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PUBLIC CONSULTATION ISSUED BY

MINISTRY OF INFORMATION, COMMUNICATIONS AND THE ARTS

PROPOSED PERSONAL DATA PROTECTION BILL

Submitted By Victor Foo Kok Wah

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1. The Data Protection Bill should cover computer records and manual records.

2. The Data Protection Bill must explain that information should be kept for no longer than is necessary. However, the Act should not specify what a 'necessary' period should be for particular information.

Each case would be considered on its own merits. If an organization is obliged to retain data for a given length of time under any other laws, this should be taken into consideration.

For example, financial institutes may have to keep some information for up to eight years in accordance with the Financial Services regulations. A sole trader, however, may not need to keep information for longer than a month.

3. Where the information held on a laptop or other portable device could be used to cause an individual damage or distress, in particular where it contains financial or medical information, they should be encrypted.

The level of protection provided by the encryption should be reviewed and updated periodically to ensure that it is sufficient if the device was lost or stolen, you may need to seek specialist technical advice.

In addition to technical security, organizations must have policies on the appropriate use and security of portable devices and ensure their staffs are properly trained in these. If it is brought to the Data Protection Commission's (DPC) attention that laptops that have been lost or stolen have not been protected with suitable encryption, DPC will consider using enforcement powers.

4. Companies with 250 or more employees must appoint a Data Protection Officer (DPO), whom will be register and work closely with DPC.

5. The purpose for Personal Data may be processed must include one or more of the following:

(a) accounting and auditing;
(b) administration of justice;
(c) administration of membership records;
(d) advertising, marketing and public relations for the Data Controller itself;
(e) advertising, marketing and public relations for others;
(f) benefits, grants and loans administration;
(g) consultancy and advisory services;
(h) credit referencing;
(i) debt administration and factoring;
(j) education;

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(k) information and data bank administration;
(l) insurance administration;
(m) legal services;
(n) licensing and registration;
(o) pastoral care;
(p) pensions administration;
(q) policing;
(r) private investigation;
(s) property management;
(t) provision of financial services;
(u) research; and
(v) staff administration.

6. Appropriate security measures must be applied to personal data held by a data user to protect against unauthorised or accidental access, processing, erasure or other use:

- The kind of data and the harm that could result if any of those things should occur.
- The physical location where the data is stored.
- Any security measures incorporated (whether by automated means or otherwise) into any equipment in which the data is stored.
- Any measures taken for ensuring the integrity, prudence and competence of persons having access to the data.
- Any measures taken for ensuring the secure transmission of the data.

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MINISTRY OF INFORMATION, COMMUNICATIONS AND THE ARTS

PROPOSED NATIONAL DO-NOT-CALL ("DNC") REGISTRY FOR SINGAPORE

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1. A telemarketer or seller may call a consumer with whom it has an established business relationship for up to 18 months after the consumer's last purchase, delivery, or payment - provided the consumer's number is not on the National Do Not Call Registry. In addition, a company may call a consumer for up to three months after the consumer makes an inquiry or submits an application to the company. And if a consumer has given a company written permission, the company may call even if the consumer's number is on the National Do Not Call Registry.

One caveat: if a consumer asks a company not to call, the company may not call, even if there is an established business relationship. Indeed, a company may not call a consumer - regardless of whether the consumer's number is on the registry - if the consumer has asked to be put on the company's own do not call list.

2. Telemarketers and sellers have been required to search the registry at least once every 60 days and drop from their call lists the phone numbers of consumers who are registered.

3. Political solicitations are not covered by the DNC Registry at all, since they are not included in its definition of “telemarketing.” Charities are not covered by the requirements of the registry. However, if a third-party telemarketer is calling on behalf of a charity, a consumer may ask not to receive any more calls from, or on behalf of, that specific charity. If a third-party telemarketer calls again on behalf of that charity, the telemarketer may be subject to a fine.

4. If the call is really for the sole purpose of conducting a survey, it is not covered. Only telemarketing calls are covered — that is, calls that solicit sales of goods or services. Callers purporting to take a survey, but also offering to sell goods or services, must comply with the DNC Registry.

5. If you give a company your written permission to call you, they may do so even though you have placed your number on the DNC Registry.