

Clause	Feedback
<p><b><u>Advisory Guidelines on Key Concepts</u></b></p> <p><b>Retention of personal data</b></p> <p>17.2 The Retention Limitation Obligation prevents organisations from retaining personal data in perpetuity where it does not have legal or business reasons to do so. Holding personal data for an indeterminate duration of time increases the risk of a contravention of the Data Protection Provisions.</p> <p>However, as each organisation has its own specific business needs, the Retention Limitation Obligation does not specify a fixed duration of time for which an organisation can retain personal data. Instead, the duration of time for which an organisation can legitimately retain personal data is assessed on a standard of reasonableness, having regard to the purposes for which the personal data was collected and other legal or business purposes for which retention of the personal data may be necessary.</p> <p>17.7 Where there is no longer a need for an organisation to retain personal data, it must take prompt action to ensure it does not hold such personal data in either one of the two ways set out under the PDPA. That is, an organization may cease to retain the documents containing personal data or it may remove the means by which the personal data may be associated with particular individuals (that is, to anonymise the data).</p> <p>17.9 An organisation would not have ceased to retain documents containing personal data where it has merely filed the documents in a locked cabinet, warehoused the documents or transferred them to a party who is subject to the organisation's control in relation to the documents. In such circumstances, the organisation would be considered to be retaining the documents. This also applies to documents in electronic form. Hence, documents in electronic form which are archived or to which access is limited are also considered to be retained for the purposes of the Retention Limitation Obligation.</p>	<p>Electronic form of storage normally consists of 2 types-</p> <ul style="list-style-type: none"> <li>• digitized personal records and transactions that are active/live in an application system, and</li> <li>• backup media of data from systems</li> </ul> <p>While it is possible to formulate a mechanism by which personal data active/live in an application can be removed or anonymised, it is not technically possible to do so for data in the backup media.</p> <p>The effort required to remove /anonymise personal data from such electronic backup media is huge and significantly outweighs the benefits of doing so. It will involve selecting and identifying which are the backup copies to be destroyed or retained. In addition, such exercise may require ongoing effort as the status of insurance policies change over time.</p> <p>We believe other companies / insurers would face the same difficulty in breaking up the backup media and remove parts of it which are not to be retained, and it is not in the interest of the consumers as the cost of implementing such a system is very high.</p> <p>As such, we propose for exemption on the retention period for electronic backup media containing insurance contract and personal information related thereto, notwithstanding the status of the insurance policy, whether in-force, lapsed, matured, expired etc.</p>