

CBRE

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#	Summary of major points	Comments	Suggestions / question
1	<p>As to handling of personal data under the section 4.2 of the guidelines, handling of personal data, sometimes PD, requested by client(s) , can be more than required to execute agreements and obtaining explicit consent may not be viable.</p> <p>The difficulty gets increased as you take into consideration elements like co-broking situation where how brokers will need to obtain/evidence the consent from individuals.</p>	<p>Sometimes (more in leasing cases), a client would want a SP to collect and disclose of potential tenants' personal data (age, gender, race, job, nationality, marital status, etc) to consider and deciding on tenancy agreements.</p> <p>This is in a way, a flow of PD from individual to individual and SPs will be involved in collecting and disclosing the personal data from one party to the other.</p> <p>In a situation like this, are two (or more) SPs involved between two parties required to obtain explicit /written consent for collection/use/disclosure of PD (of potential tenant in this case)?</p> <p>Having explicit (written) consent would raise other follow up questions – will SP need to document the whole process- documenting and itemizing request of PD by clients, verification the PD of tenants before disclosing the PD to the client, that are requested by clients prior to the disclosure.</p>	<p>Provided that the SPs will not disclose/use the PD for any other deals, <u>notification (whether verbal/ writing)</u> to the tenant (PD owner) that certain personal information may be collected and disclosed to the client should be allowed instead of having paper trails of consent for all PD collection, use and disclosure.</p>
2	<p>The Section on the obligation on data intermediary, interpretation /definition of data intermediary need more elaboration depending on salesperson's relationship with estate agents and how certain personal data are managed by SPs.</p>	<p>Most salespersons in an estate agent are independent contractors.</p> <p>Due to such relationship, there are certain client data they are independently managing and do not disclose to estate agents, which estate agents do not have full overview and control over collection, use and/or disclosure.</p> <p>These personal data are mostly from resale transactions and SP will collect, use, retain the PD on their own and estate agents will get to be aware of the PD only after deal is done and</p>	<p>Instead of having uniform approach, case- by case- approach need to be considered on applying obligation of data intermediary for handling certain personal data.</p> <p>For the personal data collected & managed by SPs independently, it should be communicated that SPs not EA will need to be responsible for complying with all obligations under the personal data protection provision and EA taking responsibility for retention and protection, etc.</p>

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		<p>invoice is about to happen to share a small portion of the fee.</p> <p>In a case like this, for the exposure of an EA to the personal data is more like an intermediary.</p>	
3	<p>On section 4.2. and foot note7, the commission mentioned PD which is publicly available hence an EA may not need to obtain consent for collection/use/disclosure.</p> <p>We need clarification how to handle consent on personal data SP will need to collect/use to comply with regulatory requirements e.g., Professional Service Manual “PSM”) and Anti-money laundering laws which requires to check and collect some PD (e.g., NRIC or passport copy) for overseas property sales, which EA need to abide by for the developer</p>	<p>The background is that for instances:</p> <ul style="list-style-type: none"> • as per PSM from CEA, SP/EA are required to confirm the identity of the client and to do so, full name, NRIC, passport, detail, age, etc will be collected. Sometimes SP will need to conduct due diligence on legal residency status for potential tenant, etc and in certain cases you may need to retain them. • for compliance with the PSM, vendors’ salesperson will collect and disclose the PD (sometimes can be quite sensitive) of vendors like bankruptcy issue, divorce proceedings, etc to disclose to purchaser • Our overseas client would require us to collect PD to comply with the AML law from their country and we’ll need to collect PD of buyers 	<p>Are these PD collection under the exclusion of “the collection is necessary in the national interest”?</p> <p>If not, for these PD handling which EA/SP are required to conduct for compliance with CEA guidelines and relevant regulatory requirement, will it be reasonable to notify the transacting parties instead of seeking explicit consent?</p>
4.	<p>For compliance with the personal data protection provision, we need a clarification on marketing utilizing 3rd party post mail service where they collect, use PD they maintain.</p> <p>For instance, SingPost sends post mail to residential addresses for CBRE and they will charge fee.</p>	<p>SingPost collects and use residential addresses of individuals and business like CBRE would ask them to send out marketing material to certain areas (district for instance).</p> <p>CBRE will provide hardcopy marketing material to SingPost and the material will be sent by SingPost to specified areas. CBRE will not collect personal information like the recipient name nor their address during such process.</p>	<p>We want to confirm with the PDP Commission that, SingPost will need to obtain consent for such use and inadvertent disclosure of PD of residents and for post mail marketing, CBRE will try to:</p> <ul style="list-style-type: none"> • Obtain declaration from SingPost that they obtain the consent from relevant residents and • Provided that a vendor will accept, follow up by enforcing PDP provision to the

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		<p>However, there's a risk whereby individual recipients may think that CBRE is collecting and using their PD as in the event of refusal to receive further marketing material, those individual will contact CBRE.</p>	<p>vendor (SingPost in this case) that as a vendor SingPost obtained the consent of use/disclosure of residents' PD.</p> <p>And lastly, we want to confirm that this kind of effort wills immune an EA from any liability in the event of a complaint by any residents.</p>
5	<p>Would like to get clarification /advice on how to carry out en bloc (collective) sales marketing as follow up.</p>	<p>The process has been managed in the following manner:</p> <ul style="list-style-type: none"> • Owners contact information were obtained through title search (publicly available) and/or through MCS T. • To inform the possibility of en bloc, in the beginning hardcopy letters would be sent to owners' residential address. • After and/or at the same time as sending a letter, phone calls were made to follow-up with owners. The phone numbers of owners, who could not be contacted on time, were obtained from sometimes from MCST or through neighbors. 	<p>Please advise what kind of additional steps are required to the current process in view of PDPA Compliance.</p>