

Personal Data Protection Regime Singapore

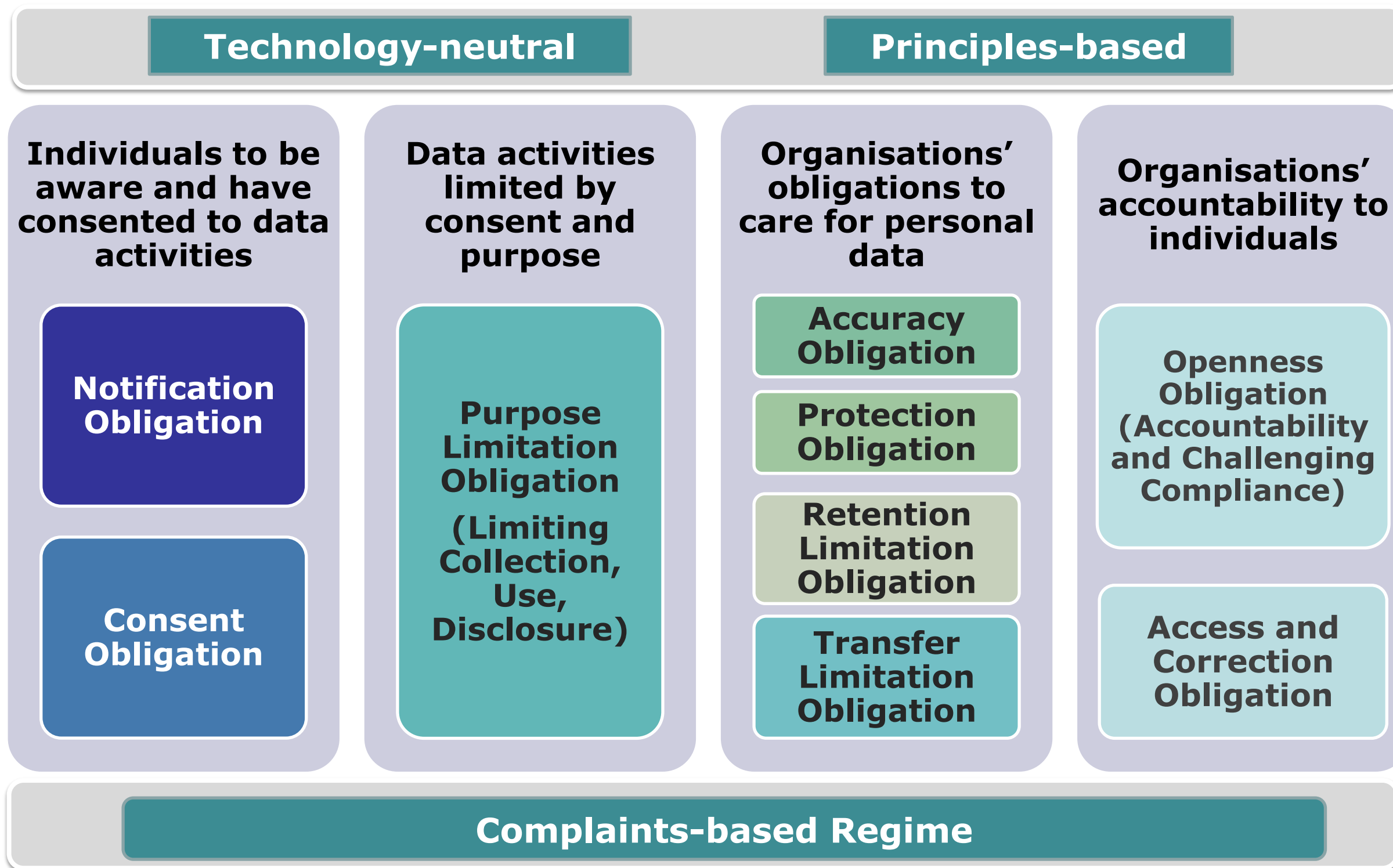
14 August 2014



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Overview

Overview of Data Protection Regime



Overview of Organisations Covered

Organisations

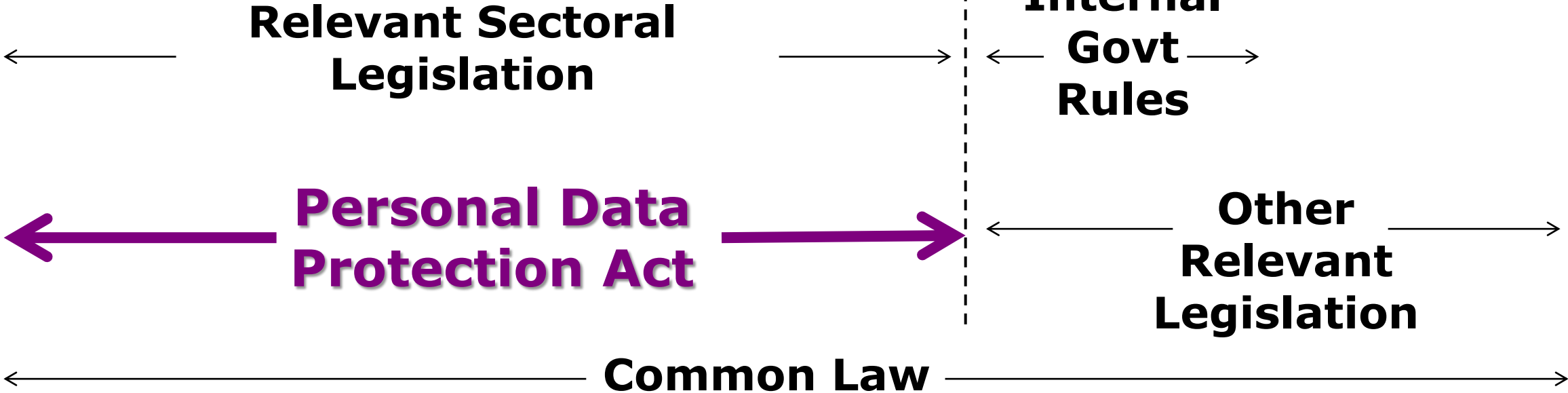
Organisations engaged in data activities within Singapore

Data Intermediaries (Only Protection and Retention Limitation Obligations)

Public agencies and agents

Individuals acting in personal or domestic capacity or as an employee

Applicable Frameworks



2

Key Features of the PDPA

Scope of Application – Personal Data

Definition

“**Personal data**” refers to data about an individual who can be identified from that data; or from that data & other info that the organisation has or is likely to have access.

Covers **electronic & non-electronic** data;

Focuses on protection of personal data, regardless of whether data is **true or false**

Personal Data of Deceased Individuals

- Only disclosure & safeguarding rules apply
- Protection for up to 10 years after death

Data Intermediary (DI)

Definition

“**data intermediary**” is defined in the PDPA as “an organisation which processes personal data on behalf of another organisation but does not include an employee of that other organisation”.

Processing is the carrying out of any operation or set of operations in relation to the personal data, such as:

- recording
- holding
- organisation
- adaptation or alteration
- Retrieval
- Combination
- Transmission
- erasure
- destruction

Data Intermediary (DI)

Only the Protection Obligation and Retention Limitation Obligation apply in relation to the processing of personal data by a DI –

- on behalf and for the purposes of another organisation,
- pursuant to a contract which is evidenced or made in writing.

The other organisation has the same obligations under the PDPA in respect of personal data that is processed on its behalf and for its purposes by a DI as if the personal data were processed by the organisation itself.

