

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

PROPOSED BUSINESS OPERATION OF THE DO NOT CALL REGISTRY

**SUBMISSION BY THE STARHUB GROUP TO THE
PERSONAL DATA PROTECTION COMMISSION**

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1. EXECUTIVE SUMMARY

StarHub welcomes the opportunity to provide feedback on the Proposed Business Operation of the Do Not Call Registry (“Proposed Guidelines”) by the Personal Data Protection Commission (“PDPC”) and supports the need for legislation to keep pace with developments in the industry and market conditions.

The Proposed Guidelines for the operation of the DNC Registry plays an important role in establishing safeguards to protect consumers’ personal data and in promoting greater consumer trust in the private sector.

The key areas of StarHub’s response to the Proposed Regulations are as follows:

- (i) The “prescribed period” for checking against the DNC registers should remain at 60 days after the expiry of the first six months from the commencement of the DNC registry so as to reduce operational and administrative burdens on organizations.
- (ii) Organizations should have the first main account and a reasonable number of sub-accounts available at no charge when the DNC commences operation, so as to reduce the costs burden to organizations when they commence usage of the DNC registry and compliance with the DNC regime. There should also be a larger number of sub-accounts for each main account to accommodate the needs of larger organizations.
- (iii) The proposed Small Number Look-up and Bulk Upload methods to search the DNC registers may be impractical for telecommunications companies that provide SMS / MMS broadcast services. As an alternative, it is suggested that telecommunications companies be allowed to download the DNC registry’s list of registered numbers at the start of every prescribed period, so as to facilitate their business operations. Telecommunications companies will be required to maintain confidentiality of such information.
- (iv) As the current proposed tiered fees (for both pay-per-use and prepaid schemes) may place a considerable economic burden on organizations such as telecommunications companies, we will suggest instead that organizations should be required to pay an annual fee that allows for an unlimited number of searches (or downloads) against the DNC registry. This will allow organizations that may have to make multiple checks against the DNC registry in the course of their businesses to utilize the DNC registry more effectively and efficiently while protecting consumer interests.

StarHub is pleased to provide its comments on the Proposed Guidelines in the following section.

2. COMMENTS

	SUMMARY OF PDPC'S POSITION IN THE PROPOSED BUSINESS OPERATION OF THE DO NOT CALL REGISTRY	COMMENTS
	<p><u>Questions in relation to the process of registration and deregistration of Telephone Numbers with DNC registry:</u></p> <p>Question 1: With reference to paragraphs 3.6 to 3.9, do you have any views/comments on the proposed process of registration and deregistration? Is the process simple and straightforward?</p>	
1.	<p><u>Paragraphs 3.2 and 3.12</u></p> <p>These paragraphs make reference to the prescribed duration in which organizations must check against the DNC Registry. It provides that the duration would be 60 days for the first 6 months that the DNC regime comes into force and 30 days thereafter.</p>	<p>We are supportive that organizations must check against the DNC registry periodically to ensure that members of the public do not receive undesired marketing messages. However, we will recommend that the obligation to check against the DNC registry should remain as 60 days even after the initial 6 month period that the DNC obligations come into force. Accordingly, individuals who register with the DNC may still receive specified messages for up to 60 days after registration.</p> <p>This will ease the onerous operational and administrative obligations on organizations and significantly mitigate costs that organizations now have to incur, whilst still retaining the original policy objective.</p>
	<p><u>Questions in relation to the process of account creation:</u></p> <p>Question 2: With reference to paragraphs 4.4 to 4.14, do you have any views/comments on the proposed requirements for an organisation to create a main or sub-account?</p> <p>Question 3: In particular, are 20 sub-accounts sufficient for each main account and do you have any views/comments on the rights and functions of the main and sub-account holder?</p> <p>Question 4: With reference to paragraph 4.18, do you have any views/comments for not allowing foreign organisation to register an account with the DNC registry?</p> <p>Question 5: In particular, do you have any views/comments on the proposed methods to check the DNC registry for Singapore registered organisation that outsourced their telemarketing activities to a foreign organisation?</p>	
2.	<p><u>Paragraphs 4.7 and 4.10</u></p> <p>In the Proposed Guidelines, it is proposed that each main account holder is allowed to create up to 20 sub-accounts and further that each main and</p>	<p>As larger organizations may require a larger amount of sub-accounts for the operations of their various lines of businesses, we suggest that the PDPC not limit the maximum number of sub-accounts to 20. Instead, we will propose that each main account should be able to have up to 100 sub-accounts created / registered.</p>

