

Date of Submission: 13 February 2014

Response to the Public Consultation on the Proposed Advisory Guidelines on the Personal Data Protection Act 2012 to Scenarios Faced in the Telecommunication Sector

1. INTRODUCTION

Global Transit Singapore Pte. Limited ("**GT Singapore**"), is a licensed service based operator ("**SBO**") which provides wholesale IP transit bandwidth and private leased circuits with connections across the South East Asia countries including Thailand, Hong Kong, Vietnam, Malaysia and Singapore.

TIME dotCom Berhad ("**TIME**"), on behalf of GT Singapore, is submitting this response to the Proposed Advisory Guidelines on the Application of the Personal Data Protection Act 2012 ("**PDPA**") to Scenarios Faced in the Telecommunication Sector ("**Advisory Guidelines**") by the Personal Data Protection Commission of Singapore ("**PDPC**"). TIME is a telecommunications and solutions provider, listed on the Main Market of Bursa Malaysia Securities Berhad, with business reach across the Asia-Pacific region.

We would like to thank PDPC for the opportunity to provide our response on the Advisory Guidelines. We would be happy to assist the PDPC by providing more information or any explanations if needed on any of the points highlighted in this submission.

2. SUMMARY

The key area of our response to the Advisory Guidelines is as follows:

- 2.1 Providing more illustrations, explanations or examples to have a better understanding of the requirements, thereby ensuring greater compliance

3. COMMENTS

Based on our reading of the Advisory Guidelines, our views are set out below:

3.1 Further Illustrations, Explanations or Examples

In a recent study conducted by the London Economics¹, it was identified that a lack of understanding on the proposals of the new EU Data Protection Regulation² persists

¹ London Economics, : Implications of the European Commission's proposal for a general data protection regulation for business, May 2013 (http://ico.org.uk/news/latest_news/2013/-/media/documents/library/Data_Protection/Research_and_reports/implications-european-commissions-proposal-general-data-protection-regulation-for-business.ashx), accessed on 10 February 2014

² Proposed reform to the Directive 95/46/EC

among many businesses. The study also revealed that a key role of the Information Communications Office in the United Kingdom will need to play in educating and supporting businesses to increase and understanding of the changes in the new regulations affecting the established data protection regulations.

In other words, it is crucial for the PDPC to ensure that the guidelines are clearer for businesses to have a better understanding in order to better comply with the new guidelines.

It would be useful to businesses that the guidelines have illustrations, explanations or examples as in the case of the Singaporean Evidence Act (Chapter 97).

It should be the goal that compliance be encouraged and as such, providing illustrations explanation as examples would, in our view, improve compliance.

We are of the view that there are insufficient illustrations, explanations and examples provided in the proposed Advisory Guidelines as compared to the previous Guidelines on the Personal Data Protection issued by the PDPC. We believe that by having more real-life illustrations, explanations or examples, may provide greater certainty as to the scope and application of the provisions of the PDPA and to the extent it may affect business practices in the telecommunications industry. In particular, for those foreign telecommunications related companies providing services in Singapore, they will have greater clarity so that they are better able to comply with the law. Particularly a foreign telecommunications operator may have a different understanding of the PDPA and its guidelines.

The Advisory Guidelines for the telecommunication sector has six sections and only one example was provided, i.e. in section 6. We are of the view that the Advisory Guidelines could include more examples such as clarifications on the scope of personal data which is relevant to the telecommunications services, roaming scenarios, displaying personal data in itemised bills and on pre-paid mobile services so as to provide more clarity to the application of the PDPA.

CONCLUSION

We hope that the PDPC will give due consideration to our comments in undertaking further review of the Advisory Guidelines. We look forward to working with the PDPC on any further request of information and assistance in future.