

From: Oliver Putz
To: MCI DataRegulation (MCI)
Subject: PDPC Consultation on Draft Personal Data Protection (PDP) Amendment Bill

Dear PDPC team,

Thank you for sending us below email and asking for our views which provide below each background point.

Kind regards

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Dear Data Protection Officer (in BCC),

You are receiving this email because you have previously registered with the PDPC as a Data Protection Officer (DPO) for your organisation, and the contents of this email would have impact to this said role. This email is sent to you regardless if you have chosen to opt-out of marketing materials, as this is not regarded as a marketing email.

Background

The Ministry of Communications and Information (MCI) and the Personal Data Protection Commission (PDPC) have launched an online public consultation on the proposed amendments to the Personal Data Protection Act (PDPA) and related amendments to the Spam Control Act (SCA). These proposed amendments aim to strengthen public trust, enhance business competitiveness, and provide greater organisational accountability and assurance to consumers, in support of Singapore's Digital Economy.

2 Key proposed amendments include:

(a) Accountability of Organisations

A mandatory Data Breach Notification (DBN) requirement where organisations will be required to **notify PDPC** of a data breach that results in, or is likely to result in:

- (i) significant harm to the individuals to whom any personal data affected by a data breach relates to ("affected individuals"); or
- (ii) a significant scale.

Organisations will also be required to **notify the affected individuals** if the data breach is likely to result in significant harm to them.

LOC: We view this change as potentially leading to being over-cautious and resulting in notifying PDPC prematurely. One recommendation is to amend this aspect and allow the business to first assess and determine the severity of the situation. This could be with a time limit of 48 hours and then notify PDPC on this investigation / incident.

(b) Meaningful Consent

- (i) Expand deemed consent to facilitate the use and processing of personal data for reasonable business purposes; and

- (ii) Introduce new exceptions for legitimate interests and business improvement to cater to situations where there are larger public or systemic benefits, and where obtaining individual's consent may not be appropriate.

LOC: we agree

(c) Consumer Autonomy

- (i) Introduce a new Data Portability obligation to enable individuals to request for a copy of their personal data to be transmitted to another organisation more easily; and
- (ii) Expand protection from unsolicited messages where the use of dictionary attacks and address harvesting software will be prohibited under the Do Not Call (DNC) Provisions. The SCA will also be amended to cover commercial text messages sent to Instant Messaging accounts and in bulk.

LOC: we agree

(d) Effectiveness of PDPC's Enforcement

Enhance financial penalties to serve as stronger deterrent against data breach incidents.

LOC: yes, but should be proportionate to the damage caused.

3 Details of the consultation can be found at <https://www.mci.gov.sg/public-consultations/open>. We welcome feedback submissions from your member organisations, to be sent to DataRegulation@mci.gov.sg with the subject "Public Consultation for the PDP (Amendment) Bill" by **28 May 2020, 5pm.**