DNC Registry

**Included in
scope of DNC**

**Not included
in scope**

Covered:

- B2C marketing messages, e.g.
 - offer to supply, advertise or promote (suppliers of) goods or services;
 - supply/advertise/promote land, interests in land, business/investment opportunities, etc.

Not covered:

- B2B marketing
- Personal calls & SMSes
- Market research / surveys
- Messages by public agencies for non-commercial programmes

DNC Registry

← **Included in
scope of DNC** →

← **Not included
in scope** →

Voice calls

**SMS / MMS /
Texts**

Faxes

Sent to Singapore Phone Numbers:

- Business number registration allowed

Organisations' key obligations:

- check against DNC registry within 30 days before doing marketing unless they have **clear and unambiguous consent in evidential form**;
- display their ID, contact info and (for phone calls) originating number.

Messages that can be sent **without use of phone numbers** e.g. cell-broadcast

DNC Operational Rules (For Individuals)

Individual registers phone number with DNC Registry

- Free of charge
- Access to device
- Register via
 - Online via DNC Registry website
 - SMS
 - IVRS

Number is added to DNC Register(s)

- Three separate registers:
 - Voice calls
 - Text messages
 - Fax messages
- 30 days before it is effective
(Registrations from 2 Jul 2014)

Number remains in DNC register(s) unless Individual deregisters or terminates service

- Registration does not expire
- DNC Registry purges terminated phone numbers

DNC Operational Rules (For Organisations)

Org apply for an account

- Need to apply for a main account at DNC Registry website
- Can apply for sub accounts
- Main account gets free credits annually
- Pay a fee for each account

Orgs must submit their lists of numbers to DNC

- Responsibility lies with the org which sends the message, causes the message to be sent and authorises the sending of the message
- Tiered fees payable
- 2 functions
 - Small Number Lookup (Up to 10 numbers)
 - Bulk Filtering (As many numbers as required)

