

**RESPONSE TO THE PUBLIC CONSULTATION ISSUED BY THE PERSONAL DATA
PROTECTION COMMISSION**

PROPOSED BUSINESS OPERATION OF THE DO NOT CALL REGISTRY



4 June 2013

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1. GENERAL

M1 Limited and its related companies (“M1”) welcomes this opportunity to make a submission in response to the Personal Data Protection Commission (“PDPC”) consultation paper dated 15 May 2013 on the Proposed Business Operation of the Do Not Call (“DNC”) registry (“Consultation”).

M1 is of the view that while it is important to empower consumers to opt-out of receiving unsolicited marketing calls/messages, it is also necessary to ensure that the operations of the DNC registry do not impose unnecessary administrative burden and costs in regulatory compliance for organisations. We have the following clarifications and comments for the PDPC’s review.

2. COMMENTS

No.	Section/Description	M1 Comment
1.	Paragraph 3.14 states that an organisation can continue to contact an individual who has registered his telephone number with the DNC registry if the individual had previously given his <u>clear and unambiguous consent to the organisation prior to the prescribed date.</u>	Section 19 of the Personal Data Protection Act 2012 (“PDPA”) provides that an organisation may continue to use personal data about an individual collected before the appointed day for the purposes for which the personal data was collected unless consent for such use is withdrawn by the individual. M1 would like to seek the PDPC’s confirmation on whether Section 19 of the PDPA allows organisations to continue to contact individuals after the prescribed date, regardless of whether the individual has registered with the DNC registry.

No.	Section/Description	M1 Comment
2.	Specified Message (paragraph 2.6 – 2.10)	<p>The Eighth Schedule under the PDPA lists the exclusions from the meaning of Specified Message. However, the exemptions are <u>limited to specific purposes</u>, such as market research, completion of outstanding transactions and to notify of changes in respect to existing services in which the individual had previously consented to receiving.</p> <p>For operational clarity, we seek the PDPC's confirmation on whether the following constitute Specified Messages:-</p> <ul style="list-style-type: none"> a) Customer surveys; b) Communication with customers to re-contract existing services; and c) Communication with customers on alternative services or options available in the event of discontinuance of existing services or service migration exercises. <p>Specifically for scenario C, under Section 3.2.4.5 of the Telecom Competition Code, telecom service providers are required to take reasonable measures to avoid any service disruption in the event that they cease specific services, which may include providing the option for service migration.</p>

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3.	Proposed rates	<p>In countries where National DNC registries have been established, it is common to impose annual subscription fees with <u>unlimited access</u>.</p> <table border="1" data-bbox="683 510 1401 882"> <thead> <tr> <th data-bbox="683 510 874 577">Country</th> <th data-bbox="874 510 1161 577">Annual Subscription*</th> <th data-bbox="1161 510 1401 577">Remarks</th> </tr> </thead> <tbody> <tr> <td data-bbox="683 577 874 656">UK</td> <td data-bbox="874 577 1161 656">GBP£2,640 or SGD\$5,070</td> <td data-bbox="1161 577 1401 801" rowspan="3">Unlimited access</td> </tr> <tr> <td data-bbox="683 656 874 734">Hong Kong</td> <td data-bbox="874 656 1161 734">HKD\$4,800 or SGD\$782</td> </tr> <tr> <td data-bbox="683 734 874 801">US</td> <td data-bbox="874 734 1161 801">Up to USD\$15,963 or SGD\$20,180</td> </tr> <tr> <td data-bbox="683 801 874 882">Australia</td> <td data-bbox="874 801 1161 882">AUD\$3,200 or SGD\$3,871</td> <td data-bbox="1161 801 1401 882">Max. 1,000,000 number lookup</td> </tr> </tbody> </table> <p>*Source:-</p> <ul style="list-style-type: none"> • www.tpsonline.org.uk • www.dnc.gov.hk • http://business.ftc.gov • www.donotcall.gov.au <p>The proposed rates by the PDPC are substantially higher than those levied in other jurisdictions. To ensure that the DNC registry benefits both consumers and businesses charges levied should be minimal, and we would request the PDPC to review its proposed rates and consider adopting unlimited monthly and/or annual subscription models. We believe that this would help to simplify the operations of the DNC registry from both the PDPC and organisations' perspective.</p>	Country	Annual Subscription*	Remarks	UK	GBP£2,640 or SGD\$5,070	Unlimited access	Hong Kong	HKD\$4,800 or SGD\$782	US	Up to USD\$15,963 or SGD\$20,180	Australia	AUD\$3,200 or SGD\$3,871	Max. 1,000,000 number lookup
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4.	Proposed modes of payment	It would be helpful to include other modes of payment, such as Interbank GIRO and cheques, to provide more options for organisations on their preferred payment method.													
5.	Information required for account creation	In view that this is an organisation account, we propose to remove the requirement for personal Singpass to be used for account creation/termination.													
6.	Individual's registration with the DNC registry (paragraph 3.6 – 3.9 and Annex A)	With reference to Annex A, it is clear that for online registration via the DNC website, the DNC registry will inform the individual that his number has been successfully registered/de-registered. However, it is not apparent that individuals registering via the toll-free number or SMS will receive similar confirmation. It is important and necessary to keep individuals informed of the status of their registration/de-registration to avoid any potential disputes arising from submission of invalid responses.													