Do Not Call Registry and Your Organisation

The Personal Data Protection Act (PDPA) could not have come at a better time, as it offers more protection to consumers in many layers, from the implementation of the Do Not Call (DNC) registry to giving control over how consumer data is collected, used and disclosed. Details of the Act are available online. Here, I will attempt to highlight some of the guidelines pertaining to the DNC registry, in particular to marketing SMSes, and its impact on your organisation.

A bit of the background situation prior to Jan 2014. As a mobile phone user myself, I have received unwanted spam SMSes from tuition centres, property agents, insurance agents, etc. The unsubscribe feature (unsub for short, with no relations to Criminal Minds) at that time was kind of a joke. Either the unsubscribe attempts were ignored by the sender altogether and you keep receiving spam, or it appears that for every 1 unsubscribe request you make, you will get spammed by 2 new senders. After the DNC registry came into effect in Jan 2014, it has been relatively more peaceful. It is good that the authorities are really coming down hard on offenders and walking the talk.

So what is this DNC registry and how does it affect your organisation? Before we begin, let us look at the various stakeholders and components:

a. Consumers
   These are recipients of marketing SMSes.
b. Organisations
   Companies that are keen to reach out to general consumers or their customers.
c. Service Providers
   These are vendors delivering SMS broadcast services (i.e. SMS gateways) and additional features. Typically, they provide a web portal, dedicated hardware or Application Programming Interfaces (APIs) for organisations to connect and use their services.
d. DNC Registry
   Maintained by the Personal Data Protection Commission, there are no APIs provided so attempts to check telephone numbers must be done through their web portal. The registry actually contains 3 registers (i.e. Voice, SMS/MMS, Fax) and every check on a number is checked against all 3 registers. There are 2 types of check:
   - **Small Number Lookup** allows you to check at most 10 numbers and the results are immediate.
   - **Bulk Filtering** lets you check more than 10 numbers and the results are available within 24 hours.
   All results from the check are valid for 30 days. Each check costs 1 – 2.5 cents.
e. Short Message Service (SMS)
   This is the actual content consumers receive in their mobile phones. There must be an opt-out facility within the content itself for consumers, who have previously given their consents to an organisation, to stop receiving future marketing SMSes.

As an organisation, the first question that comes to mind is – Do you need to be concerned about the DNC registry? Here's where to start. Look at your SMS content honestly and see if there is any ounce of marketing intentions or commercial purposes inside. If not, your message is likely excluded from the meaning of "specified message" and you need not check the DNC registry. For details on contents that are excluded, see here.

Some examples include:

Message	Excluded?	Check DNC?	Remarks
IRAS reminder to file income tax	✓	✗	Public agencies
Promote service / product to individual	✗	✓	Check must be done for standard B2C marketing, if not excluded
Promote service / product to a business	✗	✗	Check not required for B2B marketing

Suppose your message is not excluded and you need to check the DNC registry. Do you need to check every single number, every time? The answer is clearly stated under Do organisations have to check the DNC Registry for **all** telemarketing messages they intend to send out?

Well, if you already have a business relationship with your customers, you may bypass the DNC registry and send them the marketing SMSes, provided:

a. You obtain an unambiguous consent, clearly stated in written or other evidential form, from your customers.
b. The SMS content must contain an opt-out facility. Once opted out, consent is revoked and DNC preferences take precedence.

A simple truth table makes it clearer.

Case	Relationship + Consent?	DNC allow SMS?	Send marketing SMS?
101	✗	✗	✗
102	✓	✗	✓
103	✗	✓	✓
104	✓	✓	✓

Case 103 is an ideal scenario for marketers to reach out to consumers. The SMS message itself is usually identical for cases 103 and 104 but can be different from case 102 because for the latter, the message must contain an opt-out description. This means you can have more characters in a 160-character SMS limit to describe your marketing content for cases 103 and 104 but in practice, you probably want to keep the SMS content identical across all cases to simplify your implementation.

