



To: Personal Data Protection Commission Singapore
460 Alexandra Road
#10-02 PSA Building
Singapore 119963
pdpc_consultation@pdpc.gov.sg

5th June 2013

Dear sirs/madams,

Re: Public Consultation on the Proposed Business Operations of the Do Not Call (DNC) Registry

The Asia Internet Coalition (AIC) welcomes the opportunity to provide feedback on the proposed business operations of the DNC Registry. Our comments and feedback follow in the document attached.

The Asia Internet Coalition (AIC) is an industry association formed by eBay, Facebook, Google, Salesforce and Yahoo! Incorporated. The AIC seeks to promote the understanding and resolution of Internet policy issues in the Asia Pacific region. We respectfully request that the proposed business operations be re-evaluated in light of the comments presented here and we thank you again for taking the time to engage industry.

We would be most willing to work with Singapore on Internet-related issues and provide views where appropriate. Should you have any further queries please do not hesitate to contact director@asiainternetcoalition.org for any further information on the contents of this submission.

Thank you.

Best wishes,

A handwritten signature in blue ink, appearing to read 'John Ure', is positioned above the typed name.

Dr John Ure
Executive Director
Asia Internet Coalition

1. PROPOSED DNC REGULATIONS IN SINGAPORE

We thank the Personal Data Protection Commission (the Commission) for the opportunity to comment on the proposed Do-Not-Call regulations under the Personal Data Protection Act (PDPA), and after a thorough review, would request the following changes and clarifications:

- Section 4. Requirements for organisations checking the DNC registry
 - 4.1 – Additional charges should not apply to entities that choose to leverage sub-accounts
 - 4.2 – An entity, not an individual should register accounts
 - 4.3 – Registration should not require the Singpass of an individual within an entity
 - 4.4 – Registration should not be limited to Singapore entities
- Section 5. Organisation submitting their Telephone Numbers
 - 5.1 – Entities should be permitted to selectively download raw registry data – from a single registry, or all registries – to perform their own list scrubbing
- Section 6. Making payment on the DNC registry
 - 6.1 – Registry costs could exceed \$750,000 annually
 - 6.2 – The Commission should consider alternative payment methods such as PayPal
- Section 7. Retrieving Filtered List from the DNC registry
 - 7.1 – Entities should be permitted to selectively download raw registry data – from a single registry, or all registries – to perform their own list scrubbing
- Section 8. Account Termination
 - 8.1 – An entity, not an individual, should register/manage/terminate accounts

2. COMMENTS ON SECTION 2: OVERVIEW OF THE PDPA: DATA PROTECTION PROVISIONS AND DO NOT CALL

We are pleased to see that the PDPC has clarified that the DNC provisions are inapplicable where the consent of a consumer has been obtained.

3. COMMENTS ON SECTION 3: INDIVIDUAL'S REGISTRATION WITH THE DNC REGISTRY

We are pleased to see that the PDPC has recognized the need to authenticate requests, to ensure the consumer is empowered to make a request for the device/channel specified, and to avoid abuse of the registries.

4 COMMENTS ON SECTION 4: ORGANISATION CHECKING THE DNC REGISTRY

In response to the Commission's Questions:

- 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?"
- 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?"
- 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?"
- 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?"

4.1 Additional charges should not apply to entities that choose to leverage sub-accounts.

We appreciate the Commission's recognition that an entity may have several affiliates contacting the same group of consumers. However, the cost impacts of utilizing sub-accounts are not clear. Entities that choose to create sub-accounts should not be penalized with additional fees that would not be applied to a company that chooses to centralize internally.

For example, suppose a parent company has ten affiliates registered as sub-accounts, and one of the sub-accounts creates a filtered list. Will all eleven entities have access to that filtered list? Or will each sub-account be required to create its own filtered lists, and pay the associated, redundant charges?

4.2 An entity, not an individual should register accounts.

An entity's registration should be tied to that entity, and not an individual. No organization is static, and employees may be reassigned or leave companies on a regular basis. At a minimum, the registration should allow for primary, secondary, and tertiary contacts, each of whom are empowered to manage an entity's account. This way, the multiple registered individuals can serve as back-ups for each other, and ensure consistency in account processes. If a change must be made to an account, any authorized employee should be able to make that change.

If an entity chooses to name only a single contact, that is the prerogative of that entity. The registration process should not be so restrictive.

4.3 Registration should not require the Singpass of an individual within an entity.

Centralized, global entities may have subject matter experts located around the globe. The individual(s) an entity selects to manage its accounts may be located outside of Singapore, and may not have a Singpass. It is in the interest of consumers, entities, and the PDPC that the best qualified individuals are responsible for managing accounts. That these individuals are located outside Singapore should not prevent such individuals from being assigned the appropriate tasks. This will offer the better protection for Singapore residents, as it makes the DNC registries more widely available.

