

**Public Consultation on the Proposed Advisory  
Guidelines on Application of the PDPA  
in the Education Sector**

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**INVENTION CAPITAL LLP**

Contact Person: Dr. Rex Yeap

Email: [tryeap@ipm.sg](mailto:tryeap@ipm.sg)



## 1. Introduction

This is a response on the proposed Advisory Guidelines on the application of the Personal Data Protection Act (“PDPA”) for the Education Sector.

## 2. Responses to Scenarios

**2.1** The Personal Data Protection Act (Act 26 of 2012) **section 13 ‘Consent required’** states that “An organization shall not, on or after the appointed day, collect, use or disclose personal data about an individual unless: (a) the individual gives, or is deemed to have given, his consent under this Act to the collection, use or disclosure, as the case may be; or (b) the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorized under this Act or any other written law.”

The envisaged scenarios published in the proposed advisory guidelines [1] are generally valid.

Scenario 2.17 may be generalized to the collection of personal data in other organisations as part of a security measure. However, regardless of the organization or school policy, it shall not force an individual to surrender her NRIC. The record of NRIC number by the organization/school shall not be full, eg. only the last 5 numerical digits may be recorded and this apply to either it is manually or digitally record/scan.

Scenario 2.18 is valid.

In Scenario 2.20, ABC may only use the personal data for evaluative purpose only and not for other purposes such as promotions, marketing and the like.

Scenarios 2.22 to 2.23 are valid.

**2.2** The Personal Data Protection Act (Act 26 of 2012) **section 21(1) ‘Access to personal data’** provides that, upon request by an individual, an organisation shall provide the individual with the following as soon as reasonably possible: a) personal data about the individual that is in their possession or under the control of the organisation; and b) information about the ways in which that personal data has been or may have been used or disclosed by the organisation within a year before the date of the individual’s request.

The Personal Data Protection Act (Act 26 of 2012) **section 22(1) ‘Correction of personal data’** provides that an individual may submit a request for an organisation to correct an error or omission in the individual’s personal data that is in the possession or under the control of the organisation. Upon receipt of a correction request, the organisation is generally required to make the correction, subject to applicable exceptions.

Scenario 3.8 is valid. As a good practice, I proposed an online approach to the verification of awards for Singapore schools and institutions – an example is the Award Verification Portal provided by the University of South Australia [2]. As much as possible, the inefficient offline approach should be upgraded – an example of an offline Award Verification is that from the University of Leeds [3].

For Scenario 3.9, if Grace makes an access request any time after the release of examination results, such access shall be permitted.

Scenarios 3.10 and 3.11 are valid.

**2.3** The Personal Data Protection Act (Act 26 of 2012) **section 4(3) ‘Application of Act’** provides organisation that engages the data intermediary would still have the same obligations under the PDPA in respect of personal data processed on its behalf as if the personal data were processed by the organisation itself.

For Scenario 4.5, the external vendor JKL shall not use the personal data of ABC’s students beyond the purpose of providing transportation services for ABC - JKL shall not be permitted to send marketing or promotional materials to ABC’s students.

For Scenario 4.6, the consultancy firm DEF shall not be permitted to conduct any other email survey beyond the terms of agreement with School ABC.

**2.4** The Personal Data Protection Act (Act 26 of 2012) **Part IX covers the Do Not Call Registry.**

Scenarios within 6.6 are valid.

Scenarios 6.7 to 6.10 are valid.

Scenarios within 6.12 are valid.

### **3. Conclusion**

We thank the PDPC for conducting this public consultation and hope that our inputs are constructive.

### **References**

[1] PDPC. (2014). Proposed Advisory Guidelines for the Education Sector.

[2] UniSA Award Verification Online. (2012). Retrieved May 30, 2014, from <http://awardverification.unisa.edu.au/public/awardverification>

[3] Counter Services | Student Services Centre | University of Leeds. (2011). Retrieved May 30, 2014, from <http://www.leeds.ac.uk/studentsservicescentre/counterservices/verifications.htm>