

Dear Mr Haire

I occasionally lecture in IT law and related matters. I refer to the above bill and have the following comments.

1. May I suggest a minor amendment to Section 7(d) : after the present words, add a semi-colon and the following words -

"where the recipient email address or domain name is a Singapore one (that is, ending in the suffix ".sg"), then this fact shall of itself be sufficient to establish a Singapore link".

I believe that these words will avoid difficult issues of proof when mass email is sent to individuals working in a particular company. Assume 1,000 emails are sent to the individual staff of Singapore Telecomms by X. If a civil claim is made against X in respect of each recipient, then X could require proof that every staff member accessed that particular email while in Singapore or that the computer or device used to access the message was in Singapore. This is therefore administratively inconvenient. The problem is particularly acute when staff members have regional responsibilities and are often on overseas trips.

2. An addition should be made to the end of the existing words of section 4(3) -

"For the avoidance of doubt, a voice call shall be one made by a human actually speaking during the call, and not a recorded or digital message transmitted in aural form."

This is to avoid a spammer recording a spam voice advertisement and sending it electronically to thousands of handphones at the same time. This is as time-consuming if not more troublesome to deal with than spam e-mail.

If you have any queries, I would be pleased to assist.

Yours faithfully,

Terence Tan, Faculty of Law, National University of Singapore.