

24 October 2011

Ministry of Information, Communications and the Arts
(via email: MICA_DP_Public_Consultation@mica.gov.sg)

Dear Sir/ Madam,

Feedback on Public Consultation of the Proposed Consumer Data Protection Regime For Singapore

We refer to the above-mentioned Public Consultation dated 13 September 2011 and wish to submit our views on the proposed Consumer Data Protection (DP) Regime for Singapore.

Credit Bureau Singapore (CBS) is already operating under a higher duty of confidentiality. As such, we do not foresee issues complying with the proposed DP Regime. Our comments/ clarifications to some of the questions in the Consultation Paper are as follows:

Question 4

CBS carries data of deceased persons. We propose that the personal data of the deceased should be covered under the DP law for up to 10 years.

Question 10

Para 3.36: An individual may, on giving reasonable notice, withdraw his consent to the collection, use or disclosure of his personal data at any time, unless such withdrawal would frustrate the performance of a legal obligation or where consent has been given to a credit bureau to create a credit report.

Para 3.46: The DP Act also recognizes that the collection of personal data without consent may be necessary to enable certain organizations to perform their functions effectively. For example, when an individual has consented to organisations' disclosure of his or her credit report, a credit bureau compiling the credit report would not need to obtain additional consent to collect the personal data.

We seek clarification on whether this applies only to a credit bureau gazetted by the Monetary Authority of Singapore or for any repository of data discharging functions of a typical credit bureau.

In the case of an individual withdrawing consent and if such an individual's de-personalised data was used in score modelling, we are of the view that it should not impact the ability of CBS to continue with sale of the score.

If an individual withdraws his consent in respect of one bank (where he has defaulted), it will undermine the accuracy of the credit bureau report subsequently sold to any of CBS' members. This could be a way of manipulating one's credit report. In such a scenario, can withdrawal of consent be refused?

Question 14

Proposed approach to the transfer of personal data outside Singapore.

Cross border sharing across bureau would be ideal, assuming reciprocity from the other affected jurisdictions.

Question 16

Para 3.69: Organisations should take steps to correct any inaccurate data at the request of the individual, if the data is about the individual and is under the organisation's control. Such corrected data should be also sent to any other organisations to which the personal data was disclosed during the year before the date the correction was made.

Currently CBS will notify those Members who had enquired on the individual's credit report within the last 3 months, should there be any amendments made on the consumer's credit file. We are of the view that extending the notification to 1 year is not insightful for the lenders as the repayment conduct/credit profile of the individual would have changed significantly. For any credit evaluation, we are given to understand that lenders would always retrieve the latest copy of the Bureau report displaying the updated credit data where possible, in order to make an informed decision.

Thank you.
Credit Bureau (Singapore) Pte Ltd