

Report Form

Unsolicited Electronic Messages Ordinance (Cap. 593) (“UEMO”)

Please fill in PART A once only. If you have more than one commercial electronic message to report, please make sufficient copies of PART B and enter details of each message in individual copy of PART B. Please provide all the information as requested in this form. If necessary, we will contact you for more information.

PART A – Personal Particulars

1. Contact Details:

Title : Mr / Mrs / Miss / Ms^	Last Name :		First Name:	
Contact Tel No :				

^please delete as appropriate

2. If this report is made on behalf of a company or organisation:

Company / Organisation Name:	
------------------------------	--

3. Address for Correspondence:

Would you like a reply to this report? <i>(If yes, please provide at least one of the following)</i>	<input type="checkbox"/> Yes		
	<input type="checkbox"/> No		
Contact Fax No:		Contact Email Address:	
Postal Address:			

4. Your telephone / fax number that received the message* :

Name of your telephone service provider :

5. Number of messages included in this report:

6. I agree that for investigation purpose, OFTA may disclose the case information I have given in PART B and the receiving telephone/fax number given in item 4 above to the sender being reported against, or his principal or agent: Yes / No (please delete as appropriate)

If you do not permit us to disclose the information mentioned above to the reported sender, or his principal or agent, we may not be able to verify the case and may not be able to follow up with your report. In that case, your report will be kept in our record and may be used to assist our investigation in other cases.

* Information must be provided.

7. I agree that for investigation purpose, OFTA may disclose my last name, or where appropriate the name of my company/organisation, to the sender being reported against, or his principal or agent:

Yes / No (please delete as appropriate)

Information pertaining to your last name or the name of your company/organisation will not be disclosed unless it is absolutely necessary for or facilitates the investigation into the reported cases. This may be required, for example, to check against the in-house consent record of the sender to verify whether you have previously given your consent to receive commercial electronic messages from the sender under concern.

8. I agree that, where applicable, the case information I have given (including any personal data) can be referred to other government departments (such as the law enforcement agencies), statutory bodies (such as the Unsolicited Electronic Messages (Enforcement Notices) Appeal Board) or other relevant third parties (such as the telephone service providers) as part of the investigation into breaches of the UEMO:

Yes / No (please delete as appropriate)

Nevertheless, if you do not permit us to disclose, where applicable, the case information you have given (including any personal data) to other government departments, statutory bodies or relevant third parties, this may create difficulty in our follow-up action and we will let you know whether we can further process your report.

IMPORTANT NOTE: In relation to investigation of certain criminal offences under Part 4 of the UEMO, we may, notwithstanding that you have indicated 'no' to item 8, transfer the case information (including any personal data) to the Hong Kong Police Force for the purpose of the prevention or detection of crime or the apprehension, prosecution or detention of offenders under the UEMO.

9. I agree, where necessary, to provide further statement(s) and to act as witness in court proceedings:

Yes / No (please delete as appropriate)

PART B – Details of the Commercial Electronic Message

10. Content of the Commercial Electronic Message* (Please note that messages that do not advertise or promote products or services (such as opinion polls, religious messages and payment reminder) may be exempted from the UEMO):

<input type="checkbox"/> Fax	Please attach the received fax with this form. For evidentiary purposes, please retain a copy of the message.
<input type="checkbox"/> Pre-recorded voice message	Please set out briefly in the following space the broad promotional/marketing elements of the message. <i>(If the general description of the content of the message that shows commercial element is not provided, we may not be able to follow up your report further.)</i>
<input type="checkbox"/> SMS/MMS	

11. Other details:

Name of sender: (if you know)		Caller Number or Calling Line Identity (if applicable):	
Date of receiving the message*:		Time of receiving the message:	___ : ___ AM/PM
Did you receive the message in HK?	Yes / No <i>(pls circle the applicable)</i>	If no, please specify the country where you received the message:	

