



PERSONAL DATA
PROTECTION COMMISSION
S I N G A P O R E

ADVISORY GUIDELINES FOR THE EDUCATION SECTOR

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PART I: INTRODUCTION AND IMPORTANT TERMS USED IN THE PDPA

1 Introduction

- 1.1 This document is jointly developed by the Personal Data Protection Commission (“PDPC”) and the Ministry of Education (“MOE”). It aims to address the unique circumstances faced by organisations in the education sector in complying with the PDPA.
- 1.2 The PDPA governs the collection, use and disclosure of individuals’ personal data by organisations. Parts 3 to 6A of the PDPA set out the data protection obligations which organisations must comply with in respect of personal data of individuals that is in their possession or under their control (the “Data Protection Provisions”).
- 1.3 The PDPA applies to education institutions, insofar as they are not excluded from the application of the PDPA (see paragraph 1.4). The PDPA defines an “education institution” as an organisation that provides education, including instruction, training or teaching, whether by itself or in association or collaboration with, or by affiliation with, any other person. This includes education institutions within MOE’s education system which are not owned by the Government, such as Government-aided schools, independent schools, specialised independent schools and specialised schools. It also includes privately-funded schools, autonomous universities¹, early childhood development centres² (“preschools”) licensed with the Early Childhood Development Agency and other registered private education institutions (“PEIs”)³.
- 1.4 Section 4(1)(c) of the PDPA provides that the Data Protection Provisions⁴ do not impose any obligation on any public agency. Public agencies include the Government and specified statutory bodies. Accordingly, this document does not apply to

¹ Autonomous universities are National University of Singapore, Nanyang Technological University, Singapore Management University, Singapore University of Technology and Design, Singapore Institute of Technology, and Singapore University of Social Sciences.

² As per the Early Childhood Development (ECDC) Act 2017, “early childhood development centre” means any premises where any early childhood development service is provided or is to be provided; with a licence granted or renewed under the ECDC Act, authorising the licensee to operate the ECDC specified in the licence.

³ Private Education Act 2009 - “private education institution” means — (a) any person that offers to provide or provides private education whether in Singapore or elsewhere, whether or not the person offers to provide or provides the private education — (i) for profit; (ii) together with other education; or (iii) by itself or in association or collaboration with or by affiliation with any other person; and (b) any school registered under the Education Act 1957 which receives a grant-in-aid or subvention extended by the Government to aided schools as is specified by the Minister in a notification published in the *Gazette*, but does not include any private education institution that the Minister declares, by notification in the *Gazette*, to be excluded from this definition, after having regard to the association, collaboration with or affiliation of the private education institution with any school registered under the Education Act 1957.

⁴ Parts 3 to 6A of the PDPA.

education institutions that are part of the Government, which are instead subject to the Public Sector (Governance) Act 2018.

- 1.5 The PDPA is a baseline law that is applicable to all types of educational services that involve personal data. In the event of any inconsistency between other written law under the education sector and the PDPA, the provisions in such laws and regulations will prevail over the PDPA's Data Protection Provisions.⁵
- 1.6 The PDPC has issued the Advisory Guidelines on Key Concepts in the PDPA (the "Key Concepts Guidelines") and the Advisory Guidelines on the PDPA for Selected Topics (the "Guidelines on Selected Topics"). This document should be read in conjunction with these guidelines as well as the document titled "Introduction to the Guidelines" including the disclaimers set out therein. Capitalised terms that are not otherwise defined in this document have the meanings given to them in the "Introduction to the Guidelines".
- 1.7 Some examples in this document refer to figures (e.g. 14-day opt out period for withdrawal of consent). All figures cited in the examples are purely for illustrative purposes and are not prescribed by the PDPC.

⁵ Section 4(6)(b) of the PDPA.

2 Important terms used in the PDPA

Organisations and Data Intermediaries

- 2.1 In some situations, education institutions may engage data intermediaries to process personal data. The PDPA provides that a data intermediary⁶ that processes personal data on behalf of and for the purposes of another organisation pursuant to a contract which is evidenced or made in writing will only be subject to the Protection Obligation, Retention Limitation Obligation and the Data Breach Notification Obligation, and not any of the other Data Protection Provisions.⁷
- 2.2 A data intermediary remains responsible for complying with all Data Protection Provisions in respect of other activities that do not constitute processing of personal data on behalf of and for the purposes of another organisation that is pursuant to a contract evidenced or made in writing.
- 2.3 Under section 4(3) of the PDPA, the organisation that engages the data intermediary would still have the same obligations under the PDPA in respect of personal data processed on its behalf as if the personal data were processed by the organisation itself.
- 2.4 Education institutions should note that whether an organisation charges an education institution for its services generally does not affect whether that organisation is a data intermediary of the education institution. Please refer to Chapter 6 of the Key Concepts Guidelines for more information on when an organisation is considered a data intermediary, as well as the PDPA obligations applicable to data intermediaries and the organisations that engage them.
- 2.5 Education institutions may also refer to the Guide on Data Protection Clauses for Agreements Relating to the Processing of Personal Data for sample data protection clauses that may be adapted and included in their agreements with data intermediaries.

⁶ PDPA defines data intermediary as “an organisation which processes personal data on behalf of another organisation but does not include an employee of that other organisation.”

⁷ Section 4(2) of the PDPA.

2.6	<p>Example: Engaging a vendor for transport services</p> <p>School ABC has a written contract with an external vendor JKL for the provision of transport services to School ABC’s students. Among other things, the contract between School ABC and Vendor JKL specifies that Vendor JKL will use personal data of School ABC’s students provided by School ABC for the sole purpose of providing transport services on behalf of ABC to these students.</p> <p>Tina is a student currently pursuing a course with School ABC. Tina wishes to sign up for transport services provided by School ABC through Vendor JKL.</p> <p>Tina provides her personal data by completing the form prepared by School ABC, and ticks the box on the form to give School ABC consent to disclose her personal data to Vendor JKL for the purpose of arranging the transport services.</p> <p>Vendor JKL will be considered a data intermediary processing Tina’s personal data on behalf of and for the purposes of School ABC pursuant to a written contract in relation to the provision of transport services to Tina.</p> <p>In this instance, Vendor JKL will be subject only to the Protection Obligation, the Retention Limitation Obligation, and the Data Breach Notification Obligation, while School ABC will have the same obligations under the PDPA in respect of Tina’s personal data processed on its behalf by Vendor JKL, as if the personal data were processed by School ABC itself.</p>
2.7	<p>Example: Engaging a consultancy firm to conduct a survey</p> <p>School ABC has engaged the services of consultancy Firm DEF via a contractual agreement to conduct an email survey among its upcoming cohort of graduates. The purpose of the survey is to study student perceptions on job placement quality, and quality of training. School ABC will use the survey findings to refine its existing policies on job placement and training.</p> <p>According to the terms of the agreement between School ABC and Firm DEF, School ABC will provide Firm DEF with a list of graduating students containing their full names, student matriculation numbers, and field(s) of study. The graduates tick the box on the form prepared by School ABC to give School ABC consent to disclose their personal data to Firm DEF for the purpose of conducting the email survey.</p> <p>Firm DEF will categorise the graduates according to their fields of study and then contact them by email to conduct the survey. Following the completion of the email</p>

	<p>survey, Firm DEF is required to destroy the list containing the graduate students' personal data and return all survey results to School ABC.</p> <p>In this case, Firm DEF will be considered a data intermediary of School ABC when processing students' personal data for the purpose of the email survey. Firm DEF will be subject only to the Protection Obligation, the Retention Limitation Obligation, and the Data Breach Notification Obligation in relation to such processing, while School ABC will have the same obligations under the PDPA in respect of personal data processed on its behalf by Firm DEF, as if the personal data were processed by School ABC itself.</p>
2.8	<p>Example: Using vendor's learning management and admissions management systems</p> <p>School ABC has engaged the services of Vendor OPQ via a contractual agreement for provision of its learning and admissions management systems. The purpose of the systems is to store and process students' personal data (e.g. full names, home addresses, health records, learning styles, performance grades) to manage students' learning needs and admissions-related processes.</p> <p>As part of the agreement, Vendor OPQ will assist School ABC to manage the systems, including providing troubleshooting services. In order to do so, Vendor OPQ's staff can access and process the personal data in the systems (e.g. deleting old or erroneous records).</p> <p>The students tick the box on the form prepared by School ABC to give School ABC consent to disclose their personal data to Vendor OPQ for the purpose of managing the students' learning needs and admissions-related processes.</p> <p>In this instance, Vendor OPQ will be considered a data intermediary of School ABC when processing the students' personal data for the purpose of managing the systems. Vendor OPQ will be subject only to the Protection Obligation, the Retention Limitation Obligation, and the Data Breach Notification Obligation in relation to such processing. School ABC will have the same obligations under the PDPA in respect of the personal data processed on its behalf by Vendor OPQ, as if the personal data were processed by School ABC itself.</p>

Volunteers

- 2.9 Pursuant to section 4(1)(b) of the PDPA, employees who are acting in the course of their employment with an organisation are excluded from the application of the Data Protection Provisions. Section 2(1) of the PDPA defines an employee to include a volunteer. Hence, individuals who undertake work without an expectation of payment would fall within the exclusion for employees.
- 2.10 Notwithstanding this exclusion for employees, organisations remain primarily responsible for any actions of their employees (including volunteers) which result in a contravention of the Data Protection Provisions.⁸

⁸ Section 53(1) of the PDPA.

