

## **Response to Ministry of Information, Communications and the Arts Proposed Personal Data Protection Bill**

Thank you for providing OANDA Asia Pacific Pte. Ltd. (OANDA) with the opportunity to provide input with respect to the Ministry of Information, Communications and the Arts (MICA) Proposed Personal Data Protection Bill.

Please find our comments here:

- **Re Part IX: Do Not Call Register and Tenth Schedule:**
  - General comment that the Do-Not-Call provisions are overly restrictive and will prohibit companies from replying to consumers who have expressed interested or posed questions. Although s.1(e) of the Tenth Schedule establishes an exclusion from the meaning of ``specified message`` for ``any message the sole purpose of which is to provide (i) notification concerning a change in the terms or features of; (ii) notification of a change in the recipient`s standing or status with respect to; or (iii) at regular periodic intervals, account balance information or other type of account statement with respect to, a ... account ... or comparable commercial relationship involving the ongoing purchase or use by the recipient of goods or services offered by the sender,`` there is no definition of ``account``. It is unclear if this exclusion covers applicants who have not completed registration. Suggest adding a clear exemption for messages where there is an existing business relationship with the recipient, where an application or inquiry with respect to a product or service is included within the scope of an existing business relationship. (Note, both the U.S. and Canada have an exception where an individual makes an inquiry or submits an application to the company. U.S. has a 3 month window and Canada a 6 month window.)
  
- **Re Part V: Access to and Correction of Personal Data and Sixth Schedule:**
  - The exclusion in s. 1(e) of the Sixth Schedule should be amended to cover all documents related to a prosecution, whether or not the proceedings have been completed. Allowing access to documents related to a prosecution, even if the proceedings have been completed, may reveal internal security or investigation procedures. If there are relevant documents, the individual should already have access to them through the prosecution proceedings.
  - The exclusion in s.1(g) should include any personal data which would reveal confidential commercial information, whether or not it would harm the competitive position of the organisation.
  - The exclusion in s.1(h) of the Sixth Schedule should be the alternative language – ie. it is reasonable to expect that the disclosure would compromise any investigation or proceeding.