












Title:  Marketing Communications: Israel Proposes DNC Registry




Date:  12/18/17

Business Activities:  Telemarketing, Understanding Enforcement Actions

Impact to Subscriber:  The Bill aims to increase protection for more vulnerable individuals (e.g. the elderly, new immigrants, and people with disabilities) increasingly targeted by telemarketing; the consumer regulator will establish and maintain a Do Not Call registry, to which consumers can add their phone numbers. Any business must request the list of numbers in the database, and only call numbers not in the Registry.

Authority:   

Risk Guidance:    













Control Guidance:   

Operational Impact Summary

Background Facts:

- this Nymity interview examines a recent Israeli draft bill (the "Bill") amending the *Consumer Protection Law* (the "Law").

Relevance to Business Activities:

- telemarketing considerations:
 - key factors influencing the Bill:**
 - the Ministry of Economics and Industry published the Bill based on assumptions that:
 - most Israeli consumers deem telemarketing calls to be a nuisance; and
 - companies are targeting the elderly, new immigrants, and people with disabilities.
 - current framework:**
 - the Law currently provides extra protection to vulnerable populations:
 - allowing them to cancel transactions they entered into online or by phone within a longer than usual time frame, however:
 - consumers are unrealistically required to provide proof of the content of the telemarketing conversation in order to receive consumer protection;  and
 - the current cancellation provision does not resolve the problems at the pre-transaction stage, such as:
 - the use of misleading marketing tactics; 
 - marketing pressure;  and
 - the harassment of consumers. 
 - details of the Bill:**
 - the Israeli Consumer Protection and Fair Trade Authority (the "Authority") will establish and maintain a "Don't Contact Me" database ("DNC Registry"):
 - where consumers can ask for their phone numbers to be included.
 - privacy implications of the amendments:**
 - Israel's anti-spam legislation generally requires a person to opt in via prior express written consent:
 - an original proposal by the Authority to require opt in was rejected in favour of the more lenient arrangement under the Bill:
 - permitting telemarketing unless a consumer objects to receiving such calls by actively registering in the DNC Registry (opt out). 
 - challenges companies will face:**
 - any business defined as a "dealer" under the Law that wants to make marketing calls must apply to the Authority for the list of telephone numbers included in the DNC Registry: 
 - if a phone number is included in the database, the "dealer" is forbidden from making calls to the phone number;  and
 - the dealer will be entitled to make marketing calls only to consumers whose telephone numbers do not appear in the database. 
 - proposed exceptions:**
 - the Bill contains no exceptions:
 - however, the Minister may prescribe circumstances and types of transactions to which the Bill does not apply, such as a:
 - dealer with whom the consumer is engaged in a long-term transaction and who did not explicitly ask the dealer to contact him;  or
 - consumer who contacted the dealer and the dealer returned to him following his request. 
- understanding enforcement actions considerations:
 - non-compliance steps:**
 - violation of the provisions may lead to the imposition of:
 - an administrative order;  and
 - financial sanctions. 

High Authority Reference Report for:

- Telemarketing
- Understanding Enforcement Actions

Keyword Reference Report for:

- marketing communications
- do not call
- opt-in
- opt-out
- existing business relationship

Applicable Privacy Principles

- Accountability
- Consent
- Limiting Use, Disclosure and Retention

Applicable GAPP

- Management
- Choice and Consent
- Use, Retention and Disposal

Source Title and Document:

Nymity Interview - Ministry of Economics and Industry Publishes an Amendment to Enforce Restrictions on Telemarketing in Israel - Asaf Shalev, Associate, Barnea & Co.

Nymity Interview with Asaf Shalev