Particulars of the Report* *(may tick more than one box) :*

- I confirm that all relevant telephone numbers (including the duplex ringing numbers or call forwarding numbers) have been registered onto the applicable do-not-call register. The sender has sent the message to the receiving number without my consent, after the receiving number had been registered in the do-not-call register for no less than 10 working days. The relevant telephone numbers are:
_____.
- (If you are not sure whether your telephone line has duplex ringing feature, please check with your telecommunications service provider. For more information about the duplex ringing, please see http://www.ofta.gov.hk/en/uem/dnc_tips.html.)*
- Not honouring unsubscribe request that I lodged to the sender:
 - Unsubscribe request was sent by *(please circle the applicable or fill in the following)*: Voice menu / Telephone call / Fax / Email / Others (please specify): _____
 - Unsubscribe request sent to the sender on: ___/___/___(dd/mm/yyyy)
- Missing sender information
- Missing unsubscribe facility
- Concealing / withholding calling line identification information in pre-recorded telephone messages
- Others (please specify the contravention of the UEMO you suspect the sender has committed, such as the unsubscribe facility provided is not functional)

12. Further information which you think may be useful for our investigation:

--

* Information must be provided

Important Notes

Please note that the UEMO has not empowered the Office of the Telecommunications Authority (“OFTA”) to deal with reports relating to:

- Person-to-person calls;
- Phishing, advance fee fraud or scam emails;
- Any messages without commercial contents; and
- Emails that contain virus or malicious codes, but no commercial content.

If you want to make a report on email message, please use the on-line form at http://www.ofta.gov.hk/en/enq_help/uem.html.

This report form can be used to report:

- Breach(es) of the rules of sending of commercial electronic messages (CEMs) (Part 2 of the UEMO).
Senders of CEMs are required:
 - ◆ to provide clear and accurate sender information in the message;
 - ◆ to provide an unsubscribe facility and an unsubscribe facility statement in the message;
 - ◆ to honour unsubscribe requests within ten (10) working days after the request has been sent;
 - ◆ not to send commercial electronic messages to any telephone or fax number registered in the do-not-call registers (applicable to fax, short messages and pre-recorded messages only) starting from the tenth (10) working day of its registration, unless consent has been given by the registered user of the relevant telephone or fax number;
 - ◆ not to send email messages with misleading subject headings; and
 - ◆ not to hide the calling line identification information when sending messages to telephone or fax numbers;
- Use of unscrupulous technique(s) to expand the reach of CEMs (Part 3 of the UEMO), such as supply, acquisition or use of addresses harvesting software / harvested address lists for sending CEMs without the recipients’ consent, generating electronic addresses by automated processes in order to send a CEM, etc;
- Fraud and other illicit activities related to the sending of multiple CEMs (Part 4 of the UEMO), such as accessing a telecommunication device without authorisation to send multiple CEMs, falsifying header information (such as CLI or email delivery headers) in multiple CEMs, etc; and
- Misuse of information in unsubscribe requests or the do-not-call register (UEMO section 58).

Please send the completed report

by post to: UEM Team, Office of the Telecommunications Authority
29/F, Wu Chung House, 213 Queen’s Road East
Wan Chai, Hong Kong

by fax to : 3155 0956

Thank you very much for your report

Disclaimer

This report form, together with the summary of the requirements of the UEMO, illustrations and advice, is for general reference only. You should refer to the provisions of the UEMO for a complete and definitive statement of the law. A copy of the UEMO may be downloaded at <http://www.ofta.gov.hk/en/uem/framework.html>.

Disclosure of your identity and personal data

All personal data and documents (including your letter, e-mail or completed report form) supplied by you will only be used for correspondence purposes and for taking follow-up action (including any enforcement or prosecution action) in relation to the reports that you have filed with OFTA. The same may be transferred to parties who will be involved in action on or the investigation into the complaint, including the relevant government departments, related authorities, organisations as well as other agencies which are authorised to receive information relating to law enforcement, prosecution and review of decisions. You should state clearly whether you permit us to disclose the personal data and information given and the documents supplied to any party relevant to this report. If you do not permit us to disclose the information related to the report and if such non-disclosure would cause difficulty in our follow-up action or investigation, we will advise you whether we can proceed with the processing of your complaint.

OFTA's policy on privacy is available at <http://www.ofta.gov.hk/en/import-notes/privacy.html>.