



Communications and Information Technology Commission

THE ANTI-SPAM REGULATORY POLICY FRAMEWORK FOR THE KINGDOM OF SAUDI ARABIA

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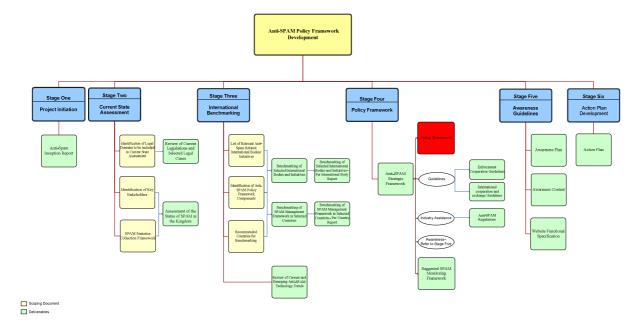
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1. POLICY STRUCTURE AND DEFINITIONS

1.1 Document Map

The following diagram shows where this document fits in the project:



1.2 Policy Structure

This policy document contains the following elements:

- **Purpose**: This section states the purpose of the policy with regards to the anti-SPAM regulatory policy framework rules and requirements.
- **Scope:** This section defines scope of applicability to which the policy statement applies.
- **Policy Summary:** This is a summary of the policy.
- **Policy Statements:** This section describes in details the anti-SPAM regulatory policy rules for the Kingdom.
- **Related Policies:** This section references other related policies, which support or compliment this policy document.
- **Compliance:** This section describes the mandatory compliance with this policy.

1.3 Definitions

The terms used in this document shall have the meanings as defined below:

No.	Acronym	Meaning
1.		Is the activity of gathering email addresses lists using
1	harvesting	automated means from websites or other online sources.

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No.	Acronym	Meaning	
2.	Bulk	Are electronic messages that are typically sent in large numbers to email addresses and mobile phone numbers.	
3.	CITC	Is the Communications and Information Technology Commission;	
4.	Content	All forms of information and, without limitation, include text, pictures, animation, video and sound recording, separately or combined and may include software	
5.	Consent	Is the permission that legislators or regulators wish to require from the sender before sending messages;	
6.	Damage	Is the quantifiable amount of damage measured as a consequence of the SPAMming action;	
7.	Dictionary attacks	Are addresses automatically generated based on words from a dictionary or other such list, common names and numbers	
8.	Electronic Address	 Includes but is not limited to: An email address An Electronic Address in connection with an instant messaging service; A telephone number; and Others. 	
9.	Explicit consent	Is a form of consent where an individual or organization has actively given their permission to a particular action or activity (opt-in);	
10.	Functional Unsubscribe Option	An effective option, which may or may not be automated, that allows an electronic account holder to withdraw Consent by indicating to Organizations that such Commercial Communications must not be sent in the future.	
11.	Internet Service Provider (or ISP)	Is a service provider that offers a set of services including some or all of the following: 1. Dialup Internet Access. 2. Broadband Internet Access. 3. Email. 4. IP Allocation and Assignment. 5. Web Design and Hosting. 6. Data Centers, Equipment Hosting, etc Application Service Providers such as Network Monitoring. 7. DNS Registration Subject to Applicable Regulations. 8. Internet Content Publishing. 9. Internet Advertising. 10. ISP	
12.	Implicit/Inferred consent	A consent which generally can be inferred from the conduct and/or other business relationships of the recipient	

