PROHIBITION AGAINST PUSH MESSAGES OR COMMONLY KNOWN AS UNSOLICITED TEXT MESSAGES

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In view of the complaints from the public on unsolicited text messages, banks and its subsidiaries/affiliates are reminded to comply with the provisions of Section 4 of the Cybercrime Prevention Act of 2012 (Republic Act No. 10175) regarding unsolicited commercial communications as well as the following National Telecommunications Commission (NTC) Memorandum Circular (MC) No. 03-03-2005-A dated 03 July 2006, as amended by MC No. 04-07-2009 dated 07 July 2009, on the same matter.

The Cybercrime Prevention Act of 2012[1] criminalized the transmission of commercial electronic communication with the use of computer system which seeks to advertise, sell or offer for sale products and services unless there is prior consent from the recipient; or if the commercial electronic communication contains an “opt-out” feature; does not purposely disguise the source of the electronic message; nor mislead the recipients into reading the message.

NTC Memorandum Circular 03-03-2005-A[2], as amended by MC 04-07-2009[3], protects and promotes the interest of subscribers/end-users of public telecommunication entities (PTEs) by prohibiting content and/or information providers (CP) from sending and/or initiating push messages.[4] A subscriber who wants to avail the service/s offered by CPs and/or PTEs may send his written consent through correspondence, text message, internet or other similar means of communication to the PTE.

The banks shall remain responsible for all the violations of the aforementioned regulations and law committed by their outsourced agency/personnel.

For strict compliance.

(SGD) NESTOR A. ESPENILLA, JR.
Deputy Governor

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[1] Chapter II, Section 4. Item (c)(3) Unsolicited Commercial Communications of RA No. 10175 also known as the Cybercrime Prevention Act of 2012.

[2] Dated 15 March 2005

[3]Dated 07 July 2009

[4] Push messages are information transmitted to the mobile phone, either subscribed or unsolicited messages without a user request and are initiated by the Public Telecommunications Entity (PTE) or CP. PTE is any person, firm, partnership or corporation, government or private, engaged in the provision of telecom services to the public for compensation. CP is an organization that creates and maintains databases containing information from an information provider.

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