

I would like to offer three comments for your consideration regarding the proposed anti-spam legislation:

1) How will innocent people, whose e-mail address has been 'hijacked' by spammers to send spam mail, be protected?

Our address has been stolen on numerous occasions and used as the supposed sender of unsolicited spam mail. Only when we happen to receive one of these mails, and become aware of it, can we report the abuse to our ISP. In other words there is spam mail circulating worldwide that looks as if it has been sent from our address, yet we have nothing to do with it. How will we and others like us - for we can't be alone in this - be protected from a great deal of inconvenience having to prove that we weren't responsible for the spam?

2) Will unsolicited 'junk fax' advertising be included in the legislation?

We run a small business and are constantly bombarded by unsolicited fax advertising. In many ways this is even more of a menace than spam e-mail, firstly because it ties up our fax line when other legitimate callers may be trying to get through and, most importantly, because junk faxes actually cost the recipient money. These faxes often come with illustrations or large, attention-getting headlines in big blocks of solid black ink, both of which consume a considerable amount of the recipient's toner, not to mention the sheets of wasted paper. They also appear to be indiscriminately sent out to any fax number they can obtain, since many are advertising products and services entirely irrelevant to our needs. I suspect that many business owners are simply unaware of the money this is costing them, as secretaries or others who go to the fax machine simply discard them on a daily basis. Whereas spam e-mail merely represents an intangible cost in terms of wasted time spent scanning and deleting it, and junk postal mail can simply be binned, junk faxes are the only advertising menace where the unwilling and unwitting recipient's money is used to pay for a large part of the cost. Surely this therefore needs to be addressed within the proposed legislation, especially as it is almost exclusively sent within Singapore and can thus be far more effectively controlled.

3) An 'opt-out' law is unlikely to work. The basic principle should be 'opt-in'.

As a writer in today's Straits Times notes, opting out of spam e-mail by replying to it simply confirms one's address as active. This is fatal when dealing with spam mail as it simply verifies an address to the unscrupulous, who can then forward it on or sell it to other spammers as a genuine target. Opt-in legislation is a far more effective way to go. However, there is a need to protect the innocent (see comment 1 above), and an opt-out policy should apply in cases where people have previously and voluntarily provided their e-mail address to businesses, etc, in order to be put on their mailing list(s).

With regards to opting out of junk faxes, we do this regularly (even though it takes time and the cost of a return fax call) but it only helps to stem the tide for a while. As soon as another mail listing company scans the phone directory, a new round of junk faxes start rolling in. And sometimes, as has just happened in one case, repeated calls to the company have failed to stop regular, toner-heavy ads being sent to us.

I trust the above is useful to you in drawing up this legislation, and do hope that you will take my points into account.

Yours,
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