

# **Personal Data Protection & Telemarketing Guidelines**

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# CCAS PERSONAL DATA PROTECTION & TELEMARKETING GUIDELINES

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This code of conduct has been developed by Contact Centre Association of Singapore (CCAS) as a guide to our CCAS members, consumers and the community at large as to the expectations of professional, competent and ethical telemarketing arena in Singapore.

It has been developed to help enhance the image and professionalism of the conduct of telemarketers when making unsolicited calls within the industry. The Contact Centres have the responsibility to ensure that their representatives, their appointed introducers and telemarketers adhere to these standards.

These Guidelines are meant to provide general guidance and are not intended to replace or override any legislative provision. They should read in conjunction with the provision of the ACTS, the regulations made under the ACTS, as well as written directions, notices, codes and other guidelines that MAS may issue from time to time.

With the new establishment of Personal Data Protection Commission (PDPC), there is more awareness of the importance of personal data protection in Singapore. PDPC is a Singapore Government statutory body established on 2 January 2013 to administer and enforce the Personal Data Protection Act 2012 (PDPA).

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Personal data refers to data, whether true or not, about an individual who can be identified from that data; or from that data and other information to which the organisation has or is likely to have access. Personal data in Singapore is protected under the Personal Data Protection Act 2012 (PDPA).

The PDPA establishes a data protection law that comprises various rules governing the collection, use, disclosure and care of personal data. It recognizes both the rights of individuals to protect their personal data, including rights of access and correction, and the needs of organisations to collect, use or disclose personal data for legitimate and reasonable purposes.

Provisions relating to the Do Not Call Registry came into effect on 2 January 2014 and the main data protection rules come into force on 2 July 2014.

Telemarketing is defined as the act of selling, promoting, or soliciting a product or service over the telephone as a form of a campaign or mass marketing strategy.

An unsolicited call is defined as any call made otherwise than with the express invitation of the person called upon. This does not include calls on a follow up basis by the telemarketer, e.g. where the customer had expressed interest in the specific product or service, or calls made in relation to managing a customer's existing account with the company.

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## 1. LEGISLATIVE COMPLIANCE

All telemarketing conduct must comply with the laws and regulations of the Republic of Singapore and any jurisdiction into which calls are made or received from. Calls originating from Singapore to another jurisdiction must comply with the laws and regulations of the jurisdiction into which the calls are made.

All telemarketing procedures and processes are expected to comply with general principles of good industry practice and any applicable industry code of practice.

With effect from 2 January 2014, the Do Not Call (DNC) provisions under the Personal Data Protection Act 2012 (PDPA) generally prohibit organisations from sending certain marketing messages (in the form of voice calls, text or fax messages) to Singapore telephone numbers, including mobile, fixed-line, residential and business numbers, registered with the DNC Registry.

Organisations sending marketing messages to customers will need to check with DNC Registry before conducting telemarketing activities. Organisations are also required to appoint at least one person known as the Data Protection Officer, to be responsible for ensuring that the organisation complies with the PDPA.

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## 2. ETHICAL AND PROFESSIONAL CONDUCT

Telemarketers must maintain a professional and courteous conduct at all times when interacting with customers and act honestly, decently and in good faith. Telemarketers must not make claims which are untrue, misleading, deceptive or fraudulent. Due diligence and care must be exerted to ensure that calls are not intuitive on the customer.

## 3. HOURS OF CALLING

### **Outbound Calls (telemarketer calling the customer):**

Calls must not be made before 8:00am or after 9:00pm (local time of the called party's location), except with the express prior consent of the called party.

Telemarketers should be sensitive to any inconvenience caused by calls made during the weekends. Calls on Saturdays must not be made before 9am and should finish no later than 6pm.

No unsolicited calls should be made on Sundays and Public Holidays (PH).

## 4. COMPETENCY

All telemarketers must be appropriately trained in professional telemarketing and have knowledge of the products and services being offered and be made aware of all applicable regulatory requirement as well as internal procedures and the contents of this code of conduct.