PART II: APPLICATION OF THE DATA PROTECTION PROVISIONS TO SCENARIOS FACED IN THE EDUCATION SECTOR

The following sections and examples outline certain concepts and the application of some of the Data Protection Provisions. They address particular aspects of the PDPA, and are not meant to exhaustively address every obligation in the PDPA that would apply in that scenario. In particular, these sections and examples do not illustrate the application of the Do Not Call Provisions, which are addressed later in these Guidelines.

3 The Consent, Purpose Limitation and Notification Obligations

How does the PDPA apply to education institutions for the collection, use and disclosure of students' personal data for education-related purposes?

- 3.1 The PDPC understands that an education institution may collect, use or disclose a student's personal data for purposes such as to provide the student with education services, to evaluate the student's suitability for a course, or to administer bursaries, scholarships and relevant financial assistance schemes to eligible students. The PDPC recognises that the purposes for the collection, use or disclosure of personal data may differ across education institutions. Organisations should therefore notify and specify purposes at an appropriate level of detail that will allow an individual to determine the reasons that the education institution is collecting, using or disclosing his/her personal data. Education institutions are encouraged to consider factors such as the specific facts of the case, business and operational needs, and to refer to the Advisory Guidelines on Key Concepts in the PDPA ("Key Concepts Guidelines") for more information on providing notification and on stating purposes.
- 3.2 The Data Protection Provisions in Parts 3 to 6A of the PDPA set out the obligations that organisations are required to comply with if they undertake activities relating to the collection, use or disclosure of personal data. Among other things, organisations are required to obtain valid consent from the individual for a limited purpose and to notify the individual of such purpose for the collection, use and disclosure of personal data of the individual, unless exceptions apply⁹.

⁹ Please refer to the First (collection, use and disclosure of personal data without consent) and Second (additional bases for collection, use and disclosure of personal data without consent) Schedules to the PDPA for exceptions which may apply.

What are the considerations for obtaining consent for the collection, use or disclosure of personal data?

- 3.3 The PDPC does not prescribe the manner in which consent should be obtained by an organisation under the Data Protection Provisions. An education institution may decide on the most suitable way to obtain consent in accordance with the PDPA, and may refer to the Key Concepts Guidelines for more information on considerations and good practices when obtaining consent from an individual.
- 3.4 In relation to the Consent Obligation, prior to collecting, using or disclosing personal data about an individual, an education institution should consider:
- a) Whether the individual (or a person who has the legal authority to validly¹⁰ act on behalf of the individual) had been notified of the purposes for the collection, use or disclosure of his personal data and had given consent to such collection, use or disclosure;
 - b) If consent had not actually been given, whether consent can be deemed to have been given by the individual (or a person who has the legal authority to validly act on behalf of the individual) for the collection, use or disclosure of his personal data for the purpose;¹¹ and
 - c) Whether the collection, use or disclosure without the consent of the individual is required or authorised under the PDPA or any other written law, and assess whether the circumstances fall within any of the exceptions from the Consent Obligation in the First and Second Schedules to the PDPA.
- 3.5 The PDPC is aware that, depending on the nature of their education product or service and demographics of their students, some education institutions may collect, use and disclose the personal data of minors and would accordingly have to obtain consent under the PDPA. Please refer to the Guidelines on Selected Topics for more information relating to considerations when obtaining consent from minors.

¹⁰ When a person may validly act on behalf of an individual in certain circumstances is set out in existing law (e.g. common law). Apart from certain Regulations in relation to the rights or powers of deceased individuals, the PDPA generally does not affect such existing treatment. Instead, the PDPA merely provides that in the PDPA, references to consent given, or deemed to have been given, by an individual for the collection, use or disclosure of personal data about the individual shall include consent given, or deemed to have been given, by any person validly acting on behalf of that individual for the collection, use or disclosure of such personal data. See Section 14(4) of the PDPA.

¹¹ Section 15 of the PDPA.

How is consent expressly given?

3.6 Consent that is obtained in writing or recorded in a manner that is accessible is referred to as “express consent”. Such consent provides the clearest indication that the individual has consented to notified purposes for the collection, use or disclosure of his personal data. The following examples illustrate consent that is expressly given by the individual.

<p>3.7</p>	<p>Example: Disclosure of personal data for school buddy orientation programmes</p> <p>Ella is a student currently pursuing a course at School ABC. School ABC intends to pair Ella with an incoming international student under an orientation programme which matches existing students with incoming students and their families, and wishes to disclose Ella’s personal data (such as name, age, interests and contact details) to Ella’s potential buddy.</p> <p>School ABC should obtain Ella’s consent before disclosing her personal data for such a purpose.</p> <p>For avoidance of doubt, School ABC may notify Ella and seek her consent using various avenues and platforms. For example, when collecting Ella’s personal data during the enrolment process, School ABC could include a notification in the enrolment forms that the personal data of enrolled students may be used and disclosed to third parties for school-related activities or programmes, such as “buddy systems” for new students, and consent can be obtained via the same forms.</p>
<p>3.8</p>	<p>Example: Disclosure of students’ personal data for marketing purposes</p> <p>School ABC would like to publish the names and photographs of its top students and renowned alumni in its marketing collateral.</p> <p>As the names and photographs of these individuals are considered personal data relating to them, School ABC should obtain consent from these individuals to use and disclose their personal data for the marketing purposes.</p>
<p>3.9</p>	<p>Example: Disclosure of starting salaries of alumni</p> <p>School ABC conducts a survey on the employability of its alumni. The survey is conducted primarily via email, and personal data of School ABC’s alumni are obtained through the survey such as their full names, student registration numbers,</p>

	<p>field(s) of study, the sector they are currently employed in, and their starting salaries. In the survey, School ABC states that the purpose of the survey is for School ABC to manage career services for its existing students.</p> <p>Organisation DEF, targeting high net worth individuals for their investment services, asks School ABC for a list of alumni who earn more than \$X a month, their contact details and salary range in order to contact them to offer investment services. As this would be a different purpose from which the personal data was collected for, School ABC is required to obtain fresh consent from its alumni to disclose their personal data to Organisation DEF for their purposes.</p> <p>Organisation GHI produces a report each year on the starting salaries of fresh graduates in each industry sector and asks School ABC for the salary details of its recently-graduated alumni. As this would be a different purpose for which the personal data was collected, School ABC is required to obtain fresh consent from the alumni to disclose their personal data to Organisation GHI for their purposes. School ABC may also consider whether the data required could be anonymised, for example by removing personal identifiers, and aggregating data points so that unique individuals cannot be identified from the data. School ABC should also consider factors which may pose a challenge in keeping data anonymised.</p>
<p>3.10</p>	<p>Example: Disclosure of personal data for enrolment benefits</p> <p>Fanny attends a school fair where schools promote their courses and invite potential students to enrol with them. As a bid to acquire more students, School ABC engages Vendor XYZ to issue discount vouchers to students as an enrolment benefit.</p> <p>The staff manning School ABC’s booth tells Fanny that enrolling with them would entitle her to a discount of \$500 when she purchases electronic devices from Vendor XYZ.</p> <p>After viewing the other booths at the school fair, Fanny decides to enrol with School ABC. While putting down her name and contact details for School ABC to follow up with her interest, the staff manning the booth should ask Fanny for her express consent in disclosing her name and contact details to Vendor XYZ for the issuance of discount vouchers.</p>

How is consent inferred or implied?

3.11 Depending on the facts in some cases, PDPC may consider that consent is inferred or

implied from the circumstances or the conduct of the individual in question. This is a form of consent where the individual does, in fact, consent to the collection, use and disclosure of his personal data (as the case may be) by his conduct, although he has not expressly stated his consent in written or verbal form. However, organisations can only send specified messages¹² to Singapore telephone numbers to individuals that have given clear and unambiguous consent.

3.12 The following example illustrates consent implied from the individual.

3.13	<p>Example: Implied consent from participating in class photo-taking</p> <p>Every year, School ABC publishes class photos taken of their graduating students in a graduation book. Before taking the class photos, School ABC, through its teachers, informs graduating students that the purpose of taking the photos is to publish them in a book to be given as a memento for all graduates in that year. In this case, consent can be inferred or implied to be given by the students if they proceed with the photo-taking without letting the teachers know that they do not want their photo to be published in the graduation book, although the students did not expressly state their consent in written or verbal form.</p> <p>John, a graduating student at School ABC, tells his teacher that he does not want his photo to be published in the graduation book, before he takes the class photo. School ABC is required to facilitate John’s decision by, for example, either letting him take the class photo but masking his face, or allowing him to not take the class photo.</p>
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In what ways can consent be deemed rather than expressly given?

