
Government Personal Data Protection Policies

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The Government takes its responsibility as a custodian of data very seriously.

Data management in the public sector is governed by the **Public Sector (Governance) Act** (“PSGA”) and the **Government Instruction Manual on Infocomm Technology & Smart Systems Management** (“IM on ICT&SS Management”). The **Personal Data Protection Act** (“PDPA”) applies to the private sector.

The need for two different legal frameworks governing data management in the public and private sectors arises because the public has different expectations of the services provided by the Government and the private sector. The public expects the Government to deliver services in an integrated manner across agencies. In contrast, each private sector organisation is expected to be individually accountable for the personal data in its possession, and there is no expectation of a similarly integrated delivery of services across different private sector organisations.

Since 2001, the Government's data security policies have been set out in the IM on ICT&SS Management. The IM on ICT&SS Management sets out how the Government manages and protects data (including personal data) in its possession or control. In 2018, the PSGA was enacted to further strengthen public sector data governance. The PSGA imposes criminal penalties on public officers who (a) knowingly or recklessly disclose data without authorisation; (b) misuse data that results in personal gain for the public officer or another person, or harm or loss to another person; and (c) knowingly or recklessly re-identify anonymised information without authorisation.

This document sets out the key policies in the IM on ICT&SS Management that govern how personal data is managed and protected by agencies.

These policies apply to all personal data (in electronic (structured and unstructured) and non-electronic forms) possessed, controlled, or processed by an agency, except:

- (a) Personal data of a deceased individual (However, provisions relating to the disclosure of personal data and protection of personal data shall apply in respect of the personal data of an individual who has been dead for 10 or less years.); and
- (b) Business contact information.

Glossary of Terms

01	Benefit plan	An insurance policy, a pension plan, an annuity, a provident fund plan or other similar plan
02	Business	Includes the activity of any organisation, whether or not carried out for the purposes of gain, or conducted on a regular, repetitive or continuous basis, but does not include an individual acting in his personal or domestic capacity
03	Business contact information	An individual's name, position name or title, business telephone number, business address, business electronic mail address or business fax number and any other similar information about the individual, not provided by the individual solely for his personal purposes
04	Domestic	Related to home or family
05	Education institution	Any organisation that provides education, including instruction, training or teaching, whether by itself or in association or collaboration with or by affiliation with any other person

Evaluative purpose means:

- (a) for the purpose of determining the suitability, eligibility or qualifications of the individual to whom the data relates
 - (i) for employment or for appointment to office;
 - (ii) for promotion in employment or office or for continuance in employment or office;
 - (iii) for removal from employment or office;
 - (iv) for admission to an education institution;
 - (v) for the awarding of contracts, awards, bursaries, scholarships, honours or other similar benefits;
 - (vi) for selection for an athletic or artistic purpose; or
 - (vii) for grant of financial or social assistance, or the delivery of appropriate health services, under any scheme administered by an agency;
- (b) for the purpose of determining whether any contract, award, bursary, scholarship, honour or other similar benefit should be continued, modified or cancelled;
- (c) for the purpose of deciding whether to insure any individual or property or to continue or renew the insurance of any individual or property; or
- (d) for such other similar purposes for which a data-sharing direction is issued under Section 4 of the Public Sector (Governance) Act 2018.

07	Individual	A natural person, whether living or deceased
08	Investigation	An investigation relating to: <ul style="list-style-type: none"> (a) a breach of an agreement; (b) a contravention of any written law, or any rule of professional conduct or other requirement imposed by any regulatory authority in exercise of its powers under any written law; or (c) a circumstance or conduct that may result in a remedy or relief being available under any law.
09	National interest	Includes national defence, national security, public security, the maintenance of essential services and the conduct of international affairs
10	Non-Government entity	Refers to a person other than an agency
11	Organisation	Any individual, company, association or body of persons, corporate or unincorporated, whether or not – <ul style="list-style-type: none"> (a) formed or recognised under the law of Singapore; or (b) resident, or having an office or a place of business, in Singapore.

