Spam Control Act

Spam Control Act (Chapter 311A)

The Spam Control Act 2007 came into effect on 15 June 2007. It aims to address the still-growing and global problem of spam.

The Act will offer a framework to better manage unsolicited commercial electronic messages sent in bulk, otherwise known as "spam". Spam is estimated to make up the bulk of all e-mails sent worldwide.

The legal guidelines are reasonably easy for marketers to follow and for consumers to understand. It will not offer complete respite from spam, but consumers will get a measure of protection from spam.

Under the Act, marketers - particularly those based in Singapore or who have operations here - who continue to spam the "not interested" group face potential financial penalties. The statutory penalty is $25 for each electronic message, up to a total of $1 million.

What is Spam?

Spamming is the abuse of electronic messaging systems to indiscriminately send unsolicited bulk messages. While the most widely recognized form of spam is e-mail spam, the term is applied to similar abuses in other media: instant messaging spam, Usenet newsgroup spam, Web search engine spam, spam in blogs, wiki spam, Online classified ads spam, mobile phone messaging spam, Internet forum spam and junk fax transmissions.

Spam typically advertises or promotes goods or services, which may also include land, business opportunity or investment opportunities.

Problems

Many early Usenet spams were religious or political. Serdar Argic, for instance, spammed Usenet with historical revisionist screeds. A number of evangelists have spammed Usenet and e-mail media with preaching messages. A growing number of criminals are also using spam to perpetrate various sorts of fraud, and in some cases have used it to lure people to locations where they have been kidnapped, held for ransom, and even murdered.

It is a growing concern for Internet users and now accounts for as much as 73 per cent of e-mails worldwide, according to MessageLabs, an e-mail security and management company.

The annual productivity loss due to handling spam (e.g. opening the spam e-mails and deleting them) by e-mail users in Singapore is estimated at about $1.9 million per month or approximately $23 million per year. This works out to $16 per e-mail user per year.

Statistics

The second most important concern for Singaporeans when using the Internet is spam, with 24% that is after computer virus with 60%.

It is estimated that there are a total of 1.4 million e-mail users in Singapore aged between 15 years and above. Almost all e-mail users have received spam (94%). For the average spam recipient, spam accounted for almost 1 out of every 3 e-mails received per day. The majority of spam recipients (71%) spent less than 5 minutes per day on handling spam.

Slightly over half of spam recipients claimed that they had knowledge of how to protect their e-mail against spam, 36% claimed that they were knowledgeable while 22% said that they had adequate knowledge only.
The majority of e-mail users (81%) disliked receiving spam.

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Base: All spam recipients (1.33 million)

Base: All e-mail users (1.42m)

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The majority of e-mail users (80% - 1.14m e-mail users) be it spam or non-spam recipients felt that the sending of unsolicited e-mails should be prohibited unless it takes place within an existing customer-business relationship or these e-mails provide a genuine unsubscribe option.

In summary, spam is becoming a major problem in Singapore affecting 94% of e-mail users. Spam is costing Singaporean e-mail users as much as $23 million per annum in productivity loss. The public awareness on how to protect their e-mail against spam is low. Majority of e-mail users dislike spam and perceived spam to be a growing problem.

Measures

To reduce e-mail spam in Singapore, the Infocomm Development Authority of Singapore (IDA) has worked closely with the three major Internet Service Providers, Consumer Association of Singapore (CASE), Direct Marketing Association of Singapore (DMAS), Singapore Business Federation (SBF) and Singapore infocomm Technology Federation (SiTF) to introduce a multi-pronged approach to tackle e-mail spam. The various anti-spam measures developed aim to protect the interests of e-mail users from the impact of e-mail spam.

Spam is a complex, multi-faceted issue and there is no single solution against spam. Therefore, a multi-pronged policy approach is required to address spam related concerns from e-mail users. This includes public education (including the use of appropriate technology measures), industry self-regulation, anti-spam legislation and international cooperation. The multi-pronged approach serves as a concerted effort by the public and private sectors to address the issues and curb spam in Singapore.

