



# **Proposed Data Protection Regime for Singapore**

**IIC Asia Chapter Meeting, Singapore, 16 Nov 2011**

# Overview

- Proposed Data Protection (“DP”) framework
- Feedback received
- Question & answer session

# Singapore's DP framework

## General Data Protection Law

- Increasing consumer awareness of DP issues, esp with online use
- DP regime useful for businesses to increase trust with local and int'l customers

Telecom  
& Media

Banking

Health  
care

ICT

...

**Sector-specific frameworks (Acts, Regulations,  
Mandatory Codes, Voluntary Model Codes, Trustmarks,  
etc)**

# General Data Protection Law

## – Public Consultation Proposals

- Referenced Canada, Australia, New Zealand, Hong Kong, EU and UK models, and international guidelines in formulation
- Aims to set a general baseline standard for all sectors, working concurrently with existing sector-specific regimes
- Balances consumer interests with business costs
- Considers need for technology neutrality given rapid business model innovations

# Overview of DP

<b>Personal Data</b>	Information relating to an identifiable individual <i>Examples of personal data: IC number, Mobile phone number</i> <i>Example of non-personal data: Financial corporate records</i>			
<b>Data Life-cycle Stages</b>	<b>Collection</b> <i>e.g. sign-up form or roadside survey</i>	<b>Use/ Processing</b> <i>e.g. business analytics or telemarketing</i>	<b>Disclosure</b> <i>e.g. outsourcing operations or selling</i>	<b>Retention/ Deletion</b> <i>i.e. storage on server</i>
<b>Data Protection = Protection of Personal Data against:</b>	Collection of <u>excessive</u> data (more than required for purpose) and collection <u>without consent</u>	Use/ processing of data <u>beyond consented purposes</u>	Disclosure to parties <u>without prior consent</u>	<u>Insecure</u> retention/ (lack of sufficient security measures) and <u>insufficient/excessive length of retention</u>

# General Data Protection Law

## – Public Consultation Proposals

- Structured according to internationally consistent DP principles
- With exclusions or exemptions for specific purposes



# Key exclusions/ exemptions

## General exclusions, *e.g.*

- personal data in court documents
- personal or domestic use

## Other exclusions on collection, use and/or disclosure, *e.g.*

- for news activities
- clearly in the interest of the individual and consent cannot be obtained in a timely manner, such as medical emergencies
- relates to national security, defence, public security, such as terrorist threats
- for research and statistical purposes, under certain conditions
- for companies outsourcing, transfer of data solely for purposes the data was collected for

# General Data Protection Law

## – Public Consultation Proposals



**Powers to investigate**

**Issue orders to rectify non-compliance**

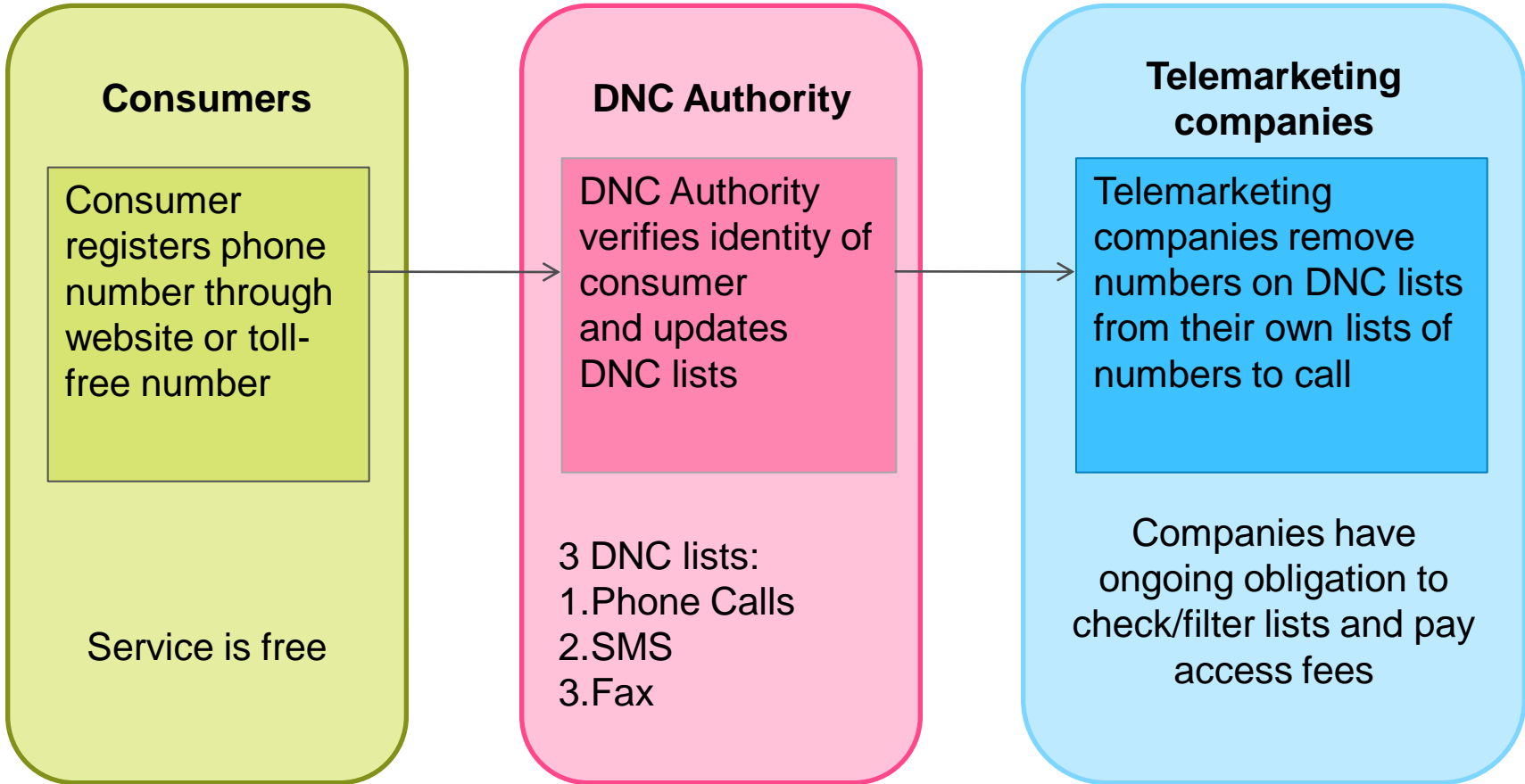
**Impose financial penalties <\$1 million**