- 12 Personal data Data, whether true or not, about an individual who can be identified –
- (a) from that data, or
 - (b) from that data and other information to which the agency has or is likely to have access.
- 13 Private trust A trust for the benefit of one or more designated individuals who are friends, or members of the family, of the settlor
- 14 Proceedings Any civil, criminal or administrative proceedings by or before a court, tribunal or regulatory authority that is related to the allegation of –
- (a) a breach of an agreement;
 - (b) a contravention of any written law or any rule of professional conduct or other requirement imposed by any regulatory authority in exercise of its powers under any written law; or
 - (c) a wrong or a breach of a duty for which a remedy is claimed under any law.

15

Processing

Refers to the carrying out of any operation or set of operations in relation to the personal data, and includes any of the following:

- (a) collection;
- (b) compilation;
- (c) recording;
- (d) holding;
- (e) organisation, adaptation or alteration;
- (f) storage;
- (g) retrieval;
- (h) combination;
- (i) transmission; or
- (j) erasure or destruction.

16

Publicly available

In relation to personal data about an individual, means personal data that is generally available to the public, and includes personal data which can be observed by reasonably expected means at a location or an event –

- (a) at which the individual appears; and
- (b) that is open to the public.

General rules with Respect to Protection of Personal Data

- 01 An agency shall ensure that up-to-date policies and processes that adhere to all the provisions in this policy are implemented within the agency and when transferring data to any other organisation.
- 02 An agency shall implement processes to receive and address, within a reasonable time, enquiries or feedback about the agency's policies and processes relating to the processing of personal data.
- 03 An agency shall make available information about its policies and processes with respect to the processing of personal data through a privacy statement to be displayed on its digital services.
- 04 An agency shall allow an individual to seek clarification on the agency's policies and processes relating to the processing of personal data through the agency's Quality Service Manager (or equivalent).

Collection, Use and Disclosure of Personal Data

Consent

05

Before an agency collects, uses or discloses personal data, the agency shall check whether there are any laws governing or prohibiting such collection, use or disclosure. Subject to any such laws, the agency shall not:

- (a) collect or use personal data, as the case may be, unless:
 - i. such collection or use is for any of the purposes in Section 4 of the Public Sector (Governance) Act and to the extent required by any Ministerial Direction issued under the Act, and the agency that is collecting or using the personal data is a Singapore public sector agency as defined in Section 2 of the Act;
 - ii. such collection or use is authorised by any law or required by order of court;
 - iii. such collection or use is necessary in the public interest (including without limitation national interest);
 - iv. such collection or use is permitted without consent by the exclusions in Annex A or Part I of Annex B and complies with all applicable legal obligations; or
 - v. the individual that the personal data relates to, gives, or is deemed to give, his consent to the collection or use (as applicable) of his personal data by the agency for the purposes set out in paragraph 21;

(b) disclose personal data unless:

- i. such disclosure is for any of the purposes in Section 4 of the Public Sector (Governance) Act and to the extent required by any Ministerial Direction issued under the Act, and the disclosing agency is a Singapore public sector agency as defined in Section 2 of the Act;
- ii. such disclosure is authorised by any other law or required by order of court;
- iii. such disclosure is necessary in the public interest (including without limitation national interest);
- iv. such disclosure is permitted without consent by the exclusions in Annex A or Part 2 of Annex B, and such disclosure complies with all applicable legal obligations; or
- v. the individual that the personal data relates to, gives, or is deemed to give, his consent to the disclosure of his personal data by the agency for the purposes set out in paragraph 21.

06

Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall obtain the consent at or before the time of processing. Where the agency wants to use data for a purpose not previously identified, consent to the use for that purpose may be obtained after the data is collected but before use. Where the data collected may be shared with another agency for another function or purpose, the agency shall notify the individual as such at the point of collection.

07

Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall not, as a condition of the supply of a product or service or the administration of a public programme or scheme, require an individual to consent to the collection, use or disclosure of personal data about the individual beyond what is reasonable to supply the product or service to the individual, or to administer the public programme or scheme.

08

Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall not obtain the consent through deception or by providing misleading or incomplete information.

09

Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall obtain consent directly from the individual or any person validly acting on behalf of that individual.

Deemed Consent

10

An individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an agency for a purpose if: –

- (a) the individual, without actually giving consent, voluntarily provides the personal data to the agency for that purpose; and
- (b) it is reasonable that the individual would voluntarily provide the data.

11

If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one agency to another agency or a non-Government entity (NGE) for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal data for that particular purpose by that other agency or NGE.

