Therefore, in relation to Section 3.17, it may also be necessary to capture the online account (eg. LinkedIn), in addition to the email address.

3. **Response to 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?"**

3.1 I agree.

4. **Response to 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?"**

4.1 I have attempted a brute-force dictionary mobile numbers generation where phone numbers between 8000000 to 9999999 (about 20 million numbers less 1) were generated using a unoptimized software code and it took no less than 12 seconds (Fig 4.1):

Fig 4.1 Generate Mobile Numbers 8000000 to 9999999 [2]

4.2 One can subsequently either randomly selected N number of the generated mobile numbers for further spamming or given unlimited budget, to spam all near 20 million numbers (naturally, those unallocated numbers will save the spammer some time and monies).

4.3 I strongly agree for the need to prohibit the use of dictionary attack and address harvesting software for sending of commercial messages to all telephone numbers, IM identifiers and email addresses, and violators should be taken to task accordingly for this act of nuisance.

5. **Response to 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?"**

5.1 I am uncertain about this. I would need to know to what extent has B2B market messages been abuse by organization since Jan 2014 in order to assess if we need any adjustment from the status quo.

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

6.1 No comment.

7. **Response to 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?"**
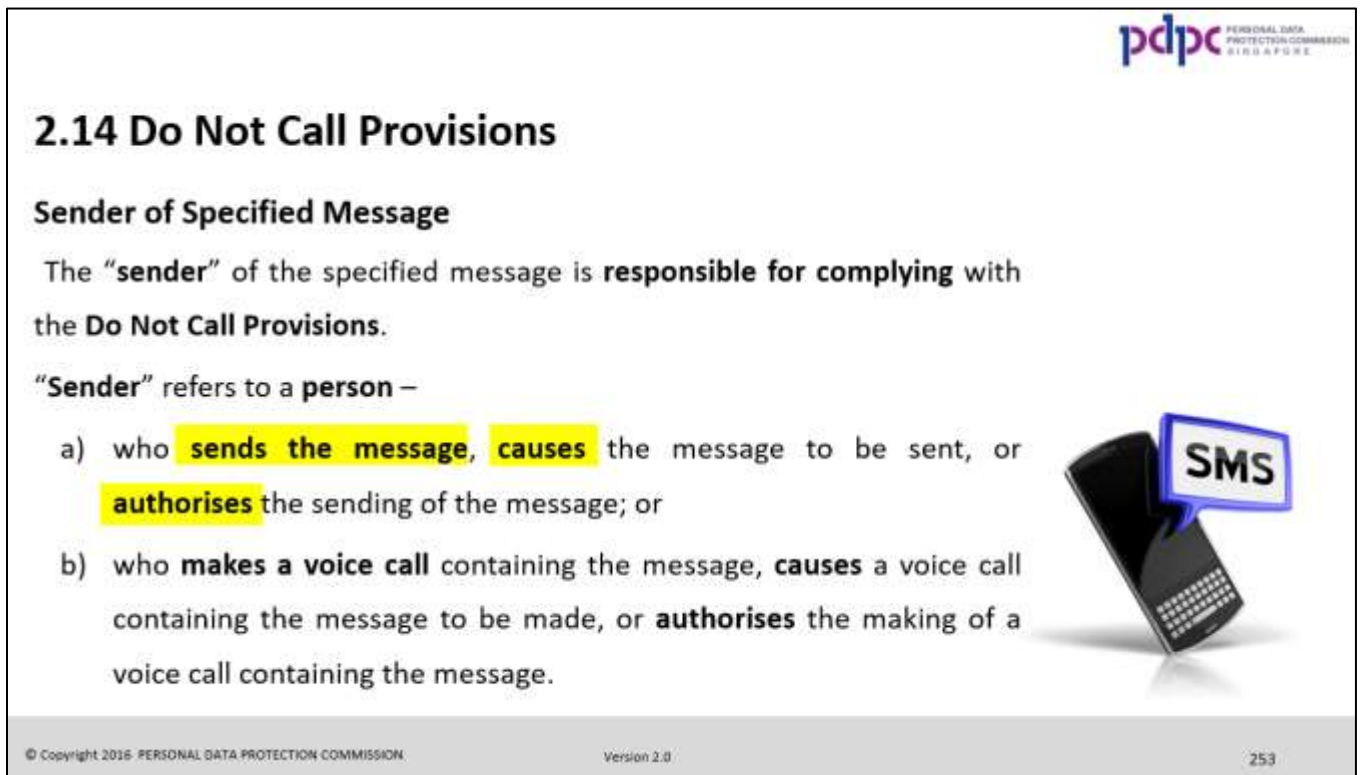
7.1 Third-party checkers should be held responsible for the information that they provide and if the information provided is not accurate, the should be taken to task. Third-party checkers should indicate for each number, it's expiry or validity date.

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

8.1 As long as my response to Q7 holds true, there is not a need to prohibit the resale as third-party checkers who check the numbers in bulk may be able to pass on the savings to those who need such services.

9. Response to Question 9: "What are your views on the proposed deeming provision?"

9.1 I refer to the Slide 2.14 [2] in the WSQ programme titled "Fundamentals of The Personal Data Protection Act (PDPA)" and the deeming provision does seems to complements the DNC provisions quite well.

Fig 4.2 Slides '2.14: Do Not Call Provision'

10. **Response to Question 10: "What are your views on the proposed Enhanced Practical Guidance framework?"**

10.1   The EPG is timely and is a case of better to be late (now) than never.

11. Conclusion

I thank the PDPC for conducting this public consultation and hope that the inputs are constructive.

References

[1] PDPC, (2018). **Public Consultation for Managing Unsolicited Commercial Messages and the Provision of Guidance to Support Innovation in The Digital Economy**. Personal Data Protection Commission.

[2] Yeap, R. (2018), **Generate Mobile Numbers 8000000 to 9999999**, Youtube, https://www.youtube.com/watch?v=A9a4ZQ6k77k (Last assessed on 4th June 2018).

[3] PDPC, (2016). **Fundamentals of The Personal Data Protection Act (PDPA)**, Slides, Institute of Singapore Chartered Accountants. Personal Data Protection Commission.