	<p>sub-account can be registered for a fee of \$30.</p>	<p>Further, in view of reducing the cost burden to organizations when they commence compliance with the DNC regime, we will suggest that the creation of each organisation's first main account and 20 sub-accounts be at no costs to the organisation. Subsequent main accounts or sub-accounts can then be charged at the prevailing rates.</p> <p>Save as aforesaid, we are in agreement with proposed requirements for an organisation to create a main or sub-account, for not allowing foreign organizations to register an account with the DNC registry (insofar that they do not operate in Singapore), and on the proposed methods to check the DNC registry for Singapore registered organisations that have outsourced their telemarketing activities to a foreign organisation.</p>
<p><u>Questions in relation to the methods provided for checking the DNC registry:</u> Question 6: With reference to paragraph 5.1, do you have any views/comments on the proposed methods on how to check the DNC registry?</p>		
<p>3.</p>	<p><u>Paragraph 5.1</u></p> <p>In the Proposed Guidelines, there are two means in which organizations can submit and check telephone numbers with the DNC registry, namely the Small Number Look-up and the Bulk Upload.</p> <p>It is also provided in paragraph 7.1(b) of the Proposed Guidelines that Results from the Bulk Upload will be made available to the organization for retrieval within 24 hours.</p>	<p>While the two proposed means of submission and checking of numbers may work for most organizations, it may not be suitable or practical for organizations that are telecommunications companies ("Telcos").</p> <p>Telcos are the main gateway in which many other organizations or persons may engage to provide SMS / MMS broadcast services. As requests for SMS / MMS broadcast services may come in from time to time, it is unwieldy and impractical should Telcos be required to run a fresh search against the DNC register at every instance.</p> <p>Further, as the Results from the Bulk Upload will only be made available to the organization within 24 hours, this may make it commercially impractical for the provision of SMS / MMS broadcast services by Telcos, when such services have to be provided on short notice.</p> <p>As a practical solution to the above issues, we propose that Telcos be permitted to download the DNC registry's list of registered numbers at the beginning of every prescribed period, to allow the facilitation of the Telco's business operations and provision of services. This would mean that the Telco will then run the list for each SMS / MMS broadcast against the</p>

		<p>DNC registry's "master" list before providing the services to customers. This will allow for greater efficiency and effectiveness. We would also highlight that the Canadian DNC registry permits for a download subscription option where an organisation will be permitted to download a file containing a list of telephone numbers that are registered in the equivalent DNC register to compare with that organisation's own calling list.¹</p> <p>As Telcos would also be required to maintain the confidentiality of such data, the objective of the DNC register and regime would not be compromised.</p>
<p><u>Questions in relation to the payment schemes:</u></p> <p>Question 7: With reference to paragraph 6.6, what is the average quantity of Telephone Numbers would your organisation be likely to submit for checks per month and which would be the scheme (pre-paid or pay-per-use) your organisation be most likely to use as the form of purchase?</p> <p>Question 8: With reference to paragraph 6.7, do you have any views/comments on the proposed modes of payment?</p>		
4.	<p><u>Paragraph 6.6</u></p> <p>The Proposed Guidelines also provides two charging methods for carrying searches against the DNC registry, namely the Pre-paid credit and Pay-per-use charging scheme.</p>	<p>Organisations like Telcos will have to check the DNC registry often in the course of their usual business operations, such as the provision of SMS/MMS broadcast services. Accordingly, the additional cost implications based on the two payment schemes proposed by the PDPC are significant for Telcos. This may also result in costs that have to be passed on to end customers / consumers.</p> <p>In lieu of the two charging schemes that have been proposed, there should be a annual fee payable for an unlimited number of searches (or if accepted, downloads of the DNC register as set out in Item 3 above). This would also be in line with the approach in jurisdictions such as Hong Kong and Canada which provide for fixed annual fees.</p> <p>In terms of the quantum of the annual fee that should be chargeable, we note that the Hong Kong equivalent of the DNC registry charges an</p>

¹ https://www.innate-dncl.gc.ca/ind/faqs-eng#rs_link03, "Using the National Do Not Call List (DNCL)" section.

		annual fee of HK\$4,800 for unlimited downloading of their three DNC registers. ² A commensurate annual fee for Singapore organizations would be S\$1,000 per annum for an unlimited number of searches or downloads.
5.	<p><u>Paragraph 6.7</u></p> <p>It is proposed in the Proposed Guidelines that payment may be made using major credit cards or Internet Direct Debit businesses.</p>	As many organizations may have to carry out searches or downloads against the DNC register, we suggest that an additional payment method in the form of Interbank Giro be permitted. This would also facilitate payment in the event that organizations are permitted to pay an annual recurring fee for the use of the DNC registry.
<p><u>Questions in relation to the retrieving results:</u></p> <p>Question 9: With reference to paragraphs 7.1 to 7.3, do you have any views/comments on the proposed format of the Results and the methods of retrieving of Results?</p> <p>Question 10: In particular, do you have any views/comments on the type of file (“.CSV”) that is proposed as the format of the Results file?</p>		
6.	<p>Paragraphs 7.1 to 7.3</p> <p>Paragraphs 7.1 to 7.3 sets out the means in which Results from searches against the DNC registry would be made available to organizations, as well as the validity period for the Results. T</p> <p>In particular, the Proposed Guidelines provide that Results for the Bulk Upload method will be provided via a “.CSV’ file format. When available, an email will be sent to notify the registered contact person that the Results are available.</p>	<p>We propose that as an alternative, the Result file should be sent or pushed to a directory via SFTP, instead of to a mailbox. The reason is that mailboxes may have limitations such as attachment file size and would also require an account administrator / owner to extract and forward the same to the necessary stakeholders.</p> <p>Save as aforesaid, we have no further comments on the “.CSV’ file format. However, the PDPC may also wish to look into a back-up format in the event that the .CSV file may for any reason be unreadable or inaccessible.</p>

² https://www.dnc.gov.hk/en/pub_general/rd/pub_info_en.html#q3_2_3, Question 2.3.

3. CONCLUSION

StarHub welcomes the opportunity to provide feedback on Proposed Guidelines by the PDPC and supports the need for legislation to keep pace with developments in the industry and market conditions.

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StarHub is grateful for the opportunity to comment on this matter.

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