

INDIVIDUALS CAN OPT OUT BY CONTACTING COMPANIES

Do Not Call Registry: Firms can send text, fax

Exemption to permit businesses to send messages to existing customers irks consumers

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SINGAPORE — Just a week before the Do Not Call (DNC) Registry comes into effect on Jan 2, the Personal Data Protection Commission (PDPC) yesterday threw a lifeline to businesses by announcing that companies can still send text and fax messages to existing customers even if their numbers are listed on the registry. Individuals can opt out of receiving the messages by contacting the companies.

The exemption order — which the PDPC attributed to growing feedback as businesses started to prepare for compliance — irked many of the hundreds of thousands of consumers who have signed up with the registry to date.irate consumers pointed out that the move came at the eleventh hour, after rounds of public consultations and parliamentary debates, and rendered the DNC initiative a far cry from its original incarnation.

Observers said it was tilting the balance towards businesses, instead of protecting consumers, while the Consumers Association of Singapore called it a “backpedalling of the law”.

As of yesterday, about 350,000 unique phone numbers were listed on the registry, a PDPC spokesman said.

On the timing of the announcement of the exemption order, he said the commission had received queries and feedback from organisations asking for clarity on the type of “in service” messages that would be considered as telemarketing messages.

“We received little feedback on details relating to such messages (during) the public consultation phase, but the amount of feedback grew as businesses started to prepare for compliance,” the spokesman said.

The exemption order allows organisations to “send text or fax messages on related products and services to customers and members with whom they have an ongoing relationship, without the need to check the DNC Registry”.

A bank or credit card company, for example, would be able to send its existing credit card holders telemarketing messages about related services, such as a rewards programme for credit card holders, the PDPC said.

The commission said it “recognises that consumers, notwithstanding their registration with the DNC Registry, may wish to continue receiving such information in a minimally intrusive manner, via text or fax messages”. It added that it has also received feedback from organisations that their customers expect such messages to be sent.

“Without this exemption, individuals may miss such messages if they are registered with the DNC Registry and if the organisation, which they have

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an ongoing relationship with, did not obtain clear consent to send telemarketing messages to their telephone numbers,” the PDPC said.

The PDPC spokesman explained that a one-off transaction will “not be sufficient to establish an ongoing relationship”.

He added: “So, if an individual has visited a spa for a single transaction, for example a facial, then the spa cannot rely solely on the fact that the individual has purchased a facial service to establish an ongoing relationship in order to rely on the exemption.”

BACK TO SQUARE ONE FOR CONSUMERS?

Technology blogger Alfred Siew described the exemption as making a

mockery of the progress made on this front. “In making a dramatic change at the very last minute, just as the new rules are to kick in, it has drastically reduced the protection that consumers have desired for years,” Mr Siew wrote on the Techgoondu blog.

It is now effectively back to square one for consumers, he said. “You still have to unsubscribe individually from each company — just like before the long-deliberated privacy law had been drawn up,” he said. While the companies are still barred from calling customers whose numbers are listed on the registry, this was “small consolation” for consumers, he added.

Postgraduate student Zheng Huifen, 31, said she was “truly disappointed” at the exemption, which she felt was undermining the purpose

of the registry. “As a consumer, I am perfectly capable of doing my own product research if I require a new product or service. I do not wish to be disturbed, full stop,” she said.

IT professional Lee Yen, 33, added: “It is unclear whether businesses that are exempted include affiliated partners which actually do not have any ongoing relationship with the consumers.”

Singapore Management University Associate Professor Eugene Tan said he was disappointed at the exemption. As a Nominated Member of Parliament, he had participated in the Parliamentary debate on the Personal Data Protection Act.

“To equate the fact that one has an existing relationship to implying that there is ongoing consent ... it defeats the whole purpose of the DNC registry,” he said.

He felt the commission was looking after business interests, instead of trying to protect customers’ privacy. “We should always work on the premise that the permission must be explicitly sought, and strike the correct balance between business and consumer rights,” he said.

Nee Soon GRC MP Lee Bee Wah noted that this was the first time Singapore is setting up a DNC registry and hopes it can be further fine-tuned based on public feedback.

Direct Marketing Association of Singapore Chairman Lisa Watson said the exemption would benefit both consumers and businesses.

“People were going to be missing out on the benefits, in some cases, they felt were entitled to,” said Ms Watson, adding that many businesses see the Short Messaging Service as a necessary form of immediate communication with customers.

She added that the cost of checking the DNC registry was also quite significant for businesses. Still, she urged companies to comply with the order by allowing consumers to opt out of receiving the messages.

HOW THE EXEMPTION WORKS

● Organisations which have an ongoing relationship with a subscriber or user of a Singapore telephone number are allowed to send certain specified messages to the number without checking against the Do Not Call Registry.

An exempt message is defined as one that is related to the subject of the ongoing relationship. A bank or credit card company, for example, would be able to send its existing credit card holders telemarketing messages about related services, such as a rewards programme for

credit card holders. Exempt messages can only be sent via text or fax.

To rely on the exemption, organisations are required to provide information in their messages on how consumers can opt out of such messages, and allow them to opt out using the same medium through which the message is received.

When an individual opts out, that organisation can no longer rely on the exemption and must stop sending such exempt messages to that Singapore telephone number 30 days after the day the individual opts out.

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