



Phillip Securities Pte Ltd  
(A member of PhillipCapital Group)

Contact person: Charles Guo (Group Compliance)  
Email: [compliance@phillip.com.sg](mailto:compliance@phillip.com.sg)  
DID: 6531-5474

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**Summary of major points:**

Commented on the following sections of the Personal Data Protection Bill:

- Section 2-Interpretation of “business contact information”
- Section 2-Interpretation of “personal data”
- Section 2-Interpretation of “proceedings”
- Section 3-Purpose

## Comments and conclusions:

### 1. Section 2: Interpretation

“business contact information” means an individual’s name, position name or title, business telephone number, business address, business electronic mail address or business fax number and any other similar information about the individual, unless the personal data was provided by the individual solely for use in a personal context;

#### Comment:

- In reality, it is more often than not that it is the provision of personal data by individuals solely for use in a personal context that sets in motion the use of personal data in a "business" context.
- We are of the opinion that to include "unless the personal data was provided by the individual solely for use in a personal context" may cause unnecessary dispute and/or confusion.

#### Conclusion:

- We propose that further explanation to be provided for "use in a personal context" Alternatively, we proposed that "unless the personal data was provided by the individual solely for use in a personal context" be omitted from the definition.

### 2. Section 2: Interpretation

“personal data” means data, whether true or not, about an individual who can be identified —

(a) from that data; or

(b) from that data and other information to which the organisation is likely to have access.

#### Comment:

- We are of the opinion that the definition is vague and may be too onerous for business to comply. This is especially so in respect of subsection 2(b).
- Please clarify whether the personal data includes foreigners? Our concern is that if foreigners’ data are part of the personal data that are subject to the Personal Data Protection Bill, it would be too onerous. Consequently, it maybe impractical to enforce the proposed act against foreigners, especially for those who are based overseas and subject to other jurisdiction other than that of Singapore. It may also be impractical for businesses to put extra resources to ensure foreigners’ data are protected. We are of the view that personal data protection should only apply to Singapore citizen and Permanent Residents and specific industries.

#### Conclusion:

- We propose that MICA provide guidance note as to what may constitute “personal data”.

### **3. Section 2: Interpretation**

“proceedings” means any civil, criminal, or administrative proceedings by or before a court, tribunal or regulatory authority that is related to the allegation of...”

#### **Comments:**

- Does "tribunal" include all the alternate dispute resolutions available in Singapore?

#### **Conclusions:**

- Please clarify.

### **4. Section 3: Purpose**

The purpose of this Act is to govern the collection, use and disclosure of personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations to collect, use or disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.

#### **Comment:**

- Please define or give guidance as to who the "reasonable person" should be.

#### **Conclusion:**

- Please define or provide guidance.