The specific initiatives under each approach are:

(A) Public Education

Public education on measures that end-users can take forms a vital backbone in reducing e-mail spam in Singapore. This is because end-user measures are the first line of defence against e-mail spam, as most spam comes from overseas. According to IDA's survey on unsolicited e-mails in 2003, 42% of e-mail users in Singapore are unaware of how they can protect their e-mails against spam. Public education programmes are therefore important and the following initiatives adopted include:

(i) National Anti-Spam Website

An anti-spam website, named the "Singapore Anti-Spam Resource Centre" (http://www.spamcontrol.org.sg/), has been launched today to provide a central anti-spam repository for the public and industry. This website jointly developed by IDA, Pacific Internet, SingNet, StarHub, CASE, DMAS, SBF and SiTF will provide visitors with general information about spam and resources for combating spam for both individuals and organisations.

(ii) IDA Anti-spam Awareness Drive

As part of e-Celebrations campaign this year, IDA will include information on spam prevention through its e-lifestyle public education efforts. Public education on anti-spam measures will be incorporated into the National IT Literacy Programme and Infocomm Security Awareness Programme. In addition, public seminars and workshops will be organised and marketing collaterals will be developed to educate the public on the steps that they can take to protect themselves from spam. This includes promoting public awareness on the anti-spam technologies available to reduce e-mail spam. IDA will also work with business associations to educate the business community on the proper rules of marketing via e-mail.

(iii) SiTF Anti-spam Initiative

To increase awareness of e-mail spam prevention among the public, the SiTF launched an anti-spam promotion today to fight e-mail spam in Singapore. As part of this promotion, members of SiTF Security Chapter including Brightmail, Computer Associates, Network Associates Software, Sophos, Symantec and Ufinity are offering free trial of anti-spam software from 30-90 days to allow e-mail users to try and identify suitable software solutions that meet their needs. In addition, SiTF will also be organising an anti-spam forum in June to educate the public on the impact of spam. The forum supported by IDA will also serve to explore potential ways of tackling the spam problem in Singapore.
(iv) Public Education Efforts by CASE and SBF
CASE and SBF will also lend their support to the anti-spam initiative by educating the public and businesses on the proposed legal framework and anti-spam measures via its website, workshops and electronic newsletters.

(B) Industry Self-Regulation

(i) Efforts by ISPs
The three major Internet Service Providers (ISPs), Pacific Internet (PacNet), SingNet and StarHub, under the facilitation of IDA, have come together to set up anti-spam guidelines. These guidelines serve as guiding principles to be adopted jointly by the three ISPs to help reduce e-mail spam for their subscribers.

(ii) Efforts by DMAS
The DMAS has today launched an E-mail Marketing Code of Practice for its members. It will also be setting up a Consumer Communications Preference Programme to be launched before the end of this year that will allow e-mail users to register their preference not to receive unsolicited commercial e-mail.

(C) Legislative Framework
IDA and the Attorney-General's Chambers of Singapore (AGC) are issuing a joint consultation paper which proposes a legislative framework to control e-mail spam in Singapore. The proposed legislative framework seeks to balance the legitimate interests and concerns of different groups such as e-mail users and ISPs on the one hand, and marketers on the other. Many jurisdictions such as Australia, the European Union, the United Kingdom, the United States, Japan and South Korea have enacted legislation for the control of e-mail spam.

The consultation paper proposes an opt-out regime as part of the legislative framework. It proposes to give ISPs which have suffered loss or damage as a result of spam, a statutory right to commence civil proceedings against the spammer.

IDA and AGC invite comments from the public on the proposals made in the consultation paper. The consultation paper can be downloaded from the “Policy & Regulation” section, under "Consultation Papers" of the IDA web site at www.ida.gov.sg. All comments should be submitted to IDA by 26 July 2004, 12:00 noon. IDA and AGC will assess and consider all comments received before finalising the proposals and commencing the legislative process.

(D) International Cooperation
Spam is a global issue and Singapore cannot fight this battle alone. To extend Singapore's anti-spam efforts to international shores, IDA participated in the US Federal Trade Commission’s "Operation Secure Your Server" campaign, to encourage organisations worldwide to close open relays and proxies in January this year. IDA is also committed to partake in international initiatives, including participation in global and regional fora such APEC, ITU, OECD and ASEAN.

Conclusion
IDA understands that spam will continue to be a global issue and there is no immediate panacea to resolve this problem completely. However, this multi-pronged approach, together with legislation, is a step forward to curb e-mail spam. It seeks to balance the interests of legitimate businesses advertising via e-mails and interests of users who have the right to opt out of unsolicited e-mails. With a multi-pronged policy developed, IDA hopes to address the concerns of e-mail users and reduce e-mail spam in the Internet space.”

Reference