- 3.14 Sections 15 and 15A of the PDPA provide for different forms of deemed consent, namely (a) deemed consent by conduct; (b) deemed consent by contractual necessity; and (c) deemed consent by notification.
- 3.15 *Deemed consent by conduct:* In situations where an individual (without actually giving consent) voluntarily provides his personal data to an organisation for an appropriate purpose, and it is reasonable that he would voluntarily provide the data, the individual’s consent to the collection, use or disclosure of personal data is deemed to have been given by the individual’s act of providing his personal data.

¹² Section 37 of the PDPA.

3.16

Example: Personal data provided as administrative contact

Jack signs up his son, Mack, for a one-day swimming camp organised by School ABC. In the registration form, Jack writes down his own name and mobile phone number for School ABC to contact him for the purpose of his son's participation in the camp. As Jack had voluntarily provided his name and contact details, he is deemed to have consented to School ABC's collection, use or disclosure of his personal data for such purposes.

Should School ABC wish to use or disclose Jack's personal data for another purpose (for which consent had not been given or deemed to have been given), the school will need to separately obtain consent from Jack for that other purpose, unless an exception applies.

- 3.17 *Deemed consent by contractual necessity:* Pursuant to Section 15(3) of the PDPA, if an individual gives, or is deemed to have given, consent for the collection, use or disclosure of his personal data to an organisation ("A") for the purpose of a contractual transaction, the consent may cover sharing of the individual's personal data by A with other organisations (and onward sharing by downstream organisations, as the case may be) so long as it is reasonably necessary for A to provide the personal data to the other organisations (likewise, for onward sharing by downstream organisations) to perform or conclude A's contractual obligations to the individual, or for the conclusion or performance of a contract between A and the other organisation which is entered into at the individual's request, or which a reasonable person would consider to be in the individual's interest.

3.18

Example: Disclosure of personal data to another school for completing an assessment

Mary enrolls in a course at School ABC based in Singapore. As part of the contractual agreement between Mary and School ABC, Mary agrees to take an assessment with School XYZ located overseas to complete a compulsory module with School ABC. To arrange for Mary to take this assessment, School ABC has to provide Mary's personal data such as her name, date of birth and medical history to School XYZ. Mary's date of birth is required for School XYZ to determine the difficulty of assessment to administer to Mary based on her age category, and her medical condition (e.g.

	<p>dyslexia) is required for School XYZ to determine if she needs any visual aids to take her assessment.</p> <p>In this case, as it is reasonably necessary for School ABC to provide Mary’s personal data to School XYZ for Mary to take the assessment to complete the compulsory module and fulfil the contractual obligation between Mary and School ABC, deemed consent by contractual necessity applies.</p>
3.19	<p>Example: Disclosure of personal data for the care of foreign students</p> <p>Johnny is attending School ABC as a foreign student in Singapore. As part of the contractual agreement between School ABC and Johnny, School ABC engages the services of a vendor to pick up Johnny from the airport when he arrives in Singapore, bring him to purchase a local Subscriber Identity Module (SIM) card for telecommunication purposes and help him settle into his accommodation.</p> <p>As it is reasonably necessary for School ABC to disclose Johnny’s name, contact number and photograph to the vendor for the purpose of fulfilling the contractual obligation between School ABC and Johnny, deemed consent by contractual necessity applies.</p>
3.20	<p>Example: Disclosure of personal data to internship company to fulfil course requirement</p> <p>School XYZ offers courses to train mid-career individuals with the aim of helping them find a job in a different industry. To graduate from the course, the students of School XYZ are required to complete a three-month internship with a company that is affiliated with School XYZ.</p> <p>Barry is a student in School XYZ and wants to do his internship as a manager of a café that is affiliated with School XYZ, so School XYZ discloses his name, contact number, email address and qualifications to the café.</p> <p>As doing the internship is part of the course’s graduation requirement and the disclosure of personal data from School XYZ to the affiliated café is reasonably necessary to fulfil the contractual agreement between Barry and School XYZ, deemed consent by contractual necessity applies.</p>
3.21	<p>Example: Disclosure of personal data to delivery service provider</p> <p>School DEF engages a delivery service provider, Organisation A, to help deliver books</p>

	<p>from School DEF’s warehouse to the students’ homes during a school book sale. Sarah purchases 10 books from the book sale and opts for delivery of the purchased books to her home address.</p> <p>Sarah provides her personal data, such as her name, contact number and home address, to School DEF, for the purpose of the delivery. School DEF discloses Sarah’s personal data to Organisation A, which completes the delivery of Sarah’s books to a certain location, and passes on the books to a last mile delivery service provider, Organisation B.</p> <p>Since Sarah consents to the collection, use and disclosure of her personal data by School DEF for the delivery of her books to her home address, deemed consent by contractual necessity applies to all the parties involved in the delivery chain (i.e. Organisation A and Organisation B), which collect, use or disclose Sarah’s personal data, where the collection, use or disclosure is reasonably necessary to fulfil the transaction between Sarah and School DEF.</p>
<p>3.22</p>	<p>Example: Disclosure of personal data of minors for school field trip</p> <p>Pre-school ABC is organising a field trip to the zoo for its students. Pre-school ABC needs to disclose the participants’ personal data (e.g. name, age) in Pre-school ABC’s possession to the zoo for the purpose of arranging the field trip. As a pre-school student would not have legal capacity to give consent to join the field trip, Pre-school ABC obtains consent from the parent or legal guardian of each student in a written form and the parents/legal guardians paid some money to Preschool ABC for the students to go on the field trip.</p> <p>Since there is a contractual agreement for Pre-school ABC to fulfil in bringing the students for the field trip, deemed consent by contractual necessity applies, and Pre-school ABC does not need to seek separate consent of parents or legal guardians for the disclosure of the students’ personal data to the zoo.</p> <p>Alternatively, as there is already a written form to seek consent from parents or legal guardians for bringing the students on the field trip, Pre-school ABC can seek the express consent from parents or legal guardians in the same form for disclosure of the students’ personal data to the zoo.</p>

3.23 *Deemed consent by notification:* Section 15A provides that an individual may be deemed to have consented to the collection, use or disclosure of personal data for a

purpose that he had been notified of, and he has not taken any action to opt out of the collection, use or disclosure of his personal data. Deemed consent by notification is useful where the organisation wishes to use or disclose existing data for secondary purposes that are different from the primary purposes for which it had originally collected the personal data for¹³, and it is unable to rely on any of the exceptions to consent (e.g. business improvement, research) for the intended secondary use. This is subject to the organisation assessing and determining that the following conditions are met, taking into consideration the types of personal data involved and the methods of collection, use or disclosure of the personal data in the manner set out below:

- (a) Conduct an assessment to eliminate or mitigate adverse effects¹⁴
- (b) Organisation must take reasonable steps to ensure that notification provided to individuals is adequate¹⁵

3.24 As a good practice, the organisation can document and retain the assessment that it has done. Please refer to the Chapter 12 and Annex B of the Advisory Guidelines on Key Concepts in the PDPA for more information on the stipulated conditions and the assessment checklist for deemed consent by notification respectively.

3.25

Example: Publishing photographs taken at a private event on school's social media

School ABC had previously conducted a private event for its students and their parents, where photographs were taken. Subsequently, School ABC wants to repurpose the photographs for publication on its social media accounts to generate publicity.

School ABC assesses that there are no likely adverse effects to the attendees in using and disclosing their personal data for this purpose. It also assesses that clearly stating in its email invitations to its students and their parents that the event will be recorded and that photographs of attendees will be taken for publication on its social media accounts is an appropriate and effective method of notification. School ABC also assesses that 14 days is a reasonable period for the attendees to opt out. In its

¹³ Primary purposes are the purposes for which the personal data was originally collected for. Secondary purposes are any purposes which the personal data is further used for after collection.

¹⁴ Section 15A(4)(a) of the PDPA

¹⁵ Section 15A(4)(b) of the PDPA

	<p>email invitation to the students and their parents, School ABC notifies them of the intended use and disclosure of their personal data for the purpose and provides a contact number for any queries they may have about the intended use and disclosure. A hyperlink is provided in the emails for the students and parents to opt out of being recorded and having their photographs taken at the event. School ABC stipulates that those who wish to opt out should do so within 14 days from the date of the email.</p> <p>Students and parents who do not opt out within the 14-day period are deemed to have consented to the use and disclosure of their personal data for the purpose.</p> <p>Nonetheless, School ABC must allow and facilitate any withdrawal of consent even after the 14-day opt-out period.¹⁶</p>
<p>3.26</p>	<p>Example: Publishing class photos and videos on school’s social media</p> <p>School ABC intends to showcase its graduating cohort on School ABC’s social media page by posting class photos and short videos taken of the graduating students. The students had previously consented to their photos and videos taken but not to the publication on School ABC’s social media page.</p> <p>School ABC assesses that there are no likely adverse effects to its students in using and disclosing their personal data for this new purpose and that the use and disclosure of the personal data is reasonably required to showcase its graduating cohort. It also assesses that sending an email to the graduating cohort to congratulate the students on their achievements, and at the same time, informing that their class photos and videos will be showcased on the school’s social media page is an appropriate and effective method of notification. School ABC also assesses that 14 days is a reasonable period for the students to opt out.</p> <p>Graduating students who do not opt out within the 14-day period are deemed to have consented to the use and disclosure of their personal data for this purpose. Nonetheless, School ABC must allow and facilitate any withdrawal of consent after the 14-day opt-out period.</p> <p>After School ABC publishes the class photos and videos of its graduating students on its social media page, Mary, a graduating student, withdraws her consent to the use and disclosure of her personal data to showcase the graduating cohort on School</p>

¹⁶ More details can be found in the chapter on Photography, Video and Audio Recordings in the Advisory Guidelines on the PDPA for Selected Topics.

