



Delighting You Always

27 May 2020

By Email: [DataRegulation@mci.gov.sg](mailto:DataRegulation@mci.gov.sg)

**Attention:**  
**Ministry of Communications and Information (“MCI”)**  
**Personal Data Protection Commission, Singapore (“PDPC”)**

Dear Sirs,

**Public Consultation for the PDP (Amendment) Bill including Related Amendments to the Spam Control Act (Issued 14 May 2020)**

We refer to the subject matter.

We appreciate and support most of the proposed amendments as they are more aligned with the evolvement of the digital landscape and technological development.

Please find in the Schedule to this letter the feedback from Canon Singapore Pte. Ltd. on selected amendments for your consideration.

Please contact the undersigned at Tel: 6796 3697 or [janette\\_loh@canon.com.sg](mailto:janette_loh@canon.com.sg) should you have any queries.

Thank you.

Yours sincerely,

Janette Loh  
General Counsel  
Legal, IP & Regulatory Division  
Canon Singapore Pte. Ltd.



## Schedule

### **1. Offences relating to egregious mishandling of personal data**

We note from paragraph 33 of the Consultation Paper that MCI/PDPC does not intend the offences to apply where there is recourse under private law eg. in a situation of an ex-employee who removes without authorisation an customer list. We are of the view that this goes against the objective of ensuring that access to and use of any personal data is properly authorised. The individuals to whom the data relates to would likely not have consented to such movement of the data and any subsequent use and should not be prejudiced by the fact that the offences would not apply simply there is recourse under private law as well.

### **2. Data Portability Obligation**

We request MCI / PDPC to ensure the regulations / guidelines cover the following:

- (1) Limits on the period that data relates to (to ensure businesses are not burdened unnecessarily with the obligation of retrieving data that may not be easily retrievable.
- (2) What constitutes “machine-readable format”.
- (3) The right to charge an administrative fee for data porting requests.

### **3. Increased Financial Penalty Cap**

While we understand the need for a stronger deterrent, we are of the view that the threshold based on up to 10% of an organisation’s annual gross turnover in Singapore is too high and should be brought a lower level and closer to the EU’s 4%.