4.4 Registration should not be limited to Singapore entities.

Centralized, global entities may be able to more effectively manage DNC requirements from a location outside Singapore. Again, the best qualified individuals/departments are responsible for managing accounts. That these individuals/departments are located outside Singapore should not prevent such individuals from being assigned the appropriate tasks.

Moreover, Singapore residents may benefit from products and services of entities who do not have a physical or legal presence in Singapore. To exclude such entities from the DNC processes could unwittingly result in a form of economic protectionism.

Finally, as mentioned above, this will offer the better protection for Singapore residents, as it makes the DNC registries more widely available, and help avoid unwanted calls originating from outside Singapore.

5 COMMENTS ON SECTION 5: ORGANISATION SUBMITTING THEIR TELEPHONE NUMBERS

In response to the Commission's Question:

- 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?"

we observe:

5.1 Entities should be permitted to selectively download raw registry data – from a single registry, or all registries – to perform their own list scrubbing.

We appreciate the work the Commission has done to build technology that would offload the burden of list processing. However, many entities already have processes in place to accept raw lists and do their own scrubbing – as required in other jurisdictions with Do Not Call lists.

We recommend the Commission implement an option where an entity can simply download the relevant registry (phone, text, or fax), and perform its own checks. This will relieve the processing burden on PDPC systems, and will permit entities to check against only the applicable list (e.g.: there is no need to scrub against the phone and fax lists if the entity only performs text campaigns). Moreover, where existing systems are already in-place for such processing, downloadable lists can ease integration, and avoid costly retrofitting.

Again, as such downloads would alleviate the burden on PDPC systems and personnel, preferential pricing could be offered to those who do list processing on their own systems.

6 COMMENTS ON SECTION 6: MAKING PAYMENT ON THE DNC REGISTRY

In response to the Commission's Questions:

- 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?"
- Question 8: "With reference to paragraph 6.7, do you have any views/comments on the proposed modes of payment?"

6.1 Registry costs could exceed \$750,000 annually.

We understand that some measure of funding will be required to implement the technology to operate the Do Not Call registers. However, we are concerned that the costs of checking the list could theoretically exceed a quarter million dollars annually¹. Costs would continue to expand exponentially, if subaccounts are required to submit redundant queries.

We urge the Commission to review its pricing models, to ensure the costs quoted are in line with the actual costs of operating and maintaining the registries. For example, in the US, the national Do Not Call list has some 217,000,000 phone numbers², but the **annual charge** for access to the DNC list is only USD \$15,962³.

Finally, we urge the Commission to develop more economical means of making lists available, such as the ability to download only the applicable register, as mentioned above in Section 5.1.

6.2 The Commission should consider alternative payment methods such as PayPal.

Small businesses seeking to inform consumers about their products and services will also be required to check the DNC registries. However, such small entities may not have access to, or simply eschew the

¹ Based on 2012 figures from Statistics Singapore, 5.31 million people potentially have Singapore phone numbers. Assuming lists must be checked every 30 days, costs for one year could be SGD 764,640 (i.e.: 5,310,000 * .012 * 12). Source: <http://singstat.gov.sg/>

² At the end of Fiscal Year 2012 there were more than 217 million active registrations. Source <http://www.ftc.gov/os/2012/10/1210dnc-databook.pdf> (p3)

³ Source <http://www.ftc.gov/opa/2012/08/donotcall.shtm>

payment methods specified in paragraph 6.7⁴. We urge the commission to accept alternative payment methods such as PayPal, to make the registries more accessible to individuals and small merchants.

7 COMMENTS ON SECTION 7: RETRIEVING FILTERED LIST FROM THE DNC REGISTRY

In response to the Commission's Questions:

- 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 the Results?"
- 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?"

we observe:

7.1 Entities should be permitted to selectively download raw registry data – from a single registry, or all registries – to perform their own list scrubbing.

We reiterate our comments in Section 5.1, that allowing entities to download raw registry data – either a single registry, two of the three registries, or all three – can enable entities to more efficiently process that data, and do so in a more cost effective manner.

8 COMMENTS ON SECTION 8: ACCOUNT TERMINATION

In response to the Commission's Questions:

- Question 11: "With reference to paragraphs 8.5 to 8.7, do you have any views/comments on the proposal to refund all balance pre-paid credits from all the sub-accounts to the main account?"

we observe:

8.1 An entity, not an individual, should register/manage/terminate accounts.

We reiterate our comments in Section 4.2 that an entity should register with multiple individuals permitted to managing an entity's account. This will help avoid situations where accounts go inactive, and credits that could have been transferred across accounts/sub-accounts were prematurely refunded, resulting in losses (due to transfer fees) for the entity and the PDPC.

⁴ 6.7 All payment can be made online via:

a) Major credit cards including Visa and MasterCard or;
b) Internet Direct Debit ("IDD") Services – Internet Banking account with DBS, UOB and OCBC.