

The Personal Data Protection Commission  
460 Alexandra Road  
#10-02 PSA Building  
Singapore 119963

18 December 2017

[corporate@pdpc.gov.sg](mailto:corporate@pdpc.gov.sg)

Dear Sir/Madam,

**Public Consultation on Proposed Advisory Guidelines on the  
Personal Data Protection Act for NRIC Numbers**

The Data-Driven Marketing Association of Singapore (**DMAS**) thanks the Personal Data Protection Commission for the opportunity to provide comments in its public consultation on Proposed Advisory Guidelines for NRIC Numbers.

DMAS is a non-profit trade organisation established in 1983 as the Direct Marketing Association of Singapore representing the interests of its members in Singapore, of whom 45 percent are SMEs. The balance are MNCs. Its mission is to enable its members to keep abreast of industry trends and best practices in Singapore and the region. It champions and promotes the interests of its members. It helps to enhance knowledge by facilitating the sharing of information and ideas on data-driven marketing. Key areas include social media, search, direct mail, email, and mobile marketing. DMAS' activities offer the opportunity for members to network and build relationships to profitably grow their businesses. DMAS also safeguards members' interests by constantly seeking to raise the stature and standards of data-driven marketing and building consumer confidence with adherence to high ethical standards of practice. Its consistent focus is on maintaining consumer/customer trust and restricting the use of NRIC numbers for marketing purposes – or, expressed differently, clarifying the circumstances in which they may be used – is very welcome.

We attach a submission to the above consultation by DMAS. Contact details for DMAS are:

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Yours faithfully



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In summary, while the Data-Driven Marketing Association of Singapore (**DMAS**) has some comments on the details of the Commission's proposed Advisory Guidelines about NRIC numbers (as set out below), DMAS welcomes them.

**Question 1:** What are your views on the proposed criteria for limiting the collection, use or disclosure of individuals' NRIC numbers or copies of the NRIC to instances where:

(a) it is required under the law; and

(b) it is necessary to accurately establish and verify the identity of the individual?

DMAS suggests that it would be helpful for the Advisory Guidelines to include a wider range of examples setting out the circumstances when an NRIC number or a copy of an NRIC may be required under the law. In addition, DMAS considers that the Advisory Guidelines should include a statement making it clear that:

- (1) 'required under the law' means circumstances where there is a positive obligation imposed on an organisation to collect it (as in the examples given in the draft Advisory Guidelines); and
- (2) 'required under the law' does not extend to cases where it might be argued that, in hindsight, an organisation had a legal obligation to positively identify an individual and, in the absence of doing so, attracts liability that could have been avoided if a positive identification had been made by the organisation (for example, in instances of cheating by various means).

While it is seldom relevant to DMAS members, DMAS also notes that there are instances where organisations must collect NRIC numbers in order to be able to complete various forms/documents required by one or another public agency. In these cases, an organisation may or may not be able to establish that the NRIC number is required by law, but it is certainly required to be provided by the organisation to the relevant public agency. Consequently, the Advisory Guidelines should make it clear that an organisation may collect NRIC numbers (and, where also required, a copy of the physical NRIC) whenever the organisation knows or reasonably expects that it will be required to provide it to a public agency.

DMAS is also aware of scenarios where organisations expect to be required to provide relevant NRIC numbers if and when they report a matter to the Singapore Police Force and/or to the Singapore Civil Defence Force. For example, many organisations collect NRIC numbers of visitors to their premises in case of theft or another crime occurring or in case of a need to notify the relevant authorities about any emergency, epidemic or other civic episode. These circumstances need to be taken into account and clarified in the proposed Advisory Guidelines.

DMAS notes that views can differ widely about when establishing and verifying identity accurately is necessary. Again, examples in the context of marketing should be very helpful

to foster a common understanding of such circumstances. Reference to monetary or, depending on the context, other thresholds may also be helpful.

For example, establishing and verifying identity in a Lucky Draw competition may not be considered necessary when the prize is little more than a token – value of, say, up to \$150 – and may be very necessary when the prize is of substantial value. The difficulty is understanding the factors the PDPC may take into account, and that marketing organisations should also take into account, when reaching a conclusion about necessity. Another scenario when identity may or may not be important is enrolment in loyalty and rewards programme and the like and understanding the factors the PDPC may take into account will assist marketing organisations to comply with the Advisory Guidelines.

