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BROADCASTING ACT (CHAPTER 28)

BROADCASTING (CLASS LICENCE) (AMENDMENT) NOTIFICATION 2016

In exercise of the powers conferred by sections 9 and 11 of the Broadcasting Act, the Info-communications Media Development Authority makes the following Notification:

Citation and commencement

1. This Notification is the Broadcasting (Class Licence) (Amendment) Notification 2016 and comes into operation on 28 December 2016.

Amendment of Schedule

2. Paragraph 2A of the Schedule to the Broadcasting (Class Licence) Notification (N 1) is deleted and the following paragraph substituted therefor:

“2A.—(1) An Internet Service Provider who is an Internet Access Service Provider licensed under section 5 of the Telecommunications Act (Cap. 323) (called in this paragraph an Internet Access Service Provider) must —

- (a) upon receiving any request for specified content filter services by any of its relevant subscribers, offer to provide that relevant subscriber specified content filter services;
- (b) inform any prospective relevant subscriber of the availability of specified content filter services before first providing to the prospective relevant subscriber access to the Internet;
- (c) inform a relevant subscriber of the availability of specified content filter services before renewing the subscription of that relevant subscriber;
- (d) where the application by a prospective relevant subscriber for access to the Internet is made on or after 28 December 2016, make reasonable attempts to obtain, within 14 days after the application,

the prospective relevant subscriber's agreement or refusal to subscribe to specified content filter services;

- (e) where the application by a relevant subscriber for renewal of subscription is made on or after 28 December 2016, make reasonable attempts to obtain, within 14 days after the application, the relevant subscriber's agreement or refusal to subscribe to specified content filter services; and
- (f) for the duration of a relevant subscriber's subscription to specified content filter services, provide reasonable technical support and instructional guides on the use of specified content filter services.

(2) Where a relevant subscriber of an Internet Access Service Provider subscribes to specified content filter services for the first time with the Internet Access Service Provider, the Internet Access Service Provider must, unless the subscriber agrees to pay for the specified content filter services —

- (a) provide specified content filter services at no additional cost to the relevant subscriber for a trial period; and
- (b) inform the relevant subscriber of the first and last dates of the trial period.

(3) An Internet Access Service Provider must, on or before the expiry of a trial period for a relevant subscriber, make reasonable attempts to obtain the relevant subscriber's agreement or refusal to subscribe to specified content filter services after the expiry of the trial period.

(4) An Internet Access Service Provider must maintain records of a relevant subscriber's agreement or refusal to subscribe to specified content filter services under sub-paragraph (1) or (3) for a period of 12 months after the expiry of the relevant subscriber's subscription.

(5) To avoid doubt, nothing in this paragraph prevents an Internet Access Service Provider from offering to provide or providing, whether at an additional cost or not, an arrangement that gives a relevant subscriber a means of preventing access by an end-user to content in any programme through the World Wide Web, through —

- (a) the Internet Access Service Provider's network or gateway; or
- (b) software installed on the end-user's device or computer equipment.

(6) An Internet Access Service Provider must, where required by the Authority in a written notice, take all reasonable steps —

- (a) to modify the Internet Access Service Provider's content filter services; or

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- (b) to enable the Internet Access Service Provider’s relevant subscribers who have subscribed to content filter services to modify such services,

so as to prevent access by an end-user to such content in a programme on the World Wide Web specified in the written notice, being a programme that the Authority is satisfied is undesirable, harmful or obscene.

(7) In this paragraph —

“excepted service” means —

- (a) a computer online service providing access to the Internet through radio-communication, for which the subscriber is not required to pay any type of fee as consideration, and is not required to accept as a condition for the computer online service, any condition that is not directly connected with the provision of the computer online service; or
- (b) a computer online service providing access to the Internet through radio-communication in connection with a telecommunication technical trial or market trial, the operation and provision of which is licensed under section 5 of the Telecommunications Act;

“relevant subscriber” means a person in Singapore who subscribes to any computer online service that enables the person to obtain access to the Internet —

- (a) through any telecommunication line access at a private residence, whether or not owned by the relevant subscriber; or
- (b) through radio-communication that is not an excepted service;

“specified content filter services” means an arrangement that gives a relevant subscriber a means of preventing access by an end-user to, at the minimum, content in any programme through the World Wide Web that contains sexually explicit material or material that contains violence and gore, through an Internet Access Service Provider’s network or gateway;

“trial period”, in relation to a relevant subscriber, means the shorter of the following:

- (a) a period of 6 months, starting from the date that an Internet Access Service Provider provides content filter services to the relevant subscriber under sub-paragraph (2); or

- (b) a period that is half of the relevant subscriber's fixed term contract with an Internet Access Service Provider, starting from the date that the Internet Access Service Provider provides content filter services to that relevant subscriber under sub-paragraph (2).”

[G.N. Nos. S 196/2004; S 70/2012; S 330/2013]

Made on 23 December 2016.

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Chairman,
Info-communications Media
Development Authority,
Singapore.

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