

28 May 2020

Dear Sirs,

## **1. INTRODUCTION:**

Changi Airport Group (S) Pte Ltd (“CAG”) welcomes the opportunity to provide feedback on the Public Consultation on the Draft Personal Data Protection (Amendment) Bill. CAG’s comments to the Draft Personal Data Protection (Amendment) Bill are as set out below.

## **2. CAG’S COMMENTS ON THE CONSULTATION:**

### **PART II: STRENGTHENING ACCOUNTABILITY**

#### **(a) Accountability principle**

CAG supports the explicit reference to accountability and welcomes the greater clarity the amendments will bring surrounding the accountability of organisations for personal data in their possession or under their control, and the expectation that organisations be able to demonstrate compliance.

### **PART III: ENABLING MEANINGFUL CONSENT**

#### **(b) Enhanced framework for collection, use and disclosure of personal data**

CAG agrees with the need to enhance the framework for the collection, use and disclosure of personal data under the PDPA to ensure meaningful consent by individuals. However, CAG would urge that the Commission consider expanding the scope of the business improvement provisions to also explicitly cover the sharing of information between companies of a group, where such companies have a business presence in Singapore. Such an expansion would greatly improve the capacity of companies to leverage data for business improvement purposes within a group setting.

### **PART IV: INCREASING CONSUMER AUTONOMY**

#### **(c) Data Portability Obligation**

CAG notes the introduction of provisions on data portability, and the stipulation that these provisions will not take effect until further regulations on data portability are introduced. However, CAG would like to seek clarification on when the regulations are intended to be introduced and what is the expected period of time within which an organisation receiving a request for data port is expected to reply and carry out the request.

## PART V: STRENGTHENING EFFECTIVENESS OF ENFORCEMENT

### **(d) Increased financial penalty cap**

CAG agrees that increasing the financial penalties for breach will serve as a stronger deterrent. However, CAG would give feedback that the contemplated increase could result in a several hundred per cent, if not several thousand per cent jump for larger organisations in Singapore. The increase could therefore raise compliance costs of businesses in Singapore as a whole. Against that backdrop, CAG would urge the Commission to consider benchmarking the financial penalty to other legislations around the world, such as the 4% in the General Data Protection Regulation (EU) 2016/679, and the maximum fines that can be imposed on organisations under the data privacy laws in the ASEAN region.

## PART VI: OTHERS

### **(e) Preservation of personal data requested pursuant to access and porting requests**

CAG understands that the requirement for the organisation to preserve a copy of the individual's requested personal data, should the organisation deny the request, is necessary to preserve the rights of the individual should it eventually be found that the request should not have been denied. However, the prescribed period of (a) at least 30 calendar days after rejection of the request, or (b) until the individual has exhausted his/her right to apply for a reconsideration request to PDPC or appeal to the Data Protection Appeal Committee, High Court or Court of Appeal, whichever is later, might result in a long timeframe and disproportionate costs. CAG respectfully submits that capping the timeframe at 30 calendar days would be a better balancing of the interests of the individual against the organisation. Within that 30 calendar days, the individual can seek an order to extend the preservation period if so required.

## **3. CONCLUSION**

CAG is grateful for the opportunity to provide feedback on the Consultation. We welcome as a whole the majority of the amendments proposed, subject to the points noted above. We hope that the Commission will consider our comments.

Kind regards,

Elaine Chew

Data Protection Officer