DMAS would be happy to put forward some common marketing scenarios to the PDPC for its consideration and inclusion in the Advisory Guidelines on NRIC numbers if the PDPC would like to invite it to do so.

**Question 2:** What are your views on the proposed criteria for limiting the retention of individuals' physical NRIC to instances where:

- (a) it is required under the law; and
- (b) it is necessary to accurately establish and verify the identity of the individual?

DMAS finds it difficult to envisage any circumstances where retention of a physical NRIC is necessary to accurately establish and verify the identity of an individual (versus, at most, taking a copy of it), but has no objection to this criterion being included. Otherwise, for this question see our comments for Question 1.

**Question 3:** Are there common scenarios or additional issues (e.g., updating of information systems) that these Advisory Guidelines should address?

In defence of collection of NRIC numbers, DMAS has heard of cases where an individual has, apparently deliberately, acted badly – if not fraudulently – vis-à-vis organisations, including marketing organisations. This may happen in the course of marketing activities, such as where the individual is a participant in a Lucky Draw or the member of a loyalty or rewards programme. It can also happen where an individual is a job applicant to, or an intern with, an organisation, including a marketing organisation.

In any event, we are aware of instances where organisations consider that it is necessary for them to collect and retain NRIC numbers to ensure that they have a valid 'black list' for future reference purposes and to weed out the same individuals if they come back to them with their same 'tricks' when memories at the organisation have faded due to the passing of time and changes in staff. They say that unless they can retain NRIC numbers of such individuals it can be impossible to safeguard themselves, including because alternative methods of identification can all be changed by the individual.

DMAS supports limiting collection of NRIC numbers in the context of marketing programmes, as mentioned previously, but asks the PDPC to consider including these broader business reasons within the scope of circumstances where an organisation may collect and retain (within the restrictions of the Retention Limitation Obligation) NRIC numbers for valid business or legal reasons.

**Question 4:** What are your views on the proposed provision of up to one year from the issuance of the Advisory Guidelines for organisations to review and implement changes to their practices and processes involving the collection, use or disclosure of NRIC numbers or copies of the NRIC, or the retention of physical NRIC?

Whether a marketing organisation collects NRIC numbers in paper forms or in online forms, DMAS expects that one year will ordinarily be a sufficiently long time for them to change their practices and processes regarding collection of personal identifiers.

However, DMAS cannot rule out the possibility that some organisations that use NRIC numbers as their user ID, customer name or other form of index may not find it possible to convert their IT systems completely within one year, despite the exercise of their best endeavours to do so. For example, they may be hampered by the lack of suitably qualified and experienced vendors to carry out the work given that the Advisory Guideline is likely to generate an increase in demand for such vendors during the one year after the Advisory Guidelines are issued.

DMAS suggests that the Advisory Guidelines or the process under which they are issued leaves open an opportunity for organisations to inform the PDPC not later than, say, three months before the expiry of the one year period if they do not believe that they will be able to complete the conversion by the deadline. Such a notification would have to provide evidence of their endeavours to meet the deadline, the reasons why it does not seem possible and a date acceptable to the PDPC by which the conversion would be complete.

Even where an organisation converts its processes and practices about collection of NRIC numbers within one year, there may be occasions where the organisation has not been able to get suitable alternative identifiers from, say, existing members of their rewards or loyalty programmes. The Advisory Guideline should state clearly that use and, where applicable, disclosure of NRIC numbers may continue where necessary to continue to enable marketing organisations to continue to operate existing programmes.

DMAS notes that some marketing programmes, particularly loyalty and rewards programmes can continue for several years. Where an individual signs up to the programme using a paper form the marketing organisation needs to retain that document while the individual continues to be a member of the programme and for some period thereafter for the purpose of, for example, being able to provide evidence of the organisation having provided notification of the purpose for collecting the individual's personal data and the individual's consent to the organisation doing so. Paragraph 1.28 of the draft Advisory Guidelines implicitly acknowledges that this is the case, but DMAS suggests it would be helpful to organisations if such recognition was explicit.

Similarly, organisations virtually always use IT systems to operate their marketing activities, including their loyalty and rewards programmes (including where they contract a data intermediary to run the programme for them). The Advisory Guideline should make it clear that they are not required to delete the NRIC field from their ongoing IT records and can retain NRIC numbers that are already in their records until the Retention Limitation Obligation requires them to delete the entire record.

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