

M1'S RESPONSE TO IDA'S CONSULTATION PAPER ON REVIEW OF IDA'S REGULATORY REQUIREMENT FOR DIRECTORY SERVICES



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ANNEX 1: M1'S RESPONSE TO IDA'S CONSULTATION PAPER ON REVIEW OF IDA'S REGULATORY REQUIREMENT FOR DIRECTORY SERVICES

M1 welcomes the opportunity to submit our views and comments to IDA for its consideration in its review of IDA's regulatory requirement for directory services. M1's comments on the consultation paper are set out below.

Question 1:- *IDA invites views and comments on the current situation in relation to Directory Services, in particular, whether you agree with the trends observed on the demand and usage, and whether Directory Services in their current form continue to be relevant in today's environment.*

With technology convergence and rapid development of the telecommunications industry, there has been a substantial change in the way end users source for information and procure services. Directory services is increasingly losing relevance in the present day context in view of the many substitutes that are available to locate a particular individual or business information e.g. Google, Bing, Facebook, Twitter and other independent directories in Singapore, etc.

Hence, M1 agrees with the trends observed by IDA on the demand and usage of Directory Services in their current form.

Question 2:- *Do you agree that IDA should adopt Option 2 to remove the regulatory requirement for provision of integrated directories but retain the requirement for the provision of directory enquiry services? If not, please state your preferred Option and the supporting reasons.*

Question 3:- *Are there other options that IDA may consider in the review of the regulatory requirement for Directory Services?*

Based on the trends observed and past directory collection statistics, M1 supports the total removal of regulatory obligations on directory services. At the minimum, we are agreeable with IDA's proposed Option 2, i.e. to remove the regulatory requirement for the provision of integrated directories but retain the requirement for the provision of directory enquiry services. If feasible, the removal of the integrated directories should take effect for 2012/2013 (i.e. this year of publication).

As for the provision of directory enquiry services for both residential and business numbers, we concur with IDA's comment in Paragraph 25 of the consultation paper that "individuals are likely to have stronger concerns about personal data protection, as compared to business subscribers who may prefer their companies' information to be publicly available." Accordingly, we propose that IDA consider retaining directory enquiry services for only business numbers on a mandatory level. Such a move would be aligned with the intent of the Data Protection Law.

Question 4:- *IDA invites view and comments on IDA's proposal to require Fixed-Line Operators to cease charging subscribers for unlisting their numbers.*

M1 is of the view that charges should still be imposed, at least on a cost recovery basis. This will help to avoid any abuse usage of unlisting service offered. If one is to make a comparison with the Data Protection Act ("DP Act") with respect to treatment of charges:-

(a) It appears that an organisation may actually charge a fee for an individual's request to access or correct his personal data (Section 21 and 22 of DP Act). This is fortified under

Sections 28(1) and 28(2) of the DP Act where the Commission may confirm, reduce or disallow the fee charged by the organisation to the individual. Accordingly, if the fee is reasonable, the Commission is given discretion to confirm and uphold the fee charged by the organisation to the individual.

- (b) It appears that under Section 42(5) of the DP Act, the Commission will pay prescribed fees to the telecommunications operator for each terminated Singapore telephone number reported to the Commission.

Accordingly, the DP Act clearly recognises that organisations (including telecommunication operators) incur charges in making provisions under the Act, which ought to be claimable.

Question 5:- *IDA also invites views and comments on whether IDA should require the Fixed-Line Operators to obtain the subscriber's consent to be included in the directory service database on an opt-in or opt-out basis.*

Currently under the provisions of Section 3.2.6.2 of the Telecom Competition Code, operators are able to, without the end users prior consent, comply with any regulatory requirement imposed by IDA authorising the use of end user information (e.g. for the provision of directory assistance services). Hence, in the event that IDA adopts Option 2, operators would similarly not require their end user's consent to include the end user's telephone number for the purposes of the directory enquiry services. We do not believe that these provisions on permitted disclosure of end user information in the Code has been necessarily abrogated under the DP Act (in light of Sections 4(6)(b) and 13(b) of the DP Act).

Accordingly, the subscriber ought to be included in the directory services database by default under the provisions of the Telecom Competition Code, unless the subscriber opt-out from it, where charges for unlisting would apply.