



"Building trust in a connected world"

DP INFORMATION GROUP'S RESPONSES PROPOSED CONSUMER DATA PROTECTION ACT

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RESPONSE TO CONSULTATION PAPER ON PROPOSED CONSUMER DATA PROTECTION REGIME FOR SINGAPORE

1. Introduction

- 1.1 In September 2011, the Ministry of Information, Communications and the Arts conducted a consultation on the proposed consumer Data Protection ("DP") regime in Singapore. The DP concerns the regulation of the collection, use, disclosure, transfer and the security of personal data.
- 1.2 DP Information Network (DPIN) have carefully considered the points put forward in the consultation paper and would like to provide the relevant feedback. The comments are set out below

2. Definition of a Recognised Credit Bureau and its Operations

- 2.1 There were 3 references [Pts 3.36, 3.46, 3.68] made to a credit bureau in the consultation paper. As a credit bureau in operation within Singapore for more than a decade, we would like to seek a clearer definition of a credit bureau and the boundaries of its operation.
- 2.2 We would also like to know if the reference to credit bureau is restricted to the two existing credit bureaux that have been recognised by the Monetary Authority of Singapore (MAS). [The 2 existing credit bureaux that have been recognized MAS are Credit Bureau of Singapore Pte Ltd and DP Credit Bureau Pte Ltd]
- 2.3 In the situation for non-MAS recognised credit bureaux, would the consent given by participating members, who are loading consumer-related information, in its contracted obligations be deemed as sufficient for such institutions in their compliance with the proposed DP Act?

3. Definition of Personal Data

- 3.1 Under Pt 3.11, DPIN understands that the proposed DP legislation is seeking to link "unique identifiers" of individuals to the proposed definition of "personal data". Apart from identity and personal mobile phone numbers, we would like to seek a clearer picture of the scope of data within this definition.
- 3.2 DPIN's perceived ambiguity stems from Pt 3.14 where it is stated that the working information of an individual is deemed to be excluded from the DP regime. We would like to understand if more flexibility may be afforded to companies in the use of such data and if a person's name, title, business address and telephone number of an employee of an organization are exclusive of the definition of "personal data" in Pt 3.9.

- 3.3 Within the 'Types of Data Covered', DPIN seeks to understand further on the relation of a commercial transaction to an individual. If an individual partakes in a business relationship, would information about the business activities of this individual be covered as one of the types of Personal Data?

4. Consent by Consumers

- 4.1 Some ambiguities on the prioritisation of consent have been observed in Pt. 3.36 and Pt. 3.46 where the seniority or subordination of a consumer's or organisation's consent needs to be clarified.
- 4.2 For example, when a lending organisation, who is a member of the credit bureau, has obtained prior consent from a consumer to load his/her personal information, can the individual consumer exercise his/her right within the DP Act to withdraw the personal consent. Would such an action be deemed as 'frustrating the performance of a legal obligation'?
- 4.3 DPIN also seeks to clarify on the validity of past consent secured through organisations that have conducted a commercial transaction with an individual and whether any retrospective consent needs to be in place for information already in existence within the business environment.
- 4.4 The reference provided in Pt. 3.48 indicates that, within an outsourcing relationship, consent previously provided to the transacting organization is deemed to be sufficient as long as the original purpose for which the information was collected is maintained.

5. Conclusion

As an information provider in Singapore, DPIN welcomes the introduction of the DP Act which will increase a more robust governance of critical data and information that may face growing abuse in this digital age.

Presently, DPIN is an ISO 270001 certified organisation and prides itself with the ability to manage data and information securely. With the impending imposition of the DP regime, we are confident that there are necessary measures and processes within us to meet the new compliance requirements.