

**Revisions of the Code of Practice on Sending
Commercial Electronic Messages under
the Unsolicited Electronic Messages Ordinance**

Statement of the Communications Authority

30 August 2013

INTRODUCTION

On 1 March 2013, the Communications Authority (“CA”) issued a consultation paper entitled “Proposed Revisions of the Code of Practice on Sending Commercial Electronic Messages under the Unsolicited Electronic Messages Ordinance” (the “Consultation Paper”) to consult the public and senders of commercial electronic messages (“CEMs”) on the proposed revisions of the Code of Practice (the “CoP”) issued under the Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”) for providing practical and updated guidance on the sending of CEMs in compliance with the UEMO. In response to the Consultation Paper, submissions were received from the following parties¹ –

- The Asia Internet Coalition
- The Hong Kong Association of Banks
- Hong Kong Direct Marketing Association
- PCCW Limited & its associated group entities
- Wharf T&T Limited.

2. Having considered the submissions received, the CA sets out in this statement its responses to the submissions and its decision on the revised CoP.

RESPONSE TO THE QUESTIONS OF THE CONSULTATION PAPER

3. Most of the respondents supported the proposed revisions of the CoP in general. Some made suggestions on certain aspects of the revised CoP and their views are summarised in the following paragraphs.

¹ The submissions are available at:
http://www.coms-auth.hk/en/policies_regulations/consultations/completed/index_id_178.html.

Cleansing of Sending List

4. The CA has established three do-not-call registers (“DNCRs”), namely the DNCRs for pre-recorded telephone messages, facsimile messages and short messages respectively in 2008. Pursuant to section 11 of the UEMO, CEMs must not be sent to electronic address listed in a DNCR. As this requirement is not included in the CoP at present, it is proposed to require in paragraph 4A of the CoP that CEM senders should cleanse their distribution lists of electronic addresses against the relevant DNCR. The CA asked the following question in the Consultation Paper:

***Question (1):** Are there any matters which should be included in paragraph 4A above to provide practical guidance in relation to the use of DNCRs in sending CEMs? If yes, please provide reasons for your suggestion.*

Submission

5. One respondent suggested adding some words to remind senders to cleanse the distribution list of electronic addresses against the relevant DNCR at regular intervals and to include reference to section 11 of the UEMO in paragraph 4A for clarity. Another respondent suggested adding some words to clarify that consent given to an individual sender by a registered user of the electronic address overrides the listing on a DNCR.

Response and Conclusion

6. The CA notes that paragraph 4A of the CoP has made it clear that “a person should not send a CEM that has a Hong Kong link to an electronic address that, at the time the message is sent, is listed in the relevant DNCR for not less than 10 working days”. As long as the said requirement is complied with, the frequency of cleansing of the distribution list, whether on a regular or ad hoc basis, should be left to individual sender’s discretion. The CA agrees to the suggestion to include reference to section 11 of the UEMO in the beginning of the second sentence in paragraph 4A as that sentence is actually a direct quote from the said section. The CA notes that the suggested new phrase by one respondent, i.e. “unless the registered user of the electronic address has given his/her consent to the sending of the message” already features in the second sentence of paragraph 4A of the CoP and hence there is

no need to repeat the phrase again in that same paragraph.

Inclusion of sender and recipient number for facsimile messages

7. The CA notes that, in many cases, it is the activation of the call forwarding and/or the duplex ringing number of a telephone line which results in misguided complaints against facsimile message senders. It is therefore proposed to include in paragraph 6.1(b) of the CoP that CEM senders should provide the calling (i.e. the telephone number used for sending the facsimile message concerned) as well as called (i.e. the recipient telephone number) numbers in the sender information. The CA accordingly asked the following question in the Consultation Paper:

***Question (2):** In relation to the proposed revision set out in paragraph 6.1(b) above, do you agree that the proposal will reduce the burden on CEM senders in answering misguided complaints against them and enhance the awareness of the recipient to avoid making misguided complaints? Is there any other proposal that you would like to make? If yes, please provide your proposal with reasons.*

Submission

8. One respondent suggested that the CoP should permit a facsimile sender to nominate a particular telephone number as a facsimile reply number for receiving replies in relation to the concerned facsimile, as some facsimile transmission systems may utilise multiple lines and hence it might not be possible for a pre-composed facsimile message to state the particular telephone number from which the facsimile is eventually sent.

