



Hewlett-Packard Company
410 Concord Road
Rhodes, NSW 2138
Australia
www.hp.com

Allan Paull
APJ Customer Privacy Mgr
Customer Data Privacy

Tel: 61-2-9022-5245
E-mail: Allan.Paull@hp.com

11 October, 2005

Mr. Andrew Haire
Assistant Director-General (Telecoms)
Infocomm Development Authority of Singapore
8 Temasek Boulevard
#14-00 Suntec Tower Three
Singapore 038988

HP COMMENT ON PROPOSED SPAM CONTROL BILL

Dear Sir,

Hewlett-Packard Company would like to take this opportunity to thank the Infocomm Development Authority of Singapore (IDA) and the Attorney-General's Chambers (AGC) for an opportunity to provide comment on the draft Spam Control Bill.

Hewlett-Packard (HP) is a global leader in instituting privacy practices across all aspects of our business and operations to meet customer and societal expectations. HP is a company recognized for strong consumer and employee data privacy practices. We've repositioned privacy to be a key strategic factor in our global citizenship and corporate social responsibility framework.

HP agrees with the approach adopted by the IDA and AGC in combating Spam; that of adopting a mix of a legislative, self-regulation and education. However HP has identified some areas within the draft Bill, that may be of concern or may have some inadvertent or unforeseen consequences.

1. Our first comment relates to section 3(4) where an authoriser of commercial electronic messages is being defined. Section 3(4) states:

In this Act, a person who knowingly allows his product or service to be promoted or advertised by a sender shall be deemed to have authorised the sending by the sender of any electronic message that promotes or advertises that person's product or service.



Hewlett-Packard Company
410 Concord Road
Rhodes, NSW 2138
Australia
www.hp.com

14 October, 2005
Page 2

Section 3(4) broadens the scope of the proposed bill to regulate parties who authorise the sending of commercial electronic messages. HP's concern with this section is that it may inadvertently regulate suppliers of products and services who have relationships with parties such as resellers or retailers, but have little or no involvement, or control over how those resellers or retailers promote or advertise the products or services they offer for sale. Our concern is that by entering into such an arrangement the supplier may be deemed to be liable because they are "knowingly allowing their products or services to be promoted or advertised by the sender". The simple act of knowing that a reseller or retailer may market products or services may be too severe a requirement.

While HP understands the need to regulate people who authorise the sending of spam, possible examples of suitable implementations of how to regulate individuals who authorise the sending of spam, may be found in the Australian Spam Act 2003 or the US CAN-SPAM Act 2003.

2. As a multinational company engaged in business activities around the world, HP strives to encourage regulation and standards that are consistent from country to country. While HP does see the benefits of section 10(1)(b) where it requires the letters "<ADV>" with a space to be placed in the subject title of a message, in making it easier to identify unsolicited commercial electronic messages, because Singapore is the only jurisdiction to impose these provisions, it may introduce undue burden and expense on businesses who market within the region. HP believes that there could be significant financial and administrative burden in the need to:
 - have separate electronic marketing messages for Singapore; and
 - analyse and vet distribution lists to ensure that Singapore residents weren't sent messages intended for distribution elsewhere in the region.

As a result HP feels that it may be prudent to not make this requirement mandatory until such time as it was adopted by other countries.



Hewlett-Packard Company
410 Concord Road
Rhodes, NSW 2138
Australia
www.hp.com

14 October, 2005
Page 3

Once again HP would like to thank you for the opportunity to provide comment on this document and trust that this information may be of assistance to the IDA and AGC in their consideration and formulation of this new and important piece of legislation.

Finally if you wish to discuss anything in this document further please do not hesitate in getting in touch with me.

Yours sincerely,

Allan Paull
Asia Pacific & Japan Customer Privacy Manager
Hewlett-Packard Company
E-mail: Allan.Paull@hp.com