

Media Release

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Developing a Trusted Data Ecosystem to Support Singapore's Digital Economy

Strengthening data protection confidence for individuals and companies

27 July 2017 - The Personal Data Protection Commission (PDPC) has embarked on a series of new initiatives as part of its efforts to develop a trusted data ecosystem in Singapore. With an increase in data sharing activities in the digital economy, these initiatives will ensure that our data protection ecosystem stays up to date – allowing businesses to innovate and seize new opportunities while continuing to ensure that individuals' personal data are well-protected.

Minister for Communications and Information, Dr Yaacob Ibrahim, unveiled these initiatives at the 5th Personal Data Protection Seminar today. They include:

- Launch of public consultation on PDPC's review of the Personal Data Protection Act (PDPA) to keep pace with technology and global developments;
- Publication of a new Guide to help organisations adopt best practices when sharing data;
- Plans to introduce a Data Protection Trustmark certification scheme by end 2018;
- Singapore's Notice of Intent to participate in the APEC Cross-Border Privacy Rules System and the APEC Privacy Recognition for Processors System (APEC CBPR and PRP).

Encourage Innovation while Ensuring Robust Data Protection

Review of the PDPA

The data protection landscape is becoming more complex, due to technology advances such as Internet of Things and Artificial Intelligence. Large amounts of data are being collated, analysed and shared. Given the sheer volume of data transactions, it may not be practical or possible for businesses to seek consent at every instance of data collection or use. There could also be instances where consent is not desirable or appropriate, such as for detection of fraud or security threats. There are also

increasing concerns over potential data breaches and their impact on affected individuals.

It is therefore timely to review the PDPA to ensure that it stays relevant with current trends and developments, and continues to safeguard consumers' interests and personal data, while still allowing businesses to leverage on data to innovate.

PDPC will be seeking views on its proposals, through a public consultation from 27 July to 21 September 2017, on two key areas – proposed enhanced framework for collection, use and disclosure of personal data, and proposed mandatory data breach notification (see Annex A for a summary of key areas for public consultation).

“Having a trusted and progressive personal data protection framework is integral to Singapore’s digital economy. Given the rapid advances in data-related technologies and business models, it is timely to review the Personal Data Protection Act to maintain the appropriate balance between safeguarding consumer interests and facilitating innovations around information sharing among organisations,” said Mr Tan Kiat How, Commissioner of the PDPC.

Through this, PDPC hopes to change the way data protection is viewed among organisations, moving them away from seeing data protection merely as a compliance exercise to one where organisations adopt an accountability mindset and build trust with their customers.

Deepen Best Practices in Data Sharing and Strengthen Industry Accountability

Guide to Data Sharing

PDPC launched a new Guide to help organisations identify the appropriate approaches for sharing personal data within and between organisations, while complying with the PDPA.

The Guide also provides a framework for the PDPC to exempt particular data sharing arrangements from specific obligations under the PDPA.

DP Trustmark Certification Scheme

In a survey conducted in 2016, four out of five respondents agreed that the introduction of a Trustmark certification scheme would improve consumer confidence, particularly if certification is linked to a Government body.

Therefore, PDPC is developing a Data Protection (DP) Trustmark certification scheme and a series of resources aimed at encouraging organisations to be transparent and accountable in their data protection measures. The resources will also help to facilitate locally-based organisations' ability to exchange information across borders, while attracting more businesses to conduct data innovation activities in Singapore.

PDPC plans to consult the industry on the details of the DP Trustmark certification scheme in the third quarter of this year. PDPC aims to roll out the programme by end 2018.

Facilitate Cross-Border Data Flows

Singapore's Notice of Intent to Participate in the APEC Cross-Border Privacy Rules (CBPR) and Privacy Recognition for Processors (PRP) Systems

Singapore will participate in APEC's Cross-Border Privacy Rules (CBPR) and Privacy Recognition for Processors (PRP) Systems to strengthen confidence among businesses when sharing their data across borders. Singapore has recently submitted its Notice of Intent to participate in the systems, which provide validation of businesses' data protection practices. Certified organisations will be recognised by participating economies, and their data flows facilitated among organisations in the region.

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Encl:

Annex A	Annex B
Fact Sheet – Summary of Public Consultation for PDPA Review	Upcoming resources for organisations



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

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

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

FACTSHEET: PUBLIC CONSULTATION ON PDPA REVIEW

Enhanced Framework for Collection, Use and Disclosure of Personal Data, and Mandatory Data Breach Notification

Enhanced Framework For Collection, use and Disclosure

The PDPA relies primarily on individual consent as a key basis for organisations to collect, use and disclose personal data. The PDPC is proposing for this principle to remain. Organisations should seek to obtain consent for the collection, use or disclosure of personal data where possible, especially where that could adversely impact or pose risks to the individual.