How should you send out marketing SMSes then? Typically there are 2 ways to do it.

Approach A
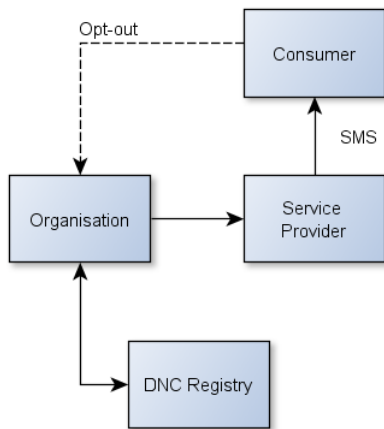
Here, you will process and housekeep your list of numbers after checking the DNC registry and instruct the service provider to simply broadcast the marketing SMSes to the list of validated numbers. This is a suitable approach if you do not broadcast SMSes frequently.

Pros and Cons

✓ Full control; will not miss out case 102 customers

✗ Tedious; must properly process list to prevent duplicates and redundant checks (i.e. no need to check numbers which have not expired).

Approach B
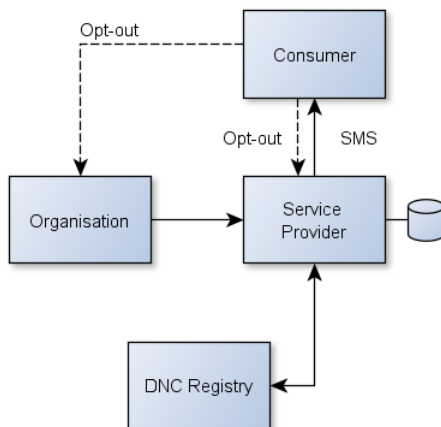
The difference here is that you enlist a service provider to help with the checks. Such a provider usually has a web portal with features to filter out duplicates in your numbers, prevent redundant checks or even process your opt-out requests. It commonly also serves multiple organisations and updates its private database with results of recent checks, thereby making it incredibly efficient in checking common numbers existing between different organisations.

Pros and Cons

✓ No need to interface to DNC registry directly; Cheaper DNC registry checks because provider purchases credits in bulk.

✗ Additional steps to integrate your workflow with provider (e.g. accommodate case 102 customers, update opt-out list, etc.).

Regardless of your approach, you should not have a problem sourcing for service providers. Request for a free trial to make sure you are really getting what you want. Compare prices not only for DNC registry checks, but also for sending out SMSes (typically 3 – 5 cents per SMS).

Before we end, let us explore the scope of the DNC provisions with regards to app messaging. Again, this is answered by the PDPA and quoted here for your reference.

[Are telemarketing messages sent through applications such as WhatsApp covered under the DNC provisions?](#)

*The DNC provisions apply to the sending of telemarketing messages addressed to Singapore telephone numbers registered with the DNC Registry. In situations where telemarketing messages are sent through smartphone applications that use a **telephone number** as an identifier, such as WhatsApp, such messages will be **covered** by the DNC provisions.*
*Telemarketing messages sent via other technologies such as those using a mobile data connection will be treated similarly, as long as the message is addressed to a Singapore telephone number. However, some data-based phone applications do not use phone numbers as identifiers, and may use other identifiers such as email addresses instead. Telemarketing messages that are sent through such applications will **not** be covered by the DNC provisions.*

This means if one day, businesses are able to send out marketing messages to users in WhatsApp, WhatsApp will have to check the DNC registry before they can deliver those app messages. On the other hand, WhatsApp can include a clause in their terms stating that by using their app, you have given your consent (i.e. ongoing business relationship so bypass checks) to receive marketing app messages from all businesses in its platform. However, in those app messages, you should still be given the opportunity to opt out. In any case, if my peace is compromised, I will explore other alternatives.

Hopefully, this introduction gave you a better picture of the DNC registry and what it means for your organisation. Drop us a line if you have any queries or comments.

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