	<p>ABC’s social media page.</p> <p>After Mary withdraws her consent, School ABC is required under the PDPA to cease further publication of the photograph and video, unless such disclosure without Mary’s consent is authorised under the PDPA or other written law, or School ABC is able to effect the withdrawal of consent (e.g. by masking the image of Mary) before publishing the photograph and video.</p>
<p>3.27</p>	<p>Example: Providing alumni support and employability services</p> <p>School DEF wants to start providing alumni support and employability services to its graduating students. To do so, School DEF needs to use the personal data of its students previously collected (e.g. grades, educational qualifications, preferred career options). It intends to announce these new services to its students via an email.</p> <p>School DEF assesses that there are no likely adverse effects to its students in using their personal data for this new purpose and that the use of the personal data is reasonably required to provide the services.¹⁷ It also assesses that stating in its email to its students that their personal data would be used to provide the services is an appropriate and effective method of notification. School DEF also assesses that 14 days is a reasonable period for the students to opt out.</p> <p>In its email to the students announcing the services, School DEF also notifies them of the intended use of their personal data to provide the services and provides a contact number for any queries on the intended use. A hyperlink is provided in the emails for the students to opt out of having their personal data used for these services. School DEF also stipulates that those who wish to opt out should do so within 14 days from the date of the email, and that students opting out would not be provided with the services.</p> <p>Students who do not opt out within the 14-day period are deemed to have consented to the use of their personal data for the purpose. Nonetheless, School DEF must allow and facilitate any withdrawal of consent after the 14-day opt-out period.</p>

¹⁷ Under section 14(2)(a) of the PDPA, an organization may require an individual to consent to the collection, use or disclosure of his personal data as a condition of providing a product or service where it is reasonably required to provide the product or service.

3.28

Example: Providing customised healthier lifestyle programs to students

School XYZ collects data of students (e.g. weight, diet, frequency of exercise) to measure the healthiness of their lifestyle. Subsequently, School XYZ intends to disclose the students' data to an external organisation for a secondary purpose of offering customised healthier lifestyle programs to each student (e.g. individualised meal and exercise plans).

School XYZ assesses that there is some likely adverse effects to its students (e.g. minor embarrassment caused for disclosure of weight to external organisation) in disclosing their personal data for this new purpose. To mitigate these risks, School XYZ implements tighter security safeguards when transferring the data to the external organisation. It also assesses that the disclosure of the personal data is reasonably required to offer the customised healthier lifestyle programs¹⁸ and that informing students via email that personal data would be disclosed to recommend the customised healthier lifestyle programs is an appropriate and effective method of notification. School XYZ also assesses that 21 days is a reasonable period for the students to opt out.

Students who do not opt out within the 21-day period are deemed to have consented to the disclosure of their personal data for the new purpose. Nonetheless, School XYZ must allow and facilitate any withdrawal of consent after the 21-day opt-out period.

What are the exceptions to the Consent Obligation?

3.29 Section 17 of the PDPA permits the collection, use and disclosure of personal data without consent (and in the case of collection, from a source other than the individual) and enumerates the permitted purposes in the First and Second Schedules to the PDPA. Even if an exception applies under the PDPA, organisations are required to comply with other legal obligations, for example, to protect confidential information. Some of these exceptions include:

¹⁸ Under section 14(2)(a) of the PDPA, an organization may require an individual to consent to the collection, use or disclosure of his personal data as a condition of providing a product or service where it is reasonably required to provide the product or service.

- a) the collection, use or disclosure of personal data about an individual is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
- b) the collection, use or disclosure of personal data about an individual is publicly available;
- c) the collection, use or disclosure of personal data is necessary for evaluative purposes;¹⁹
- d) the collection and use of personal data, where the personal data was disclosed by a public agency and the collection and use of the personal data by the organisation are consistent with the purpose of the disclosure by the public agency;
- e) the disclosure of personal data to a public agency, where the disclosure is necessary in the public interest²⁰;
- f) the disclosure of personal data about an individual who is a current or former student of an education institution to a public agency for the purposes of policy formulation or review; and
- g) where the collection, use or disclosure of personal data about an individual is in the legitimate interests of the organisation or another person and the legitimate interests of the organisation or other person outweigh any adverse effect on the individual.

3.30 However, these exceptions to the Consent Obligation do not affect rights or obligations or under other law.²¹

¹⁹ “Evaluative purpose” under the PDPA includes determining the suitability, eligibility or qualifications of the individual to whom the data relates for: (a) admission to an education institution; (b) the awarding of contracts, awards, bursaries, scholarships, honours or other similar benefits; (c) selection for athletic or artistic purposes; or (d) grant of financial or social assistance, or the delivery of appropriate health services, under any scheme administered by a public agency, among other purposes. It can also refer to determining whether any contract, award, bursary, scholarship, honour or other similar benefit should be continued, modified or cancelled. More information on the definition of “evaluative purpose” under the PDPA can be found in the Key Concepts Guidelines.

²⁰ In assessing whether the disclosure is necessary in the public interest, the education institution may wish to seek the views of the public agency that is collecting the personal data, since the latter would be better placed to determine the extent to which the public interest will be served.

²¹ Section 4(6)(a) of the PDPA

3.31	<p>Examples: Exceptions to the Consent Obligation for evaluative purposes</p> <p>David applies for admission to School ABC, an education institution. He lists School XYZ as the current education institution he is enrolled in. School ABC requires David’s performance records in School XYZ to evaluate his suitability of admission into School ABC and requests for a copy of such records from School XYZ. In this case, consent is not required for School ABC to collect and use such personal data necessary to evaluate David’s eligibility for admission to School ABC. Similarly, consent is not required for School XYZ to disclose such personal data to School ABC for the evaluative purpose.</p>
3.32	<p>Peggy is one of School ABC’s scholarship recipients. The scholarship is only available for students with excellent conduct, class participation, examination results and co-curricular activity (CCA) achievements.</p> <p>School ABC uses teachers’ assessment of Peggy’s conduct in class and during CCA sessions to determine whether her scholarship should be continued in its annual review of scholarship holders. In this scenario, School ABC is not required to obtain consent from Peggy to use her personal data as this falls within the exception on evaluative purposes.</p>
3.33	<p>School ABC engages a vendor to manage a learning portal for its students and teachers. The learning portal allows students to apply for modules, upload submissions, give peer feedback to classmates’ submissions and view assessment results.</p> <p>Marie applies for the student bursary award administered by School ABC. Relying on data analytics, School ABC uses the data on the learning portal relating to Marie’s assessment results and the quality of Marie’s peer feedback given to her classmates, to determine whether Marie is eligible for the student bursary award. In this case, consent from Marie is not required for School ABC to use her personal data for the evaluative purpose.</p>
3.34	<p>Peter is transferring from School ABC to School DEF, which are PEIs. School DEF requests for personal data about Peter from School ABC to evaluate his suitability for admission into School DEF. Upon verification of School DEF’s request, School ABC</p>

	<p>assesses its reliance on the evaluative purpose exception. For example, if Peter has special educational needs, he may not be suitable for admission into a school that is unable to provide the additional support. In this case, consent is not required for School ABC to disclose personal data and for School DEF to collect personal data necessary for evaluating Peter’s suitability for admission to School DEF.</p>
3.35	<p>Example: Disclosure of personal data to a public agency for policy formulation or review</p> <p>At the end of each academic year, School ABC compiles and submits a list of names, ages, addresses and examination grades for each subject of the students enrolled with the school to a public agency. The public agency uses the data to understand the performance trends of the categories of students enrolled in schools like ABC for its annual policy review.</p> <p>In this case, School ABC is not required to obtain the consent of the students to disclose their personal data to the public agency as there is an exception in the Second Schedule to the PDPA for disclosure of personal data of current or former students of an education institution to a public agency for the purposes of policy formulation or review.</p>
3.36	<p>Example: Disclosure of personal data without consent in an emergency situation</p> <p>Following a physical education class, Alan suddenly develops dizzy spells and faints. Alan is admitted into a hospital nearby, and Alan’s teacher, Sue, provides the medical staff with Alan’s personal data such as his full name, blood type and allergies. Sue may disclose Alan’s personal data without consent, as there is an applicable exception on vital interests under Part 1 of the First Schedule to the PDPA for the disclosure of Alan’s personal data that is necessary to respond to an emergency that threatened his health.</p>
3.37	<p>Example: Disclosure of personal data to a public agency for investigations or proceedings, or under public interest</p> <p>The teachers at School DEF notice that Barry frequently comes to school with bruises on his arms and legs. After speaking privately with Barry, the teachers suspect that Barry may be facing abuse at home, potentially by his parents or legal guardians.</p>

Consequently, the teachers and school counsellors of School DEF jointly decide to disclose Barry's personal data to the Child Protective Service (CPS) under the Ministry of Social and Family Development (MSF) without obtaining the consent of his parents or guardians.

