

RESPONSE TO CONSULTATION PAPER

Consultation topic:	<u>Public Consultations for Approaches to Managing Personal Data in The Digital Economy</u>
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Public Consultations 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? Page 8

<SCB Response>

In line with other jurisdictions, we would like to propose for PDPC to consider relying on “consent” as the primary basis for the collection, use and disclosure (collectively referred as “processing”) of personal data, only in limited circumstances. It will be useful if PDPC can include other basis of processing of personal data which are available in the privacy laws of other jurisdictions.

While we welcome the proposal to introduce a notification approach, we are of the view that the conditions imposed seem quite restrictive. There could be very limited circumstances that an organization can rely on the notification approach and an organization must rely on the “consent” approach as the basis for processing of personal data.

In addition, we note from the consultation paper that where it is feasible for the organization to allow individuals to opt out, information on how to opt out must be provided. We foresee practical challenges in giving individuals the option to opt out as part of the notification approach. Hence, we would like to propose taking a similar approach as some other jurisdictions, where instead of providing an opt out option, an organization can inform the individuals of the consequences instead.

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)? Page 8

<SCB Response>

Please refer to our response in question 1

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? Page 10

<SCB Response>

The bank welcomes the proposal to allow for the processing of personal data without consent and notification for Legal & Business Purpose. In addition, we would like to propose allowing the processing of personal data without consent and notification, to meet the regulatory obligation/ expectation of the organization or its Group. These exemptions should also provide for cross border transfers.

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)? Page 10

<SCB Response>

*We would like to propose for the following conditions to be included as another alternative condition for the proposed Legal or Business Purpose:
- the interest of the organisation is not overridden by the interest of the individual.*

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? Page 14

<SCB Response>

NIL

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? Page 15

<SCB Response>

NIL

Question 7: What are your views on the proposed exceptions and exemptions from the data breach notification requirements? Page 16

<SCB Response>

NIL

Question 8: What are your views on the proposed time frames for data breach notifications to affected individuals and to PDPC? Page 17

<SCB Response>

NIL