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No.	Acronym	Meaning
13.	Liability	Defines who is responsible for SPAM offences. Moreover, laws may address secondary liability, such as for those who encourage violations of spam laws, produce software or services that creates and/or transmits messages, or create tools to compile addresses by searching locations such as Internet news groups or by creating them through combinations of letters and numbers;
14.	Message Service Provider	Are providers of SMS, MMS or similar messages.
15.	MMS	Is a standard for telephony messaging systems that allows sending messages that include multimedia objects (images, audio, video, rich text) and not just text as in SMS;
16.	Organizations	 All types of Organizations in the Kingdom of Saudi Arabia including but not limited to: Sole traders that describes any business that is owned and controlled by one person, although they may employ workers; Partnerships; Bodies corporate; and Others.
17.	Recipient	Is any person or organization that receives or may receive a Commercial Communication.
18.	Right to recourse	Is the right given to entities to pursue spammers in the court of law;
19.	Sanctions	Are penalties imposed on SPAMmers by the authorized agencies in case of any breach of the SPAM related laws;
20.	Short Message Service (SMS)	Is a service provided by service providers specialized in licensed public telecommunication services in the Kingdom. This service allows service providers or their customers to send or exchange short (text, audio or video) messages. These messages may be addressed directly to the customer, or it can be a public message aired over a certain area to promote a certain product, to provide customers with certain information or to notify them of new developments. It can also be used for replying to customers' inquiries and other similar services. The messages can be up to 160 characters;
21.	Spammer	Is anyone who sends unsolicited electronic message that contains commercial or objectionable content transmitted without prior consent through any communication medium including, but not limited to, e-mails, Mobile Messaging, fax, Bluetooth and instant messaging services.
22.	Technology Neutral	The regulatory instrument covers communication technologies in general, and is sufficiently flexible to encompass future changes in messaging technology without needing amendment;
23.	Technology Specific	Target specific messaging technologies, such as email, SMS, etc.

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2. PURPOSE

This document details the Anti-SPAM regulatory Policy framework for the Kingdom of Saudi Arabia.

These rules stipulated in this document include guidelines for possible legislations.

The overall objectives of the Anti-SPAM regulatory policy framework are to:

- Reduce the transmission of SPAM in the Kingdom
- Ensure that receivers of messages actively consent to receive the messages they are being sent
- Ensure that legitimate messages between consenting parties are transmitted as easily as they can be today
- Ensure that businesses with legitimate products and services are able to continue using electronic messaging services for e-commerce
- Ensure the Internet and related telecommunications infrastructure supports the cultural and communal values of the Kingdom.



3. SCOPE

Generally, this policy is applicable on:

- Every individual, organization or business residing in the Kingdom, and
- Every Saudi individual, organization or business outside the Kingdom engaged in sending SPAM.

4. POLICY SUMMARY

This regulatory policy, combined with the Saudi Telecommunications Act and Anti e-Crime Act, sets up a scheme for addressing electronic SPAM messages within the Kingdom of Saudi Arabia.

SPAM is defined in the Kingdom of Saudi Arabia as follows:

"Any unsolicited electronic message that contains commercial or objectionable content transmitted without prior consent through any communication medium including, but not limited to, e-mails, Mobile Messaging, fax, Bluetooth and instant messaging services".

This is a simplified outline of this policy's rules¹:

- This regulatory policy sets up a scheme for addressing electronic SPAM messages within the Kingdom of Saudi Arabia.
- Unsolicited commercial and unsolicited objectionable messages must not be sent.
- Commercial electronic messages must include valid, up-to-date contact information about the individual or organization that sent the message.
- The content of the message must be truthful, accurate, complete and not seek to deceive.
- Commercial electronic messages must contain a functional, simple, swift and free unsubscribe facility.
- Address-harvesting software must not be supplied, acquired or used.
- Electronic address list produced using address-harvesting software must not be supplied, acquired or used.
- Sanctions will be imposed for violations of the Anti-SPAM regulatory policy framework rules in accordance with the governing legislations, mainly the Telecom Act and Anti e-Crime Act.

¹ The terms "Must", "Must not", "Required", "Shall", "Shall not", "Should", "Should not", "Recommended", "May", "May not", and "Optional" are used to indicate the requirement level as described in the Request for comment 2119 [March 1997, Category: Best Current Practice, Harvard University, S. Bradner]..

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5. ANTI-SPAM REGULATORY POLICY

This regulatory policy, combined with the Saudi Telecommunications and Anti e-Crime Acts, sets up a scheme for addressing electronic SPAM messages within the Kingdom of Saudi Arabia.

SPAM is defined in the Kingdom of Saudi Arabia as follows:

"Any unsolicited electronic message that contains commercial or objectionable content transmitted without prior consent through any communication medium including, but not limited to, e-mails, Mobile Messaging, fax, Bluetooth and instant messaging services".

