

ASIA PACIFIC CARRIERS' COALITION
(Incorporated in the Republic of Singapore)

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25 October 2011

Ministry of Information, Communications and the Arts (MICA)
[MICA DP Public Consultation@mica.gov.sg](mailto:MICA_DP_Public_Consultation@mica.gov.sg)

Dear Sirs

Submission by the Asia Pacific Carriers' Coalition (APCC) in response to MICA's Public Consultation of the Proposed Consumer Data Protection Regime for Singapore

This submission is provided by the Asia Pacific Carriers' Coalition ("APCC") in response to MICA's public consultation of the Proposed Consumer Data Protection Regime for Singapore issued on 13 September 2011.

The APCC is an industry association of global and regional carriers operating in the Asia Pacific region, formed to work with governments, national regulatory authorities and consumers to promote open market policies and best practice regulatory frameworks throughout the Asia Pacific region that will support competition and encourage new and efficient investment in telecommunications markets. APCC's submission reflects the consensus of opinion among at least a majority of the APCC members. Therefore none of the views expressed in this submission should be attributed to any individual member of the APCC.

APCC generally welcomes and supports the proposal of a general data protection regime in Singapore.

However we believe that there are many details which needs to be clarified prior to implementation to avoid confusion and unnecessary or additional compliance costs, especially with the concurrent application of the DP law and sectoral regulations. Such details will be best addressed through further consultations by MICA/the Data Protection Commission (DPC) with the relevant sectoral regulators together with the relevant sectoral licensees.

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In consideration that members of APCC are comprised of service providers who may be serving different sectoral licensees who are subject to their respective sectoral regulations, we would summarise our key points which we view as critical for MICA to address prior to the finalization of the proposed new regime.

Clarity in the following areas is necessary to guide the relevant service providers to comply with the DP law and sectoral regulations, as well as minimizing compliance costs:

1. Definition and examples of personal data and the applicable exclusions/exemptions;
2. Distinction between Data Controller and Data Processor (comparative with EU's DP framework);
3. Cross border data transfers;
4. Security measures to prevent unauthorized access to personal data;
5. Designation and disclosure of the business contact information of a "privacy officer" to customers – should not be limited to a natural person for practical reasons and should allow the scope to be extended to a general but dedicated contact point for data protection related queries;
6. Scope of application of the proposed new regime to data collection/processing activities in Singapore; and
7. Compliance with the DP law and/or sectoral regulations, and applicable remedies/penalties.

We look forward to MICA's consideration on this matter as the businesses of our members may be both directly and indirectly impacted with the outcome of the review.

APCC would appreciate any opportunity to provide further inputs on this matter as MICA may consider appropriate.

Thank you.

Yours sincerely,

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