Response and Conclusion

9. The purpose of requiring the sender of commercial facsimile messages to include the calling and called numbers in the facsimile header is to facilitate the recipient in identifying whether he/she is the intended addressee so as to avoid misguided complaints. CEM senders are in any event required to provide accurate contact information for the recipient to make enquiry in a CEM pursuant to section 8 of the UEMO and sections 5, 6 and 8 of the

Unsolicited Electronic Messages Regulation (“UEMR”). As explained in the Consultation Paper, most facsimile machines support automatic insertion of the calling and called telephone numbers in the facsimile message header. For facsimile messages sent by computer programs, all that is required is some programming work to ensure compliance with this requirement. Given the above, and that no other respondents to the public consultation who are also major CEM senders have raised concern on the issue, the CA concludes that no amendment to the revised CoP is necessary in this regard.

Regulation of “other short messages”

10. With the prevailing use of mobile data services and smartphones nowadays, a variety of on-line messaging services have emerged in the market, offering services similar to Short-Message-Service (“SMS”) and Multimedia-Message-Service (“MMS”). As the UEMO is technology neutral, it is proposed in paragraph 4 of the CoP to define “other short messages” as all forms of short messages other than SMS. These cover MMS messages as well as those conveyed via on-line messaging platforms. The CA asked the following questions in the Consultation Paper:

Questions (3) and (4): Are there any matters which should be included in paragraphs 6.5 and/or 8.5 to provide practical guidance in relation to the sending of other short messages and/or the unsubscribe facility statement for other short messages? If yes, please provide reasons for your suggestion.

Submission

11. One respondent commented that the definition of CEM has been expanded to include “other short messages”. It raised that there are on-line messaging applications that operate across different devices (e.g. on smartphones, tablets and computers) and suggested that the proposed definition of “other short message” be limited to smartphones, i.e. “any short message conveyed to a smartphone via a variety of on-line messaging platforms available for smartphones”. One respondent considered that the definition of “other short message” does not appear to cover other forms of short messaging, such as instant messaging (“IM”) online chat services, and suggested that guidance on the use of IM services should be provided in the CoP.

Response and Conclusion

12. “Electronic message” is defined under the UEMO as “a message in any form sent over a public telecommunications service to an electronic address”, while “CEMs” are defined in the UEMO to include, among other things, “other short messages” that are commercial in nature. The proposed definition for “other short messages” for incorporation into the revised CoP aims to provide adequate guidelines on the sending of the relevant short messages as detailed in the revised CoP for compliance by CEM senders. Given that all CEMs with a Hong Kong link that are sent via public telecommunications services, including IM platforms, are regulated under the UEMO, the CA does not consider it appropriate to limit the definition of “other short messages” to “any short message conveyed to a smartphone”.

Storage of Records of Unsubscribe Requests

13. Pursuant to section 9(3) of the UEMO, a person to whom an unsubscribe request is sent shall ensure that a record of the request is retained in the format in which it was originally received, or in a format that can be demonstrated to represent accurately the information originally received, for at least three years after its receipt. To facilitate CEM senders to comply with the relevant requirement, it is proposed that a new paragraph 8.7 be added in the CoP to provide guidance on the form and means for storage of unsubscribe requests. The CA asked the following question in the Consultation Paper:

***Question (5):** Are there any matters which should be included in paragraph 8.7 above to provide practical guidance in relation to the retention and storage of unsubscribe requests? If yes, please provide reasons for your suggestion.*

Submission

14. A few respondents expressed concerns on the feasibility of the proposed requirement for transmissions to be kept in their original format for storage. They suggested that these clauses be qualified by adding "where reasonably practicable" and "a record of the request is retained in the format in which it was originally received or in a format that can be demonstrated to represent accurately the information originally received". One respondent

suggested adding “for at least three years after its receipt” at the last part of paragraph 8.7 and asked for clarification of paragraph 8.7(d) of the CoP about the requirement that “the web page of the hyperlink should be retained and kept in its original format for storage”. One respondent opined that the proposed new paragraph 8.7 curtails the flexibility of senders in using different devices to retain unsubscribe request records by conclusively specifying the format, rather than allowing them to demonstrate that their records can also accurately represent what they received. It suggested deleting paragraph 8.7 of the revised CoP.

