

Media Release

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Organisations getting ready for Personal Data Protection Act by 2 July 2014 *Initiatives and advisory guidelines to help organisations and protect consumers*

Come 2 July 2014, organisations will have to comply with the data protection provisions under the Personal Data Protection Act (“**PDPA**”) to better protect consumer’s interest and personal data. Under these new requirements, individuals will also have greater control over how organisations collect, use and disclose their personal data.

Better protection for consumers

In a survey conducted by the Personal Data Protection Commission (“**PDPC**”) earlier this year to find out about consumers’ awareness of and the ease of registration on the DNC Registry, 7 in 10 consumers noticed a reduction in the number of telemarketing messages received and 6 in 10 of them saw improvement in organisations’ practices, such as obtaining consent for telemarketing and including their contact information in the telemarketing messages sent. More than 600,000 unique telephone numbers have been registered with the DNC Registry since its launch.

With the PDPA coming into full effect, two Memoranda of Intent have been signed with the Consumer Association of Singapore (“**CASE**”) and the Singapore Mediation Centre (“**SMC**”) to provide mediation services. This provides an additional avenue for consumers to resolve disputes, in relation to the PDPA, with organisations.

PDPC will continue to help organisations comply with the Act

A similar survey conducted with companies to find out more about the awareness and readiness of organisations in compliance with the PDPA showed that 7 in 10 organisations were aware of their obligations under the PDPA. Most agreed that complying with the PDPA would result in greater consumer confidence, facilitate safe and protected cross-border transfer of information and improve corporate governance.

The surveys also showed that 8 in 10 organisations that conducted telemarketing were aware of the Do Not Call (“**DNC**”) provisions that came into effect early this year¹ with about 3,600 organisations registered with the DNC Registry and 160 million telephone numbers checked so far.

¹ Organisations generally agreed that complying with PDPA would result in building consumer confidence (69.7%); facilitating safe and protected cross-border transfer of information (67.5%); and improving corporate governance (58.1%).

The PDPC will also be introducing new initiatives to help organisations comply with the PDPA. These include:

- A two-day Business Management Singapore Workforce Skills Qualifications (WSQ) course, “An Introduction to the Fundamentals of the Personal Data Protection Act for Non-Legal Personnel”, developed in collaboration with the Singapore Workforce Development Agency (WDA). The course will be available from mid-May 2014.
- E-learning platform available free of charge on the PDPC website in August this year.

Better Clarity through Regulations and Advisory Guidelines

Advisory guidelines have been issued by the PDPC on access, correction, overseas transfer of data, and persons acting on behalf of others, e.g., minors, deceased, which elaborate on positions finalised after a public consultation conducted last year. Regulations on these matters will be issued by the Ministry for Communications and Information.

Clarifications on access, correction and overseas transfer of data include:

- The form, manner and procedures for making and responding to access or correction requests. For example, organisations should respond within 30 days from the time the request is made, and otherwise inform the individual of the time frame in which they would be able to respond; and organisations may charge a reasonable fee to cover the incremental cost of providing access.
- Requirements prescribed to ensure that organisations provide a comparable standard of protection to personal data transferred overseas.

Clarifications on individuals acting on behalf of others e.g. minors, deceased include:

- In situations where there is no legislation on whether a minor may give consent, PDPC will adopt a practical rule of thumb that a minor who is at least 13 years of age would have sufficient understanding to be able to consent on his own behalf. PDPC notes that 13 years is a significant threshold in according protections to minors e.g. Employment Act, PG13 ratings.
- A priority list to determine the nearest relative in the event that there is no personal representative appointed to act in relation to the personal data of a deceased individual.

For those organisations that were engaged in telemarketing activities, (1) 88.2% were aware that the DNC Registry came into effect on 2 January 2014; and (2) 82.1% were aware that they would need to check the DNC Registry to ensure that the Singapore telephone numbers that they were sending telemarketing messages to, were not listed in the DNC Registry.

The PDPC has also issued finalised advisory guidelines for the Real Estate Agency and Telecommunication sectors following a public consultation held early this year. Examples from these guidelines include how the Data Protection Provisions will apply to the marketing of an en-bloc sale to residents using their personal data; and whether the inclusion of advertisements in telecoms bills would constitute a use of personal data.

New Proposed Advisory Guidelines for Public Consultation

Separately, views from the public are being sought for proposed advisory guidelines on the education, healthcare, and social service sectors, as well as on photography. The public consultation aims to help the PDPC obtain more extensive feedback and determine whether there are other issues or scenarios that the PDPC should address in the advisory guidelines.

Scenarios covered in the guidelines include: whether education institutions will be required to obtain consent to collect, use or disclose personal data to evaluate an individual's suitability for admission or scholarships; whether a patient's verbal agreement to his doctor's recommendation to consult a specialist can be regarded as consent for his doctor to disclose his personal data to the specialist as required for the referral; and whether an individual who voluntarily poses for a photograph will be deemed to have given consent for the photo-taking.

PDPC is also collaborating with other industry representatives from sectors such as banking and life insurance to develop sectoral guidelines.

The proposed advisory guidelines are available on the PDPC website at www.pdpc.gov.sg/personal-data-protection-act/public-consultations from today, and consultation will close on 6 June 2014 at noon.

"It is encouraging to see many organisations gearing up their operations to align with the PDPA as we draw closer to July. For organisations, this will help them gain customer confidence and trust, and for consumers, this means that they will be able to have better control over their personal data," said Mr Leong Keng Thai, Chairman, PDPC.

Members of the public can visit the PDPC website (www.pdpc.gov.sg) for further details of the PDPA and DNC Registry.

Annex A – Factsheet on WSQ Course on "An Introduction to the Fundamentals of the Personal Data Protection Act for Non-Legal Personnel"

Annex B – Factsheet on E-learning Programme for Data Protection Capability Development

Annex C – Factsheet on Memoranda of Intent with CASE and SMC

Annex D – Extracts and Examples Adapted from the Advisory Guidelines for the Real Estate Agency and Telecommunication Sectors; on Access, Correction, Overseas Transfer of Personal Data; and Data Activities Relating to Minors

Annex E – Examples Adapted from the Proposed Advisory Guidelines for Education, Healthcare, and Social Service Sectors; as well as Photography

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

The Personal Data Protection Commission (PDPC) administers the Personal Data Protection Act 2012 in Singapore, which aims to safeguard individuals' personal data against misuse and promote proper management of personal data in organisations. In addition, the Act will enhance Singapore's competitiveness and strengthen our position as a trusted business hub, putting Singapore on par with the growing list of countries with data protection laws. For more information, please visit www.pdpc.gov.sg.

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