

Annexure 1.

AN OPEN LETTER and article for HelloPeter.com

Published December 2023.

Dear Industry Colleagues

I write this letter with the utmost respect and hope to be constructive.

'Review websites' add value and hold tremendous sway for trade. Unfortunately the risk of abuse on such platforms is increasing and there are users who do nothing but complain, like Mr Paul <[PROFILE](#)>, who evidently only offers negative reviews. These sorts of 'online posters' are allowed to continue without resistance.

Recently your business model has changed, and you now charge a company to respond to a review. This makes financial sense for you, however I have a few legal and regulatory concerns.

The global standard for 'review websites' is that it's a free to post and free to reply system. This creates a challenge for a business such as HelloPeter.com which generates income off subscriptions and revenue from adverts on the website. The 'review' feature on the internet is evolving fast, with the latest disruptive force being AI used to write reviews, and again this e-behaviour is not moderated and poses tremendous risk of damage to businesses and people.

Those who run a 'review website' need to set an example in terms of best business practices and e-ethics. There are a few who take action against scrupulous e-behaviour, such as Ms. Hamilton (Amazon spokeswoman) who wrote: "We have clear policies that prohibit reviews abuse. We suspend, ban, and take legal action against those who violate these policies and remove inauthentic reviews."

There are regulations and laws (local and international) which can be applied to information and data shared or posted online, and also applied to the businesses which facilitate this content. Those posting, hosting and curating online content have guidelines to follow, and a good place to start would be these two South African Acts:

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1. **The Cybercrimes Act**, which covers what data 'is', how devices are involved, cyber forgery and uttering, cyber extortion, and also explains how electronic communications service providers play a part. Data messages that incite damage to property or person are a key focus for me here and the ramifications are explained: they can include a fine or even imprisonment.

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2. **The PoPIA Act**, explains that information about a person is in fact 'property' of the person (or business) and cannot be used outside of the provisions of the Act. A 'responsible party' must take reasonable and practicable steps to ensure that the personal information is complete, accurate, not misleading.

Are some of the reviews on HelloPeter.com misleading or inaccurate? Of course they are and your team knows it.

'Review websites' must do due diligence by scrutinizing what is featured on their website and ensuring they have systems in place that make provisions for law, regulation and fair mitigation. This 'assessment' has to be done from at least four perspectives:

- 1.) Data (digital) information law and regulation,
- 2.) Peoples information (data subjects) law and regulations,
- 3) Publishing & media law,
- 4) Intellectual property law.

This 'four angle' approach is the only way to cover all parties' interests and responsibilities. No person or entity can be involved with or facilitate information that is deliberately harmful, fake, or misleading to another person or entity.

For certain content media and publication law can also be applied.

HelloPeter.com is a 'digital content broadcaster' of content, a great deal of which you don't actually own or have received explicit permission to share, or allow to be published.

When I prepared this letter I noted your website IP appeared to be directed to San Francisco, which is where the data files are (I assume) and one could therefore apply international law. The domain is under care of Xneelo.com in South Africa and therefore local law can also be applied. Tucowsdomains.com is also involved.

ISPs have usage policies about illegal or malicious content and one could address a complaint with them if policy is breached, and the website could be suspended.

I hope that we all agree that there is a great deal of fake news and harmful information on the internet today, and a growing trend for posting or sharing information that is not fact checked or can be substantiated.

I trust that you agree that people have the right to know how their information is being used and dispute the usage. Google, Facebook Amazon do not charge for businesses to respond to reviews.

On HelloPeter.com a person (or company) is required to pay or inaccurate or harmful content could just remain on the internet causing indefinite damage. (One might feel that they are being extorted). Currently your business practice and dispute process is bias and in favour of people who wish to post reviews.

My two questions to HelloPeter.com are:

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 1. If your business model and practices were reviewed by a Court of Law in South Africa, do you believe it would hold up to scrutiny?
 2. If the Court found that the practice was indeed against regulation or law, and knowing all well that HelloPeter.com is aware that content is not verified before being posted, would your business not be subjecting itself to a class action of damages?

There are options available to HelloPeter.com to make the website financially sustainable, market and regulatory friendly, and I would be honoured to consult if invited to do so.

To the general public, if you feel that your company has suffered damages because of content featured on HelloPeter.com, and been unable to respond, or felt forced to pay to respond to a post, please reach out to me with details on my website.

THE END.

HelloPeter.com received a copy of this article and Jean-Pierre Murray-Kline asked if they would like to offer a written response to include. At the time of publishing, HelloPeter.com has not replied. (PS, Jean-Pierre said he would include their response for free! ~ No charge to reply)