However, there are challenges to be considered with the consent regime in light of the fast-evolving digital ecosystem.

The PDPC is therefore considering strengthening the PDPA to enable the collection, use or disclosure of personal data where consent is not practical or desirable through enhanced approaches:

1. **Notification of Purpose** – Where obtaining individuals' consent is impractical, the PDPC considers that notifying individuals of the purpose provides a way for individuals to retain some measure of control over their personal data. The PDPC is therefore proposing to provide for Notification of Purpose as a basis for collecting, using and disclosing personal data where it is impractical to obtain individuals' consent, and where such collection, use or disclosure will not have any adverse impact on the individuals.
2. **Legal or Business Purpose** – While the PDPA currently provides for organisations to collect, use or disclose personal data without consent for certain legal or business purposes, there may be other circumstances that are not provided for under the PDPA or other laws. The PDPC is therefore proposing to expand this to provide for the collection, use or disclosure of personal data without consent for a Legal or Business purpose where it is not desirable or appropriate to obtain consent from the individual for the purpose, and where the benefits to the public clearly outweigh any adverse impact to the individual (e.g. for fraud detection and prevention).

Under both approaches, risk and impact assessments will need to be conducted to identify and mitigate the risks and impact to the individuals.

Mandatory Data Breach Notification

To strengthen consumer protection and build confidence in organisations' management and protection of personal data, the PDPC is proposing to introduce a mandatory data breach notification regime under the PDPA. This will give affected individuals the opportunity to take steps to protect themselves from the risks and impact of a data breach, while affected organisations will be able to receive guidance from the PDPC on the remedial actions they could take. Overall, this will enable the PDPC to better oversee the level of incidences and management of data breaches at the national level.

Mindful not to impose overly onerous regulatory burdens on organisations, or to inadvertently create notification fatigue for individuals, the PDPC is proposing for mandatory data breach notifications to affected individuals only where there is a risk of impact or harm to affected individuals. Organisations must also notify the PDPC of any data breach where there is a risk of impact or harm to affected individuals, or where there is a significant scale of breach (e.g. the data breach involves 500 or more affected individuals' personal data).

Where an organisation is required to notify the PDPC of a data breach under the PDPA, and is also required under other written law to notify a sectoral or law enforcement agency of the data breach, the PDPC is proposing for the organisation to notify the PDPC of the data breach concurrently with the other agency in accordance with the notification requirements under the other written law. This is to help minimise the regulatory burden for organisations that are subject to overlapping notification requirements for the same data breach.

Data intermediaries, which means companies that process personal data on behalf of another organisation, must inform the organisation of any data breach immediately. This will allow the organisation to expediently assess whether the incident meets the breach notification under the PDPA or other laws.

Where an organisation is required to notify affected individuals of a data breach under the PDPA, PDPC is proposing to require organisations to do so as soon as practicable, unless an exception or exemption applies. PDPC should similarly be notified as soon as practicable but no later than 72 hours from the time the organisation becomes aware of the data breach.

For full details of the public consultation, visit www.pdpc.gov.sg/consultations.

ANNEX B

UPCOMING RESOURCES FOR ORGANISATIONS

- The “Guide to Developing a Data Protection Management Programme (DPMP)” helps organisations develop a DPMP which lays the foundation for a robust personal data protection infrastructure. A DPMP sets out the organisation’s policies, application of processes and practices, and roles and responsibilities of staff in the handling of personal data. This guide will be issued in 3Q 2017.
- The “Guide to Data Protect Impact Assessments (DPIAs)” outlines key principles and considerations for conducting a DPIA. A DPIA helps them identify, assess and minimise data protection risks. This guide will be issued in 3Q 2017.
- The PDPA Assessment Tool for Organisations, a free online resource that organisations may use to identify gaps in their data protection management, will be launched to complement the guides. The tool provides actionable suggestions and recommends relevant resources, such as the PDPC’s advisory guidelines and guides, to improve their data protection policies and practices. It will be issued in 3Q 2017.
- The DP Starter Kit provides immediate steps that SMEs can take to kick start data protection practices within their organisations. It is a step-by-step guide that highlights nuggets of useful information and resources, such as sample clauses, forms, templates, communication materials, in an easy-to-understand manner. This kit will be issued by the end of 2017.
- The DP Advisor initiative will see PDPC appointing a panel of advisors who will provide targeted help for SMEs to comply with the PDPA, especially on the implementation of data protection processes and systems. The advisors will also inform and explain the different types of grants available so that the SMEs can leverage on to help defray implementation costs. This initiative will be launched by 3Q 2017.