According to Paragraph 3 of Part 3 of the First Schedule of the PDPA, organisations may collect, use or disclose personal data without consent if the collection, use or disclosure of personal data about an individual is for any investigations or proceedings. As disclosing Barry's personal data to CPS is necessary to investigate the cause of the bruises on Barry's body and to determine if he is a subject of child abuse at home, School DEF is allowed to do so without his parents' or guardians' consent.

Additionally, according to Paragraph 1 of Division 1 of Part 3 of the Second Schedule to the PDPA, organisations can disclose personal data about an individual to a public agency when the disclosure is necessary in the public interest. To rely on this exception, School DEF should clarify with the public agency (e.g. MSF) on why such disclosure is "necessary in the public interest". In this case, since disclosing Barry's personal data to CPS is essential to protecting him from child abuse, the disclosure is in the public interest. Therefore, School DEF is permitted to do so without obtaining the consent of his parents or guardians.

Legitimate interests exception

- 3.38 Paragraphs 1 to 4 of Part 3 of the First Schedule to the PDPA sets out a broad exception that can be relied on for other purposes that meet the definition of “legitimate interests”. “Legitimate interests” generally refer to any lawful interests of an organisation or person, including other organisations.
- 3.39 To rely on this exception, organisations must identify and articulate the legitimate interests, and conduct an assessment to identify and mitigate any adverse effects on individuals. For data sharing by education institutions within MOE’s education system, such assessment may, for consistency, be conducted centrally in consultation with MOE. If the organisation assesses that there is likely residual adverse effect to the individual after implementing the mitigatory measures, it must conduct a balancing test to determine that the legitimate interests outweigh the likely residual adverse effects. The PDPC uses a standard of reasonableness to assess the appropriateness of the mitigatory measures. Examples of reasonable measures include minimizing the personal data collected, implementing access controls, and deleting personal data immediately after use. Organisations should also disclose reliance on this exception and provide the business contact information of a person who can address individuals’ queries about their reliance on the exception.
- 3.40 Organisations cannot rely on the “legitimate interests” exception to send direct marketing messages to individuals, for which explicit consent must generally be obtained. For further information about this exception, please refer to paragraphs 12.56 - 12.70 of the Key Concepts Guidelines. Organisations may refer to the assessment checklist to document risk assessment for legitimate interests exception in Annex C of the Key Concepts Guidelines.

3.41 **Example: Recording of education institution’s premises for security purposes**

School ABC wants to monitor and record, via CCTV, some portions of its premises for the safety and security of its staff and students.

School ABC conducts an assessment of legitimate interests and assesses that the benefits of the collection, use, and disclosure of personal data through the recording of the premises (e.g. deter crime such as theft, or detect if any staff or students require assistance) outweigh any likely adverse effect to the individuals. School ABC also states in its employee handbook and student intake forms that it is relying on the legitimate interests exception to collect, use and disclose personal data for the

	<p>safety and security of its students and staff.</p> <p>School ABC may rely on the legitimate interests exception to collect, use and disclose personal data through CCTV recordings of some portions of its premises to protect the safety and security of its staff and students.</p> <p>As good practice, School ABC may wish to put up notices at the areas under CCTV surveillance to inform individuals that those areas are under CCTV surveillance.</p>
<p>3.42</p>	<p>Example: Recording of virtual classrooms to assess class participation</p> <p>School XYZ wants to record and assess the attendance and class participation of students in virtual classrooms. A minimum attendance rate is required for a student to pass the module, and students are required to demonstrate class participation through verbal interaction. To prove that they are present and to facilitate class participation, students are required to turn on their cameras, capturing their facial images and voices.</p> <p>School XYZ conducts its own assessment of legitimate interests and assesses that the benefits of the collection, use, and disclosure of personal data (i.e. facial images, voice recordings) through the recording of virtual classrooms outweigh any likely adverse effect on the individuals. School XYZ also states in its employee handbook and student intake forms that it is relying on the legitimate interests exception to collect, use and disclose personal data for the assessment of attendance and class participation.</p> <p>School XYZ may rely on the legitimate interests exception to collect, use and disclose personal data through recordings of virtual classrooms for teachers to assess attendance and class participation of students.</p> <p>As good practice, School ABC may wish to have a pop-up notification when the student enters the virtual classroom to inform them that the virtual classroom is being recorded for assessment purposes.</p>

Business improvement exception

- 3.43 Part 5 of the First Schedule and Division 2 under Part 2 of the Second Schedule of the PDPA (i.e. the business improvement exception) allows organisations **to use, without consent, personal data they have collected** in accordance with the Data Protection Provisions of the PDPA, for business improvement purposes, such as developing new goods or services and understanding individual behaviour and preferences.²²
- 3.44 Subject to certain conditions being fulfilled, the business improvement exception also permits the sharing of personal data between entities belonging to a group of companies, without consent, for improving goods and services, developing new business methods or processes, understanding behaviour and preferences of customers, and identifying suitable goods and services for customers.²³
- 3.45 To rely on this exception, organisations must ensure that the purpose cannot be reasonably achieved without using the data in an individually identifiable form and that the use of the data is one that a reasonable person would consider appropriate in the circumstances²⁴.
- 3.46 This exception cannot be used to send direct marketing messages to individuals, for which explicit consent must generally be obtained.
- 3.47 For further information on the business improvement exception, please refer to paragraphs 12.71 – 12.77 of the Key Concepts Guidelines. On the application of the business improvement exception to AI systems, education institutions may wish to refer to Chapter 5 of the Advisory Guidelines on use of Personal Data in AI Recommendation and Decision Systems.

²² Division 2 under Part 2 of the Second Schedule of the PDPA

²³ Division 2 under Part 2 of the Second Schedule of the PDPA

²⁴ A “reasonable person” is judged based on an objective standard and can be said to be a person who exercises the appropriate care and judgement in the particular circumstance. Organisations should expect to take some time and exercise reasonable effort to determine what is reasonable in their circumstances. More details on “reasonableness” can be found in Chapter 9 of the Advisory Guidelines on Key Concepts in the PDPA.

3.48	<p>Example: Use of personal data to better assess students’ response to modules</p> <p>School ABC has a student learning portal. It wants to utilise software to analyse its students’ personal data (e.g. student identification number, discipline) from this portal to derive insights on each student’s level of participation to the various modules he/she is taking in order to assess and recommend other modules to that student.</p> <p>School ABC assesses that: (a) this purpose cannot reasonably be achieved without the use of personal data in individually identifiable form; and (b) its use of personal data is considered appropriate to a reasonable person. School ABC may rely on the business improvement exception to use its students’ personal data without consent to better assess their response to the modules offered and recommend other modules to that student.</p> <p>However, if School ABC assesses that this purpose can reasonably be achieved without the use of personal data in individually identifiable form, it may not rely on the business improvement exception. Instead, School ABC may consider anonymising the data before using it for such a purpose. Anonymisation is the process of removing identifying information, such that the remaining data does not identify any particular individual. Personal data that has been anonymised is no longer considered personal data for the purposes of the PDPA.²⁵</p>
3.49	<p>Example: Use of personal data to improve service offerings</p> <p>School DEF intends to analyse patterns of students’ financial condition to improve the type of school fees subsidisation offered to each student.</p> <p>This will allow School DEF to deliver personalised services (e.g. school fees subsidisation) for students.</p> <p>School DEF assesses that (a) this purpose cannot reasonably be achieved without the use of personal data in individually identifiable form; and (b) its use of personal data is considered appropriate to a reasonable person.</p> <p>School DEF may rely on the business improvement exception to use its students’</p>

²⁵ More details can be found in the chapter on Anonymisation in the Advisory Guidelines on the PDPA for Selected Topics.

	personal data without consent to improve its service offerings.
3.50	<p>Example: Use of personal data to recommend personalised employment opportunities and improve students' employment rates</p> <p>School XYZ conducts a yearly employment survey of its students who have graduated. It wants to utilise software to analyse the personal data collected through these surveys to: (a) understand reasons for low employment rate in certain disciplines in order to improve overall employment rate of students graduating from School XYZ; and (b) recommend personalised employment opportunities to its current students.</p> <p>School XYZ assesses that (a) these purposes cannot reasonably be achieved without the use of personal data in individually identifiable form; and (b) its use of personal data is considered appropriate to a reasonable person.</p> <p>School XYZ may rely on the business improvement exception to use its graduated students' personal data without consent to recommend personalised employment opportunities and improve students' employment rates.</p>

Research Exception

3.51 The research exception under the PDPA allows education institutions to conduct broader research and development that may not have immediate application to their products, services, business operations or market. Examples of education institutions that may find it useful to rely on this exception include those that carry out scientific research and development, or research into arts and social sciences. Education institutions may rely on this exception to **use** personal data for a research purpose, including historical and statistical research, subject to the following conditions:

- a) The research purpose cannot reasonably be accomplished unless the personal data is provided in an individually identifiable form;
- b) There is a clear public benefit to using the personal data for the research purpose;
- c) The results of the research will not be used to make any decision that affects the individual; and
- d) In the event the results of the research are published, the organisation must

publish the results in the form that does not identify the individual.