In this context, detailed requirements to comply with legitimate messaging have been provided for the following areas²:

- 1. Applicable Messaging Medium
- 2. Content
- 3. Consent
- 4. Volume
- 5. Requirements for legitimate messaging
- 6. Exemptions
- 7. Liability
- 8. Privacy
- 9. Sanctions
- 10. Private right of action
- 11. Dictionary attacks and address harvesting
- 12. National and International SPAM

The policy statements are defined as follows:

5.1 Applicable Messaging Medium

The definition of SPAM is not limited to any particular media; instead, it is applied on any media where electronic messages can be transmitted. For the time being, SPAM is being transmitted via electronic mail, Mobile Messaging, instant messaging services and Bluetooth.

5.2 Content of SPAM

The definition of SPAM will only include content that has one of the following characteristics:

- Unsolicited and commercial.
- Unsolicited and objectionable.

The definition of SPAM does not include content that is unsolicited non-commercial or unsolicited unobjectionable in nature such as, unobjectionable religious, unobjectionable political, etc.

A commercial electronic message can be recognized by:

- The content of the message;
- The way in which the message is presented;
- The content that can be located using the links, telephone numbers or contact information (if any) set out in the message;
- The commercial purpose of the message such as:

² The terms "Must", "Must not", "Required", "Shall", "Shall not", "Should", "Should not", "Recommended", "May", "May not", and "Optional" are used to indicate the requirement level as described in the Request for comment 2119 [March 1997, Category: Best Current Practice, Harvard University, S. Bradner]..

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- > Offering to supply goods or services; or
- Advertising or promoting goods or services, or supplying goods or services. It is immaterial whether the product being promoted actually exists.

5.3 Consent

5.3.1 EXPLICIT CONSENT WILL BE BASED UPON AN "OPT-IN" MODEL

The senders of messages must specifically obtain the permission from receivers to transmit messages to them prior to any messages being sent.

Consequently, companies and organizations will be responsible for maintaining up to date listings and documented proof of individuals who have "opted-in." Companies and organizations must be prepared to be audited periodically and respond quickly, by providing evidence, when questions concerning the status of consent are raised.

5.3.2 "IMPLICIT" AND "INFERRED" CONSENT ARE SUPPORTED

In addition to the explicit consent, implicit and inferred consent are supported and are assigned to:

- 1. All pre-existing relationships,
- 2. New relationships where the exchange of information via e-mail or other messaging systems is inherent in the relationship, such as the relation between employers and companies, clubs and subscribers, etc. Certainly, such messages must only be in relation to the purpose for which the electronic address was provided. For example, a customer providing his email address while submitting an application to acquire a mobile line might reasonably expect to receive messages related to that service. However, the customer may not necessarily expect to receive messages related to another service such as travel services offered by a partnering business.
- 3. Conspicuous publication of electronics addresses unless otherwise stated³. Contact information that are published in a domain generally accessible to the pubic, for example, it appears on a website, newspaper, yellow pages, business cards, etc. may only be used to send messages relevant to the recipient's work-related business, functions, duties, position or role concerned.

5.3.3 WITHDRAWAL OF CONSENT

If an electronic account-holder has already consented to the sending of commercial electronic messages to his account, and the electronic account-holder sends the individual or organization a message indicating that he does not want to receive any further commercial electronic messages at that electronic address, then the withdrawal of consent takes effect within a maximum period of 5 business days where a business day is a day that is not a weekend nor a public holiday. Written confirmation of cancellation of subscription must be provided the recipient within this same time frame.

5.4 Volume

The definition of SPAM is based upon the transmission of a single unsolicited message.

One unsolicited message received will be treated as SPAM assuming the other defining criteria are met.

³ Consent can not be inferred under this rule if the publicly advertised address is accompanied by a statement that the account holder does not wish to receive commercial electronic messages.

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5.5 Requirements for legitimate Messaging

To preserve the inherent utility of the messaging mediums being misused to transmit SPAM, the Saudi anti-SPAM regulatory policy framework and corresponding regulations define the requirements that constitute transmission of a legitimate message.

The requirements for determining if the transmission of electronic messages is legitimate are as follows:

- 1. Messages must contain accurate, free, functional and simple means to uniquely and effectively contact the message originator via a medium widely available and accessible to the general public. The contact information must be valid for at least 30 days after the message is sent; and
- 2. Every electronic commercial message that offers or promotes services or products must contain an unsubscribe facility, enabling the recipient to unsubscribe from further electronic messages. The unsubscribe option should be free, unconditional, and written in a simple and understandable language. The mechanism to unsubscribe must be made simple to apply and must not involve complex tasks. The unsubscribe facility must be valid for at least 30 days after sending the commercial email. The sender must stop sending emails to the requester within a maximum period of 5 business days.