Response and Conclusion

15. Regarding the proposal to add the wording "where reasonably practicable" after the clause “be retained and kept in its original format for storage” under paragraph 8.7 of the CoP, the CA considers the addition unnecessary as section 9(3) of the UEMO already provides the flexibility in permitting a record of an unsubscribe request to be retained in a format other than in its original form, provided that such new format can be demonstrated to represent accurately the information originally received. Regarding the suggestions to add “for at least three years after its receipt” at the last part of paragraph 8.7, the CA agrees to the suggestions for better clarity and has amended the CoP accordingly. As for paragraph 8.7(d) of the CoP about using a hyperlink as an unsubscribe facility as raised by one respondent, the CA wishes to clarify that it is “the content of the email message or the content returned by the web page of the hyperlink” indicating the unsubscribe request of a particular recipient that should be retained and stored. In this regard, the CA decides to amend paragraph 8.7(d) accordingly for clarity. Regarding the suggestion to delete paragraph 8.7, the CA wishes to highlight that paragraph 8.7 serves to provide practical guidelines on retaining records of unsubscribe requests for various message types in response to the past enquiries from some CEM senders and, in particular, it aims to facilitate CEM senders to comply with section 9(3) of the UEMO. The CA has made this clear through suitable amendments in retaining paragraph 8.7 in the CoP.

Other Issues

16. In addition to the questions raised in the Consultation Paper, some

respondents made the following comments on other aspects of the CoP -

Submission

17. One respondent opined that the requirement that sender information should be reasonably visible (paragraphs 6.1(a), 6.2(b), 6.3(b)(i) and 6.5(b)(i) of the revised CoP) is dependent on the recipient's electronic device. For instance, the visibility of a facsimile message received on a fax machine depends on the fidelity of the print output from the facsimile machine, and the visibility of a message received on a mobile phone depends on the size and quality of telephone screen and its settings. It further suggested that these paragraphs should take into account the nature and variability of the recipient device. The respondents also suggested some editorial amendments of the CoP for clarity.

Response and Conclusion

18. The CA notes that paragraph 6 of the existing CoP has already given adequate guidelines on presenting sender information, i.e. to be reasonably visible in various message types. For instance, the specific requirement for displaying sender information in commercial SMS message has taken into account the character limitation of each SMS message and the type of prevailing devices in receiving SMS message. The CA notes that the guidelines in the CoP on presenting sender information are set from the sender's perspective. As long as CEM senders provide their information in a reasonably visible form in terms of the font size, position and contrast/colour in accordance with the CoP, the nature and variability of recipient devices that are outside their control should not affect their compliance with the relevant provisions of the UEMO and UEMR. As such, the CA considers it not necessary to amend paragraph 6 in this regard. Meanwhile, the CA has accepted some of the editorial improvement suggestions as proposed by the respondents and the CoP has been amended accordingly.

THE REVISED COP

19. The revised CoP with amendments outlined above highlighted in red is at the **Appendix**.

DATE OF IMPLEMENTATION OF THE REVISED COP

20 . In accordance with section 29 of the UEMO, the CA would gazette the revised CoP on 30 August 2013. As CEM senders would need time to implement the inclusion of sender and recipient numbers for facsimile messages and storage of records of unsubscribe requests, the CA will allow a grace period of three months from the date of gazettal of the revised CoP before it comes into effect, i.e. the revised CoP should take effect on 30 November 2013.

Communications Authority

30 August 2013

For easy reference, differences between the proposed revised CoP for public consultation and the finalised CoP are highlighted.

[FINAL VERSION]

**Code of Practice
on
Sending Commercial Electronic Messages under
the Unsolicited Electronic Messages Ordinance (Cap. 593)**

(Revised on 30 August 2013)

Preamble

- 1 This Code of Practice (“CoP”) is approved and issued by the Communications Authority (“CA”) under section 29 of the Unsolicited Electronic Messages Ordinance (Cap. 593) (“Ordinance”) for the purpose of providing practical guidance to senders of commercial electronic messages on certain requirements in the Ordinance as well as the Unsolicited Electronic Messages Regulation (“Regulation”) relating to sender information and unsubscribe facility as described therein.

- 2 Pursuant to section 30 of the Ordinance, a failure on the part of any person to observe any provision of this CoP shall not of itself render that person liable to legal proceedings. However, if, in any legal proceedings, the court is satisfied that a provision of this CoP is relevant to determining a matter that is in issue in the proceedings, this CoP is admissible in evidence in the proceedings and proof that the person contravened or did not contravene a relevant provision of this CoP may be relied on by any party to the proceedings as tending to establish or negate that matter.

