

Ref	Proposal	Comments
<b>Third Consultation Paper on Proposed Personal Data Protection Bill</b>		
<u>Personal Data of Deceased Individuals</u>		
2.27	Personal data of deceased individual cannot be disclosed for any purpose for which consent had not been previously obtained, and should be appropriately secured, for up to 10 years from the date of death.	In insurance context, personal and policy information of deceased individual is disclosed to the proper claimant provided that proof of relationship and death certificate is shown. This is in accordance with the insurance sector regulations. We would like to clarify if such consent would be deemed as implied at the point of purchase of an insurance policy.
<u>Rules and Exclusions on Collection, Use and Disclosure</u>		
2.46	MICA reiterates that organizations seeking consent from individuals would need to state the purposes for the collection, use or disclosure of the personal data, as the case may be.	We would like to clarify in situation when company conducts a data collection survey, does the insurance representative/insurer have to specify their intentions outright? Example, company will need to inform the consumer that when their information are furnished via the surveys, he/she is deemed to have given consent to be contacted by the insurance representatives.
2.48	Individual will be deemed to have given his consent to the collection, use or disclosure of his personal data by an organization for a purpose if the individual, without actually giving consent, voluntarily provides the personal data to the organization for that purpose and it is reasonable that he would voluntarily provide the data	We would like to clarify what is the reasonability test in assessing whether consumer has voluntarily provided his data? Example, if a consumer passes his name card to insurance representative, does that mean that individual would voluntarily provide the data and consent is given for insurance representative to contact him/her? If consumer information is obtained during a road show, cold call can we deem that consumer has given voluntary consent to be prospected via telemarketing from the insurance representative.
<u>Rules on Access and Correction</u>		
2.92	PDPA will allow individual to find out how organization have used or are using the personal data collected, correct information that may be inaccurate, or seek redress for suspected breaches of the PDPA.	Under insurance practice, there is continuous obligation for policy owner to keep the insurance company updated of any changes in personal data and health condition. Personal data are also collected from other parties i.e. life assured, beneficiaries, trustees, assignees etc. in the insurance context. Thus, we would like to clarify if the rules on access and correction of data be extended to these parties, i.e. should a life assured (who is not policy owner of the insurance contract) be allowed to access his/her information? In addition, would the exemption mention in the consultation paper also apply?
2.95	Organization should take steps to correct any inaccurate data at the request of the	Proposed to exclude the need to inform third parties when the use of data is no

	individual, if the data is about the individual and is in its custody or under its control, unless it is satisfied on reasonable grounds that the correction should not be made. Such corrected data should be also sent to any other third-party organizations to which the personal data was disclosed within a year before the date the correction was made.	longer required after the intended purpose in future. In such situation, no update to the third party is required by the company ie. Company may engage printer company to print one time direct mail to customer.
<b>Rules on Accuracy, Protection and Retention</b>		
2.106	Organizations will be required to make a reasonable effort to ensure that personal data collected by or on behalf of the organization is reasonably accurate and complete, if the personal data is likely to be used by the organization to make a decision that affects the individual to whom the personal data relates, or is likely to be disclosed by the organization to another organization.	This may not be applicable in the insurance context. Policy owner will furnish his/her personal details and also disclose his/her health conditions in the proposal form which will form the basis of an insurance contract. Insurers would be able to rely fully on policy owners' declaration that information is accurate to make a decision that affect the individual. It is also not feasible for insurance company to verify the accuracy of certain information such as income status etc provided by the policy owner.
<b>Penalty and Enforcement Regime</b>		
2.116-2.130	Protection Commission (DPC) will be set up to enforce the DP Act.	Currently certain Financial Institutions (FI) is regulated by MAS under a single regulator regime to ensure that FIs conduct their business in accordance to laws and regulations. Other Legal Frameworks, eg Competition Law, recognizes this single regulator regime and had duly carved out these FIs from the enforcement regime, leaving it to be regulated by MAS. Proposed that rules under PDPA regime should follow the single regulator framework. PDPA may also consider having certain industry specific applications to be handled by regulators who are familiar with the industry.  We would like to clarify if there will be any civil penalties.
<b>Photography in public places</b>		
14	Organization should generally avoid taking photographs that would identify individuals, or should seek consent from individuals for their image to be included in a photograph	There may be instance where photograph of an individual (non company personnel) is inadvertently captured during a company event organized in public places. In such situation, these photographs should also be excluded from PDPA if they are use for non-commercial purposes.
<b>Personal Data Protection Bill</b>		
<b>Deemed consent</b>		
S17	An individual is deemed to consent to the collection, use or disclosure of personal data by an organization for a purpose if —	MICA should issue guidelines on what scenarios would individuals be deemed to have given consent for collection, use or

	(a) the individual, without actually giving consent referred to in section 16, voluntarily provides the personal data to the organization for that purpose; and (b) it is reasonable that the individual would voluntarily provide the data.	disclosure of personal data.
<b>DO NOT CALL REGISTRY</b>		
<b>Personal Data Protection Bill</b>		
<u>Duty to check register</u>		
S47(1)	No person shall, on or after the prescribed date, send a specified message addressed to a Singapore telephone number unless he had within 30 days before sending the specified message — (a) applied to the Commission under section 44(2) to confirm whether that Singapore telephone number is listed in the relevant register; and (b) received confirmation from the Commission that that Singapore telephone number is not listed in the relevant register..	S47 states that persons cannot send specified messages to Singapore Telephone numbers unless it has checked with the Commission within 30 days before proposed date of sending such specified message that the Singapore Telephone numbers in question are not in any of the register of Singapore Telephone numbers and the Commissioner has confirmed that the Singapore Telephone numbers is not in the relevant register. However, there is no duty on the Commission to revert back to organization within any specified time limit. Proposed that Commission issue regulations to establish such a time limit to assure organization that it would be obliged to reply within that time limit.
<u>Offences by bodies corporate, etc.</u>		
S50 (1)(b)	Where an offence under this Act committed by a body corporate is proved — to be attributable to any neglect on his part, the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	S50 (1) (b) states that officers of a body corporate who commit an offence by way of any neglect on his part shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly. However, this is not right as it will also includes scenarios whereby the officer in question did not intentionally commit the offence or had no intention of committing the offence in question and yet is just as guilty as an officer which willfully commits the offence. Propose authorities to provide more guidance on the act.
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<u>Do-Not-Call (DNC) Registry</u>		
2.166	Organizations are able to send specified messages to individuals who have registered their numbers on the DNC registry if the organization has obtained explicit consent from the individuals to send such messages	Organization cannot send specified messages to the individuals whose numbers have been filtered off unless an individual had given organization explicit consent. In relation to the above, we would like to clarify if explicit consent from individual be obtained after the number had been filtered off. For example, when explicit consent from customer has been obtained on 1 Jan 2013 and subsequently customer went ahead to register their number in the DNC register on 1 Jan 2014. Can we still reply on the consent obtained

		on 1 Jan 2013 to continue sending message to customer after 1 Jan 2014?
<b>Data Protection Presentation By MICA</b>		
<u>General Data Protection Rules</u>		
Slide 18	Individual can withdraw their consent , organizations to stop collecting , using or disclosing after withdrawal	From the servicing perspective, use of information collected is necessary and reasonable for the provision of the product/service in insurance context. We would like MICA to provide more clarity on this area