

**Public Consultation for the PDPA  
(Amendment) Bill**

**Feedback from  
Aequitas Law LLP**

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## 1 Summary of Major Points

We hope to obtain clear guidance on “Significant harm” and propose the publication of a “sensitive data” list in support of a clearer definition of “Significant harm”.

We hope PDPC publishes clear guidelines on "Legitimate interests and business improvement". The phrase "larger public or systemic benefits" appear problematic for private sector organisations who cannot normally associate public benefits with their main profit-driven business model while public sector service organisations will not associate their services as being "a business", not to mention "business improvement".

## 2 Statement of Interest

Aequitas Law performs the role of personal data protection consultants and as outsourced Data Protection Officers (DPO) for many clients. We are listed as Personal Data Protection Service Providers on PDPC’s website.

## 3 Comments

5a) We hope to obtain clear guidance on what constitutes "**significant harm**". Based on limited research on past PDPC enforcement cases, personal data breaches of the following data types appear most frequently:

name  
 telephone number(s)  
 email addresses  
 membership/registration details  
 addresses \*\*  
 NRIC numbers \*\*  
 date of birth \*\*

Can we say that if breaches occur excluding items marked \*\*, then the harm is not "significant" ?

In other words, does PDPC have a "**sensitive data**" list that can be published and made known to all ? Significant harm can then be properly defined once breach items appear in this list.

We note other jurisdictions (e.g. EU's GDPR) makes known/defines sensitive data as

"consisting of racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation."

## 5b) Legitimate interests and business improvement

Again, we hope PDPC publishes clear guidelines on "Legitimate interests and business improvement". As PDPA applies only to private (not public) sector organisations, the phrase "larger public or systemic benefits" appear problematic, as follows:

If a private sector company collects, uses and discloses personal data under their profit-driven business model (which results in business improvement) and then states that this is for the general public's benefit, what then would be the standard of judgement on "Legitimate interests" ?

Perhaps, the mentioned "**New exceptions**" could be tightened to specifically differentiate sectors involved in public services (e.g. MRT, buses, healthcare) where the public has fewer choices, and more importantly, where profit is not the main driver for these organisations' existence

versus

business improvements for private sector organisations offering discretionary products and services, where choices and alternatives are plentiful and profit is the main driver for such improvements.