12

Without prejudice to paragraph 11 and subject to paragraph 18, an individual (P) who provides personal data to an agency (A) with a view to P entering into a contract with A is deemed to consent to the following where reasonably necessary for the conclusion of the contract between P and A:

- (a) the disclosure of that personal data by A to another agency or NGE (such agency or NGE referred to as "B");
- (b) the collection and use of that personal data by B;
- (c) the disclosure of that personal data by B to another agency or NGE.

13 Where an agency collects personal data disclosed to it by B under paragraph 12(c), both paragraphs 12(b) and (c) apply to the agency as if the personal data were disclosed by A to the agency under paragraph 12(a).

14 Paragraphs 12 and 13 apply to personal data provided before 1 July 2021 by an individual to an agency with a view to the individual entering into a contract with the agency –

- (a) on or after 1 July 2021; or
- (b) which contract was entered into before 1 July 2021 and remains in force on that date (i.e. 1 July 2021),

as if paragraphs 12 and 13 –

- (c) were in force when the personal data was so provided; and
- (d) had continued in force until 1 July 2021.

15 Without limiting paragraph 11 and subject to paragraph 18, an individual (P) who enters into a contract with an agency (A) and provides personal data to A pursuant or in relation to that contract is deemed to consent to the following:

- (a) the disclosure of that personal data by A to another agency or NGE (such agency or NGE referred to as “B”), where the disclosure is reasonably necessary –
 - (i) for the performance of the contract between P and A; or
 - (ii) for the conclusion or performance of a contract between A and B which is entered into at P’s request, or which a reasonable person would consider to be in P’s interest;
- (b) the collection and use of that personal data by B, where the collection and use are reasonably necessary for any purpose mentioned in paragraph (a);
- (c) the disclosure of that personal data by B to another agency or NGE, where the disclosure is reasonably necessary for any purpose mentioned in paragraph (a).

16 Where an agency collects personal data disclosed to it by B under paragraph 15(c), both paragraphs 15(b) and (c) apply to the agency as if the personal data were disclosed by A to the agency under paragraph 15(a).

17 Paragraphs 15 and 16 apply to personal data provided before 1 July 2021 by an individual to an agency in relation to a contract that the individual entered into before that date with the agency, and which remains in force on that date, as if paragraphs 15 and 16 –

(a) were in force when the personal data was so provided; and

(b) had continued in force until 1 July 2021.

18 Paragraphs 12, 13, 14, 15, 16 and 17 do not affect any obligation under the contract between P and A that specifies or restricts –

(a) the personal data provided by P that A may disclose to another agency or NGE; or

(b) the purposes for which A may disclose the personal data provided by P to another agency or NGE.

Withdrawal of Consent

19 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, and where the individual gives reasonable notice to the agency, the agency shall allow the individual to withdraw consent at any time, subject to legal or contractual restrictions or public interest requirements. On receipt of such notice, the agency shall inform the individual of the likely consequences of withdrawing his consent.

20

Subject to the requirements of the retention of personal data, if the agency allows the individual to withdraw consent to the collection, use or disclosure of personal data about the individual pursuant to paragraph 19, the agency shall cease collecting, using or disclosing the personal data, as the case may be, unless such collection, use or disclosure, as the case may be, without the consent of the individual is pursuant to paragraph 5.

Purpose

21

An agency shall collect, use or disclose personal data about an individual only for purposes: –

(a) that:

(i) are aligned to the purposes for which a Ministerial Direction is issued under the Public Sector (Governance) Act; or

(ii) are authorised by law or required by order of court; or

(iii) are necessary in the public interest (including without limitation national interest); or

(iv) are permitted without consent by the exclusions in Annex A and Annex B and the collection, use or disclosure complies with all applicable legal obligations; or

(v) the individual has given, or is deemed to have given, consent to, and

(b) that the individual has been informed of under paragraph 22, if applicable.

Notification of Purpose

22

An agency shall inform the individual of: –

- (a) the purposes for the collection, use or disclosure of the personal data, as the case may be, on or before collecting the personal data; and
- (b) any other purpose of the use or disclosure of the personal data of which the individual has not been informed under paragraph (a), before the use or disclosure of the personal data for that purpose.

23

The requirement to inform the individual of the purposes shall not apply if: –

- (a) the individual is deemed to have consented to the collection, use or disclosure, as the case may be, for such purposes; or
- (b) the agency collects, uses or discloses the personal data without the express consent of the individual in accordance with paragraph 5.

