



Public Consultation on the Proposed Personal Data Protection Bill

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Please see below our feedbacks to the Consultation Paper (“CP”):

1. Under “*Rules and Exclusions on Collection, Use and Disclosure*”, Para 2.43 of the CP mentioned that the requirement for individuals to consent to the collection, use or disclosure of personal data can be overridden by existing regulatory or statutory requirements that organizations have to comply with. As such, MICA clarified that organizations may still collect additional data without consent if required or authorized under other written laws.

AXA’s Comment: In the latter case, even though consent is not required, does the organization have to inform the individual of such collection?

2. Para. 2.47 of the CP mentioned that in the case of referrals by existing customers of an organization, the organization would still have to ensure that the referred individual consented to the collection of the personal data. MICA states that the organization may do so by asking the existing customer (referrer) to confirm consent had been given by the referred individual.

AXA’s Comment: This manner of confirmation is neither foolproof nor ideal. In the event that the referrer informs the organization that the referred individual gave consent when, in fact, no such consent was given, would the DP Commission then hold the organization liable? There is nothing in the current Bill which absolves the organization from liability in such a case.

3. Para. 2.172 of the CP proposed that the DP law requires organizations to submit their contact lists to the DNC Registry for filtering at least once every 30 days to confirm if any Singapore telephone numbers is listed in the registers.

AXA’s Comment: How long will the Registry take to revert to the organization? The DNC Registry needs to take business efficacy into account.