DNC Registry checks through the lists

- Clear & unambiguous consent by individual overrides registration with DNC Registry
- Small Number Lookup results returned immediately online
- Bulk Filtering results will be returned within 24 hrs

Penalty and Enforcement Regime

Personal Data Protection Commission

DP

DNC

Powers to investigate, issue directions etc

- **Financial penalty per contravention up to \$1m**

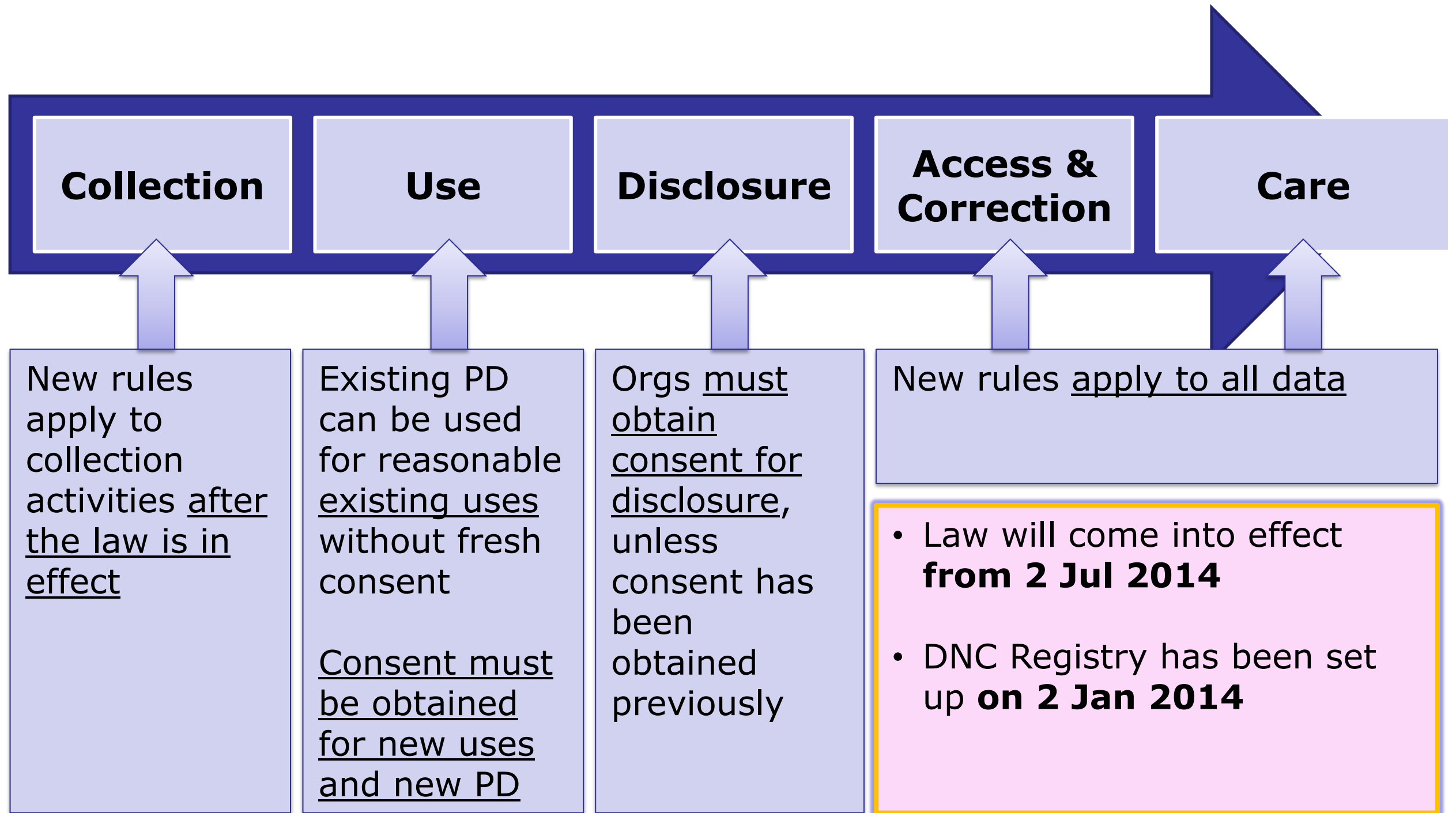
- **Individuals can separately seek redress via civil proceedings**

- **Provision for reconsideration request before appeal**
- **Independent Appeal Committee to hear appeals; further appeals to the courts**

- **Fine per contravention capped at \$10,000**

- **Composition: capped at \$1,000**

Treatment for Existing Data



Thank You

www.pdpc.gov.sg

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