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TEMPLETON ASSET MANAGEMENT LIMITED'S RESPONSE TO PUBLIC CONSULTATION ON THE PROPOSED PERSONAL DATA PROTECTION BILL

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RESPONSE TO PUBLIC CONSULTATION ON THE PROPOSED PERSONAL DATA PROTECTION BILL

1. INTRODUCTION

- 1.1. In March 2012, the Ministry of Information, Communications and the Arts (“MICA”) released the proposed Personal Data Protection Act (“PDPA”) for public comment.
- 1.2. Templeton Asset Management Limited (“TAML”) has reviewed the proposed PDPA as well as the consultation paper and would like to provide feedback as well as seek clarifications.

2. SCOPE OF PERSONAL DATA

- 2.1. TAML seeks to clarify if information which are gathered through business interactions and which are voluntarily provided by business contacts (for example, employment history, food preferences, hobbies and interests, birthday and marital status) will fall within the definition of “personal data”.
- 2.2. If such information amounts to “personal data” as defined under PDPA, can it be assumed or implied that since the information was voluntarily provided by the business contacts, deemed consent pursuant to section 17 of the PDPA has been received? Alternatively, TAML proposes to expand the scope of “business contact information” to cover the aforesaid items which are usually collected and used in the furtherance of business relationships.
- 2.3. In the Third, Fourth and Fifth Schedules of the PDPA, it is provided that consent is not required if the personal data is available to the public from a prescribed source. TAML seeks to clarify what does “prescribed source” refers to.

3. DATA SHARING

- 3.1. We note that MICA does not intend to provide exclusions from all or part of the PDPA for the sharing of data among related organizations, except in circumstances such as where required or authorized by written law.
- 3.2. As such, TAML seeks to clarify if we would need to seek consent from our clients for the sharing of personal data with our affiliated entities, which are either based locally or overseas, and where an affiliated entity is based overseas, if an additional specific consent is required or if a general consent would suffice.

- 3.3. Further to point 3.2 above, if client's consent is required prior to the sharing of personal data with affiliated entities, would TAML be required to disclose names of the affiliated entities to which the personal data would be shared with? Due to the global nature of our business and group structure, we note that such affiliated entities may not be identifiable at the point of obtaining consent.
- 3.4. Referring to point 3.1 above, TAML seeks to clarify if "written law" as used in this context is limited to laws of Singapore only or if it include written laws of other jurisdictions.

4. ACCURACY OF PERSONAL DATA

- 4.1. Section 25 of the PDPA requires organisations to make a reasonable effort to ensure that personal data collected by or on behalf of the organisation is accurate and complete.
- 4.2. TAML seeks to understand what is required of the organisations on the "reasonable effort" requirement under this section of the PDPA. Are organisations expected to send periodic letters to clients to remind them to provide organisations with updates/changes in their personal data, if any?
- 4.3. Further to point 4.2 above, TAML seeks to understand our obligation under this section of the PDPA in the event the personal data is collected and disclosed to us by third parties.

5. PROTECTION OF PERSONAL DATA

- 5.1. Section 26 of the PDPA requires organisations to protect personal data in its custody or under its control by making reasonable security arrangements to prevent unauthorized access.
- 5.2. As the PDPA applies to both electronic and non-electronic data, TAML seeks to understand what level of security arrangements is required of an organization for each form of data in order to satisfy the "reasonable security arrangements" requirement under the PDPA.

6. RETENTION OF PERSONAL DATA

- 6.1. Section 27 of the PDPA requires organisations to destroy documents containing personal data as soon as it is reasonable to assume that the purpose for which that personal data was collected is no longer being served by retention of the personal data and that retention is no longer necessary for legal or business purposes.
- 6.2. Under certain circumstances, multiple clients' personal data may be reflected on a single transaction report. TAML seeks to clarify the procedures required for handling such report in the event that the personal data of one of the clients as stated on the transaction report should be destroyed pursuant to Section 27 of the PDPA but it will not be possible to destroy the transaction report without destroying other personal data which are still required for our legal and business purposes.
- 6.3. In addition to point 6.2 above, TAML seeks to clarify if it is necessary to destroy personal data, which was collected before the appointed day but has been in existence for less than 100 years, which we have in place security arrangements for (for example, controlled access rights), and which we do not have any intention to use and disclose, whether now or in years going forward, as the process of identifying, retrieving and destroying such data would be operationally challenging and cost- and labour-intensive.

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