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## 5. PROPER IDENTIFICATION

During an outbound call, an introduction should be made where the telemarketer must clearly state the name of the individual calling, the name or business or organisation they are calling on behalf of, and the purpose of the call.

Organisation making telemarketing calls also need to display the calling number and no longer can making outbound calls using unknown numbers.

On answering inbound calls, telemarketers must clearly state their name and the name of the business or organisation they are speaking on behalf of.

## 6. INFORMATION TO BE PROVIDED UPON REQUEST

If the called party requests the following information, the telemarketer is obliged to supply it:

- The telemarketer's name and contact details
- The name of the telemarketer's supervisor
- The name of the organisation the telemarketers is calling on behalf of
- The nature of the business of the organisation
- Source of the customer's contact information (when available)



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## 7. INTERRUPTION

Telemarketers should check if the called party has been interrupted at an inconvenient time at the beginning of a call. The telemarketer must promptly offer to call back at a mutually agreeable time.

## 8. DO NOT CALL REGISTRY

All organisations engaging in telemarketing activities need to check their database with DNC Registry before sending marketing messages to consumers. Sending of marketing messages can be in the form of voice calls, text or fax messages.

All Contact Centres should maintain a “Do–Not–Call” list, where customers who request not to be called for or on behalf of any particular goods or services, is recorded on their database.

Telemarketer should be provided with the “Do–Not–Call” list and calls should not be made to customers who have requested to be placed on the list.

The Contact Centre may require their telemarketers to maintain the list. This list obtained from the various telemarketers should be consolidated at the company level and be updated on a regular basis.

The internal procedures and processes should reflect the content and intent of any decisions made by the consumers prior to a call being made.



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The Contact Centre needs to determine how telemarketers capture “Do-Not-Call” requests for the best interest of the consumers and to reduce duplicate efforts to capture the same information from the consumers in the future.

The ‘Do-Not-Call’ list needs to be incorporated during the data compilation before the database is being loaded for telemarketing purpose.

“Do-Not-Call” lists should be maintained and updated on a regular basis and cannot be sold or in any way, shared without the customer’s expressed consent.

## 9. FREQUENCY

Telemarketers should not contact a consumer more than once during a month for the exact same campaign without the consumer’s consent except for follow up call relating to the campaign.

## 10. SUPERVISION & MONITORING

Appropriate supervision and call monitoring must be conducted to ensure an acceptable level of telemarketing quality and compliance with this code of conduct.

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## 11. SALE

Telemarketers must provide consumers with a clear opportunity to accept or decline the offer where a sale can be made via the telephone.

Sales must be clearly confirmed with the consumer.

Applicable laws and common practices in the marketplace pertaining to refusal will protect the consumer.

## 12. SALES TACTICS

Telemarketers should not misrepresent the purpose of the call by using misleading sales tactics such as representing that the purpose of call is to undertake market research, provide a free gift or other service when the provision of the gift or service is conditional on an action on the part of the consumer.

## 13. E-MAIL & FACSIMILE

All e-mail and facsimile transmissions must clearly identify the sending business' name, telephone number, date and time, nature and purpose of the transmission.

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## 14. PRIVACY

Company must have measures to secure customers' personal data and ensure that the information is used for proper purpose. Telemarketers must protect the confidentiality and privacy of their customers and their customers' personal information.

Telemarketers should not attempt to attain alternative contact or personal customer information via any other means (e.g. through the friends and family of the customer) other than from the representing company when unable to reach the intended customer.

## 15. DISCRIMINATION

Telemarketers must not participate in any conduct that is in any way discriminatory or disparaging of any person or group on the basis of race, color, religion, national origin, gender, sexual orientation or marital status.

This clause covers conduct, procedure and business practices of the Telemarketer and does not pertain to the product being marketed which should follow the applicable laws of Singapore and common leading practices.



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