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PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)

PERSONAL DATA PROTECTION (DO NOT CALL
REGISTRY) REGULATIONS 2013

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In exercise of the powers conferred by section 65 of the Personal Data Protection Act 2012, the Minister for Communications and Information hereby makes the following Regulations:

PART I**PRELIMINARY****Citation and commencement**

1.—(1) These Regulations may be cited as the Personal Data Protection (Do Not Call Registry) Regulations 2013 and shall, with the exception of regulations 9 and 11 to 17 and the Third Schedule, come into operation on 2nd December 2013.

(2) Regulations 9 and 11 to 17 and the Third Schedule shall come into operation on 2nd January 2014.

Definitions

2. In these Regulations, unless the context otherwise requires —

“No Fax Message Register” means the register listing Singapore telephone numbers to which a specified fax message shall not be sent;

“No Text Message Register” means the register listing Singapore telephone numbers to which a specified text message shall not be sent;

“No Voice Call Register” means the register listing Singapore telephone numbers to which a specified voice message shall not be sent;

“register” means a Do Not Call Register called the No Fax Message Register, No Text Message Register or No Voice Call Register, as the case may be;

“relevant telecommunication service”, in relation to a Singapore telephone number in respect of which a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, is made, means the telecommunication service to which the Singapore telephone number is allocated;

“relevant telephone number” means a telephone number notified, from time to time, by the Commission on the specified website for the purpose of receiving a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, in respect of one or more registers;

“SMS message” means a text message that is sent using a short message service;

“specified fax message” means a specified message that is sent, or intended to be sent, to a Singapore telephone number by way of a facsimile transmission;

“specified text message” means a specified message in any text, sound or visual form that is sent, or intended to be sent, to a

Singapore telephone number, but does not include a specified fax message or a specified voice message;

“specified voice message” means a specified message that is sent, or intended to be sent, to a Singapore telephone number by way of a voice call or video call using a telephone service, data service or any other electronic means;

“specified website” means the Internet website of the Commission at <http://www.dnc.gov.sg>.

PART II

ADMINISTRATION OF DO NOT CALL REGISTERS

Application by subscriber to add or remove Singapore telephone number

3.—(1) Subject to paragraph (3) and regulation 6, an application by a subscriber under section 40(1) of the Act to add his Singapore telephone number to a register or to remove his Singapore telephone number from a register, as the case may be (referred to in this Part as a subscriber registration application) shall be made —

- (a) by making a voice call to the relevant telephone number using the relevant telecommunication service;
- (b) by sending an SMS message to the relevant telephone number using the relevant telecommunication service; or
- (c) by submitting the application online at the specified website and confirming the application by making a voice call or sending an SMS, as the case may be, to the relevant telephone number using the relevant telecommunication service,

and in accordance with such other instructions as may be issued by the Commission, from time to time, at the specified website.

(2) A subscriber making a subscriber registration application in the manner referred to in paragraph (1)(a) or (b) shall not, at any time while the subscriber registration application is being made —

- (a) conceal or withhold his calling line identity; or
- (b) cause his calling line identity to be concealed or withheld.

(3) In the event that the relevant telephone number or the specified website is unavailable, whether due to maintenance, malfunction, failure or any other cause, a subscriber shall make the subscriber registration application —

- (a) in the case where the relevant telephone number is unavailable, in accordance with paragraph (1)(c); or
- (b) in the case where the specified website is unavailable, in accordance with paragraph (1)(a) or (b).

(4) A subscriber registration application referred to in paragraph (1)(c) shall be made in the form prescribed at the specified website for such application.

(5) The Commission may reject any subscriber registration application which is not made in accordance with this regulation or regulation 6(1).

Effective date of addition or removal

4. If a subscriber registration application to add a Singapore telephone number to a register or to remove a Singapore telephone number from a register, as the case may be, is made in accordance with regulation 3, the Singapore telephone number shall be added to or removed from the register, as the case may be, with effect from —

- (a) the date on which the application is made; or
- (b) such other date as the Commission may determine,

whichever is the later.