24

Despite paragraph 23, an agency shall comply with paragraph 25 on or before collecting, using or disclosing personal data about an individual for the purpose of or in relation to the agency –

- (a) entering into an employment relationship with the individual or appointing the individual to any office; or
- (b) managing or terminating the employment relationship with or appointment of the individual.

25

For the purposes of paragraph 24, the agency shall inform the individual of the following:

- (a) the purpose for which the agency is collecting, using or disclosing (as the case may be) the personal data about the individual;
- (b) on request by the individual, the contact information of a person who is able to answer the individual's questions about that collection, use or disclosure (as the case may be) on behalf of the agency.

26

An agency shall take reasonable and practical steps to keep up-to-date documentation of the purposes for which personal data is collected, used and disclosed.

Access to and Correction of Personal Data

Access to Personal Data

27

Subject to paragraphs 28, 29 and 31, on request of an individual, an agency shall, as soon as reasonably possible, provide the individual with: –

- (a) personal data about the individual that the individual has earlier provided to the agency; and
- (b) information about the ways in which the personal data referred to in paragraph (a) has been or may have been used or disclosed by the agency in the last 12 months prior to the date of the request.

28

An agency shall not be required to comply with paragraph 27 if any of the exceptions in Annex C apply.

29

An agency shall not provide an individual with the individual's personal data or the information about the ways in which the personal data has been or may have been used or disclosed if the provision of that personal data or other information, as the case may be, could reasonably be expected to –

- (a) threaten the safety or physical or mental health of an individual other than the individual who made the request;
- (b) cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;

- (c) reveal personal data about another individual;
- (d) reveal the identity of an individual who has provided personal data about another individual and the individual providing the personal data does not consent to the disclosure of his identity; or
- (e) be contrary to the national interest.

30 If an agency is able to provide the individual with the individual's personal data and other information requested under paragraph 27 without providing the personal data and other information excluded under paragraphs 28, 29 and 31, the agency shall do so.

31 An agency shall not inform any individual under paragraph 27(b) that the agency has disclosed personal data about the individual to a law enforcement agency if the disclosure was made under any written law without the consent of the individual.

32 Where –

- (a) an individual makes a request under paragraph 27 to an agency on or after 1 July 2021; and
- (b) the agency, by reason of paragraphs 28 or 29, does not provide an individual with the individual's personal data or other information requested under paragraph 27,

the agency shall, within the time stated in paragraphs 27 and 35, and in accordance with the stated requirements in paragraph 33, notify the individual of the rejection.

33 Subject to paragraphs 28, 29 and 31, an agency shall respond to each request made to it under paragraph 27 on or after 1 July 2021 as accurately and completely as necessary and reasonably possible.

34

An agency shall provide an applicant access to the applicant's personal data requested under paragraph 27 on or after 1 July 2021 –

- (a) by providing the applicant with a copy of the personal data and use and disclosure information in documentary form;
- (b) if sub-paragraph (a) is impracticable in any particular case, by allowing the applicant a reasonable opportunity to examine the personal data and use and disclosure information; or
- (c) in any other form requested by the applicant as is acceptable to the agency.

35

Subject to the requirement to comply with paragraph 27 as soon as reasonably possible, if an agency is unable to comply with that requirement within 30 days after receiving a request made in accordance with paragraph 36, the agency shall within that time inform the applicant in writing of the time by which it will respond to the request.

36

An agency shall only respond to requests which meet the following requirements:

- (a) The request is made in writing and includes sufficient detail to enable the agency, with a reasonable effort, to identify –
 - (i) the applicant making the request; and
 - (ii) in relation to a request under paragraph 27, the personal data and use and disclosure information requested by the applicant.

and

- (b) The request is sent to the agency –
 - (i) by sending the request to the agency's Quality Service Manager (or equivalent); or
 - (ii) in any other manner that is acceptable to the agency.

37

Where –

- (a) an individual makes a request under paragraph 27 to an agency on or after 1 July 2021; and
- (b) the agency provides the individual, in accordance with paragraph 30, with the individual's personal data or other information requested under paragraph 27,

the agency shall notify the individual of the exclusion, under paragraphs 28 or 29, of any of the personal data or other information so requested.

