

*Response to Proposed Advisory Guidelines on Personal
Data Protection Act for Children's Personal Data*

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PACS would like to seek some guidance and clarity from PDPC in relation to the proposed advisory guidelines.

Please refer to PACS' comments to the questions below.

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 organisations that are data intermediaries?

No comments on this.

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?

The collection of personal data has to be limited to those that will be necessary, for example, insurance-related processes:

1. Sharing of needs-focused educational content (i.e., interested consumers to opt-in), and advisories

2. Processing of a policy purchase

3. Ongoing servicing of in-force policies

4. Claims processing

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?

The same level of care towards customer segments like the elderly, can be extended to the young (i.e., younger than 18 years).

Appropriate media types will continue to be deployed to facilitate/reinforce readers' understanding of our written content.

Communications could be in the form of general educational content (e.g., What is life insurance etc.), advisories (e.g., How to safeguard ourselves against scams etc.), or policy information (e.g., Product brochures), just to name a few.

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?

a. Age in financial planning is a very critical and important component. Hence, it has to be specific. Obtaining the personal data of children should only be on a need to basis regardless of the purpose.

Examples where the collection of personal data is on a need-to basis, include:

1. Sharing of needs-focused educational content (i.e., interested consumers to opt-in), and advisories

2. Processing of a policy purchase

3. Ongoing servicing of in-forced policies

4. Processing of claims as data of children is shared with hospitals to process their claim

b. Collection of geolocation data should be on a need-to basis.

For insurers, there may be guidelines where geolocation data must be collected for governance purposes - examples:

1. To ensure the sale of our policies does not take place outside of Singapore. In this instance, the collection of geolocation data will only be activated when customers/prospects reach a certain stage in the policy purchase-application form.

2. To prevent individuals from sanctioned countries from accessing our digital assets and applications.

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?

The PDPC could consider situations where there is processing of any data that has been prescribed under The Schedule of Personal Data Protection (Notification of Data Breaches) Regulations 2021. For Direct Life Insurers in Singapore, there are guidelines in place that govern the product/service development process, and these guidelines may be enhanced to account for the conduct of DPIA whenever proposed initiatives entail the collection of personal data.

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?

1. In the event that children in the age group of 13 - 17 years old can give valid consent on his or her own behalf under the PDPA, we would like to clarify if a separate consent to documents will be needed as children between 13 - 16 years old require parental consent to enter into an insurance contract. For example, for them to consider approaching an adult (21 years or older, whom they trust or has access to) for advice/guidance on whether it will be appropriate/safe to enter into an insurance contract.

2. We would like to request for existing or potential cases for consideration, where a 13 - 17 year old child would need to provide consent (apart from entering into an insurance contract).

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?

No comments on this.

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?

There may be situations where the organisation does not have information about the child's parents or guardian.

Please provide clarifications to the following:

1. How does PDPC intend to prescribe the notification requirements in situations where the organisation does not have information about the child's parents or guardians?

2. How does an organisation determine or verify if an individual is the parent or guardian of a child, if information about the child's parents or guardian have not been collected and validated previously?