Application by subscriber to confirm listing in register

5.—(1) Subject to regulation 6, an application by a subscriber under section 40(2) of the Act to confirm whether his Singapore telephone number is listed in a register (referred to in these Regulations as a subscriber confirmation application) shall be made —

- (a) by making a voice call to the relevant telephone number using the relevant telecommunication service;
- (b) by sending an SMS message to the relevant telephone number using the relevant telecommunication service; or

- (c) by submitting the application online at the specified website and confirming the application by making a voice call or sending an SMS, as the case may be, to the relevant telephone number using the relevant telecommunication service,

and in accordance with such other instructions as may be issued by the Commission, from time to time, at the specified website.

(2) A subscriber making a subscriber confirmation application in the manner referred to in paragraph (1)(a) or (b) shall not, at any time while the subscriber confirmation application is being made —

- (a) conceal or withhold his calling line identity; or
(b) cause his calling line identity to be concealed or withheld.

Application by or on behalf of subscriber

6.—(1) Subject to paragraph (2), a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, in respect of a Singapore telephone number shall be made —

- (a) where the subscriber of the relevant telecommunication service is an individual —
(i) by that individual; or
(ii) by any other individual who is authorised by the subscriber to make the application on his behalf; or
(b) where the subscriber of the relevant telecommunication service is an organisation, by any individual who is authorised by the organisation to make the application on its behalf.

(2) For the purposes of this Part, an application in respect of a Singapore telephone number made under regulation 3 or 5 by any person using the relevant telecommunication service shall be treated as an application made by or under the authority of the subscriber of the relevant telecommunication service.

Correction or alteration of register

7.—(1) The Commission may —

- (a) where it is satisfied that a subscriber registration application to add a Singapore telephone number to a register or to remove a Singapore telephone number from a register, as the case may be, is not made in accordance with regulation 3 or 6(1), remove that number from the register or reinstate that number to the register, as the case may be;
- (b) where a terminated Singapore telephone number is reported to the Commission under section 42 of the Act, remove that number from the register in which it is listed; and
- (c) correct any entry in a register which is attributable wholly or in part to an error, a default or an omission on the part of the Commission.

(2) Any removal, reinstatement or correction, as the case may be, under paragraph (1) shall take effect from —

- (a) the date on which the removal, reinstatement or correction, as the case may be, is made by the Commission; or
 - (b) such other date as the Commission may determine,
- whichever is the later.

PART III

APPLICATION TO CHECK DO NOT CALL REGISTERS

Registration before applying to check register

8.—(1) Subject to paragraph (2), a person (other than the subscriber referred to in regulation 5(1)) who intends to apply to the Commission under section 40(2) of the Act to confirm whether a Singapore telephone number is listed in a register shall, before making the application —

- (a) register with the Commission in such form and manner as the Commission may require, using the electronic registration service provided by the Commission at the specified website; and

(b) submit to the Commission such information and documents as the Commission may require in connection with the registration.

(2) Paragraph (1) shall not apply to a subscriber confirmation application under regulation 5 made by or on behalf of a subscriber in accordance with regulation 6(1).

(3) In the event of unavailability of the Commission's electronic registration service referred to in paragraph (1)(a), whether due to maintenance, malfunction, failure or any other cause, the person shall register with the Commission in such other form and manner as the Commission may require.

(4) A person registered with the Commission under paragraph (1) shall notify the Commission, in such form and manner as the Commission may require, of any change or inaccuracy in the person's particulars and any other information or document submitted to the Commission under paragraph (1)(b).

(5) The registration of a person under the electronic registration service referred to in paragraph (1)(a) shall be subject to such verification of the person's identity as the Commission may require.

(6) Subject to paragraph (9), the Commission may suspend the registration of a person under paragraph (1)(a) where the person has not submitted any application under section 40(2) of the Act during a continuous period of not less than 12 months after —

(a) the date of the person's registration under paragraph (1)(a); or

(b) the date of the person's last application under section 40(2) of the Act.

(7) The Commission may, on the application of a person in such form and manner as the Commission may require, lift the suspension of the person's registration under paragraph (6).

