

**COMMENTS ON THE  
PROPOSED REGULATIONS ON PERSONAL DATA  
PROTECTION IN SINGAPORE**

**SUBMITTED BY:**

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**19 MARCH 2013**

19 March 2013

Personal Data Protection Commission  
**BY EMAIL**  
Pdpc\_consultation@pdpc.gov.sg

Re: Comments on the Proposed Regulations on Personal Data Protection in Singapore

Dear Sir / Madam,

IBM Singapore Pte. Ltd. ("IBM Singapore") welcomes this opportunity to participate in the consultation undertaken by the Personal Data Protection Commission (the "Commission") regarding the proposed Regulations on Personal Data Protection in Singapore (the "Regulations").

**(1) On Access and Correction**

We believe that the proposed guidelines on Access and Correction are reasonable. It strikes the appropriate balance and is practical. We have no further comments on this subject matter.

**(2) On Transfer of Personal Data Outside Singapore**

It appears that the proposed guidelines on the transfer of personal outside of Singapore is too restrictive and prescriptive. We believe that that transfers should heavily rely on the accountability principle, which requires organizations (such as data controllers) to protect and handle personal information pursuant to the applicable local law even when such information is transferred abroad for processing, or transferred to third parties for processing in-country.

While we agree that inter-corporate transfers should be supported by contractual arrangements, we suggest that the regulation not attempt to dictate what specifically must be covered in such instruments (as is contemplated in paragraph 7.5 of the Consultation Paper), as this will necessarily vary depending on the nature of the services being provided and other circumstances.

As for intra-company transfers, we agree that Binding Corporate Rules (i.e. internal rules adopted by a multinational group of companies that define its global policy with regard to international transfers of personal data within the same corporate group of entities located in other countries) is an appropriate means to transfer data in a privacy protective way across a group of companies.

While we believe that any such internal rules should contain provisions relating to purpose, use and disclosure, accuracy, protection and retention as contemplated in paragraph 7.5 (and do not have any issues with the regulation requiring such), we do not agree that the regulation should dictate the content of those obligations.

Similarly, we perceive that the requirements contemplated in paragraph 7.12 to be overly taxing and administrative in nature. For example, in paragraph 7.12 (b), we fail to see how data would be better protected if a set of internal policies were to describe the data transfers or set of transfers, including the categories of personal data, the purposes for which personal data is being transferred, the types on individuals affected and identification of each country or territory in question. Our view is that some of the elements required in 7.12. are not suitable for inclusion in internal policy. If it were useful to the Commission to gain context, IBM would be pleased to discuss with the Commission how IBM undertakes transfers of personal information in various countries. The program which IBM has in place to supports effective privacy protection for personal data regardless of where this data is processed around the world.

Perhaps language which provides that "Organizations transferring personal data outside of Singapore must do so in a manner consistent with their obligations under the PDPA and pursuant to a legally binding instrument that contain appropriate safeguards." would be more appropriate in our view for both inter and intra company transfers. This would still put the onus on organizations to comply with the PDPA and ensure that the obligations attendant to the data flow with the data wherever it goes and yet leave flexibility for organizations to determine how to best meet this obligation. IBM understands that this model has been in use in Canada for 13 years with great success.

**(3) On Individuals Who May Act for Others under the PDPA**

We have no further comments on this Section.

**(4) On the Advisory Guidelines on Certain Topics**

We note that paragraph 5.19 of the Advisory Guidelines provides that, in the context of whether organizations monitor their employees' use of company equipment or network, the PDPA requires organizations to inform their employees of the purposes of such collection, use or disclosure, even though their consent is not required.

We believe that it may be impractical to require an organization to expressly inform the employee and suggests that there would be no need to inform the employee if the purpose is fairly obvious.

**CONCLUSION**

IBM Singapore would like to thank the Commission for the invaluable opportunity to be able share its views on the proposed Regulations to interpret the PDPA. Needless to state, IBM Singapore would welcome the opportunity to participate in follow-up consultations.

Sincerely yours,



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