- 3 Senders of commercial electronic message must refer to the statutory requirements in the Ordinance and the Regulation. Without prejudice to the generality of the Ordinance and the Regulation, nothing in this CoP shall absolve any person from complying with the Ordinance or the Regulation or other applicable laws of Hong Kong.

Interpretations

- 4 In this CoP, unless the context otherwise requires –

“address field”, in relation to an SMS message, means the information that is displayable and attached to the message transmitted to the recipient, but is not part of the main text of the SMS message. For the avoidance of doubt, the address field of an SMS message may or may not be numerical;

“commercial electronic message”, in relation to an SMS message and other short messages, includes the main text and any displayable information attached to the message transmitted to the recipient;

“other short message” is a short message other than an SMS message and may contain text, graphic / images and audio / video file clips. This includes, *inter alia*, multimedia message service (“MMS”) message and any short message conveyed via a variety of on-line messaging platforms available for smartphones;

“SMS message” has the meaning assigned to it by section 3 of the Regulation;

“unsubscribe facility” has the meaning assigned to it by section 9 of

the Ordinance;

“unsubscribe facility statement” means the statement required to be included in a commercial electronic message under section 9(1)(a) of the Ordinance.

Do-Not-Call Registers

4A. Pursuant to section 31 of the Ordinance, the CA has established three do-not-call registers (“DNCRs”), namely:

- (a) DNCR for pre-recorded telephone messages - the electronic addresses listed in the **relevant** register are telephone numbers of Hong Kong for not receiving pre-recorded telephone messages;
- (b) DNCR for facsimile messages - the electronic addresses listed in the **relevant** register are telephone numbers of Hong Kong for not receiving facsimile messages; and
- (c) DNCR for short messages - the electronic addresses listed in the **relevant** register are telephone numbers of Hong Kong for not receiving SMS **messages** and other short messages.

Pursuant to section 11 of the Ordinance, a ~~A~~ person should not send a commercial electronic message that has a Hong Kong link to an electronic address that, at the time the message is sent, is listed in the relevant DNCR for not less than 10 working days, unless the registered user of the electronic address has given his/her consent to the sending of the message. To ensure compliance with ~~this~~ **section 11 of the UEMO Ordinance**, a sender of commercial electronic messages should cleanse his/her distribution list of electronic addresses against the relevant DNCR. The **UEMO Ordinance** is technology neutral and covers all types of commercial electronic messages irrespective of the technology used by the senders. Information about subscription to the DNCRs can be found at: http://www.ofca.gov.hk/en/industry_focus/uemo/dnc_industry/information_for_sen

Provision of Accurate Sender Information

5 Relevant Provisions of the Ordinance and the Regulation

5.1 The sender of a commercial electronic message that has a Hong Kong link must provide clear and accurate sender information in the message and the relevant provisions are:

- section 8 of the Ordinance; and
- sections 5, 6 and 8 of the Regulation.

6 Guidelines under this CoP

6.1 If the message is a facsimile, the message should contain:

- (a) all sender information being prominently displayed either at the top, or at the bottom, of the first page of the facsimile message and reasonably visible in terms of the font size, position and contrast; and
- (b) the telephone numbers from and to which the facsimile message is sent to enable easy identification by the recipient **as to whether the message is sent to one of his/her numbers.**

6.2 If the message is an email, all sender information should be:

- (a) prominently displayed either at the top, or at the bottom, of the body of the email message; and
- (b) reasonably visible in terms of the font size, position and contrast/colour.

- 6.3 If the message is a voice or video telephone call², and
- (a) if the sender information is voice-based, it should be presented at such speed so as to be reasonably audible; or
 - (b) if the sender information is text/image-based, it should be:
 - (i) reasonably visible in terms of the font size, position and contrast/colour;
 - (ii) separate and distinguishable from the commercial content of the message; and
 - (iii) displayed long enough for the recipient to read the information.
- 6.4 If the message is an SMS message, the contact telephone number of the sender should be presented in digits in the main text of the SMS message:
- (a) with a preceding label of either “查詢 EN” or “EN 查詢”; or
 - (b) with a preceding label of “查詢” or “EN”, or a preceding label with the meaning of “Enquiry” in any language other than Chinese and English, if the conditions specified in section 6(2)(a), (b) or (c) of the Regulation are fulfilled³.