(8) The Commission may cancel the registration of a person under paragraph (1)(a) if the person —

(a) applies for the cancellation of the registration in such form and manner as the Commission may require;

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- (b) subject to paragraph (9), has submitted any incorrect or incomplete information or document under paragraph (1)(b) or has not notified the Commission of any change or inaccuracy in the person's particulars or other information or document submitted under paragraph (1)(b);
 - (c) subject to paragraph (9), has not submitted any application under section 40(2) of the Act for a continuous period of not less than 3 years after —
 - (i) the date of the person's registration under paragraph (1)(a); or
 - (ii) the date of the person's last application under section 40(2) of the Act;
 - (d) being a person carrying on a business in Singapore, ceases to carry on that business and the registration of that business under the Business Registration Act (Cap. 32) is cancelled; or
 - (e) being a company incorporated under the Companies Act (Cap. 50) or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), is wound up under the Companies Act or the Limited Liability Partnerships Act, as the case may be.

(9) Where the Commission intends to suspend the registration of a person under paragraph (6) or cancel the registration of a person under paragraph (8)(b) or (c), as the case may be, the Commission shall give the person notice in writing of its intention to do so and an opportunity to make representations with regard to the proposed suspension or cancellation within such time as may be specified in the notice.

(10) If the Commission decides to suspend the registration of a person under paragraph (6) or cancel the registration of a person under paragraph (8)(b) or (c), as the case may be, the Commission shall notify the person in writing of the date on which the suspension or cancellation is to take effect.

Application to check Do Not Call Registers

9.—(1) Subject to paragraph (2), a registered person shall make an application under section 40(2) of the Act using the electronic

application service provided by the Commission at the specified website or such other online location as the Commission may notify, from time to time, to the registered person at the specified website.

(2) A registered person's use of the Commission's electronic application service is subject to such verification of identity of the registered person as the Commission may require.

(3) *In this regulation, "registered person" means a person —*

- (a) who is registered with the Commission under regulation 8(1); and
- (b) whose registration is not suspended under regulation 8(6) or cancelled under regulation 8(8).

Fees

10.—(1) Every application for registration under regulation 8(1) shall be accompanied by —

- (a) the registration fee specified in the First Schedule; and
- (b) where the person is required by the Commission to submit a document verifying the person's identity under regulation 8(5), the processing fee specified in the First Schedule.

(2) Subject to paragraph (3), every application under regulation 9(1) shall be accompanied by the application fee specified in the First Schedule.

(3) The fee payable by a registered person for an application under regulation 9(1) may be paid in advance to the Commission (referred to in this regulation as the advance amount) and such advance amount shall be the amount specified in the Second Schedule corresponding to the number of Singapore telephone numbers that the registered person intends to check.

(4) The fee or an advance amount referred to in paragraph (1), (2) or (3) shall be paid to the Commission in such manner as the Commission may require.

(5) Subject to paragraphs (6) and (7), the application fee payable by a person under paragraph (2) may be deducted from the advance amount, if any, paid by the person under paragraph (3).

(6) Where a person has paid 2 or more advance amounts under paragraph (3), a deduction under paragraph (5) shall be made from the advance amount first paid and if that advance amount is insufficient to pay the application fee, from the other advance amounts in the order that they were paid to the Commission.

(7) Where the advance amounts paid by a person under paragraph (3) are insufficient to pay the application fee, the person shall pay the application fee in the manner directed by the Commission.

(8) Subject to paragraph (9), any fee paid under paragraph (1) or (2) or any advance amount paid under paragraph (3) shall not be refundable, in whole or in part.

(9) The Commission shall refund the unutilised portion of the advance amount (or part thereof, rounded down to the nearest one cent) paid by a person under paragraph (3) if —

- (a) no application is submitted by the person under regulation 9(1) during a continuous period of 3 years after the advance amount is paid;
- (b) the person's registration is cancelled under regulation 8(8); or
- (c) the person applies for a refund in such form and manner as the Commission may require.

(10) No interest shall be payable in respect of any amount that is refunded under paragraph (9).

