

Feedback to PDPC's Public Consultation on the Proposed Advisory Guidelines on Children's Data

From: The Methodist Church in Singapore – General Conference (MCS-GC)

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Summary:

The Methodist Church in Singapore – General Conference (MCS-GC) has disseminated the PDPC’s Public Consultation exercise on Proposed Advisory Guidelines on Children’s Data, to our constituent Departments under our Unique Entity Number, which do or are likely to handle children’s personal data.

One of our constituent Departments, the Methodist School of Music (MSM), runs performing arts classes for children. The MSM has provided its comments to some of the PDPC’s questions posed. The respective questions and comments are submitted in the following pages.

Comments to PDPC's Public Consultation Questions

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?

- We typically collect children's personal data for the purpose of their enrolment / registration for the courses / music lessons / events we offer or organise.
- Children's personal data are normally provided by the parents. For e.g. where the child's ID is required to enter restricted areas like Esplanade backstage, for concerts. Such information has to be password-protected and the template should be deleted after the event. Parental consent is needed for children under 18.
- Sometimes, we may collect more info than just name and age, but the purpose will be related to the event. E.g. where an event has a general description of the child's special needs (if any) was required, as the information was necessary for the planning of the event in terms of catering to the specific needs of the individual.

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?

- This is a good idea as it is part of being inclusive; and the same approach can be used for persons with special needs such as those with mild intellectual disability.
- Examples include: Using only simple words to describe abstract concepts (e.g. use "ask permission" instead of "obtain consent"). A useful visual aid to explain data protection and consent could be a short cartoon video where the main character goes through a relatable real-life scenario that involves this subject matter, such as enrolling for tuition class or a community event.

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

- Age of child: where feasible, collect information on age based on age range, rather than specific age. If it is not possible to do that (perhaps because it is essential to know this for the purposes of the course / event that the child signed up for), ensure that the data is securely protected, through the ways stipulated by the PDPA and related regulations / guidelines.
- Geolocation info: It is a good idea to switch off any automatic collection of geolocation information as the default option.

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?

- The examples and considerations of conducting a DPIA when it comes to handling of children's information should be the same as when handling any other personal information.

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?

- While practically speaking a child between 13-17 years of age who is neurotypical will have sufficient understanding to consent or withdraw consent, he / she might not be sufficiently mature to fully understand the implications of his / her consent or withdrawal of consent. For instance, we would want to avoid a situation where the child withdraws consent to having his / her personal data disclosed to a dentist (in order for the dentist to conduct a procedure that is good for him / her) just because he / she dislikes going to the dentist.

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?

- Looking through the Enhanced Practices listed in the Guide to Data Protection Practices for ICT systems seem good to have but can be very onerous on some of us, as we may not have the bandwidth and the specialised skills required to implement some of the Enhanced Practices. We wonder how the schools are going to deal with this.

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?

- In all cases where a serious breach has happened, the child's parents / guardian should be informed as soon as possible.

Conclusion

The above concludes our submission of feedback to this Public Consultation. Thank you.