

Office of the Telecommunications Authority (OFTA)

Person-to-Person Commercial Calls -- Questionnaire for Sender

Introduction

With a view to containing the problem of unsolicited commercial electronic messages, the Unsolicited Electronic Messages Ordinance (UEMO) fully commenced in December 2007 to regulate the sending of commercial electronic messages, such as pre-recorded telephone messages, short messages, faxes and emails.

Currently, person-to-person commercial calls are exempt from the UEMO. The exemption is intended to leave room for legitimate telemarketing activities to be conducted in Hong Kong since the majority of Hong Kong businesses are small and medium-sized enterprises which have to rely on this channel for marketing activities. Besides, the use of personal data¹ for direct marketing is already regulated under the Personal Data (Privacy) Ordinance.

The Government nonetheless monitors closely the situation regarding person-to-person commercial calls. In order to understand the impact of these calls and gauge the views of the public about them, OFTA has commissioned a survey of public opinion in October 2008.

Apart from collecting the general public's views, there is also a need to collect the industry's views for making a balanced assessment. **This questionnaire will collect your company's views as a sender of person-to-person commercial calls made to recipients in Hong Kong.**

For the avoidance of doubt, ***“person-to-person commercial calls” refer to real-time interactive communications for promoting or advertising products or services, and are not pre-recorded telephone messages.*** These include calls made to mobile and fixed line numbers.

¹ Personal data of a call recipient may be his surname or full name, his address or the property that he owns, etc.

If your company is either:

- (i) a call centre providing outbound call service to your clients and making calls to recipients in Hong Kong;
- (ii) outsourcing outbound call service (for making calls to recipients in Hong Kong) to a call centre or other parties; *or*
- (iii) deploying an in-house team for making outbound marketing calls for your own company to recipients in Hong Kong,

you are invited to fill in the questionnaire and return it to OFTA on or before **15 May 2009**:

- by fax: 3155 0956;
- by post: Office of the Telecommunications Authority, 29/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong (Attention: UEM Team); or
- by email: hyslai@ofta.gov.hk.

Please submit only one questionnaire for your company as a sender of person-to-person commercial calls.

All information provided by you in the survey will be kept strictly confidential and used only for the internal analysis of OFTA for facilitating the Government to consider the way forward on the question of whether person-to-person commercial calls should be regulated or not. Any published information will be aggregated. Information pertinent to individual respondents will not be published or provided to any other parties. If you have any questions about this survey, please contact Ms. Helen Lai at (email) hyslai@ofta.gov.hk or (tel) 2961 6797.

Questionnaire

1. Contact information (*optional*) – We may contact you to discuss your views or collect further information. ***All contact information collected in this survey will be destroyed after the internal analysis has been completed.***

Company name: _____
Contact person: _____
Position: _____
Phone: _____
Email: _____

2. Industry: _____

3. Please tick the appropriate box below and provide the relevant information:

- ☐ You company is a call centre providing outbound call service to your clients and making calls to recipients in Hong Kong.

- No. of staff in your call centre responsible for making outbound calls to recipients in Hong Kong: _____
- Location of the above staff (please circle the appropriate): Hong Kong / Mainland China / Others - please specify: _____

- ☐ You company is outsourcing outbound call service (making calls to recipients in Hong Kong) to a call centre or other parties.

- No. of staff in your company: _____
- Location of your contracted call centre (please circle the appropriate): Hong Kong / Mainland China / Others – please specify: _____

- ☐ Your company is deploying an in-house team for making outbound marketing calls for your own company to recipients in Hong Kong.

- No. of staff in your company: _____
- No. of staff in your in-house calling team for making calls to recipients in Hong Kong: _____

4. What are the calling hours of your call centre / contracted call centre² / in-house calling team for making calls to recipients in Hong Kong? On average per day, how many outbound person-to-person commercial calls are made?

Monday to Friday: from ____ (am/pm) to ____ (am/pm)

Saturday, Sunday and public holiday: from ____ (am/pm) to ____ (am/pm)

On average per day, _____ person-to-person commercial calls are made.

5. What was the change in call volume to Hong Kong recipients in 2007 and 2008, and your estimation for 2009?

Year	Rate of change in call volume	
2007	Increased / Decreased by	% as compared to 2006
2008	Increased / Decreased by	% as compared to 2007
2009	Will increase / decrease by	% as compared to 2008

6. If your company is a call centre providing outbound call service to clients, how do you obtain the list of numbers to be called? Please provide the percentage of each of the following sources out of the total calls made to recipients in Hong Kong.

Sources of number lists	% of total calls made to recipients in Hong Kong
Your clients provide the numbers with the name or other personal data ³ of the call recipients.	
Your clients provide the numbers <u>without</u> any personal data of the call recipients.	
The numbers are randomly generated by your company.	
Other sources – please specify the source and whether personal data of call recipients is involved:	
<i>TOTAL</i>	<i>100%</i>

² Please reply based on the service provided by the contracted call centre to your company

³ Personal data of a call recipient may be his name/surname, his address, the property that he owns or his credit card information, etc.

7. If your company has outsourced outbound call service to a call centre (or third parties) or has deployed an in-house calling team, how do you obtain the list of numbers to be called? Please provide the percentage of each of the following sources out of the total calls made to recipients in Hong Kong.

