

**From:** Magdalene Teo-Yong  
**To:** MCI DataRegulation (MCI)  
**Subject:** Public Consultation for the PDP (Amendment) Bill

Dear MCI/PDPC

**Response to Public Consultation for the PDP (Amendment) Bill (submitted on 28 May 2020)**

Summary:

(1) the proposed changes to section 21 (Access to personal data) to allow for reduction in the prohibitions to access in relation to user provided and user activity data are not limited to the exercise of data portability rights (under proposed Section 26E).

(2) Proposed new section 15A (Deemed consent by notification) is contradictory to the basic premise that consent remains the primary basis for collecting, using and disclosing personal data. Recent international and regional data privacy scandals have shown that individuals want more information (not less or embedded notification/ information) regarding the handling of their personal data.

Detailed feedback:

I am providing this feedback to the PDP (Amendment) Bill in my personal capacity as a concerned individual:

1. Proposed amendments to Section 21

As I understand it, the proposed amendments of section 21 of the principal Act (Access to personal data) are intended to align with instances where a specific user is exercising his/ her data portability rights and allow for access to his/ her user provided and user activity data as per the proposed Section 26E. However, the proposed amendments to Section 21 do not make this clear and effectively allow any individual to be granted access to his/ her user provided and user activity data without being tied to his/her data portability request. This exposes any third parties' personal data without the safeguards under the proposed data portability provisions.

2. Proposed New section 15A (Deemed consent by notification)

From my perspective, the proposed Opt-out option allows for data collection to occur almost automatically as long as a notice is provided and there is no positive action is required on the individual following the issuance of the opt-out notification by an entity.

It remains safe to assume that many people still do not read the terms on forms relating to data protection/ privacy or ignore direct mail and it would be presumptuous to say that individuals would be pleased to later find out that the organisation can then use their personal data as provided under an opt-out notification. I would say that the above concerns do not change, even if that organisation conducts its own assessment that the intended collection, use or disclosure of personal data for the purpose is not likely to have any adverse effect on that individual.

I respectfully submit that allowing for an opt-out as part of deemed consent would not be a positive development in Singapore data privacy laws, particularly when consent remains as the primary basis for collecting, using and disclosing personal data. In my humble opinion, the adoption of an opt-out approach can only benefit the entity, not the end consumer/ individual. This is easily seen in the global uproar over the Facebook scandal (where it is clear that individuals are concerned with the collection of data / information without prior notification / information embedded within notifications) and the Octopus scandal in Hong Kong (where opt-out approach was effectively seen to be legalising the sale of personal

data).

I wish to thank the MCI/PDPC for giving me an opportunity to review the proposed draft PDP (Amendment) Bill.

Yours faithfully  
Magdalene Teo-Yong