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# Response to “Public Consultation on proposed Advisory Guidelines in the PDPA”

## Submitted by

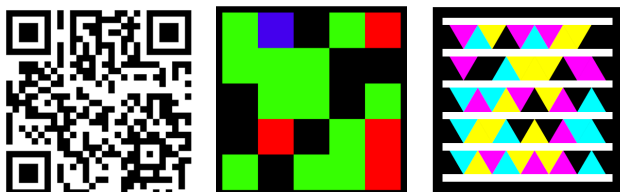
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# 1 Executive Summary

Pasoco Pte Ltd is a privately-held Singaporean company engaged with innovation in the internet and media area and primarily offering consultancy services. We welcome the PDPA and the DNC and applaud their enactment.

In review of the acts and the consultation papers, Pasoco wishes to highlight to the Commission several areas of concern and the potential consequences. The areas of concern are:

- Coverage and exclusion of business data
- Definition of organisation
- Terms of service
- Trustmark
- Photo taking and private versus public
- DNC's and innovation
- DNC key performance indicators

In summary, the consequences of these concerns are:

- Confusion by individuals as to whether their data is covered or not or whether they're in compliance or not of the law. (related to items 1,2,3,5)
- Loopholes and innovation. (related to item 6)
- An opportunity for the Commission to inform and educate. (related to items 4, 7)

Pasoco is willing to support the Commission (or more generally the Singapore government) with characterisation of the concern and solutions.

## 2 Comments

The following are Pasoco's specific comments on provisions as well as consequences of the PDPA and DNC.

### **Coverage and exclusion of business data**

The definition of Individuals is reasonable however I am concerned about the exclusion of Business Contact Information. Specifically, Individuals and businesses are often very closely integrated, especially in the case of sole proprietorships and individuals often use a single contact information (business phone, business email) for personal use.

In order to comply with the PDPA, if a business to query each contact to determine if that information is Personal Data or Business Contact Information. As this would be prohibitive, businesses who wish to circumvent the PDPA will use business contact information or in good faith assume that all contacts people provide are business contacts.

One can imagine the lucky draw fish-bowl with a large sign say "Business Contact Information only. No personal cards"

### **Definition of organisation**

The definition of Organisation implies a single company, ie: a single UEN / CRN<sup>1</sup>, but is not explicit. An Organisation's statement under which Individuals provide Personal Data could include multiple organisations and could include a broad statement such as "and affiliated companies". A simple example is a large holding company with many subsidiary companies or a chaebol with hundreds of affiliated companies.

### **Terms of service**

It is common-practice that terms of services (TOS) are accepted by rote. Other than the situations that the TOS's are adherence contracts and the user wants the service, the major reason of rote acceptance is the verbosity of the TOS and inability to comprehend let alone patience to read. It is worthwhile noting that the Google Play and Apple Appstores have simplified this with meta-attributes, for example "accesses contact list", "writes to SD card".

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<sup>1</sup> Unique Entity Number, Company Registration Number

Similar to the ease of the afore-mentioned application marketplaces, a simplified TOS but structured with metadata would be helpful. Even better would be a standardized format of TOS that is 'machine readable' and thus presented in a standard-taxonomy manner. Oasis' initiative Legal Rule ML<sup>2</sup> is a good example of this.

### **Trustmark**

A trustmark would be beneficial for individuals to engage with an organisation. Some trustmarks that people recognise are the TRUSTe and Verisign trustmarks shown below.



### **Photo taking and private versus public**

The examples in the "Advisory Guidelines On Key Concepts In The PDPA" document section 11 imply that individuals understand that certain areas are private and certain are public. This is not practical. Already in Singapore there is ambiguity about what can be photographed and not and Pasoco opines that this exacerbates the problem.

### **DNC's and innovation**

The DNC covers calls by phone, fax, SMS. However, these traditional communication ports are being usurped by newer communication ports such as instant message. One can often receive annoying Skype calls, Watsapp messages, etc..

I opine simply that the effect of the DNC will be to move the aspiring offenders to these new unregulated methods and the result of 'calls' will not be diminished.

### **DNC key performance indicators**

The KPI (key performance indicator) can only be seen as the result of individuals not being contacted. As mentioned in the preceding section, the 'call' will migrate from old methods (phone, SMS, fax) to new methods (instant message, social networks). As such, to analyse (and report on) the quantity of reduced calls would likely

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<sup>2</sup> See [https://www.oasis-open.org/committees/tc\\_home.php?wg\\_abbrev=legalruleml](https://www.oasis-open.org/committees/tc_home.php?wg_abbrev=legalruleml)

be to belie the real situation of migration from 'old' (and now regulated) methods to 'new' unregulated methods.

### **3 Summary and Conclusions**

In summary, Pasoco highlighted several areas of concern and the potential consequences and identified practical solutions.

Pasoco is willing to support the Commission (or more generally the Singapore government) with characterisation of the concern and solutions.

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