
From:
Sent: Monday, 21 June 2004 5:09 p.m.
To: spamsubmissions@med.govt.nz
Subject: Telephone inclusion

Dear IT and Telecommunications Policy Group

I have responded to several of the questions in the discussion document, and request that they be considered in the drafting of this much needed legislation.

1. Do you consider spam to be an important issue?

Yes I do.

Has it significantly affected you in any way?

Over half my email is spam, in spite of filters by orcon. One has to change email addresses regularly to avoid it.

I have also been telephoned spam from a political party using a recorded message to my home phone number, which infuriated me. It could have been sent randomly to every phone in Tauranga for all I know. I have a separate letter on your file that outlines my fears that our phone lines are about to be invaded by a similar loading of unsolicited messages and adverts that will make the phone service we now have virtually useless!!

2. Do you think legislation has a role to play alongside other complementary measures?

It is highly essential, as the current measures are not being effective.

3. Do you consider existing privacy protections in this area sufficient?

No I do not. Telecom were unable to do anything about the recorded message I received. Our answerphones are in danger of being blocked by random advertising messages, service announcements, fund appeals and political messages. It is horrifying!

4. Do you agree that stand-alone anti-spam legislation is preferable to reliance on the Harassment Act?

Yes

5. What message mediums should be caught by the legislation (e.g. email, short message services using mobile phones, Internet instant messaging, faxes, telephones (telemarketing), physical mail delivery)?

I would be happy to have all such avenues on an opt in basis. The world's resources are being used up by unwanted advertising.

6. Do the messages caught by the legislation have to be sent/conveyed to many recipients, and if so, how many?

No, I believe any unsolicited message is an invasion of my privacy and my communications media. Telemarketers are asked whether I have requested this phone call and then disconnected, even if they are promoting a service I normally support. They have no right to annoy me with unsolicited messages.

7. Should the messages caught by the legislation be of a commercial advertising and promotional nature only or should other types of messages be caught? Should there be exceptions and if so what should be exempted?

No exceptions in my opinion.

8. Should the legislation extend to coverage of acts done overseas?

Yes

If so, what acts should be covered?

All messages of an unsolicited nature.

9. Should all parties involved in the act of spamming, such as the vendor sponsoring the spamming, be covered by the legislation?

Yes

Should there be express exceptions such as for telecommunications companies and ISPs?

No

10. Should New Zealand adopt an opt-in, double opt-in or opt-out approach in legislating against spam? Why?

Opt-in approach only, as an opt out version means there will be potentially millions of spammers to opt out from.

11. If an opt-in or double opt-in approach was to be adopted, what should amount to express consent and what actions and/or relationships should amount to inferred consent to the sending of a "commercial" electronic message?

If a person responds to a website advertising a product or service, and specifically requests to be put on an email list. That request should pertain to that list only.

12. How should the scope of any opt-in or double opt-in assent be framed?

Specifically. I.e.. " Do you wish to receive emails / phone calls / mail drops / etc regarding this service / product?"

13. Should there be a requirement for commercial electronic messages to accurately identify the sender

of the message? If so, what constitutes accurate identification (e.g. name and physical address, name and email address)?

Yes. Name, email address and physical address.

14. Should there be a requirement for commercial electronic messages to include a statement to the effect that the recipient may use an electronic address set out in the message to send an unsubscribe message to the sender, and to ensure that such electronic address is functional?

Only when the fear that such a response will not trigger off a further flurry of spam, as occurs at present.

15. Should there be a requirement that commercial electronic messages provide accurate header and subject information?

Yes

16. Should there be a requirement for the labelling of advertising or adult messages?

Yes

17. Should anti-spam legislation include rules against the supply, acquisition and use of address-harvesting software and harvested-address lists in connection with the unlawful sending of electronic messages?

Yes

18. Who should be able to bring an action against an alleged spammer?

Government appointed agencies as well as private and corporate spammees [if that is the correct term for spam recipients :-)]

19. What agency should have the enforcement role under the legislation?

An agency under the Ministry of Communications

20. What should be the available penalties and remedies for breaches of anti-spam legislation and what should be the maximum fine or pecuniary penalty?

Huge, \$5,000,000 and or 5 years in jail. Same should be for hackers and virus makers. We must get serious

21. Should contraventions give rise to criminal or civil penalties?

Criminal, it is a harassment of one's privacy.

22. Should the responsible enforcement agency be given the ability to obtain search warrants conferring powers of entry, search and seizure?

I don't like to give it unless I can be sure it is not to be abused, but yes if we are to effectively nip this in the bud.