

Media Release

Organisations in Singapore can better protect personal data *The PDPC rolls out new guides and initiatives to further help organisations with implementing protection measures*

Three in every five respondents from some 1,500 organisations surveyed this year by the Personal Data Protection Commission (PDPC) have indicated that they have some form of measure implemented to protect personal data. These were the findings from the PDPC's annual industry survey on the Personal Data Protection Act (PDPA).

However, recent enforcement decisions taken by the PDPC against organisations in Singapore have reflected a need to continue to raise awareness amongst organisations towards data security and data protection measures. Data breaches are recognised as one of the more costly security failures of organisations. They could lead to financial losses, and consumers losing trust in the organisation.

To better equip organisations with good personal data management and security practices, the PDPC is rolling out new initiatives and guides.

Initiatives to Help SMEs and Train Data Protection Officers (DPOs)

The PDPC is collaborating with SPRING Singapore to help interested Small and Medium Enterprises (SMEs) tap on SPRING's Capability Development Grant (CDG) to defray up to 70 per cent of qualifying project costs such as consultancy and training, assessments and audits, and adoption of data protection software solutions. This is to help SMEs develop good data management processes and systems to secure the data they hold.

The Workforce Development Authority's (WDA) Business Management Workforce Skills Qualification PDPA course will be further enhanced for training DPOs¹. DPOs are mandatory under the PDPA and they are integral for organisations to implement responsible data sharing practices. The enhanced WSQ course will serve as a foundation for the eventual professionalisation of DPOs.

Sharing of Good Practices

¹ Close to half of the organisations surveyed appointed a DPO, a substantial increase from the one quarter last year. This shows that organisations are beginning to acknowledge the importance of data protection and the role of a DPO.

The PDPC is issuing three new guides, available on the PDPC website:

1. The “Guide to Building Websites for SMEs” helps SMEs to understand common protection measures required when setting up websites that collect or store personal data and the considerations to be taken when outsourcing such works to information technology (IT) vendors.
2. The “Guide on Data Protection Clauses for Agreements relating to the Processing of Personal Data” covers sample contractual clauses that organisations may want to consider when engaging vendors to provide services relating to the processing of personal data.
3. The “Guide to Disposal of Personal Data in Physical Medium” educates organisations on the disposal of physical medium (largely paper) containing personal data and the different ways of disposal available.

The PDPC has also revised its “Guide to Securing Personal Data in Electronic Medium” to include new information on cloud computing, IT outsourcing and security patching, and its “Advisory Guidelines on Key Concepts in the PDPA” to update its chapters relating to withdrawal of consent and access requests (please refer to **Annex A** for details).

Additionally, the PDPC has issued a compilation of articles sharing data protection practices by organisations in different sectors, with practical learning points that others may reference. These stories will also be documented on video and broadcast towards the end of the year to reach a wider audience.

Mr Leong Keng Thai, Chairman of PDPC, said, “The connectivity we have today, especially with Big Data and the Internet of Things, has brought great benefits to both industry and consumers. This, however, has to occur in an environment of trust – involving the responsible collection, use and sharing of data. The PDPC will continue to equip DPOs and facilitate the sharing of good data management practices so that organisations can capitalise on opportunities via data sustainably.”

Annex A – Updates to the “Advisory Guidelines on Key Concepts in the PDPA”

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

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The PDPC administers the Personal Data Protection Act 2012 (PDPA) in Singapore, which aims to safeguard individuals' personal data against misuse and promote proper management of personal data in organisations. The PDPA enhances Singapore's competitiveness and strengthens 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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Annex A

The PDPC has revised its “Advisory Guidelines on Key Concepts in the PDPA” (“Key Concepts Guidelines”) to update chapters on withdrawal of consent and access obligation.

Withdrawal of Consent

Chapter 12 on the Consent Obligation has been revised to provide further clarity on the withdrawal of consent requirements, including how organisations are to facilitate and effect withdrawal of consent requests.

One key revision provides clarity where a withdrawal notice for marketing is general (i.e. where the message does not clearly reflect which marketing channel that the individual is requesting for a withdrawal). In such instances, the PDPC will consider such withdrawal of consent sent via a particular channel to only apply to marketing messages sent via that same channel (see example below).

Example: Withdrawal of consent via same channel of telemarketing

Organisation ABC has obtained consent from Sally to send her marketing messages via e-mail and fax.

ABC sends Sally an e-mail informing her of the latest in-store promotion, and included a link for her to unsubscribe:

“If you wish to stop receiving marketing messages from ABC, please click on the link ‘unsubscribe’.”

Sally clicks on the ‘unsubscribe’ link and is directed to a website which states:

“You have unsubscribed successfully.”

As the withdrawal notice is general and does not specify the channel of receiving marketing messages for which consent is withdrawn, Sally would be considered to have withdrawn consent to receive marketing messages sent by e-mail only.

Access Obligation

Chapter 15 on Access and Correction Obligation has been revised to provide clarity on complying with the access obligation under the PDPA, addressing some of the situations such as:

(1) Providing personal data of an individual without the personal data of other individuals

Where personal data requested by an individual also contains personal data of other individual(s) in the same set of records, an organisation should remove the personal data of the other individuals before providing the personal data requested by the individual (see example below).

Example: Access to personal data in CCTV footage that may reveal personal data of other individuals

Mary makes an access request with Organisation ABC for footage of herself captured by Organisation ABC's CCTV system on a particular date and time.

Organisation ABC looks for the requested CCTV footage, and finds that the requested footage captured personal data of Mary and two other individuals. Organisation ABC then assesses that it is possible to provide Mary access to her personal data without revealing the other individuals' personal data by masking the images of the other individuals in the same footage.

(2) Preservation of requested personal data when processing or after rejecting an access request.

An organisation shall identify the requested personal data as soon as possible after receiving the access request, and ensure the personal data requested is preserved while the organisation is processing the access request.

The preservation period should take into account factors including typical schedules for periodic disposal or deletion of personal data of the medium (e.g. how long is footage kept in the CCTV system, retention of physical copies of documents containing personal data), and organisations should be mindful not to unnecessarily preserve personal data to meet possible access requests or retain personal data indefinitely when there is no business or legal purpose to do so (see example below).



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Example: Preservation of requested personal data

Mary makes an access request with Organisation ABC for CCTV footage of herself at a particular date and time. Organisation ABC has a CCTV recording system which typically keeps the CCTV footage for 30 days before the footage is overwritten.

As Mary submitted her access request before the scheduled deletion of the specific CCTV footage, the organisation should search for the requested CCTV footage as soon as reasonably possible before the footage is overwritten by the CCTV system.

(a) If Organisation ABC assesses the access request and provides Mary access to the requested personal data captured in the CCTV footage, Organisation ABC must delete the footage thereafter if the purpose for collecting the personal data is no longer served by retention and it has no other business or legal purpose to retain the footage in accordance with the PDPA.

(b) If, however, Organisation ABC determines that it is to reject Mary's request to access the personal data captured in the CCTV footage, Organisation ABC should preserve the footage for a reasonable period, minimally 30 calendar days or longer, to allow Mary the opportunity to exhaust any recourse under the PDPA.

The PDPC has also published a Guide on Handling Access Requests to provide organisations simple pointers on processing access requests, including sample access request and acknowledgment forms.