

## ***Data Protection and Cybersecurity Law Update***

*PDPC explains: How to handle NRIC numbers & when can you obtain it<sup>1</sup>*

### Overview

On 31 August 2018, the Personal Data Protection Commission (PDPC) issued a set of Advisory Guidelines for NRIC and Other National Identification Numbers. The NRIC number of an individual is considered personal data as it is a way to identify the individual. These Guidelines not only apply to physical NRIC but also other identification documents such as driver's license, passport and work pass. Accordingly, organisations are generally not allowed to collect, use or disclose these numbers save for in certain exceptions.

### Recap of the relevant obligations under the PDPA

Under the Personal Data Protection Act 2012 (PDPA), Section 13-17 (Consent Obligation), Section 18 (Purpose Limitation) and Section 20 (Notification Obligation) require organisations to notify the individual the purpose for the collection, use or disclosure of his or her personal data and obtain his or her consent to do so. On the other hand, Section 24 of the PDPA (Protection Obligation) requires organisations to ensure reasonable security level to protect all personal data in their possession or under their control. Under Section 25 of the PDPA (Retention Limitation Obligation), organisations have to cease any retention of any documents containing personal data as soon as the personal data is no longer of use to the organisation. It is thus recommended for organisations to regularly review all personal data in their possession or under control to determine if the data is still needed.

### Treatment of NRICs and other national identification numbers

There are 2 specified circumstances that NRIC may be collected, used and/or disclosed, as follows:-

1. Where required under the law (or an exception under the PDPA applies); and
2. Where it is necessary to accurately establish or verify the identities of the individuals to a high degree of fidelity.

Under the first circumstance, permissible instances would be when seeking medical treatment at a clinic, for employment purposes, checking into a hotel, subscribing to a mobile telephone line with a telecommunications service provider, receiving massage services and certain others. Typically, these service providers are obliged to collect and process the NRIC numbers under other relevant legislations.

Under the second circumstance, permissible instances would be when failure to accurately identify and verify the identities of the individuals to a high degree of fidelity would pose a significant safety or security risk or pose a risk of significant impact or harm to an individual

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and or organisation. An example given to illustrate the foregoing could be when a visitor enters a preschool and it would then be more important to ensure the safety and security of young children, or even when background credit checks with credit bureau would be necessary.

In any event, organisations should:-

- (a) assess whether their situation meets the above considerations before collecting an individual's NRIC;
- (b) be able to provide justification upon the individual's or PDPC's request as to the collection of the NRIC;
- (c) seriously consider whether they are collecting excessive personal data for the intended purpose and should generally not retain an individual's physical NRIC unless it is required under the law; and
- (d) where possible, adopt alternatives to the individual's NRIC number or copy of NRIC.

An example of an alternative referred to at (d) above would be to create an organisation or user-generated ID or to collect partial NRIC numbers (up to the last numerical digits and checksum) of the NRIC. This lowers the risk of potential unauthorised disclosure or use of personal data, but organisations must still arrange for reasonable security to protect the data in their possession nonetheless.

## Conclusion

These Guidelines will take effect from 1 September 2019 to allow organisations time to review and implement any necessary changes to their existing business practices to comply with the new guidelines. It is therefore good practice to get started in getting compliant as early as possible. These very much needed Guidelines are welcomed as many businesses in Singapore today are still very reliant on obtaining NRIC numbers in providing their services, whether justifiable or otherwise. While there is now no doubt that one would have to disclose his/her NRIC when getting a massage in Singapore, it is also clear that when buying tobacco at a convenience store, presenting one's physical NRIC to verify one's age to the cashier would not be considered as a collection of personal data as long as the physical NRIC is returned to the purchaser and verification is done by simply looking at it.

*Should you have any queries as to how this update may affect you or your organisation or require further information, please do not hesitate to email us.*



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*This article is intended to discuss the clarity given to the treatment of NRIC by organisations under the PDPA, and it is not intended to be comprehensive nor should it be construed as legal advice.*