

## RESPONSE TO CONSULTATION PAPER

<b>Consultation topic:</b>	PDPC's Public Consultation on Managing Unsolicited Commercial Messages and the Provision of Guidance to Support Innovation in the Digital Economy
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### Comments:

1. PDPA should make provisions to cater to the demands that MAS has imposed on various capital market intermediaries (CMI) in relation to Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT). Customers of the CMI (who are not natural persons) often refuse to give the personal data of their connected parties, authorised representative or beneficial owners, citing the PDPA as the basis for their refusal. Some will take the position that that they cannot force their connected parties, authorised representatives (often their employees) to give their consent to the disclosure of their personal data to a third party. Currently, CMIs are caught between a rock and a hard place, trying to meet MAS requirements on AML/CFT and customers of the CMI who refuse, on the grounds of the PDPA, to provide relevant personal data to enable the CMI to comply with its MAS-imposed obligations.
2. The proposed deeming provision under the DNC Provisions in the New Act which presumes that the subscriber of the Singapore telephone number is the sender of unsolicited commercial messages is not advisable. It is not uncommon for phone numbers and accounts to be hacked and taken over remotely by another person due to a virus. It would be very onerous for the subscriber to prove otherwise as most subscribers will not have the technical expertise to elicit the required evidence to rebut the presumption and could be put to great expense trying to get such evidence.
3. The DNC registry and control of spam is of not much use as those sending out such spam even to DNC registered phone numbers are now doing it from overseas numbers. It is not difficult for the local spammer to re-route the spam to a local subscriber via an overseas number. So unless there is provision to outlaw Singapore entities / individuals from sending spam to DNC registered numbers even if they use a foreign telephone number, the DNC registration is likely to be circumvented.