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**PUBLIC CONSULTATION ON THE PROPOSED  
BUSINESS OPERATION OF THE DO NOT CALL REGISTRY (“DNC Registry”)**

Submitted by Lee & Lee

Contact persons:  
Tan Tee Jim, S.C.  
Zechariah Chan Jin Han  
Francis Lim Teck Wee

**LEE & LEE**  
50 RAFFLES PLACE  
#06-00  
SINGAPORE LAND TOWER  
SINGAPORE 048623  
TEL: +65 6220 0666  
FAX: +65 6221 9712

We welcome the enactment of the Personal Data Protection Act 2012 (the “**PDPA**”) and set out below our comments on the public consultation titled the “Proposed Business Operation of the Do Not Call Registry” issued by the Personal Data Protection Commission (the “**PDPC**”) on 15 May 2013 (the “**Public Consultation**”).

### **Summary**

1. As the purpose of the DNC Registry is to allow individuals to prevent organisations from sending them specified messages, it is suggested that the default position when an individual registers a telephone number with the DNC Registry is that the number should be registered on all three (3) registries – voice call, text message and fax. The individual may then elect to receive specified messages on a particular medium.
2. The proposed policy to disallow foreign organisations from applying for accounts on the DNC Registry does not allow foreign organisations who provide telemarketing services on the strength of their proprietary databases to check the DNC Registry.

### **Comments**

#### ***Default position of registration of a telephone number on the DNC Registry***

3. Paragraph 3.2 of the Public Consultation sets out the process for registering or deregistering a telephone number on the DNC Registry. Under the process, an individual must register his/her telephone number on each of the three (3) registers – voice call, text message and fax – in order not to receive specified messages through any of these three media that he/she has selected. That is to say, the individual, at the point of registration, must actively select which of the registers to register the telephone number with so as to prevent receiving specified messages through the medium selected. Thus, if he/she registers his/her telephone number in the “voice call” registry, he/she would not receive specified messages through voice calls only.
4. We suggest that the default position should be that when an individual registers a telephone number on the DNC Registry, the telephone number is automatically registered on all three (3) registers. That is to say, he/she would not receive specified messages through all three media. If, subsequently, the individual wishes to receive specified messages through, say, text message, he/she can then deregister the telephone number at the “text message” registry.
5. This suggestion accords with paragraph 1.8 of the “Public Consultation Issued by the Ministry Of Information, Communications And The Arts – Proposed Personal Data Protection Bill”, dated 19 March 2012 which states that the DNC Registry is to “*provide a simple and effective way for individuals to opt-out of all marketing messages*”. Further, we believe that most individuals who make the effort to go to the DNC Registry are those who have no intention of receiving any specified messages through any of the three media (e.g. they have been bothered by such messages through the three media). They should not be compelled to make a selection.



***Foreign organisations not permitted to apply for an account with the DNC Registry***

6. Paragraph 4.18 of the Public Consultation states that *“foreign organisations not registered with ACRA and do not operate in Singapore are not allowed to directly apply for an account with the DNC registry.”*
7. We wish to highlight that there are business models in which Singapore organisations engage foreign organisations to conduct telemarketing campaigns in Singapore, *utilizing the foreign organisation’s database*, because the Singapore organisations lack substantial databases of their own. In such scenarios, the foreign organisations will not disclose their databases (which are likely to be trade secrets or confidential) to the Singapore organisations to check the DNC Registry.
8. Under the proposed regime of not allowing foreign organisations to apply for an account with the DNC Registry, there would be no way for such foreign organisations to check the DNC Register to avoid sending specified messages to telephone numbers on the DNC Registry.
9. The PDPC might wish to re-consider the proposed regime or make the necessary amendments.

**Conclusion**

10. We thank the PDPC for the opportunity to engage in discourse and look forward to working closely with the PDPC.

**LEE & LEE  
ADVOCATES & SOLICITORS**