

Section/SubSection Description	Comments
b) scope of data covered?	<p>There is a multitude of user activity data in different format and type (e.g. commuter's top-up payments may be denominated in thousands/dollars/cents or in USD/SGD), there will be operational challenges in having the receiving organization accurately map and correctly capture the data provided by the porting organisation (notwithstanding that it is in a "machine readable format").</p> <p>Propose to only have user provided data included for Data Portability Obligation. User activity data should not to be included in the upcoming revision, and to consider this as part of the next phase.</p>
b) scope of data covered?	<p>Noted the clarification provided in 2.35 "Where organisations are required by law to collect personal data of individuals for compliance purposes, such data would not be subject to the proposed Data Portability Obligation".</p> <p>Banks are similarly required to collect personal data for compliance purposes. Request PDPC to clarify if such personal data would not be subject to proposed Data Portability Obligation.</p>
a) the proposed exception relating to commercial confidential information that could harm the competitive position of the organisation, to strike a balance between consumer interests and preserving the incentive for first movers' business innovation; and	<p>Supportive of the proposed exception.</p> <p>Additional, to also include the exceptions from Access Requirement (Fifth Schedule of PDPA), including but not limited to: personal data which is subject to legal privilege; personal data porting requests that would unreasonably interfere with the operations of the organisation because of the repetitious or systematic nature of the requests; or if the burden or expense of providing access would be unreasonable to the organisation or disproportionate to the individual's interests.</p>

Q4. What are your views on the proposed requirements for handling data portability requests?

i) The onus is currently on the porting organisation to ensure the receiving organisation have a presence in Singapore, otherwise, to ensure the transfer is done in compliance with the Data Protection Provisions, including the Transfer Limitation Obligation. The onus should be placed instead on the receiving organisation to be eligible.

Further, there are multiple organisations (providing similar services) in Singapore such that individuals have ample choices locally. Should individuals require an overseas option, they can exercise caveat emptor whether their data would be adequately protected before they request local porting organisations to transfer their data overseas.

ii) In the present flow, fees are only quoted after the porting organisation had already exerted time, effort and resources to provide the data (or a sample of which) to the individual. Propose instead to allow for a nominal fee to be collected at the outset. And for the remaining fee to be quoted after the individual confirms the data to be ported.

The receiving organisation should communicate to the individual (or be involved when the data is requested) to agree on the format and protocols for transmitting and receiving the data (it would be more costly to send by registered courier the CD containing the data versus sending the same over encrypted email). In absence of such agreement, the porting organisation should reserve the right to charge a reasonable fee for any technical support or changes to the format of the requested data in order to successfully transmit the data to the receiving organisation.