

Singapore News Flash

November 2013 · www.roedl.com

Singapore's Personal Data Protection Act

The Personal Data Protection Act (the “**Act**”) was enacted in January 2013 and will take effect in phases. Provisions relating to the “Do Not Call” Registry will come into force on 2 January 2014 and the main data protection rules will come into force on 2 July 2014.

The Act governs the collection, use and disclosure of personal data by organisations and seeks to recognize both the right of individuals to protect their personal data and the need of organisations to collect, use or disclose personal data.

What is personal data?

Personal data refers to all data, whether true or not, about an individual who can be identified from that data or from that data and other information to which the organisation has or is likely to have access to.

Such personal data includes an individual's full name, NRIC/FIN/Passport number, mobile/residential telephone number, personal email address, residential address, etc.

To whom does the Act apply?

The Act applies to organisations that collect, use or disclose personal data in Singapore, including organisations that are not physically located in Singapore.

Such organisations include large multinational and local companies, small and medium sized enterprises, startup companies, financial institutions, sole proprietorships, partnerships, non-profit organisations, etc.

What will organisations need to do?

Compliance

Designate a Data Protection Officer who will ensure that the organisation complies with the Act; develop and implement policies to ensure compliance; and establish a complaints' mechanism.

Consent

Obtain consent before collecting, using or disclosing personal data about individuals. Individuals may withdraw their consent at any time.

Purpose

Inform individuals of the purpose(s) for which they are collecting, using or disclosing personal data. The purposes must be such that a reasonable person would consider appropriate in the circumstances and the individual must have been informed of the purpose(s) on or before collecting the data.

Access to and correction of personal data

Provide individuals with access to their personal data and correct inaccurate personal data about the individuals, unless there are reasonable grounds to refuse to do so.

Care of personal data

Make reasonable efforts to ensure that personal data collected is accurate and complete; protect personal data in its possession or under its control by making reasonable security arrangements; and cease to retain or anonymize documents containing personal data once the purpose for which it was collected is no longer necessary and retention is no longer required for legal or business purposes. Not transfer any personal data outside Singapore except in accordance with the requirements of the Act.

The Data Protection Commission

The Data Protection Commission oversees the implementation of the Act and has powers to refer any matter to mediation; review complaints; give directions to ensure compliance; apply for directions to be registered in a District Court for the purposes of enforcement; and initiate investigations regarding non-compliance.

Penalties

Punishment for offenses under the Act may result in fines of up to SGD 1 million and imprisonment for up to 3 years.

The introduction of “Do Not Call” Registry

The Act introduces a “Do Not Call” Registry whereby individuals who wish to opt-out of receiving messages (i.e. telephone call, mobile text message, fax) of a marketing nature, so called “specified messages” will be able to do so by registering their Singapore telephone number to the Registry.

Such messages include those that aim to advertise, promote or offer goods and services; land or an interest in land; a business or an investment opportunity; or a supplier or provider, or a prospective supplier or provider, of goods or services, land or an interest in land or a business or an investment opportunity.

The Act imposes a duty on organisations to check the Registry to verify that the number is not registered before sending a specified message. The specified message must include the contact information of the sender; and the calling line identity of the sender must not be concealed.

Our Services

How well does your organisation protect personal data? We can assist you in reviewing your organisation’s data protection policies and assess the key activities your organisation needs to start working on in order to be in compliance with the Act.

Singapore News Flash, November 2013

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