Apart from the sender’s contact telephone number, the main text of the SMS message must also include other sender information⁴. However,

² Section 8(2) of the Regulation requires sender information to be presented at the beginning of the message together with the unsubscribed facility statement in the prescribed order.

³ Section 6(2) of the Regulation provides that the sender information to be included in a commercial electronic message may be given in any language if:

- (a) the recipient of the message has indicated to the sender or the individual or organization who authorized the sending of the message that the information may be given in that language;
- (b) the sender or the individual or organization who authorized the sending of the message knows or reasonably believes that the person to whom the message is sent is an individual who—
 - (i) resides outside Hong Kong; and
 - (ii) uses or is able to communicate in that language; or
- (c) the sender or the individual or organization who authorized the sending of the message knows or reasonably believes that the person to whom the message is sent is an organization that—
 - (i) is not carrying on business or activities in Hong Kong; and
 - (ii) uses or is able to communicate in that language.

⁴ For details, please refer to section 5 of the Regulation.

if the address field of the SMS message already displays some of the sender information, for example, the sender's contact telephone number (with or without the preceding label of “查詢 EN”, “EN 查詢”, “查詢” or “EN”) or the sender's name, there is no need to repeat such information in the main text of an SMS message. The reason is that, the address field displayed and attached to the SMS message transmitted to the recipient is considered as part of the “commercial electronic message”. Hence, there is no need to repeat the sender information in the main text if it is already displayed in the address field of the SMS message.

Furthermore, for a long SMS message that is split into two or more transmissions, the sender information must be included in the first transmission of the SMS message.

- 6.5 For a message that is not covered by paragraphs 6.1-6.4 of this CoP,
- (a) if the sender information is voice-based, it should be presented at such speed so as to be reasonably audible; or
 - (b) if the sender information is text/image-based, it should be:
 - (i) reasonably visible in terms of the font size, position and contrast/colour;
 - (ii) separate and distinguishable from the commercial content of the message; and
 - (iii) displayed long enough for the recipient to read the information.

For the avoidance of doubt, MMS messages and other short messages are not covered by paragraphs 6.1-6.4 of this CoP and are therefore subject to the requirements specified in this paragraph.

Unsubscribe Facility and Unsubscribe Facility Statement

7 Relevant Provisions of the Ordinance and the Regulation

7.1 A person shall not send a commercial electronic message that has a Hong Kong link unless the message contains an unsubscribe facility and an unsubscribe facility statement that comply with the requirements under:

- section 9 of the Ordinance; and
- sections 7, 8 and 9 of the Regulation.

8 Guidelines under this CoP

8.1 If the message is a facsimile,

- (a) at least one unsubscribe facility should be a Hong Kong facsimile number; and
- (b) the unsubscribe facility statement is considered clear and conspicuous if such statement is:
 - (i) reasonably visible in terms of the font size, position and contrast;
 - (ii) separate and distinguishable from the commercial content of the message; and
 - (iii) placed either at the top, or at the bottom, of the first page of the facsimile message.

8.2 If the message is an email,

- (a) at least one unsubscribe facility should be an email address, a web page or a web address; and
- (b) the unsubscribe facility statement is considered clear and conspicuous if such statement is:

- (i) reasonably visible in terms of the font size, position and contrast/colour;
- (ii) separate and distinguishable from the commercial content of the message; and
- (iii) placed either at the top, or at the bottom, of the body of the email message.

8.3 If the message is a voice or video telephone call,

- (a) at least one unsubscribe facility should be activated by key input of a specified one-digit number, and should be ready for use immediately after the unsubscribe facility statement has been given and should be available throughout the duration when the rest of the message is being played. Furthermore, the recipient should be considered as having sent the unsubscribe request to the sender once the specified key has been pressed by the recipient when the rest of the message is being played; and
- (b) the unsubscribe facility statement⁵ is considered clear and conspicuous:
 - (i) if it is presented at such speed so as to be reasonably audible when such statement is voice-based; or
 - (ii) if it is:
 - (A) reasonably visible in terms of the font size, position and contrast/colour;
 - (B) separate and distinguishable from the commercial content of the message; and
 - (C) displayed long enough for the recipient to read the statement,when such statement is text/image-based.

