

RESPONSE TO CONSULTATION PAPER

The PDPC reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the submission that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If the PDPC grants confidential treatment, it will consider, but will not publicly disclose, the information. If the PDPC rejects the request for confidential treatment, it will return the information to the party that submitted it and will not consider this information as part of its review. As far as possible, parties should limit any request for confidential treatment of information submitted. The PDPC will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.

Question 1. What are your views on the proposed scope of application of the Advisory Guidelines:

- a. To organisations that offer products or services that are likely to be accessed by children, or are in fact accessed by children, even if the products or services are not targeted at children; and
- b. That the requirements relating to the protection of children's personal data within the Advisory Guidelines will apply to the organisations that are data intermediaries?

The proposed scope will sufficiently provide guidance to organisations & intermediaries in protecting children's personal data.

Question 2. Section 18 of the PDPA provides that an organisation may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances. What are examples of reasonable purposes for organisations to collect, use, or disclose children's personal data?

Depending on the definition of children (is it below 13 yrs old or below 16 yrs old or below 21 yrs old?)
We currently offer children account (for age below 16 yrs old are open in trust with parents, grandparents or legal guardians) where the child's information is collected during account opening.
Information collected may be used for analysis purposes.
An example can be collection of student's personal data for the purpose of his education loan application.

Question 3. When communicating with children, organisations must use language that is readily understandable by children, and can use visual and audio aids to support the child's understanding. What in your view are examples of such communication with children?

Depending on the definition of children (is it below 13 yrs old or below 16 yrs old or below 21 yrs old?)

May not be feasible as some products (e.g. savings account) are offered to both adults & children via same platform (e.g. online application portal) and same set of terms and conditions are used

We currently only communicate with the trustee (parents, grandparents or legal guardians) for those accounts held for child below age 16 yrs old.

Some examples will be video clips on social media, Youtube & etc.

Question 4. How should organisations minimise the collection, use, and disclosure of children's personal data?

- a. If an organisation were to collect personal data in order to ascertain their users' age, what measures or best practices should an organisation be undertaking?
- b. If an organisation were to collect geolocation data, should geolocation be switched off by default so that products and services cannot automatically start collecting geolocation data when they are first used?

The data collected is for purpose of account opening as part of customer due diligence process.

We currently do not collect geolocation data of the child

The collection of Education Loan applicant's personal data during loan application are confine to the Education Loan applications. The age of the applicant can be obtained from the supporting documents in loan application eg. NRIC.

Question 5. What are examples of situations where an organisation should conduct a Data Protection Impact Assessment (DPIA) before releasing products or services likely to be accessed by children? What should an organisation consider when conducting such a DPIA?

For example, during design stage of a new product or service cater for children; their parents or legal guardian could be included in the consideration.

Question 6. The PDPC notes that the age threshold of 13 years appears to be a significant one in relation to the protection of minors, and moving forward is considering to adopt the practical view that a child that is between 13 and 17 years of age will have sufficient understanding to be able to consent on his or her own behalf to the collection, use, or disclosure of his or her personal data, as well as withdraw such consent. What are

your views of when a child can give valid consent on his or her own behalf under the PDPA?

Children between 13 to 17 years of age now are open to knowledge and information available on social & digital media, they should be able to give valid consent on his or her own.

The current minimum age to open a savings account is 16 yrs old and for a current account is 18 yrs old. It is deemed that the customer who is 16 yrs old or 18 yrs old can give valid consent on his or her own behalf

Question 7. The PDPC has said that children's personal data is of a more sensitive nature, and that organisations are required to take extra precautions and ensure higher standards of protection under the PDPA with regard to such data. The PDPC is considering making it a best practice for organisations handling children's personal data, to implement both the Basic and Enhanced Practices listed in the Guide to Data Protection Practices for ICT systems. Are the practices listed in this Guide adequate? Are there additional measures that organisations should undertake for the protection of children's data?

Yes, adequate.

Question 8. The PDPC requires an organisation to notify each individual affected by a notifiable data breach in any manner that is reasonable in the circumstances. A notifiable data breach is a data breach that (a) results in, or is likely to result in, significant harm to an affected individual; or (b) is, or is likely to be, of a significant scale. Where a notifiable data breach occurs, under what circumstances do you think it would be prudent for the organisation to inform the child's parent or guardian of the breach, considering that this would allow the parent or guardian to take steps to mitigate the harm to the child of the breach?

When the data breach caused the child to suffer substantial financial loses, defamation, any potential adverse news in social media.

Depending on the definition of children (is it below 13 yrs old or below 16 yrs old or below 21 yrs old?)

Currently we currently only communicate with the trustee (parents, grandparents or legal guardians) for those accounts held for child below age 16 yrs old.