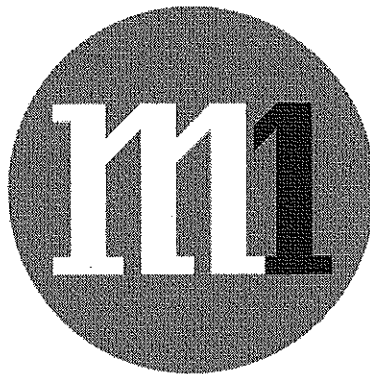


**IN RESPONSE TO THE PUBLIC CONSULTATION ISSUED BY  
MINISTRY OF INFORMATION, COMMUNICATIONS AND THE  
ARTS (“MICA”)**

**PROPOSED CONSUMER DATA PROTECTION REGIME FOR  
SINGAPORE**



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## PROPOSED CONSUMER DATA PROTECTION REGIME FOR SINGAPORE

1. M1 is a leading integrated communications service provider in Singapore, providing a full range of voice and data communications services over its network. Since 1 Apr 1997, M1 has made significant inroads into the local mobile communications market, gaining considerable brand presence and market share. In 2000, we launched our international telephone services and in February 2005, M1 took the lead in launching 3G services in Singapore. M1 was also the first to launch Singapore's first true island-wide wireless broadband service, M1 Broadband Service, in 2006. We became a full-fledged broadband player with the introduction of M1 Fixed Broadband service in 2008, transforming M1 from a single-play mobile operator to a dynamic multi-play operator, with interests in both the mobile and fixed sectors. In Sep 2010, M1 was the first local operator in Singapore to provide high-speed fibre broadband plans, of up to 1 Gbps, via the Next Generation National Broadband Network ("NGNBN"), and further became the first mobile operator in South East Asia to launch its Long Term Evolution ("LTE") based Next Generation Mobile Network on 20 June 2011.
2. As one of the major info-communications service providers in Singapore, M1 welcomes this opportunity to submit its views and comments on the Proposed Consumer Data Protection ("DP") Regime for Singapore.
3. We agree that consumer data protection is important and the introduction of a regulatory framework in the form of DP legislation, would help safeguard consumers' personal data / information, especially in an era where there is a growing concern on potential abuse or unauthorized use of personal information. It will instil confidence in consumers / public through necessitating the responsible handling of personal data / information across all industries in Singapore. However, in line with the approach taken by the Competition Commission of Singapore on the exclusion of specific sectors from the General Competition Law, it is our view that the info-communications sector should similarly be excluded from the proposed DP Regime.
4. There is already a more rigorous regime for the protection of consumer data / information in the info-communications sector that balances data protection issues with other sector-specific policies and operational considerations. Comprehensive guidelines and codes of practice have been instituted since Y2000 specifically to address concerns relating to DP in the info-communications sector. Under Section 3 of the Telecom Competition Code, the industry regulator, Infocomm Development Authority of Singapore ("IDA") instituted a regulatory framework which stipulates strict and detailed rules to ensure that Licensees take reasonable measures to prevent the unauthorised use of End User Service Information ("EUSI"). The Telecom Competition Code specifically provides for Licensees to obtain/share EUSI for legitimate and reasonable purposes such as the following:
  - i. facilitating interconnection and inter-operability between Licensees;

- ii. complying with regulatory requirements imposed by IDA, which authorise the use of EUSI (e.g. the provision of full number portability and directory assistance services); and
  - iii. providing assistance to law enforcement, judicial or other government agencies, etc. 7
5. M1 views that the existing legislation under IDA's jurisdiction is effective in safeguarding against the unauthorised use of personal data, and yet provides for telecom licensees' need to obtain and process such data for legitimate and reasonable purposes. The IDA, given its industry knowledge and experience, would also be in a better position to tackle DP issues pertaining to the info-communications sector. The parallel application of the proposed DP Regime with existing info-communications regulations imposes unnecessary burden and costs in regulatory compliance for industry players which is contrary to the "manage compliance cost" principle MICA listed for the DP framework.
6. Hence, M1 would strongly urge MICA to exclude the info-communications sector from the proposed DP Regime, as per its treatment of the public sector. In its determination to exclude the public sector from the proposed DP Regime, MICA took into consideration that the public sector in Singapore is already governed by its internal rules and regulations. Despite that there may be some differences due to specific needs of the public sector, MICA concurs that the regulations accord similar levels of protection for DP as the proposed DP legislation. M1 submits that the case for info-communications sector is similar to the public sector as the existing sector-specific regulations also accord similar levels of protection (if not more) than the proposed DP legislation and hence, should be similarly excluded from the perspective of proportionate regulation.
8. Notwithstanding our position above, we would like to put forth some comments on the proposed DP Regime as follows:-

Reference.	Description	M1 Comment
Question 15	Requirement to specify retention period for data	Companies use different data for different purposes. Hence, it would not be practical or realistic to expect companies to determine and specify a suitable retention period upfront.
S3.66, Page 21	Deletion of Data (or render data anonymous)	In the telecommunications sector, Licensees have the obligation to retain/provide EUSI for various legitimate and reasonable purposes, including but not limited to network operations and law enforcement. It will be a challenge to try to list down and provide for every circumstance under which exemption can be granted. Trade-offs in respect of timeliness in issue resolution and operational efficiencies may be costly.

Question 16	Proposed rules on access to and correction of personal data	The proposed rules are excessive; such operational details should best be left to companies to assess/decide on the feasibility of providing such services.
Question 23	National Do-Not-Call Registry	Such a registry should cover telemarketing calls and fax messages only, as unsolicited SMS or electronic communications messages are already regulated under the SPAM Control Act 2007.