- 3.52 With regard to the disclosure of personal data for research purposes, the education institution must ensure that the same conditions are fulfilled, with one additional condition – it is impracticable for the institution to seek the consent of the individual for the disclosure. Whether it is impracticable to seek the individual’s consent would depend on the specific facts of the case. However, some factors for consideration include not having the current contact information of the research subject, the costs of obtaining consent imposing disproportionate resource demands on the institution and the seeking of the research subject’s consent affecting the validity or defeat the purposes of the research.

<p>3.53</p>	<p>Example: Usage of personal data without consent to conduct a research study</p> <p>Research Institute A is involved in a project to examine the impact of the Baby Bonus scheme on Singapore’s birth rate. The study has strong relevance to Marriage and Parenthood (M&P) policies as it would provide insights into the effectiveness of monetary incentives on fertility decisions.</p> <p>To conduct the study, Research Institute A would need identifiable personal data to fuse separate datasets from different sources on family linkages and birth registry with income and employment information for the same households/families. Data from the study will be aggregated to explain societal patterns and published with no personal identifiers. Research outcomes will inform Singapore’s pronatalist policies and not be used to make decisions that might affect particular households or individuals.</p> <p>In this case, it would be permissible for Research Institute A to use the personal data without consent for the purpose of conducting the study.</p>
<p>3.54</p>	<p>Example: Disclosure of personal data without consent to another research institute to conduct a study</p> <p>Research Institute B wishes to conduct research studies using alumni’s medical records that were collected by medical education institutions. The purpose of the research is to gain a better understanding of the impact of medical conditions during pregnancy on offspring cognitive development, which will help inform national health policy. The research purpose cannot reasonably be accomplished unless</p>

identifiable personal data is provided to assess the relationship between maternal medical conditions and offspring cognitive development.

To conduct the research, Research Institute B would need to request for alumni records from Medical Education Institution C. However, it would be impracticable for Medical Education Institution C to seek consent for the research as contact information of the individuals was either not retained or updated as the records stretch back more than 30 years. The research outcome will not be used to make decisions that will affect the individuals. When the results of the research are published, the data would be anonymised.

In this case, it would be permissible for Medical Education Institution C to disclose the personal data of these individuals to Research Institute B for the purpose of conducting the study, without needing to seek consent.

4 The Access and Correction Obligation

- 4.1 The Access and Correction Obligations (Sections 21, 22 and 22A of the PDPA) state that an organisation must, upon request, as soon as reasonably possible, (i) provide an individual with his or her personal data that is in the possession or under the control of the organisation and information about the ways in which the personal data may have been used or disclosed during the past year; and (ii) correct an error or omission in the personal data about the individual that is in the possession or under the control of the organisation. The Access and Correction Obligations are subject to a number of exceptions, including some mandatory exceptions relating to situations where an organisation must not provide access. For more information on the Access and Correction Obligations, please refer to Chapter 15 of the Advisory Guidelines on Key Concepts in the PDPA.
- 4.2 The following examples illustrate the application of the Access and Correction Obligation.

4.3	<p>Example: Access to student’s records</p> <p>Jack intends to apply for a job with Company ABC after graduating from School DEF. To provide information to support his application, Jack makes an access request to School DEF for records of his co-curricular activities and a transcript of his examination results. School DEF is required to provide access to the information in accordance with section 21(1) of the PDPA, unless there is an applicable exception.</p>
4.4	<p>Example: Accessing results of language competency test</p> <p>Prior to enrolment into School ABC, all students are required to undergo a language competency test. Grace makes an access request after taking the test (but before the release of results) to School ABC to find out her test grade. In this case, School ABC is not required to accede to Grace’s access request as there is an exception under the Fifth Schedule to the PDPA in relation to information that is in respect of any examination conducted by an education institution, examination scripts and prior to the release of examination results, examination results.</p>
4.5	<p>Example: Correction of residential address</p> <p>Peter finds out that a cheque refund mailed out by School ABC to him was mistakenly sent to his neighbour residing two storeys above him. Peter makes a correction request for School ABC to amend the residential address recorded in School ABC’s</p>

	<p>system from 123, DEF Road, #04-02 to 123, DEF Road, #02-04. As there are no reasonable grounds for the correction not to be made, School ABC corrects the listing of Peter’s residential address so as to be able to communicate with him by mail.</p>
4.6	<p>Example: Correction of a teacher’s opinion</p> <p>Karen’s mother, Mary, notices a teacher’s remarks in Karen’s annual assessment report that Karen tends to lose attention during certain classes, and that Karen needs to improve her handwriting. Mary makes a correction request to the school to omit these remarks from Karen’s report. In this case, the school is not required to make corrections to the teacher’s remarks to the extent that the remarks are regarded as an opinion for the purpose of evaluating Karen’s performance.</p>

5 The Accuracy Obligation

5.1 Pursuant to the Accuracy Obligation (Section 23 of the PDPA), an organisation must make a reasonable effort to ensure that personal data collected by or on behalf of the organisation is accurate and complete if the personal data (a) is likely to be used by the organisation to make a decision that affects the individual to whom the personal data relates; or (b) is likely to be disclosed by the organisation to another organisation. For more information on the Accuracy Obligation, please refer to Chapter 16 of the Advisory Guidelines on Key Concepts in the PDPA.

5.2 The following examples illustrate the application of the Accuracy Obligation.

5.3	<p>Example: Ensuring that medical records of students are up-to-date</p> <p>School DEF organises field trips for their students a few times a year. School DEF asks the parents of their students to review the personal data of students once a year to ensure that they are accurate and up-to-date, such as the students’ medical conditions, allergies and doctor memos with information on how to treat the student if he or she is unwell during the field trip.</p>
5.4	<p>Example: Recollecting personal data of students to ensure its accuracy</p> <p>Anson graduates from School ABC and enrolls in the affiliated tertiary School DEF. Even though School ABC and School DEF are managed by the same headquarters, School DEF recollects the personal data of Anson rather than obtaining Anson’s personal data directly from School ABC’s database. As the personal data of Anson, such as his medical conditions and household income, may be potentially used by School DEF to make decisions about Anson, it is important that the personal data is up-to-date, accurate and complete.</p>
5.5	<p>Example: Ensuring that personal data disclosed to another school is accurate</p> <p>School XYZ discloses its students’ personal data to School DEF for a local school exchange program. For example, School XYZ discloses its students’ name, date of birth, contact details, qualifications and medical conditions to School DEF to assign the students to a class with an appropriate level of difficulty and to treat the students in case any medical situation arises. As the personal data of students is disclosed to</p>

another organisation and are used to make decisions about the students, School XYZ must make a reasonable effort to ensure that the personal data is accurate and complete. As a good practice, School XYZ may ask students or their parents to review the personal data before disclosing it to School DEF.

6 The Protection Obligation

- 6.1 Pursuant to the Protection Obligation (Section 24 of the PDPA), an organisation must protect personal data in its possession or under its control by making reasonable security arrangements to prevent (a) unauthorised access, collection, use, disclosure, copying, modification or disposal, or similar risks; and (b) the loss of any storage medium or device on which personal data is stored.
- 6.2 There is no ‘one size fits all’ solution for organisations to comply with the Protection Obligation. Generally, education institutions should consider factors such as the nature of the personal data in their possession or under their control (as the case may be), the form in which the personal data has been collected (e.g. physical or electronic), the volume of personal data collected, and the possible impact to the individual if an unauthorised person obtained, modified, or disposed of the personal data, to determine the security arrangements that are reasonable and appropriate in the circumstances.
- 6.3 Please refer to Chapter 17 of the Key Concepts Guidelines for more information relating to the Protection Obligation, and more examples of security arrangements. The following examples illustrate the application of the Protection Obligation.

6.4

Example: Reasonable security arrangements to protect students’ personal data

School ABC stores personal data of students in its database. To comply with the Protection Obligation of the PDPA, School ABC makes reasonable security arrangements to protect the personal data in the database, based on its own assessment of the nature of personal data in its possession and the possible impact to the individuals concerned if the data is obtained by an unauthorised person.

School ABC restricts employee access to confidential documents on a need-to-know basis. For instance, School ABC allows only nurses to access the sensitive medical information of students and only counsellors to access memos on the students’ mental and emotional condition assessed via counselling sessions. Furthermore, School ABC implements robust policies and procedures regarding confidentiality obligations for its employees, with disciplinary consequences for data breaches.

The completed physical examination papers of students contain their personal data, such as their full names and NRIC numbers. To ensure the security of the papers, School ABC stores them in fireproof cabinets with multiple locks that are located in rooms without windows.

