Overview of PDPA

Collection
- Individuals have to give consent, unless authorised under other laws or covered by one of the exemptions
- Based on purposes specified, except where consent is deemed
- Consent can be withdrawn at any time
- Organisations cannot require individual to consent to unreasonable practices as a condition for supplying goods/services
- Existing personal data “grandfathered”
- Transfer outside Singapore regulated

Use
- Appropriate security safeguards*
- Reasonable effort to ensure accuracy of data
- Right to access and correction

Disclosure
- Review/update existing security measures
- Implement mechanism to ensure accuracy of personal data (e.g. self-update facility)
- Develop processes to deal with access/correction requests and complaints

Retention
- Delete or anonymise when no longer required for statutory/business purpose*

Destruction
- Purge personal data no longer required for business or legal purposes from system
- Set up processes for regular spring-cleaning of personal data

Obligations

Compliance
- Identify and designate individual responsible for ensuring compliance with PDPA
- Conduct audit and gap analysis
- Draft/review policies dealing with treatment of personal data
- Implement policies for obtaining consent and acting on withdrawal of consent
- Conduct training to familiarise employees with best practices
- Identify pre-existing personal data that will be grandfathered and map purposes for processing to such personal data
- Review contractual arrangements with data processors outside Singapore

* Only obligations on data intermediaries

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Overview of DNC Registry

- Free of charge
- CLI or manual registration with proof of ownership
- Singapore numbers including business numbers
- 3 separate registers for phone, messages (SMS/MMS/IM) and fax
- Registration does not expire; number only removed if registration is withdrawn or line is terminated
- Duty to check against DNC list before sending specified message
- Check must be performed within preceding 30 days*
- Tiered subscription fees payable
- No specified message sent unless clear and unambiguous consent has been obtained
- B2B calls exempted
- CLI not to be concealed

* 60 days in the first 6 months

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Employee Data

No consent or notification required

- If employer can fall within one of the relevant exemptions for the collection, use and disclosure of personal data, for example:
  - for “evaluative purposes” i.e. determining the suitability, eligibility or qualifications of individual for employment, promotion, termination etc.
  - personal data is “publicly available”
  - personal data is collected by or disclosed to counterparty in a “business asset transaction” and various conditions are adhered to

Notification but no consent required

- If personal data is collected, used or disclosed by employer for the purpose of managing or terminating an employment relationship, provided that:
  - the collection is reasonable for such purpose
  - such purpose is notified to the employee
  - business contact information of person able to answer queries on the employer’s data collection practices is provided to employee upon request

Notification and consent required

- If employer is unable to rely on any of the foregoing exemptions and collection, use or disclosure of personal data is not authorised by other laws

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