

From: Yoke Sin Chong

To: Ruth POH (MCI)

Subject: RE: [For Information] Public Consultation on Personal Data Protection (Amendment) Bill

Dear Ruth

These are feedback regarding the new PDP amendment bill. The amendments are necessary, but some feedback given below from what I summarised from the Singapore Computer Society. Thanks.

First, we intend to amend the Personal Data Protection Act (PDPA) to **strengthen the accountability** of organisations. Accountability will be reflected as a key principle of the PDPA, and accountability practices will be introduced as a requirement to complement new and existing avenues for the collection, use and disclosure of personal data under the PDPA. We also intend to amend the PDPA to incorporate relevant recommendations of the Public Sector Data Security Review Committee (PSDSRC) to ensure the accountability of third parties handling Government personal data and introduce offences for egregious mishandling of personal data.

[Holding organisations accountable for the data they collect/collate/analyse on individuals is absolutely necessary, especially since many in the vulnerable sectors of society – the very young, the elderly, the mentally deficient or mentally ill – are forced to go online during the pandemic. These vulnerable populations may consent to whatever the online site asks without understanding what they are consenting to. Special provisions in the law need to be in place for organisations to particularly protect such vulnerable populations, especially if the organisation caters to their needs (eg: private educational institutions who currently have lax data protection/security protocols).]

- b) Second, we intend to enhance the PDPA's framework for the collection, use and disclosure of personal data to **enable meaningful consent** where necessary. In other circumstances, organisations will be able to collect, use or disclose personal data (as applicable) for legitimate interests and business improvement purposes, especially where there are wider public or systemic benefits. [If possible, the Government should specify in advance which types of organisations can collect/use/disseminate PII (personally identifiable information). For example, healthcare institutions, financial institutions and government agencies – esp law enforcement – should be in the "white list". Retail, both online & in-premise, marketing/advertising/consulting companies should be in the "black list"; they can collect/collate data in case that data is required by law enforcement.]
- c) Third, we intend to amend the PDPA to provide for **greater consumer autonomy** over their personal data. The new data portability obligation will give individuals greater choice and control over their personal data, prevent consumer lock-in and enable switching to new services. The Do Not Call Provisions under the PDPA and the SCA will also be amended to provide consumers with more protection and control over unsolicited marketing messages. [The provisions may be stringent, but enforcement is often weak. The DNC (Do Not Call) is poorly enforced. People still receive spam calls, and the elderly are often duped of their hard-earned savings. Illegal money lenders are still able to send unsolicited messages despite numbers being on the DNC list. There is a need for stringent enforcement and publicized convictions as a strong deterrent.]
- d) Fourth, we intend to increase deterrence and **strengthen the effectiveness of PDPA's enforcement efforts**, by providing for increased financial penalties, and additional enforcement powers for the PDPA, such as requiring a person's attendance for taking statements and

referring parties to mediation. [This is a welcome step. However, all of the above is only possible if the alleged offender/s are in Singapore and can be tracked/prosecuted. Most offenders operate with impunity from overseas. So it is necessary to hold the telco/ISP accountable to an extent, because all calls are finally routed through one of our 4 telcos (Singtel, Starhub, M1, TPG). Enforcement of the DNC and other spam should be controlled via software programs that telcos should implement in their data centres, especially at the edge.]