7 The Retention Limitation Obligation

- 7.1 The PDPA does not prescribe a specific retention period for personal data. Instead, pursuant to Section 25 of the PDPA, the Retention Limitation Obligation requires an organisation to cease to retain its documents containing personal data, or remove the means by which the personal data can be associated with particular individuals, as soon as it is reasonable to assume that the purpose for which that personal data was collected is no longer being served by retention of the personal data, and the retention is no longer necessary for legal or business purposes.
- 7.2 Education institutions should review the personal data they possess and/or is under their control on a regular basis to determine if that personal data is still needed for the purposes of collection or other legal (e.g. personal data is relevant to ongoing legal action) or business purposes (e.g. personal data needs to be used to generate an annual report)²⁶.
- 7.3 Please refer to Chapter 18 of the Key Concepts Guidelines for more information relating to the Retention Limitation Obligation. The examples below illustrate the application of the Retention Limitation Obligation.

7.4	<p>Example: Retention of personal data collected during open house</p> <p>School ABC conducts an annual open house for prospective students and their parents. During the open house, School ABC collects and uses the contact details of parents to: (a) facilitate the admission of their children; or (b) arrange trial classes or school tours for their children, who may subsequently enrol as students.</p> <p>One month after the commencement of the school year, School ABC ceases to retain the personal data of the parents whose children did not join as students. This is because School ABC determined that the purpose for which that personal data was collected is no longer being served by retention of the personal data, and retention is not necessary for any legal or business purposes.</p>
7.5	<p>Example: Retention of personal data for enrolment verification</p> <p>School DEF had collected personal data of its students. It retains some personal data, even after a student has graduated, for the purpose of providing them with</p>

²⁶ Please refer to Para 18.4(b) of the Advisory Guidelines on Key Concepts in the PDPA for examples of situations where the legal or business purpose for which retention of personal data by the organisation is necessary.

	<p>verification that they were enrolled in School DEF. Such verification may be required when its students are applying for a job. School DEF only retains its students' full name, date of birth and gender because it has assessed based on its past experiences and particular circumstances that these identifiers are sufficient for verification.</p> <p>As School DEF is retaining the personal data for a valid purpose, it is not required to cease to retain the data after its students' graduation under the Retention Limitation Obligation. As a good practice, School DEF sets a retention period based on its experience of ex-students requesting access to such data. After the retention period has crossed, the system automatically purges the data from School DEF's database.</p>
<p>7.6</p>	<p>Example: Retention of child abuse and learning resources data</p> <p>School XYZ has collected details of child abuse that its students had experienced, as well as the specific learning support provisioned for its students (e.g. resources catered for dyslexic students). It retains such personal data, even after the students in question have graduated, in the event that the students wish to retrieve the data, for instance, about the learning support they obtained in School XYZ, to seek similar support in their subsequent schools.</p> <p>As School XYZ is retaining the personal data for a valid purpose, it is not required to cease to retain the data after its students' graduation under the Retention Limitation Obligation.</p> <p>As good practice, School XYZ has set appropriate retention periods for the data based on its experience of ex-students requesting access to such data. School XYZ takes careful consideration in deciding the retention periods since such data may be of a more sensitive nature and risk significant harm to the affected students if leaked. At the end of the retention periods, the system automatically purges these data from School XYZ's database.</p>

8 The Transfer Limitation Obligation

- 8.1 The Transfer Limitation Obligation (Section 26 of the PDPA) states that an organisation must not transfer personal data to a country or territory outside Singapore except in accordance with the requirements prescribed under the PDPA. For more information on the Transfer Limitation Obligation, please refer to Chapter 19 of the Advisory Guidelines on Key Concepts in the PDPA.
- 8.2 The examples below illustrate certain situations in which organisations may transfer personal data overseas in compliance with the Transfer Limitation Obligation.

8.3	<p>Example: Transferring personal data of research participant to overseas research partners</p> <p>School ABC is conducting a research study in collaboration with School XYZ, an education institution located in Country X. As part of their collaboration, School ABC will transfer the personal data of individual research participants to School XYZ for the latter’s analysis.</p> <p>School ABC provides each potential research participant with a written summary of the extent to which his personal data will be protected to a standard comparable to that under the PDPA in Country X and asks each potential research participant whether he consents to the transfer of his personal data to School XYZ in Country X. In such circumstances, School ABC may transfer a participant’s personal data to School XYZ in compliance with the Transfer Limitation Obligation should the participant provide his consent.</p>
8.4	<p>Example: Transferring student data overseas for an exchange programme</p> <p>School DEF intends to send its students’ personal data to School MNO in Country Y for the administration of an exchange programme between the two schools. School DEF reviews the obligations under Country Y’s data protection law that School MNO is subject to, and determines that School MNO would be bound by legally enforceable obligations to provide a standard of protection to its students’ personal data that is comparable to the PDPA. School DEF may transfer the personal data to School MNO in compliance with the Transfer Limitation Obligation in such circumstances.</p>

	<p>Alternatively, School DEF may also be taken to have transferred a student’s personal data to School MNO in compliance with the Transfer Limitation Obligation, if it provides the student with a written summary of the extent to which his personal data will be protected to a standard comparable to that under the PDPA in Country Y, and obtains consent from the student.</p>
8.5	<p>Example: Engaging a cloud service provider to store personal data of clients</p> <p>School ABC engages a cloud service provider (CSP) to store a sizeable volume of personal data of their students (e.g. name, age, gender, course of study, exam grades). Before signing up for its services, School ABC enquired on where the data centres that store the personal data of their clients are located, and they understand from the CSP that the data centres are located overseas.</p> <p>Where the CSP is processing personal data on behalf and for the purposes of another organisation pursuant to a contract which is evidenced or made in writing, the CSP is considered a data intermediary.</p> <p>School ABC is still responsible for complying with all obligations under the PDPA in respect of personal data processed by the CSP on its behalf and for its purposes. The CSP is specifically subject to the Protection, Retention Limitation and Data Breach Notification Obligations under the PDPA with regards to the personal data that it processes or hosts in data centres outside Singapore. Any issues of compliance can be provided for in the written contract between School ABC and its CSP.</p> <p>Before signing up for the CSP’s services to store clients’ personal data, School ABC can notify its students (or their parents) in writing that it is adopting a cloud-based solution to store its students’ personal data, and asks for the students’ consent to move their data to the cloud-based solution. School ABC also provides its students with a written summary of the extent to which their data will be protected to a standard comparable to that under the PDPA, in the countries and territories that it will be transferred to. Should the students provide their consent, School ABC would be able to rely on the CSP’s services to transfer its students’ personal data to data centres located overseas in compliance with the Transfer Limitation Obligation.</p> <p>Alternatively, School ABC can use the services of a CSP that has legally enforceable obligations to ensure a comparable standard of protection for the transferred personal data. For example, School ABC can carry out due diligence and determine if the CSP is certified under the APEC CBPR system in the overseas country, which will ensure that the students’ personal data stored in the overseas data centres are</p>

protected to a standard comparable to the PDPA. School ABC can refer to the list of CBPR-certified organisations on the APEC website (www.cbprs.org).

For more information on using cloud service providers in relation to the PDPA, please refer to Chapter 9 of the Advisory Guidelines on the PDPA for Selected Topics.

9 The Data Breach Notification Obligation

- 9.1 The Data Breach Notification Obligation (Sections 26A to 26E of the PDPA) states that an organisation must assess whether a data breach is notifiable and notify the affected individuals and/or the Commission where it is assessed to be notifiable. For more information on the Data Breach Notification Obligation, do refer to Chapter 20 of the Advisory Guidelines on Key Concepts in the PDPA.
- 9.2 The following examples illustrate the application of the Data Breach Notification Obligation.

9.3

Example: Unauthorised access of students' medical records

School XYZ has in its possession personal data of students in its database that are likely to result in significant harm to affected students. For example, the database contains information relating to vulnerable individuals (e.g. subject of any investigation under the Children's and Young Person's Act ("CYPA")), adoption matters (e.g. identity of the adoptive father or mother of the individual) and specified medical information (e.g. domestic abuse, child abuse or sexual abuse involving or alleged to involve the individual). The information relating to investigations under the CYPA and abuse is used by School XYZ for delivering pastoral care to the student or implementing security measures to protect the child.

The database administrator of School XYZ discovers an unauthorised access of some students' medical records. School XYZ immediately assesses the data breach, including the number of students' records and the types of data affected. Even though the unauthorised access involves only 10 students' records, School XYZ determines that the data breach involves medical records that contain students' full name and their child abuse history.

The data breach is assessed to be notifiable, as the full names in combination with child abuse history, are deemed to likely result in significant harm to the affected individuals. School XYZ is required to notify the PDPC and the affected individuals of the data breach.

Where the student is a minor²⁷ who does not have the requisite legal capacity to give consent for purposes of the PDPA, consent would have been given by the minor's parents or legal guardians on behalf of the minor for School XYZ to collect the students' medical records. Therefore, in the case of a notifiable data breach, School XYZ should notify the parents or legal guardians of the affected student.

²⁷ As a general guide, where the minor is under the age of 13 years old, organisations may wish to obtain consent for the collection, use and disclosure of the minor's personal data from an individual that can legally give consent on behalf of the minor, such as the minor's parent or guardian. For more information on data activities relating to minors, please refer to Chapter 8 of the Advisory Guidelines on the PDPA for Selected Topics.