5.6 Exemptions

Saudi Government agencies and statutory bodies will be exempt when transmitting messages for a public purpose or statutory function, but must first obtain the permission of the CITC.

Prohibiting the transmission of SPAM messages does not preclude all types of unsolicited messages to be sent. The electronic messages excluded those sent with the authority of the Saudi Government or a statutory body for a public purpose or statutory function, after the authorization of the CITC has been obtained.

5.7 Liability

Any individual or organization knowingly benefiting commercially from, or promoting SPAM messages will be held liable.

In addition to the sender of the SPAM message, any other person or organization reasonably expected to have knowingly benefited from the transmission or promotion of SPAM messages will also be liable.

5.8 Privacy

The use of electronic messaging addresses of individuals and organizations in the Kingdom (e-mail, mobile phone, Bluetooth identifiers, fax numbers, IM names, etc) for purposes other than the reason for which it was willingly provided by the relevant people or entities is prohibited.

Misuse of electronic messaging addresses includes:

- The unapproved use:
- Use for purposes not intended or approved;
- The gathering of message addresses or phone numbers with intention to sell; and
- The purchase of collected messaging addresses or phone numbers



Agencies explicitly or implicitly authorized to possess the electronic addresses of others may not publish those addresses in any format or forum without the prior explicit authorization of the address owner.

5.9 Sanctions

Sanctions will be imposed for violations of the Anti-SPAM regulatory policy framework rules in accordance with the governing regulatory. For instance:

- Messages of objectionable content will be primarily dealt with under the Anti e-Crime Act.
- SPAM messages misusing the telecommunications services⁴ and/or causing a nuisance will be primarily addressed under the Telecommunications Act.
- Other types of SPAM messages will be forwarded to the appropriate authority depending on the content.

5.10 Private Right of Action

There will be no private right of action for any individual or organization. Only the regulatory enforcement agency will retain the right to sue SPAMmers in the Kingdom and abroad. For instance, the recipient cannot sue SPAMmers using the ANTI SPAM framework. Instead, the recipient can file a complaint with the CITC or the MoI depending on the message content. However, individuals, businesses and organizations will have the right to seek legal recourse in the court of law to recover all losses or damages including any consequential losses and/or damages

5.11 Dictionary Attacks and Address Harvesting Software

The use of dictionary attacks and address harvesting software to facilitate collection or generation of electronic addresses in any form is prohibited.

It is prohibited for any individual or organization to:

- Supply, acquire or use address-harvesting software;
- Supply, acquire or use an electronic address list produced using address-harvesting software; and
- Send electronic messages to users through the use of a dictionary attack or address harvesting software

5.12 National and International SPAM

The Anti-SPAM regulatory policy framework rules, supported by the Telecommunications Act and Anti e-Crime Act apply to:

- All SPAM originating within the Kingdom to anywhere in the world; and
- SPAM messages sent by Saudi citizens or Saudi organizations outside the Kingdom⁵.

An electronic message originates within the Kingdom when the individual or organization that sent the message is:

⁵ Note, SPAM originating outside on the Kingdom, transmitted by non-Saudi citizens or organizations will be addressed through intentional agreements and working groups.

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⁴ Please refer to the Telecommunications Act, Article 37.



- An individual who is physically present in Saudi Arabia when the message is sent; or
- An organization whose central management and control, or subsidiary office is in Saudi Arabia when the message is sent; or
- The computer, server or device that is used to originate the message is located in Saudi Arabia.

An electronic message is received in the Kingdom when the relevant electronic account-holder is:

- An individual who is physically present in the Kingdom when the message is accessed; or
- An organization that carries on business or activities in the Kingdom when the message is accessed.
- The mail service provider who delivered the message to the recipient is a Saudi Entity.



6. RELATED POLICIES

There are no policies related to this policy. However, the following Saudi laws are directly related to this policy:

- The Telecommunications Act, and
- The Anti e-Crime Act.



7. COMPLIANCE

Compliance with this policy is mandatory. CITC will ensure continuous compliance by all Saudi entities with this policy.