8.4 If the message is an SMS message, the unsubscribe facility statement is considered clear and conspicuous if it is displayed in the main text

⁵ Section 8(2) of the Regulation requires unsubscribe facility statement to be presented at the beginning of the message together with the sender information in the prescribed order.

of the SMS message in the form of a Hong Kong telephone number serving as the unsubscribe facility in digits and is:

- (a) preceded by a label of either “取消 UN” or “UN 取消”; or
- (b) preceded by a label of “取消” or “UN”, or preceded by a label with the meaning of “Unsubscribe” in any language other than Chinese and English, if the conditions specified in section 7(2)(a), (b) or (c) of the Regulation are fulfilled⁶.

For a long SMS message that is split into two or more transmissions, the unsubscribe facility statement must be included in the first transmission of the SMS message.

If the address field of the SMS message already displays the telephone number serving as the unsubscribe facility (with or without the preceding label of “取消 UN”, “UN 取消”, “取消” or “UN”), there is no need to repeat such number in the main text of the SMS message.

Furthermore, if the telephone number serving as the unsubscribe facility is the same as the contact telephone number and such telephone number is not displayed in the address field of the SMS message, such number should be presented in digits in the main text of the SMS message once only,

- (a) preceded by a label of either “查詢/取消 EN/UN” or “EN/UN 查詢/取消”; or
- (b) preceded by a label of “查詢/取消” or “EN/UN”, or preceded by a label with the meaning of “Enquiry/Unsubscribe” in any language other than Chinese and English, if the conditions specified in

⁶ Section 7(2) of the Regulation provides the unsubscribe facility statement to be included in a commercial electronic message may be given in any language if:

- (a) the recipient of the message has indicated to the sender or the individual or organization who authorized the sending of the message that the statement may be given in that language;
- (b) the sender or the individual or organization who authorized the sending of the message knows or reasonably believes that the person to whom the message is sent is an individual who—
 - (i) resides outside Hong Kong; and
 - (ii) uses or is able to communicate in that language; or
- (c) the sender or the individual or organization who authorized the sending of the message knows or reasonably believes that the person to whom the message is sent is an organization that—
 - (i) is not carrying on business or activities in Hong Kong; and
 - (ii) uses or is able to communicate in that language.

section 6(2)(a), (b) or (c) and section 7(2)(a), (b) or (c) of the Regulation are fulfilled.

- 8.5 For a message that is not covered by paragraphs 8.1-8.4 of this CoP,
- (a) if the unsubscribe facility statement is voice-based, it is considered clear and conspicuous if it is presented at such speed so as to be reasonably audible; or
 - (b) if the unsubscribe facility statement is text/image-based, it is considered clear and conspicuous if it is:
 - (i) reasonably visible in terms of the font size, position and contrast/colour;
 - (ii) separate and distinguishable from the commercial content of the message; and
 - (iii) displayed long enough for the recipient to read the statement.

For the avoidance of doubt, MMS messages and other short messages are not covered by paragraphs 8.1-8.4 of this CoP and are therefore subject to the requirements specified in this paragraph.

- 8.6 If a telephone number or a facsimile number is provided as the unsubscribe facility, the sender should use reasonable endeavours and take into account the volume and rate of commercial electronic messages being sent to design the capacity of the concerned telecommunications line **used as the unsubscribe facility** (and the relevant human resources if applicable) so that the unsubscribe facility has adequate capacity to receive the incoming unsubscribe requests.

- 8.7 **To facilitate compliance with section 9(3) of the Ordinance, for ~~For~~** the records of unsubscribe requests, if they are made to the designated unsubscribe facility:

- (a) over telephone, the telephone conversation should be recorded using a voice recorder and be kept in its original format or converted to a digital voice file for storage;
- (b) by facsimile, a copy should be kept in its original format or converted to an image or PDF (portable document format) file for storage;
- (c) by SMS or other short messages, the content of the SMS/other short message should be retained and kept in its original format for storage;
- (d) by email or using the hyperlink provided, the content of the email message or the content returned by the ~~webpage~~-web page of the hyperlink should be retained and kept in its original format for storage; or
- (e) by pressing a key during listening to a pre-recorded telephone message, a data record should be kept showing, among other things, the date, time and the called telephone number for which the ~~response-unsubscribe request~~ was received.

The records should be kept for at least 3 years after receipt.