**Appeal to Independent Tribunal then to the Courts**

**Other powers e.g. referral to mediation, etc**

# General Data Protection Law

## - Public Consultation Proposals: Do-Not-Call Registry



# General Data Protection Law

## – Public Consultation Responses: Overall views

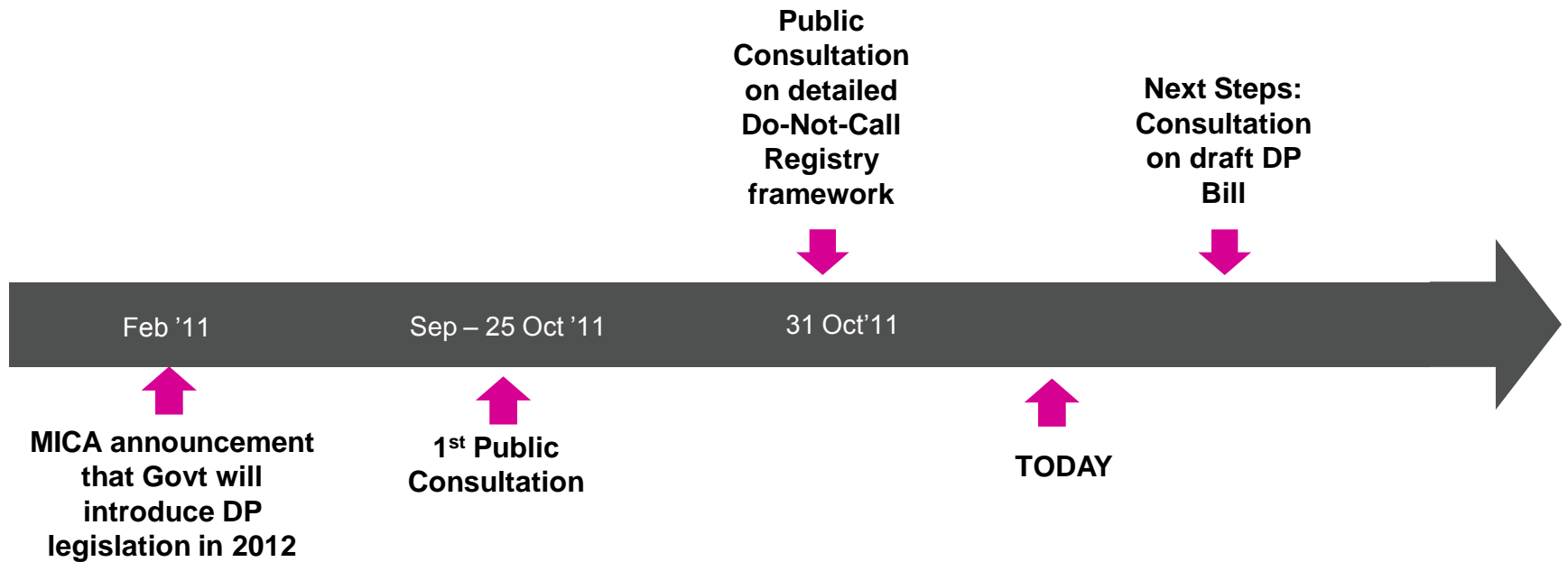
- More clarity on definition of personal data
- Mixed views on various issues
  - Coverage of personal data of the deceased
  - Application of DP Act to organisations not in Singapore
  - Failure to ‘opt out’ as a form of consent
  - Penalty ceilings and private rights of action
  - Length of sunrise period
  - *etc*

# General Data Protection Law

## – Public Consultation Responses: Issues pertinent to ICT firms

- Differentiation between data controllers and data processors
  - Mixed views on whether data processors should be treated differently from data controllers
    - Related point: Some firms asked for exclusions or different treatment for internet intermediaries
- Coverage of organisations not in Singapore
  - Mixed views on whether organisations conducting data-related activities in Singapore while not in Singapore should be covered
- Treatment of data mining and business analytics activities
  - Suggestions on allowing firms to perform analytics on data ‘anonymised’ through firewalls, more exemptions, *etc*

# General Data Protection Law



**Thank you. Questions?**