Application on behalf of person

11.—(1) Subject to paragraph (3), a person (referred to in this regulation as the principal) may authorise any person (referred to in this regulation as the agent) who is registered under regulation 8(1) to make an application under regulation 9(1) on behalf of the principal.

(2) Subject to paragraph (3), an application made under regulation 9(1) by an agent on behalf of a principal shall be deemed to be made by the principal.

(3) An agent making an application under regulation 9(1) on behalf of a principal shall, at the time of making of that application —

- (a) submit such information concerning the identity and particulars of the principal as the Commission may require using the electronic application service referred to in regulation 9(1); and
- (b) confirm whether he is making the application on behalf of the principal.

PART IV

REPORT ON TERMINATED SINGAPORE TELEPHONE NUMBERS

Registration of telecommunications service providers

12.—(1) For the purpose of section 42 of the Act, every telecommunications service provider before submitting its first report under regulation 13 shall register and maintain such registration with the Commission (referred to in this Part as a registered telecommunications service provider) in such form and manner as the Commission may require.

(2) A registered telecommunications service provider shall notify the Commission, in such form and manner as the Commission may require, of any change or inaccuracy in its particulars and any other information submitted to the Commission in connection with its registration.

(3) The Commission may cancel the registration of a registered telecommunications service provider if the telecommunications service provider —

- (a) notifies the Commission in such form and manner as the Commission may require that it has ceased to be licensed under the Telecommunications Act (Cap. 323) to provide any

telecommunication service to which Singapore telephone numbers are allocated;

- (b) being a person carrying on a business as a telecommunications service provider in Singapore, ceases to carry on that business and the registration of that business under the Business Registration Act (Cap. 32) is cancelled; or
- (c) being a company incorporated under the Companies Act (Cap. 50) or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), is wound up under the Companies Act or the Limited Liability Partnerships Act, as the case may be.

Submission of report on terminated Singapore telephone numbers

13.—(1) Subject to regulation 14(2), a registered telecommunications service provider when submitting a report to the Commission under section 42(1) of the Act shall comply with the following requirements:

- (a) the report shall be submitted to the Commission through such electronic facility as may be specified by the Commission;
- (b) the report shall be made in the form provided at the specified website for such report; and
- (c) subject to paragraph (2), the report shall be submitted not later than the 15th day of each month, listing every Singapore telephone number terminated in the immediately preceding month.

(2) In the case of any Singapore telephone number terminated during the period from 1st December 2013 to 31st January 2014 (both dates inclusive), the registered telecommunications service provider of the telephone service associated with the telephone number shall submit the report referred to in paragraph (1) not later than 15th February 2014.

(3) In the event of unavailability of the electronic facility referred to in paragraph (1)(a), whether due to maintenance, malfunction, failure or any other cause, the report referred to in paragraph (1) shall be

submitted in such other form and manner as the Commission may require.

Prescribed fee

14.—(1) For the purposes of section 42(5) of the Act and subject to paragraph (2), the Commission shall pay to a registered telecommunications service provider that submits a report under regulation 13 containing the number of terminated Singapore telephone numbers specified in the first column of the Third Schedule shall be the fee specified opposite in the second column.

(2) If a registered telecommunications service provider submits 2 or more reports in a month, the reports shall, for the purposes of determining the fee payable under paragraph (1), collectively be considered to be a single report.

PART V

PRESCRIBED DATE, DURATION AND PERIOD

Prescribed date for sections 43(1), 44(1) and 45(1) of Act

15. For the purposes of sections 43(1), 44(1) and 45(1) of the Act, 2nd January 2014 is the prescribed date from which no person shall send a specified message addressed to a Singapore telephone number except in accordance with those sections.

Prescribed duration for section 43(1) of Act

16. For the purposes of section 43(1) of the Act, the prescribed duration within which a person must have checked the relevant register before sending a specified message addressed to a Singapore telephone number shall be —

- (a) in the case of a specified message sent before 1st August 2014, 60 days; and
- (b) in any other case, 30 days.

