



## **PERSONAL DATA PROTECTION ACT (2012)**

### **Objectives**

The PDPA is a general data protection law governing the collection, use and disclosure of individual's personal data by organisations. Under PDPA, the Personal Data Protection Commission (the "PDPC") was set up to administer and enforce the Act. Essentially, the Act aims to safeguard individuals' personal data against misuse, by regulating the proper management of personal data.

### **The Personal Data Protection Commission (PDPC)**

The PDPC is a statutory body established on 2 January 2013 by Singapore Government to administer and enforce the Personal Data Protection Act 2012 (PDPA). PDPC's roles include undertaking public education and engagement programmes to help organisations understand and comply with the PDPA as well as to promote greater awareness of the importance of personal data protection in Singapore.

### **Do Not Call ("DNC") Registry**

The PDPA also paves the way for the establishment of the DNC Registry, a regime that allows individuals to opt-out of marketing messages addressed to their Singapore telephone numbers, including mobile, fixed-line, residential and business numbers, registered with the registry. This regime is focused on telemarketing calls or messages of commercial nature and does not include messages for pure market survey or research; messages that promote charitable or religious causes; personal messages sent by individuals; public messages sent by government agencies; and political messages. The list of messages that are excluded under the PDPA can be found in the Eighth Schedule of the Act.

Further, the PDPA requires all specified marketing messages to clearly identify the sender of the messages, and to contain the contact details of the sender.

### **Regulating the use of Personal Data**

Under PDPA, organisations will now be required to notify and obtain consents from individuals with regards to the purposes for which their personal data would be collected, used or disclosed. An organization may continue to use such personal data for the purposes for which it was collected unless the individuals inform the organisations otherwise.

Alternatively, consumers may register their unwillingness to be contacted on their Singapore telephone numbers on the DNC Registry. Registration begins on December 2, 2013, and will be made available at <http://www.dnc.gov.sg/index.html>.

### Registrations by Individuals

There are three (3) registers on the DNC Registry. Individuals will be able to register their Singapore number on one or more registers deemed necessary:-

- i. No Voice Call Register;
- ii. No Text Message Register; and
- iii. No Fax Message Register.

There are 3 modes to register mobile number with the DNC Registry:

- i. Online registration via the DNC Registry website at [www.dnc.gov.sg](http://www.dnc.gov.sg)
- ii. SMS registration using your mobile phone by sending “DNC” to the short codes below
- iii. Phone registration via PDPC’s toll free numbers below

Short code	Toll Free Number	Action
78772	1800 248 0772	Register on all 3 Registers
78773	1800 248 0773	Register on No Voice Call Register
78774	1800 248 0774	Register on No Text Message Register
78771	1800 248 0771	Other options (including deregistration)

### Verifications by Organisations

Organisations sending marketing messages to Singapore telephone numbers will need to:-

- i. **Check with the DNC Registry**, unless they have the recipients’ clear and unambiguous consent in written or other accessible form for sending the marketing message to the Singapore telephone number;

- ii. **Include clear and accurate information identifying the organisation as well as contact details** within the fax and text message. This allows the recipient to contact them for clarifications, if necessary;
- iii. Ensure that the **calling identity, or phone number from which the message is sent out from, is not concealed** when making voice calls.

For verifications as to the status of a Singapore number (whether registered or not under the DNC Registry), organisations may apply for a main account at the DNC Registry's via its website at <http://www.dnc.gov.sg/index.html>.

### **Enforcement of the DNC provisions**

An organisation that contravenes the DNC provisions in the PDPA will commit an offence and will be liable, on conviction to a fine of an amount not exceeding S\$10,000 for each offence.

An organisation or a person is also guilty of an offence if any of the following is committed:

- i. If the organisation or person with an intent to evade a request for access or correction under the PDPA, disposes of, alters, falsifies, conceals or destroys, or directs another person to dispose of, alter, falsify, conceal or destroy, a record containing personal data or information about the collection, use or disclosure of personal data;
- ii. If the organisation or person obstructs the PDPC or an authorised officer in the performance of their duties or exercise of their powers under the PDPA;
- iii. If the organisation or person knowingly or recklessly makes a false statement to the PDPC, or knowingly misleads or attempts to mislead the PDPC, in the course of the performance of its duties or powers under the PDPA; and
- iv. If a person makes a request under the PDPA to obtain access to or to change the personal data of another individual without that individual's authority.

PDPA will come into effect on 2 July 2014 and the DNC Registry provisions will come into effect on 2 January 2014. During the transition period, the PDPC will undertake public education and outreach efforts to ensure that both the organisations and public are ready when the PDPA comes into effect. At the same time, it will be prudent for all private sectors organisations to speed up the necessary compliance measures in light of the impending deadline.

This article is intended to highlight the DNC regime related to the PDPA introduced recently in Singapore, and is not intended to be comprehensive nor should it be construed as legal advice.

Please note that should you need to discuss how the PDPA will affect your organisation or require more information concerning the PDPA, our following Directors at Gateway Law Corporation would be glad to assist you.

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