

Report Form

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

You need to provide all the information requested on Pages 1 and 2 of this form. If you have more than one commercial electronic message to report, please fill in PART A (Page 1) once only and enter details of each message in individual copy of PART B (Page 2). 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:	
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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
Fax No:		Email Address:		
Postal Address:				

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

Name of your telecommunications service provider:

5. Number of messages included in this report:

6. I agree that for investigation purpose, the Communications Authority (“CA”) 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

7. I agree that for investigation purpose, CA 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

8. I agree that the case information I have given (including any personal data) may be referred to other government departments, statutory bodies or other relevant third parties (such as the telecommunications service providers) as part of the investigation into breaches of the UEMO:

Yes No

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

Yes No

* Information must be provided.

PART B – Details of the Commercial Electronic Message

10. Content of the Commercial Electronic Message*:

<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 telephone message	Please set out briefly in the following space the broad promotional/marketing elements of the message.
<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?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please specify the territory where you received the message:	

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

Sending message without my consent to my relevant telephone numbers that have been registered onto the applicable do-not-call register:

- The relevant telephone numbers (including the duplex ringing numbers or call forwarding numbers) are:

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

1. Regarding item 6 of this form, 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.
2. Regarding item 7 of this form, 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.
3. Regarding item 8 of this form, 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.

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.

4. Regarding item 10 of this form, 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. 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.
5. Regarding item 11 of this form, 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.ofca.gov.hk/en/consumer_focus/uemo/dnc_public/dnc_tips/index.html.

Please note that the UEMO does not empower the Communications Authority ("CA") 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.ofca.gov.hk/en/consumer_focus/uemo/how_to_report/uem_form/index.html.

This 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 telephone 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 Section, Office of the Communications Authority

29/F, Wu Chung House, 213 Queen's Road East

Wan Chai, Hong Kong

by fax to : 3155 0956

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.ofca.gov.hk/en/industry_focus/uemo/framework/index.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 CA. 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.

CA's policy on privacy is available at http://www.coms-auth.hk/en/privacy_policy/index.html.