

Comments/Feedback to Personal Data Protection Commissioner's  
("PDPC") Consult on Proposed Regulations and Proposed Advisory  
Guidelines on Key Concepts and Selected Topics  
(the "Consult")

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**Section A**  
**Feedback to Consult on Proposed Regulations**

**1. Question in relation to the administration of requests for access to and correction of personal data**

**Question: Do you have any views / comments on the proposed manner in which an individual may make an access or correction request or the proposed positions relating to how organisations are to respond to such requests?**

Comment / feedback:

1. Paragraph 6.2 the Commission suggests that organizations should accept requests for access and correction that are made in writing in any other manner accepted by the organizations.

We are of the view that if access and correction requests can be made in writing in any other manner it would not only increase the time and extra effort and ultimately the costs of administration of requests for access to and correction of personal data; but may also cause requests to be overlooked and, thus, delaying necessary responses required as requests that come in any written form may diffuse recipients' focus.

2. As to the correction request, the consultation is silent on the onus of the recipient of the requests as to the accuracy and authenticity of the personal data to be corrected. Are organizations to receive correction request in good faith? Who would be liable if organizations subsequently send the "corrected" data to other parties?

Conclusion / Proposal, if any:

3. In respect of (1) above we proposed that access and correction requests should only be made using organizations standard form designed for the purpose. We believe this would assist organizations to stay focus as it makes requests uniformly visible, thus, may minimize any chance of overlooking the requests. We propose that the regulation should be made to this effect.
4. As to (2) above, we propose that the regulation should state that the level of due diligence should be left to the organizations to decide and that organizations having conducted reasonable due diligence shall not be liable as to any inaccuracy or authenticity of the correction made to the personal data given by the requestor. The regulation shall also state in clear terms the obligations of the requestor for correction request of the personal data if false or inaccurate personal data is given for correction to be made, together with its penalties.

**2. Questions in relation to the transfer of personal data outside Singapore**

**Question 1: Do you have any views / comments on other means of ensuring the protection of personal data transferred out of Singapore?**

Comment / feedback:

- Please refer to our comments in Question 2 below.

Conclusion / Proposal, if any:

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**Question 2: Do you have any views / comments on the proposed requirements for contractual clauses and binding corporate rules to protect personal data transferred out of Singapore?**

Comment / feedback:

- We are of the opinion that to further ensure the protection of personal data transferred out of Singapore, transferring organizations shall be given the right to independently audit the receiving organizations to verify compliance by the receiving organizations of their contractual obligations as mentioned in paragraph 7.5 in the Consult.

Conclusion / Proposal, if any:

- We proposed to include a clause that gives the transferring organizations the right to conduct independent audit of the receiving organizations to verify compliance by the receiving organizations of their contractual obligations, in addition to the contractual clause as mentioned in paragraph 7.5 in the Consult.

**3. Questions in relation to individuals who may act for others under the PDPA**

**A) Question 1: Do you have any views / comments on the areas for which individuals may act for other individuals under the PDPA that should be prescribed?**

Comment / feedback:

- Individuals should only be allowed to act within the scope of the authorization given, and this should preferably be left to persons making the authorization to decide on the area(s) for which the said persons wish others to act on their behalf. These areas need not be prescribed.

Conclusion / Proposal, if any:

- We proposed that regulation should clearly state that areas for which individuals may act for other individuals must be confined to the scope of the authorization given and

should not include matters falling within the scope of the authorization as mentioned in paragraph 8.2(b). To include matters falling within the scope of authorization may subject the scope to misinterpretation or abuse.

**Question 2: Do you have any views / comments on the extent to which minors should be able to exercise rights and powers conferred on them under the PDPA?**

Comment / feedback:

- Please see our comments below.

Conclusion / Proposal, if any:

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**Question 3: In particular, do you have any views on the minimum age below which individuals should not exercise their own rights and powers under the PDPA?**

Comment / feedback:

- Allowing a minor who is less than 18 but above 14 years of age and understands the nature of the right or power and the consequences of exercising the right or power to have the right to exercise any right or power conferred by the PDPA (see paragraph 9.1(a)(ii)) is likely to bring about disputes. Firstly, “understands the nature of the right or power and the consequences of exercising the right or power” is subjective and difficult to be objectively determined. Secondly, such a proviso is likely to be conveniently used as the ground for disclaiming liability

Conclusion / Proposal, if any:

- We propose that minor, for the purpose of PDPA, to be defined as individuals who are below 18 years of age, which is the age an individual is allowed to open a trading account or enter into commercial contracts, and that the regulation should provide that individuals below the minimum age of 18, should not exercise their rights or powers under the PDPA. Individuals who are below 18 years of age could rely on their parents or legal guardians to exercise their rights or powers under the PDPA on their behalf.

**Question 4: Do you have any views / comments on the proposed priority list in relation to individuals that may act for deceased individuals?**

Comment / feedback:

- We proposed that grandparents should come after item (e) in the priority list, as in Intestate Succession Act.

Conclusion / Proposal, if any:

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**Question 5: In particular, do you have any views on the appropriate priority list and/or whether priority should be given equally to all relatives (or to relatives within certain categories such as spouse and children, parents and siblings, etc) for the purposes of the PDPA?**

Comment / feedback:

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Conclusion / Proposal, if any:

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**Section B**

**Feedback to Consult on Proposed Advisory Guidelines On Key Concepts**

**Paragraph [state #]:**

Comment / feedback:

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Conclusion / Proposal, if any:

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**Section C**

**Feedback to Consult on Proposed Advisory Guidelines On Selected Topics**

**Paragraph [state #]:**

Comment / feedback:

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Conclusion / Proposal, if any: