

28 May 2020



To: Officer-in-Charge
Ministry of Communications and Information and the Personal Data Protection Commission
Republic of Singapore

Dear Sir/Madam,

RE: PUBLIC CONSULTATION OF THE DRAFT PERSONAL DATA PROTECTION (AMENDMENT) BILL, INCLUDING RELATED AMENDMENTS TO THE SPAM CONTROL ACT

We refer to the announcement of the Public Consultation on the draft Personal Data Protection (PDP) (Amendment) Bill made on 14 May 2020.

The LEGO Group appreciates the opportunity to provide inputs to the draft PDP (Amendment) Bill and respectfully submits these written comments to the Public Consultation. We welcome the efforts of the Ministry of Communications and Information (MCI), and the Personal Data Protection Commission (PDPC) in reviewing the Personal Data Protection Act (PDPA) to ensure that it remains relevant to the technological and business landscape as well as provide for effective protection of personal data in the Digital Economy.

Our submission is divided into the following four sections: (i) Company description; (ii) Summary of major points; (iii) Statement of interest; (iv) Detailed comments; and (v) Conclusion.

(i) Company description

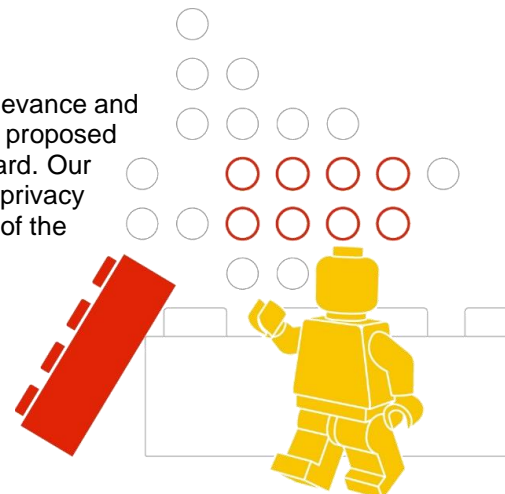
The LEGO Group was founded in 1932, and is a privately-held, family-owned company, with our headquarters in Billund, Denmark. Our products are sold in 140 countries and we have 4 regional headquarters, 5 factories, and 37 sales offices located worldwide. Our regional headquarters for the Asia Pacific region is in Singapore, and registered as LEGO Singapore Pte Ltd. The two key business activities of LEGO Singapore Pte Ltd are: (i) conduct wholesale trade of a variety of goods without a dominant product. This involves the selling and distribution of toys of all kinds and descriptions; and (ii) conduct activities of head and regional head offices. This involves providing centralised administrative services for the regional activities for the LEGO Group of companies in the Asia-Pacific region. The collection, processing, and transfer of personal data is integral to the operations of LEGO Singapore Pte Ltd in relation to our engagement with children on our products, and in the performance of our centralized administrative services for our offices and employees located in the Asia Pacific region.

Our point of contact in relation to this submission is Ms. Zhen Yi Ng, Senior Manager, Government & Public Affairs APAC at zhen.yi.ng@LEGO.com.

(ii) Summary of major points

The LEGO Group appreciates the intention of MCI and PDPC to ensure the relevance and effectiveness of personal data protection, and acknowledges that the proposed amendments of the draft PDP (Amendment) Bill signify a significant step forward. Our inputs sheds light on our interests for greater harmonization and operability of privacy legislations regionally and globally, as well as concerns on the implementation of the amended PDPA in relation to children's data.

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(iii) Statement of interest

As briefly alluded to in section (i), the LEGO Group's operations in Singapore is reliant on the collection, processing and transfer of personal data in the following ways: (i) in our engagement with children through our research/product development activities and digital products; and (ii) in performing our centralized administrative services for our offices and employees located in Malaysia, Japan, South Korea, Australia, New Zealand, Hong Kong, Taiwan, and India. Rules relating to the collection, processing and usage of children's data is of particular interest to us, as a significant proportion of the users of our products are children. When we engage with children, we aspire to always deliver digital products and services that uphold children's rights and support their wellbeing. That means leveraging technology and data to deliver engaging, quality digital play experiences while ensuring high levels of transparency, safety and privacy by design.

Therefore, ensuring that personal data privacy rights are realised is an important element for the LEGO Group's operations globally both in terms of our agenda to ensure responsible engagement with children as well as our administrative activities.

We are keen to work with MCI and PDPC to develop and adopt future-proof, proportionate and principle-based policies that protect users privacy as well as allowing positive data innovation where it is demonstrably tied to well-being and protects the users interests and rights, particularly in the case of children. Further, we are also particularly interested to see regulators prioritize digital literacy among younger users and their parents, while incentivizing good design practice from companies.

(iv) Detailed comments

Specific to the draft PDP (Amendment) Bill, we would like to respectfully submit the following comments on our thoughts on the draft Bill. As our comments are in relation to specific concepts, no references to specific sections of the draft PDP (Amendment) Bill have been made.

We recognize that some of the amendments in the draft Bill reflects a move toward enhancing the interoperability of the PDPA with other existing privacy legislations. As a multi-national company with our regional headquarters in Singapore, we welcome **greater harmonization and enhanced interoperability of privacy legislation in the region and globally**. In our operations all over the world (including Singapore), we are guided by local legislation, the E.U. General Data Protection Requirements (GDPR), Binding Corporate Rules (BCR), and the Children's Online Privacy Protection Act (COPPA). The LEGO Group also has the [TRUSTe Certified Privacy seal](#), demonstrating that our company meets the standards of the TRUSTe's Enterprise Privacy and Data Governance Practices Assessment Criteria. The harmonization of legislation regionally and globally, to the extent possible, would significantly improve the efficiency of our operations by reducing the compliance burden.

On the introduction of **legitimate interest** "to enable organisations to collect, use or disclose personal data in circumstances where it is in the legitimate interests of the organization and the benefit to the public is greater than any adverse effect on the individual", we welcome the introduction of "legitimate interests" as a basis for processing data. In our view, this practical, risk-based approach creates a more proportionate data protection regime, and eases the compliance load. However, we would like to request additional guidance on the scope of "legitimate interests", particularly to provide certainty in the case of children's data, since this is a significant departure from a consent-based privacy regime. Where an organization relies on legitimate interest to process children's data, we believe the legislation or future Advisory Guidelines should seek to ensure that companies do so in a responsible manner to ensure that it is done in the best interest of the child.

On **consent**, we are generally supportive of the enhancements on meaningful consent and deemed consent. We would appreciate to receive additional guidance from the PDPC on the intersection of any revised consent or other requirements on children's data. The current Advisory Guidelines could be further bolstered, but these should always be proportionate and risk-based. Steps should also be taken to understand the impact that additional rules have both on companies' ability to continue to engage with children online as well as on children's ability to access content that is designed specifically for them. At the same time, steps should be taken to provide companies with clarity and certainty on compliance with respect to minors.

(v) Conclusion

In conclusion, we would like to highlight our interests in the harmonization and interoperability of privacy legislation in the region and globally as well as our approach to our engagement with children.

At the LEGO Group, alongside the delivery of a robust approach to privacy and safety by design, it is also our mission to inspire and develop the builders of tomorrow, enabling and empowering children through playful experiences to learn, develop and maximize their creative potential. When we look to the future, we see the significant potential that a digital, data-enabled environment can play in achieving these goals and supporting children's rights and interests.

For this to happen, the application of an individual's digital rights, including children's rights to privacy, has to be framed in a manner that acknowledges and deepens the understanding of the interdependence and interplay between rights pertaining to protection, participation and provision. In other words, we believe that we need to better understand the value of data in upholding an individual's broader rights, from education to development of personality, and to ensure that data protection law does not ostracise any specific groups of the population (particularly children) from these benefits. That is why it is so crucial to strike the right balance between a robust, approach to protecting privacy and a proportionate and practical approach that strangles positive innovation in this space. If this balance can be achieved, it has the potential to provide an enabling blueprint for a flourishing digital economy that supports innovation with appropriate levels of privacy and safety, as well as demonstrably support development and well-being of its population.

Thank you for your time and consideration in this matter.

For and on behalf of LEGO Singapore Pte Ltd,

Lizum Mishra (Ms.)

Head of Government & Public Affairs APAC