

4 October 2017

Personal Data Protection Commission

(via email: corporate@pdpc.gov.sg)

Dear Sir / Madam,

Public Consultation for Approaches to Managing Personal Data in the Digital Economy

We refer to the above-mentioned Public Consultation dated 27 July 2017 and wish to submit our views on the proposed enhanced framework.

Please find our feedback in the Annex below for your consideration.

Thank you.

Yours sincerely,

Eileen Ho
Data Protection Officer

Encl. Annex

Annex

Feedback on the Public Consultation for Approaches to Managing Personal Data in the Digital Economy

Question 1

Should the PDPA provide for Notification of Purpose as a basis for collecting, using and disclosing personal data without consent?

Yes, CBS agree that Notification of Purpose is necessary as a basis for collecting, using and disclosing personal data without consent. CBS would like to clarify if it is considered appropriate notification by publicly stating any new purpose for the use of personal information in the Privacy Policy displayed on CBS' website.

Question 2

Should the proposed Notification of Purpose approach be subject to conditions? If so, what are your views on the proposed conditions (i.e., impractical to obtain consent and not expected to have any adverse impact on the individual)?

Referring to the proposed conditions, CBS would like to clarify on the definition of "adverse impact on the individual" from a consumer credit bureau perspective, where credit-related information are collected for financial institutions to mitigate consumer credit risk.

Question 3

Should the PDPA provide for Legal or Business Purpose as a basis for collecting, using and disclosing personal data without consent and notification?

Yes, CBS agree that Legal or Business Purpose should be the basis for collecting, using and disclosing personal data without consent and notification.

Question 4

Should the proposed Legal or Business Purpose approach be subject to conditions? If so, what are your views on the proposed conditions (i.e., not desirable or appropriate to obtain consent and benefits to the public clearly outweigh any adverse impact or risks to the individual)?

It will not be desirable for CBS to obtain consent from individuals being a consumer credit bureau that serves as an overwhelmingly positive role in the financial infrastructure, enhancing Singapore's risk management capability.

The Banking Act allows CBS members (approved by MAS) to disclose and obtain credit related information to mitigate consumer credit risk through information pooling from CBS. In which, the credit reports are used by members for the purpose of assessment of credit-worthiness of the consumers, helping lenders to make better lending decisions quickly and objectively.

Depending on the respective lender's credit policy and risk appetite, the lenders will form a view for themselves and CBS is not involved in any way in the credit decision process.

Question 5

What are your views on the proposed criteria for data breach notification to affected individuals and to PDPC? Specifically, what are your views on the proposed number of affected individuals (i.e., 500 or more) for a data breach to be considered of a significant scale to be notified to PDPC?

CBS agrees with the proposed criteria for data breach notification. In view of CBS' obligatory requirement, any form of data breach (regardless of the scale) will be reported to the Regulator and affected members. Notification to PDPC can also be included.

Question 6

What are your views on the proposed concurrent application of PDPA's data breach notification requirements with that of other laws and sectoral regulations?

CBS has no issue to notify PDPC along with other regulatory reporting, should there be any event of data breach.

Question 7

What are your views on the proposed exceptions and exemptions from the data breach notification requirements?

CBS will have to rely on law enforcement agency or the Regulator to advice on whether to inform the affected individuals. CBS would also like to clarify on the extent of encryption required in order to fulfil the technological protection exception.

Question 8

What are your views on the proposed time frames for data breach notifications to affected individuals and to PDPC?

CBS has no issue on the proposed time frames for data breach notification to PDPC since there are existing obligatory requirements to report to the Regulator no later than 72 hours. Should CBS require more than 72 hours to conduct investigation and obtain the necessary details of the incident, CBS will provide the remaining information to PDPC as soon as practicable. CBS will also ensure to notify affected individuals as soon as practicable, subject to any law-enforcement exception.