



PERSONAL DATA  
PROTECTION COMMISSION  
S I N G A P O R E

**PUBLIC CONSULTATION ISSUED BY THE PERSONAL DATA PROTECTION  
COMMISSION**

**PROPOSED ADVISORY GUIDELINES ON KEY CONCEPTS AND SELECTED  
TOPICS IN THE PERSONAL DATA PROTECTION ACT**

**COVER NOTE**

**05 FEBRUARY 2013**

## GUIDELINES CONSULTATION COVER NOTE

1. The Personal Data Protection Act 2012 (the “**PDPA**”) establishes a new general data protection law in Singapore which governs the collection, use and disclosure of individuals’ personal data by organisations. The Personal Data Protection Commission (the “**Commission**”) is established under the PDPA with the key functions, amongst others, of promoting awareness of data protection in Singapore and administering and enforcing the PDPA.
2. Under Clause 49 of the PDPA, the Commission may, from time to time, issue written advisory guidelines (“**Guidelines**”) indicating the manner in which the Commission will interpret the provisions of the PDPA. The intention of the Guidelines is to provide organisations with greater clarity on the provisions of the PDPA.
3. In this consultation the Commission is proposing to issue two sets of guidelines:
  - (a) The first set, “Advisory Guidelines on Key Concepts in the Personal Data Protection Act” (‘Key Concepts Guidelines’) elaborates on the key concepts in the PDPA including the interpretation of key terms like the definition of personal data, key obligations of organisations under the PDPA including the obligations to obtain consent for the collection, use and disclosure of personal data and the treatment of existing data.
  - (b) The second set, “Advisory Guidelines on the Personal Data Protection Act for Selected Topics” (‘Selected Topics Guidelines’) explain how the PDPA applies to particular issues which may be of specific concern to businesses and members of the public. The Commission will continually assess the need to issue guidelines in future on other topics to facilitate understanding and compliance of the PDPA obligations. The Selected Topics Guidelines should be read in conjunction with the Key Concepts Guidelines.
4. All Guidelines issued by the Commission are advisory in nature and are not legally binding on the Commission or any other party. They do not modify or supplement in any way the legal effect and interpretation of any laws cited including, but not limited to, the PDPA and any subsidiary legislation (such as regulations and rules) issued under the PDPA. Accordingly, these Guidelines shall not be construed to limit or restrict the Commission’s administration and enforcement of the PDPA. The provisions of the PDPA and any regulations or rules issued thereunder will prevail over these Guidelines in the event of any inconsistency. The Guidelines do not constitute legal advice.
5. Organisations should also refer to the consultation on the ‘Proposed Regulations on Data Protection for Singapore’, which prescribes in greater detail certain aspects of the PDPA, including organisations’ obligations in relation to providing access to and the correction of personal data and the representation of minors.

6. In addition, the Commission will be publishing the operational details for the Do Not Call (“DNC”) registry in due course including details on how organisations should check with the DNC registry, applicable fees and other details. These proposed Guidelines do not cover these operational details.

## **SUBMISSION OF COMMENTS**

7. The Commission would like to seek the views and comments on the proposed Guidelines as well as other areas or issues that organisations would like further guidance on.
8. Parties that submit comments on this consultation paper should organise their submissions as follows:
  - i. Cover page (including particulars of the organisation and contact person);
  - ii. Summary of major points;
  - iii. Comments; and
  - iv. Conclusion.

Supporting material may be placed in an Annex.

9. All submissions should be clearly and concisely written, and should provide a reasoned explanation for any proposed revisions. Where feasible, parties should identify the specific section on which they are commenting and explain the basis for their proposals.

### **10. All submissions should reach the Commission by 19 March 2013 (5pm).**

#### **Comments should be submitted:**

- i. In soft copy (in Microsoft Word format)
  - ii. with the email header “Public Consultation on proposed Advisory Guidelines in the PDPA”,
  - iii. to the following e-mail address: [pdpc\\_consultation@pdpc.gov.sg](mailto:pdpc_consultation@pdpc.gov.sg)
11. The Commission reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the submission that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If the Commission grants confidential treatment it will consider, but will not publicly disclose, the information. If the Commission rejects the request for confidential treatment, it will return the information to the party that submitted it and will not consider this information as part of its review. As far as possible, parties should limit any request for confidential treatment of information submitted. The Commission will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.