

**PROPOSED ADVISORY GUIDELINES ON KEY CONCEPTS IN THE
PERSONAL DATA PROTECTION ACT**

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Submitted by:

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REQUESTS FOR CLARIFICATION AND COMMENTS

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| Topic | Exceptions to the obligation to provide access to personal data |
| Reference in Draft Guidelines | Pages 57 – 60 of the Proposed Advisory Guidelines on Key Concepts in the Personal Data Protection Act (the “Draft Guidelines”) |
| | <p>In relation to section (j) in the Fifth Schedule of the PDPA, please elaborate on the <u>factors</u> that will be considered to determine the following:</p> <ul style="list-style-type: none"> (a) unreasonableness of burden or expense of providing access to the organization; (b) circumstances in which the burden to the organization will become disproportionate to an individual’s interests; and (c) information that is trivial, frivolous or vexatious. |
| Topic | Correction of Personal Data |
| Reference in Draft Guidelines | Page 60 of the Draft Guidelines |
| | In relation to paragraph 14.13, please elaborate on what constitutes reasonable grounds based on which correction of personal data need not be made. |
| Topic | The Accuracy Obligation |
| Reference in Draft Guidelines | Pages 62 – 68 of the Draft Guidelines |
| | <p>In relation to the Accuracy Obligation, it appears from the Draft Guidelines that an onerous burden has been placed on organizations to ensure accuracy of personal data.</p> <p>Please clarify the following:</p> <ul style="list-style-type: none"> (a) Will an organization have discharged the Accuracy Obligation if it makes corrections to personal data when it receives requests for such corrections to be made? (b) In relation to paragraph 15.7, please clarify the circumstances in which a presumption of accuracy of an individual’s personal data |

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| | <p>should not be made.</p> <p>(c) In relation to paragraph 15.8, please set out the circumstances in which organizations should have reason to believe that the source of personal data is not reliable.</p> <p>(d) In relation to paragraph 15.8, what further actions should an organization take to verify the accuracy of personal data received from an individual?</p> <p>Comments:</p> <p>At the point of collection of personal data, individuals will typically be required to confirm that the personal data as provided by the individuals is true and accurate.</p> <p>Beyond procuring such confirmation from individuals, it is extremely difficult for an organization to do more to ensure the accuracy of personal data of individuals. To require organizations to do so will impose on organizations an unreasonable burden, both in relation to administrative procedures and costs of compliance.</p> |
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