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VIA E-MAIL ONLY

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12 Jun 2018

Personal Data Protection Commission

Dear Sirs,

**PDPC'S PUBLIC CONSULTATION ON MANAGING UNSOLICITED COMMERCIAL MESSAGES
AND THE PROVISION OF GUIDANCE TO SUPPORT INNOVATION IN THE DIGITAL ECONOMY**

We refer to the above matter and are pleased to submit our views, enclosed herein, for the consideration of the Personal Data Protection Commission ("PDPC").

For questions or clarifications, please contact:

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Yours faithfully

Lee Choon Fatt
Data Protection Officer, Legal & Secretariat
for and on behalf of
Mediacorp Pte. Ltd.

(enc.)

**PDPC'S PUBLIC CONSULTATION ON MANAGING UNSOLICITED COMMERCIAL MESSAGES
AND THE PROVISION OF GUIDANCE TO SUPPORT INNOVATION IN THE DIGITAL ECONOMY**

**ISSUED ON
27 APRIL 2018**

**RESPONSE TO PDPC'S PUBLIC CONSULTATION ON MANAGING UNSOLICITED
COMMERCIAL MESSAGES AND THE PROVISION OF GUIDANCE TO SUPPORT INNOVATION
IN THE DIGITAL ECONOMY**

BY MEDIACORP PTE LTD

Contact

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Date of Submission

12 Jun 2018

1. INTRODUCTION

- 1.1 We refer to PDPC'S Public Consultation on Managing Unsolicited Commercial Messages and the Provision of Guidance to Support Innovation in the Digital Economy dated 27 Apr 2017 (the "Public Consultation"). We are grateful for the opportunity to respond to the Public Consultation.
- 1.2 To provide some background, Mediacorp Pte Ltd, together with its various group companies ("Mediacorp"), is one of Singapore's biggest media organisations. We are, *inter alia*, a nationwide free-to-air television and radio broadcaster, and also have an over the top digital platform. We produce content for television and radio broadcasts as well as cover live events and report the news.

2. SUMMARY OF MAJOR POINTS

- 2.1 We are supportive of the proposed streamlining of requirements under the DNC Provisions and the SCA into a single new legislation governing all unsolicited commercial messages, as this will render it easier for commercial organisations to ensure compliance.
- 2.2 However, we do have concerns over some of the proposed changes to the existing DNC Provisions, in particular (a) extending the DNC Provisions to cover B2B marketing messages in addition to B2C marketing messages, and (b) reducing the period for effective withdrawal of consent under the DNC provisions to 10 business days to be consistent with the Spam Control Provisions.
- 2.3 We have set out our concerns by responding to the specific questions raised in the Public Consultation as set out below.

3. RESPONSES TO SPECIFIC QUESTIONS RAISED IN THE PUBLIC CONSULTATION

Withdrawal period for specified voice, text and fax messages

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 If the period for organisations to effect a withdrawal of consent to receive marketing messages under the DNC Provisions is reduced from 30 days to 10 business days, it will mean that the 30 days validity period for DNC checks will have to be correspondingly reduced to 10 business days. This will mean that organisations will have to carry out DNC checks more frequently, leading to increased costs and administrative work.
- 3.2 We understand the intent behind streamlining the periods under the SCA and the DNC Provisions. However, in view of the above concerns over increased costs and administrative work, we would like to ask PDPC to consider setting the period at 30 days rather than 10 business days.

- 3.3 We would also like to propose that the new legislation should provide for the calculation of the period to start only upon the receipt of a complete request with all requisite information provided. This is because we have received requests which do not provide sufficient information to allow us to process the request. It would usually take some time to explain what additional information is needed, why we need it, and then for all required information to be provided, before we can proceed to take the action requested.

Dictionary attack and address harvesting software

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?

- 3.4 We are generally supportive of PDPA's proposal 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.
- 3.5 However, organizations sometimes obtain business to business ("B2B") contact information from third parties, including from commercially purchased business mailing lists. As such information is provided by the third party, the organization will not be in a position to confirm whether the contact information has not been generated using dictionary attack or address harvesting software. The new legislation should take into account how the new prohibitions will apply to such B2B contact information compiled by third parties.
- 3.6 For example, it could be clarified that in instances where an organisation has engaged a third party to provide contact lists, the obligation to comply lies with that third party which has been engaged to provide the contact lists.

Business-to-business ("B2B") marketing messages

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?

- 3.7 We are of the opinion that B2B marketing messages should not be subject to the requirements under the DNC provisions as this would unduly confuse and hamper business operations. It will become counterproductive and inefficient for Singapore businesses as a whole.
- 3.8 It is very common for business contact information to be shared freely through business cards, email signatures, and even referrals. For example, at business meetings or business seminars, business cards are freely distributed or submitted to organisers. Emails are usually sent with email signatures containing business contact information, and such emails are often forwarded and circulated freely for business-related purposes.
- 3.9 If business telephone numbers are also subject to the DNC Provisions, it would cause undue confusion as to when and how such business contact information can be shared, and the purposes for which such information may be used. It is not difficult to imagine the confusion and uncertainty which would result if companies are unsure under what circumstances they are able to call or contact a business associate or a potential client.

- 3.10 Furthermore, current DNC registers are meant to allow individuals to opt out from B2C marketing. Extending the current DNC registers to B2B marketing will not be appropriate as it may result in a situation where an individual who wants to receive B2B marketing is not able to do so. But if new DNC registers are to be created specifically for B2B marketing, this will lead to an increase in recurring operational costs and administrative work because organizations will have to check multiple registers, especially since today DNC checks are only valid for 30 days so recurring checks will have to be performed every 30 days.
- 3.11 We would also point out that the considerations and concerns over use of personal telephone numbers, which led to the introduction of the DNC Provisions under the Personal Data Protection Act, should be different from the considerations and concerns for use of non-personal business telephone numbers. If there are concerns over telephone numbers which are used for both personal and business purposes, the most straightforward solution is for the individual to separate personal and business telephone numbers, rather than impose additional restrictions and obligations on businesses.
- 3.12 We note that while the Spam Control Provisions covers B2B marketing messages, it does not require organizations to stop sending unsolicited commercial electronic messages. Rather, under the Second Schedule of the SCA, organizations can continue sending but will need to comply with requirements for sending unsolicited commercial electronic messages. A similar approach could be applied for B2B marketing to phone numbers.

4. OTHER COMMENTS

- 4.1 We foresee that changes will have to be made to existing practices and processes in order to comply with the new single legislation. We would therefore urge the PDPC to include a provision for the requirements to only take effect after a specified sunrise period, to allow organisations sufficient time to study and review the new legislation and put in place appropriate changes to existing processes.

5. CONCLUSION

- 5.1 Thank you for the opportunity to respond to the Public Consultation. We hope that our responses will be useful to the PDPC in planning for the proposed new legislation and that the PDPC will take our concerns into consideration.