

## **Public Consultation of the Proposed Consumer Data Protection Regime for Singapore – Feedback from AIA Ltd**

Appended below are the feedbacks that we have from our review of the Consultation Paper issued by MICA on 13 September 2011:

- a) Proposed definition of 'personal data' is quite generic (refer paragraph 3.9). It will be useful to have more specific regulations or guidelines listing a more comprehensive list of information regarded as 'personal data'. Otherwise, there will be uncertainty about treatment of information by organizations.
- b) Proposal to have DP laws cover personal data of deceased individuals for up to 20 years - while it makes sense to accord some protection for the deceased person for a certain period as the estate and beneficiaries may still need the deceased's personal information to handle the affairs of the estate, the proposed period of 20 years appears unduly onerous considering for legal and auditing purposes, document retention period is around 7 years. Also for normal contractual claims, limitation period is 6 years. We will be impacted by this requirement since we have on records many policyholders, insureds etc who have passed away. MICA should review the period of coverage if it is so inclined to accord protection to deceased person's personal information.
- c) MICA also stated consent may be deemed given when collection, use or disclosure of personal data is for purpose of enrolment of an individual for coverage under an insurance, pension or similar plan whereby the individual is a beneficiary or has an interest as an insured under the plan (paragraph 3.34). Requirement by an organisation to disclose use of personal data to individuals when asked - to what extent does the organisation have to disclose information about the use and the third parties to whom personal data is being disclosed. Will an organisation have the right to decline further questions after providing factual information about the use and name of the third parties? Being asked to provide more information on the arrangement with the third parties may be too intrusive, breach confidentiality obligations to counterparties and may hamper business operations.
- d) Proposal to allow individuals to withdraw consent on collection, use and disclosure of personal data at any time - this may pose difficulties in arrangements whereby organisations outsource their data collection, data processing and data storage functions to third parties. They will be in an untenable position where most customers' personal data are collected and processed via third parties but a handful of customers opt out. MICA should consider allowing an exception to the individual's right to withdraw consent in such a situation.

Note: References to paragraph numbering above refer to the paragraph numbering in the Consultation Paper.