10 Rights and obligations, etc under other laws

How does the PDPA apply where the collection, use or disclosure of personal data by education institutions is also regulated by other relevant legislation?

- 10.1 Section 4(6) of the PDPA states that unless otherwise provided in the PDPA, nothing in Parts 3 to 6A of the PDPA shall affect any authority, right, privilege or immunity conferred, or obligation or limitation imposed, by or under the law, including legal privilege, except that the performance of a contractual obligation shall not be an excuse for contravening the PDPA, and the provisions of other written law shall prevail to the extent that any provision of Parts 3 to 6A is inconsistent with the provisions of that other written law.
- 10.2 Section 13 of the PDPA provides that an organisation shall not, on or after 2 July 2014, collect, use or disclose personal data about an individual unless the consent or deemed consent of the individual to the collection, use or disclosure is obtained or the collection, use or disclosure without the consent of the individual is required or authorised under the PDPA or any other written law.
- 10.3 There are several provisions under the Private Education Act 2009 and its subsidiary legislation (“PEA”) that empower the SkillsFuture Singapore Agency (SSG) to obtain information (including personal data) from registered PEIs. These provisions include, but are not limited to, the following:
- a) Section 30 of the PEA provides that an inspector of the SSG may during an inspection of a registered PEI require any person, amongst others, to furnish any information which is within the power of the person to furnish relating to such matters as the inspector may specify.
 - b) Section 35 of the PEA provides that the SSG may issue a requisition to any person to furnish such particulars or supply such information relating to any matter to which the PEA applies as may be specified in the requisition.
 - c) Regulation 22 of the Private Education Regulations 2009 provides that the managers of a registered PEI shall prepare and submit to the SSG, by the 31st day of December of each year, an annual report on the activities and affairs of the PEI in that year. This may include, but is not limited to, personal data on the students of the registered PEI.

- 10.4 Section 35 of the Early Childhood Development Centres Act (2017) provides that licensees of licensed ECDCs must keep and retain records and give information on quality of service to the Chief Licensing Officer (CLO) for the monitoring or evaluating the quality of an ECDC. Records to be retained include types of personal data to be disclosed to the Chief Licensing Officer (if required), e.g. application for enrolment signed by a parent or guardian of the child, the child's birth certificate number or Singapore citizenship number, etc. The complete list of prescribed documents to keep and period to retain are listed in ECDC Regulations 34 to 38.
- 10.5 Section 19 of the PDPA provides that notwithstanding the other provisions of Part 4 of the PDPA, an organisation may use personal data collected before 2 July 2014 for the purposes for which the personal data was collected, unless consent for such use is withdrawn or the individual has indicated to the organisation that he does not consent to the use of the personal data. Such 'use' could include disclosure that is necessarily part of the organisation's use of such personal data. For avoidance of doubt, the Do Not Call Provisions will apply to the sending of specified messages to Singapore telephone numbers, even if the Singapore telephone numbers were collected before 2 July 2014.

PART III: APPLICATION OF THE DO NOT CALL PROVISIONS TO SCENARIOS FACED IN THE EDUCATION SECTOR

The following examples outline the application of the Do Not Call Provisions. They address particular aspects of the PDPA, and are not meant to exhaustively address every obligation in the PDPA that would apply in that scenario. In particular, they do not illustrate the application of the Data Protection Provisions, which have been addressed earlier in these Guidelines.

11 The Do Not Call Provisions

How do the Do Not Call Provisions apply to education institutions sending messages to individuals?

- 11.1 The Do Not Call Provisions (DNC) contain a number of obligations that apply in relation to persons sending specified messages to Singapore telephone numbers. In brief, such persons are required to comply with the following obligations of checking the DNC Register and identifying the sender of a message before and when sending a specified message to a Singapore telephone number respectively.
- 11.2 Section 37 of the PDPA defines what constitutes a “specified message” for the purposes of the Do Not Call Provisions. Briefly, messages with a purpose to offer to supply, advertise or promote goods or services, land or an interest in land, or a business or investment opportunity, or a supplier of such goods, services, land or opportunity are specified messages and the Do Not Call Provisions will apply to such messages. Messages which do not have any of the purposes listed above will not be considered specified messages.
- 11.3 In addition, Section 37(5) of the PDPA provides that the messages referred to in the Eighth Schedule to the PDPA will not be considered specified messages for the purposes of the Do Not Call Provisions and are not subject to the application of those provisions. Some examples of messages listed in the Eighth Schedule to the PDPA, are excluded from the definition of a specified message. Some examples include:
- a) “business-to-business” marketing messages;
 - b) any message sent by a public agency under, or to promote, any programme carried out by any public agency, which is not for a commercial purpose;
 - c) any message the sole purpose of which is to facilitate, complete or confirm a transaction that the recipient of the message has previously agreed to enter into with the sender;

- d) any message that is sent while the sender is in an ongoing relationship with the recipient of the message; and the sole purpose of which relates to the subject matter of the ongoing relationship; or
- e) any message the sole purpose of which is to conduct market research or market survey.

11.4 The Do Not Call Provisions apply to a specified message (in the form of voice calls, text messages or faxes) addressed to a Singapore telephone number, if the sender of the specified message is present in Singapore when the specified message is sent, or the recipient of the specified message is present in Singapore when the specified message is accessed.

Duty to check the Do Not Call Registers

11.5 One significant obligation under the Do Not Call Provisions is that the organisation sending the specified message will have to check the Do Not Call Registry (the “DNC Registry”) established by the PDPC under the PDPA to confirm that the number is not listed on the DNC Register, unless the user or subscriber of the Singapore telephone number has given clear and unambiguous consent in written or other accessible form.

11.6 The PDPA lists obligations for third-party checkers²⁸ who check the DNC Registry for an organisation and provide to the organisation information on whether the Singapore telephone number is listed in the relevant DNC Register. The checker must make sure that information provided to the organisation is accurate and up-to-date in accordance with the provisions relating to the DNC Registry²⁹, and to provide to the organisation the date of retrieval of this information and its validity period.

Dictionary Attacks and Address-Harvesting Software

11.7 Section 48B of the PDPA provides that a person must not send, cause to be sent, or authorise the sending of messages to recipient telephone numbers that are obtained by dictionary attack or address-harvesting. Dictionary attack is the method by which the telephone number is obtained using automated means that generate possible telephone numbers by combining numbers into numerous permutations, whereas address-harvesting is a software specifically designed or marketed for use for searching the Internet for telephone numbers and the telephone numbers are

²⁸ Please refer to section 43A of the PDPA for definition of a third-party checker and the full set of obligations for checkers.

²⁹ Including Part 5A of the Personal Data Protection (Do Not Call Registry) Regulations 2013.

collected, compiled, captured or otherwise harvested.

11.8	<p>Examples: Whether messages are specified messages³⁰</p> <p>School ABC is conducting an annual walkathon.</p> <p>(a) School ABC sends an SMS inviting students to attend the annual walkathon. To the extent that the walkathon does not offer to supply a good or service or have any of the other purposes listed in the definition of a specified message, School ABC would <u>not</u> be sending a specified message, therefore the Do Not Call Provisions would <u>not</u> apply.</p> <p>(b) In conjunction with “Healthy Week”, School ABC calls to inform students about an upcoming seminar by a shoe retailer on choosing the right shoes for the walkathon. As the seminar involves promoting a supplier, School ABC is likely to be sending a specified message and the Do Not Call Provisions will apply.</p> <p>(c) School ABC calls all parents of students to be chaperones at the walkathon. Such messages will <u>not</u> be considered “specified messages” under the PDPA to the extent that they do not involve marketing of any good or service. Hence, the Do Not Call Provisions do <u>not</u> apply.</p> <p>(d) School ABC sends an SMS to thank all parents who volunteered in the walkathon. School ABC is <u>not</u> sending a specified message and the Do Not Call Provisions do <u>not</u> apply.</p>
11.9	<p>In the upcoming school term, School ABC will be organising a school trip to Country XYZ as part of its efforts to enhance students’ understanding of history and architecture. School ABC sends an SMS to students announcing the school trip, and possible travel insurance packages offered by various companies available to interested students. In this case, School ABC is considered to be sending a specified message as the SMS was also promoting travel insurance packages from different vendors to students. Hence, the Do Not Call Provisions will apply.</p>

³⁰ Please refer to the Advisory Guidelines on the Do Not Call Provisions for more information and examples on when messages are considered specified messages.

11.10	School DEF sends an SMS to students providing them with administrative details of an upcoming examination, such as date, timing, venue and instructions for candidates to bring along their student matriculation card for verification purposes. School DEF is <u>not</u> sending a specified message, and the Do Not Call Provisions do <u>not</u> apply.
11.11	School ABC calls Albert to remind him of the deadline to settle his tuition fees. In this scenario, School ABC is <u>not</u> sending a specified message, and the Do Not Call Provisions do <u>not</u> apply as this is an example of a message falling within Paragraph 1(e) of the Eighth Schedule.
11.12	School ABC sends an SMS to students announcing cancellation of outdoor classes due to inclement weather. School ABC is <u>not</u> sending a specified message, and the Do Not Call Provisions do <u>not</u> apply.

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