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June 10, 2006

Committee Secretary
Senate Environment, Communications, Information Technology and the Arts Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Re: Inquiry into the provisions of the Do Not Call Register Bill 2006

Dear Sir/Madam

I write in response to the Senate Inquiry into the provisions of the Do Not Call Register Bill 2006 and the Do Not Call Register (Consequential Amendments) Bill 2006. Acxiom supports the establishment of a Do Not Call Register and welcomes the promulgation of a telephone marketing Code of Conduct to ensure that all organisations, including those exempt from applying the Register, undertake such marketing in a responsible and appropriate way.

Acxiom is a customer data management company, with operations in the Americas, Europe and Asia/Pacific, including Australia and New Zealand. Acxiom's business is based on providing technology, data services and data for marketing and risk management purposes to large and medium-sized companies, as well as not-for-profit organisations and government departments. Through the application of our technical solutions, we help them become more effective in their customer or stakeholder communications and build stronger relationships with those individuals.

In the UK, Acxiom is the technical solutions provider for the 'Do Not Call' register mandated by the government but managed by industry, and in the US, Acxiom is a licensed service provider for the government 'Do Not Call' register. As well, in Australia, Acxiom has developed and maintains the current ADMA Do Not Call file. Consequently, we have built up considerable experience which helps us understand what some of the technical issues might be for our clients – and also the administrators of the Register.

Acxiom is a member of the Australian Direct Marketing Association (ADMA) and has contributed our views to the Association for their submission to the Senate Committee. We have found ADMA to be a strong advocate of responsible direct marketing, and Acxiom fully supports the Association's position and recommendations for amendments to the draft legislation.

While Acxiom itself does not engage in telephone marketing to Australian consumers or residential numbers, many of our clients do, as part of a range of marketing and customer service activities. These clients represent a wide variety of industry sectors, for example, financial services and banking, automotive, not-for-profit, retail, newspapers and publishing, telecommunications, utilities, travel and hospitality. Many are blue chip

Australian companies operating well known and respected brands. Telephone campaigns play an important part in their customer and prospective customer communications and it is our view that the legislation as it is currently drafted would have a significant impact on the ability of these companies to maintain appropriate contact with their customers.

For example, we are concerned that the treatment of consent in the draft legislation will make it administratively very difficult for companies wishing to remain compliant. The only way a member of a household can override the account holder's registration on the Do Not Call Register is to give express consent to be called by a particular company. This is inconsistent with the Privacy Act, and will require system changes – not to mention the confusion it will cause.

Also, the inclusion of a 3-month expiry date in the draft legislation increases the possibility of inadvertent transgression. According to the draft legislation, compensation to the 'victim' may even be requested by ACMA. It is also inconvenient for the consumer to be contacted by the company every 3 months to ensure continuation of the consent.

Since Acxiom provides many data processing services to companies relevant to this issue, we are also at risk. Acxiom recognises our obligation to maintain the highest standards of privacy and security in all areas of our operation and observes that duty of care to both our clients and their customers. We currently manage many of our clients' customer contact preference system requirements and screen their files against the ADMA Do Not Call and Do Not Mail registers. We assume that these clients will rely on us to perform Do Not Call Register screening on their behalf.

Your consideration of ADMA's recommendations on behalf of their members is appreciated and I request that Acxiom be consulted on future developments relating to a national Do Not Call Register.

Yours sincerely



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