Sources of number lists	% of total calls made to recipients in Hong Kong
The called parties are your existing or previous customers, subscribers or members.	
The numbers, <u>with</u> personal data of the call recipients, are provided by your contracted call centre.	
The numbers, <u>with</u> personal data of the call recipients, are provided by your affiliated companies.	
The numbers, <u>with</u> personal data of the call recipients, are provided by non-affiliated companies.	
The numbers, <u>without</u> any personal data of the call recipients, are provided by your contracted call centre.	
The numbers, <u>without</u> any personal data of the call recipients, are provided by your affiliated companies.	
The numbers, <u>without</u> any personal data of the call recipients, are provided by non-affiliated companies.	
The numbers and other information of the call recipients are obtained from the Land Registry.	
The numbers are randomly generated by your company.	
White pages	
Yellow pages	
Other sources – please specify the source and whether personal data of call recipients is involved:	
<i>TOTAL</i>	<i>100%</i>

8. On average, what is the success rate of the calls (i.e. the percentage of calls that can achieve the intended purpose, e.g. to get the call recipient agree to buy/subscribe to the products/services, or to make an appointment with the call recipient for a meeting, etc.)?

Please specify the average success rate:

- for **all** calls made to recipients in Hong Kong: _____%
- for those calls made to recipients in Hong Kong that **involve** the use of personal data of call recipients: _____%
- for those calls made to recipients in Hong Kong that **do not involve** the use of personal data of call recipients: _____%

9. Does your company maintain, or does your call centre help your clients to maintain, an unsubscribe list (i.e. a list of numbers that the users have indicated that they did not wish to receive your further commercial calls)?

- ☐ Yes
- ☐ No (please skip the next question)

10. How can the call recipient make an unsubscribe request to you? (You can choose more than one of the following options)

- ☐ He can simply tell the calling person over the phone that he does not wish to further receive your marketing calls.
- ☐ He has to call another number to make the unsubscribe request.
- ☐ He has to fill in a form provided by your company / client, and the form can be obtained through (please circle the appropriate): Fax / Internet / Post / Retail Outlet / Others - please specify: _____
- ☐ There is no specific form for making unsubscribe request, but he has to submit a written request (e.g. a letter) to your company / client
- ☐ Other means – please specify: _____

(Please see Question 11 on the next page)

11. Has your call centre / contracted call centre / in-house calling team received any complaints about your person-to-person commercial calls made to recipients in Hong Kong?

- ☐ Yes, and the average no. of complaints is _____ per day.
- ☐ Yes, but you do not keep any complaint statistics.
- ☐ No, you have never received any complaints against your person-to-person commercial calls made to recipients in Hong Kong.

12. From your point of view, do you think that person-to-person commercial calls bring any benefits to Hong Kong businesses and the overall economy, and if yes, what are the benefits? (You can choose more than one of the following options)

- ☐ Provide an effective marketing channel for businesses
- ☐ Communicate directly with the call recipients in order to better understand their needs
- ☐ Increase sales volume of businesses
(If applicable to your company, please specify the percentage of sales volume of your company contributed directly or indirectly by person-to-person commercial calls: _____ %)
- ☐ Create employment opportunities in Hong Kong
- ☐ Others – please specify: _____

- ☐ You consider that person-to-person commercial calls have not brought any benefits to Hong Kong businesses or the overall economy.

(Please see Question 13 on the next page)

13. As explained in the Introduction, the UEMO does not regulate person-to-person commercial calls. However, it does not mean that person-to-person commercial calls are not subject to any regulation in Hong Kong. Currently, the use of personal data for direct marketing is regulated under the Personal Data (Privacy) Ordinance. Do you think that there is a need to expand the scope of existing regulation to cover person-to-person commercial calls that ***do not involve*** the use of personal data?

☐ Yes, there is a need – Please provide reasons: _____

☐ No, there is no such need – Please provide reasons and skip the next question: _____

14. If person-to-person commercial calls ***not involving*** personal data are to be regulated in Hong Kong, there can be different forms of regulation. In making the decision of the appropriate form of regulation, the Government will strike a balance among the level of protection offered to the public, the cost of compliance imposed on the industry as well as the room to be left for the industry to conduct legitimate electronic marketing. There are two options of regulation. One option is through legislation, and the other is through voluntary codes of practice. According to your opinion, which form of regulation should be adopted for person-to-person commercial calls ***not involving*** the use of personal data?

☐ Legislation

☐ Voluntary codes of practice

☐ Other, please specify: _____

(Please see Question 15 on the next page)

15. Do you expect any change in your call volume and sales volume if person-to-person commercial calls *not involving* personal data are regulated?

☐ Your call volume is expected to increase / decrease by _____%.

☐ There should not be any impact to your call volume.

☐ Your sales volume is expected to increase / decrease by _____%.

☐ There should not be any impact to your sales volume.

Thank you for completing the questionnaire. Please return the filled questionnaire to OFTA:

- by fax: 3155 0956;
- by post: Office of the Telecommunications Authority, 29/F, Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong (Attention: UEM Team); or
- by emailing the scanned copy to: hyslai@ofta.gov.hk.

All information provided by you in the survey will be kept strictly confidential and used only for the internal analysis of OFTA for facilitating the Government to consider the way forward on the question of whether person-to-person commercial calls should be regulated or not. Any published information will be aggregated. Information pertinent to individual respondents will not be published or provided to any other parties.