Prescribed period for section 47(3) of Act

17. A person who receives a notice of withdrawal of consent shall cease and shall cause its agent to cease sending any specified message to the Singapore telephone number to which the notice relates, after the expiry of —

(a) *in the case of a notice received before 2nd July 2014, 60 days;*
and

(b) in any other case, 30 days,

after the date on which the person received the notice.

PART VI
GENERAL

Time

18.—(1) A period expressed in days, months or years after, from or before the happening of an event or the doing of any act or thing shall exclude the day on which the event happens or the act or thing is done.

(2) A period expressed in months or years shall end with the expiry of whichever day in the last month or year is the same day of the month or year as the day on which the event or the act or thing after or from which the period is to be calculated happens or is done.

(3) If, in a period expressed in months or years, the day on which it should expire does not occur in the last month of that period, the period shall end with the expiry of the last day of that month.

(4) If the last day of a period expressed in months or years is a Saturday, Sunday or public holiday, the period shall include the next following day not being a Saturday, Sunday or public holiday.

Waiver

19.—(1) The Commission may, with the approval of the Minister, waive any fee or part thereof payable under these Regulations.

(2) A waiver granted under paragraph (1) may be notified in writing to the person concerned, and need not be published in the *Gazette*.

FIRST SCHEDULE

Regulation 10(1) and (2)

FEES PAYABLE BY PERSON**PART I**

- | | |
|--|---|
| 1. Registration fee (for each account or sub-account created) | \$30 |
| 2. Processing fee | \$30 |
| 3. Application fee | |
| (a) First 500 Singapore telephone numbers checked per year (per applicant) | No fee. |
| (b) Pay-per application basis | The higher of \$10 or the amount (rounded down to the nearest one cent) calculated in accordance with the following formula:

$N \times R,$ where N is the number of Singapore telephone numbers specified in the first column of Part II of this Schedule that are submitted in the application; and

R is the rate specified in the second column of Part II of this Schedule corresponding to N. |
| (c) Pre-paid basis | The amount calculated in accordance with the following formula:

$C \times D,$ where C is the number of Singapore telephone numbers that are submitted in the application and for which the application fee is paid in advance; and |

FIRST SCHEDULE — *continued*

D is the rate specified in the second column of Part III of this Schedule corresponding to the number of Singapore telephone numbers specified in the first column of that Part for which the application fee is paid in advance.

PART II

<i>First column</i>	<i>Second column</i>
<i>Number of Singapore telephone numbers checked in an application</i>	<i>Rate</i>
1. 1 to 4,999	\$0.025 per number
2. 5,000 and above	\$0.023 per number

PART III

<i>First column</i>	<i>Second column</i>
<i>Number of Singapore telephone numbers paid in advance at any one time</i>	<i>Rate</i>
1. 5,000	\$0.02 per number
2. 10,000	\$0.015 per number
3. 25,000	\$0.014 per number
4. 100,000	\$0.012 per number
5. 250,000	\$0.0108 per number
6. 1,000,000	\$0.01 per number

SECOND SCHEDULE

Regulation 10(3)

ADVANCE PAYMENT OF APPLICATION FEE

<i>First column</i>	<i>Second column</i>
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 SECOND SCHEDULE — *continued*

<i>Number of Singapore telephone numbers pre-paid at any one time</i>	<i>Amount</i>
1. 5,000	\$100
2. 10,000	\$150
3. 25,000	\$350
4. 100,000	\$1,200
5. 250,000	\$2,700
6. 1,000,000	\$10,000

THIRD SCHEDULE

Regulation 14(1)

 FEES PAYABLE IN RESPECT OF
 TERMINATED SINGAPORE TELEPHONE NUMBERS

<i>First column</i>	<i>Second column</i>
<i>Number of terminated Singapore telephone numbers submitted in a report (per month)</i>	<i>Fee</i>
1. 1 – 20	\$100
2. 21 – 100	\$500
3. 101 – 500	\$1,000
4. 501 – 1,000	\$1,500
5. 1,001 – 10,000	\$2,000
6. 10,001 – 100,000	\$2,900
7. 100,001 and above	\$3,200

Made this 21st day of November 2013.

AUBECK KAM
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

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