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Feedback on 2nd Joint IDA AGC Consultation Paper

I would like to give some feedback on the definition of 'Sender' in the Consultation Paper and Proposed Bill.

The current proposal definition is as follows

"sender", in relation to an electronic message, means a person who sends the message or causes the message to be sent;

In email marketing, the following parties may be involved in the broadcast of a message;

- Email broadcast system provider.
This can be an application service provider that provides a system for the execution of mass broadcast. They function like a virtual post office by providing the basic infrastructure to execute such mailings. In general they have limited control over the content of the broadcast, but they may be able to impose certain practices.
Such providers offer SME's a cost effective means to manage email marketing in a professional manner and are crucial to helping uphold proper email marketing standards.
- Executing party
This is the party that owns the email list and executes the broadcasts.
- Commissioning party
This is the party that commissions the email message to be broadcast.

In the proposed definitions, the Email broadcast system providers are not explicitly mentioned. We feel that there is a need for formal definitions as their roles and responsibilities would not be similar to executing or commissioning parties.

We propose the following rules Email Broadcast Systems Providers;

- Systems must provide 'unsubscribe' facility as a compulsory feature.
- The Provider is to display a spam reporting email address or telephone number for the report of spamming activity by any of its clients and to report such complaints to the said clients.
- The Provider is to assist the authorities in spam investigations by providing the email broadcast records and logs of the activities of clients being investigated.

Except for the above the Providers shall not be responsible or liable for the content and actions of their clients.

I hope you will take our feedback into consideration. If you need any clarification, please feel free to contact me at 63250876.

Yours Sincerely,

Lee Kuok Ming
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