Correction of Personal Data

38

An individual may request an agency to correct an error or omission in the personal data about the individual that the individual has earlier provided to the agency.

39

Subject to the requirement to comply with paragraph 41 as soon as practicable, if an agency is unable to comply with that requirement within 30 days after receiving a request made in accordance with paragraph 40, the agency shall within that time inform the applicant in writing of the time by which it will respond to the request.

40

An agency shall only respond to requests which meet the following requirements:

- (a) The request is made in writing and includes sufficient detail to enable the agency, with a reasonable effort, to identify –
 - (i) the applicant making the request; and
 - (ii) in relation to a request under paragraph 38, the correction requested by the applicant.

and

- (b) The request is sent to the agency –
 - (i) by sending the request to the agency's Quality Service Manager (or equivalent); or
 - (ii) in any other manner that is acceptable to the agency.

41

Unless the agency is satisfied on reasonable grounds that a correction should not be made, the agency shall –

- (a) correct the personal data as soon as practicable; and
- (b) send the corrected personal data to any other organisation (whether an agency or a NGE) to which the personal data was disclosed in the last 12 months prior to the date the correction was made, unless the other organisation informs the agency (or the agency is otherwise aware) that it no longer needs the data for legal or business purposes.

42

An agency shall not be required to comply with paragraphs 41, 43 and 44 in respect to the matters specified in Annex D.

43 In relation to a request made under paragraph 38, if no correction is made, the agency shall annotate the personal data with the correction that was requested but not made.

44 When an agency is notified of a correction of personal data by another agency or any other organisation, the receiving agency shall correct the personal data in the agency's possession or under the agency's control unless the agency is satisfied on reasonable grounds that the correction should not be made.

Preservation of Copies of Personal Data

45 Where –

- (a) an individual, on or after 1 July 2021, makes a request under paragraph 27(a) to an agency to provide personal data about the individual that is in the possession or under the control of the agency; and
- (b) the agency rejects the request to provide that personal data,

the agency shall preserve, for not less than 30 days from the agency's rejection, a copy of the personal data concerned.

46 The agency shall ensure that the copy of the personal data it preserves for the purposes of paragraph 45 is a complete and accurate copy of the personal data concerned.

Care of Personal Data

- 47 An agency shall take reasonable and practical steps to ensure that all data, including personal data, in their possession exhibit the characteristics of quality data, as necessary for the purpose for which they are used. Quality data is:
- (a) accurate;
 - (b) consistent;
 - (c) timely;
 - (d) relevant; and
 - (e) complete.

Retention of Personal Data

- 48 Subject to paragraph 49, an agency shall retain personal data that has been used to make a decision about an individual for a long enough period to allow the individual access to the data after the decision has been made.
- 49 An agency shall retain personal data only for the period necessary for the fulfilment of the purposes for which it was collected unless there is a requirement specified in legislation or in the IM on Office Admin: Management of Public Records to retain the personal data for archival or any other purposes.

Responsibilities of Public Officers

- 50 Officers shall be mindful of the requirements of the Official Secrets Act and Statutory Bodies and Government Companies (Protection of Secrecy) Act, which prohibit unauthorised disclosure of certain information held by virtue of a person's office or position in the Government or such entity. (These prohibitions apply regardless of whether the information was obtained directly from the public or from another agency). In addition, officers shall be mindful of their obligations set out in the Public Sector (Governance) Act, which criminalises the acts of knowing or reckless unauthorised disclosure of data, misuse of data for a gain to himself/other individual or for a harm or loss to another individual and knowing or reckless unauthorised re-identification of anonymised data.
- 51 An agency shall ensure that all their officers are informed of their responsibilities and liabilities (i.e. that they should not access, use, disclose or retain personal data for purposes other than the performance of their duties of employment, and that failure to comply may be criminal offence and may rise to disciplinary action against the officer).

Annexes

- Annex A Collection, Use and Disclosure of Personal Data without Consent
- Annex B Additional Bases for Collection, Use and Disclosure of Personal Data Without Consent
- Annex C Exceptions from Access Requirement
- Annex D Exceptions from Correction Requirement

Annex A - Collection, Use and Disclosure of Personal Data without Consent

PART 1 - VITAL INTERESTS OF INDIVIDUALS

- 01
- (1) Subject to sub-paragraph (2), the collection, use or disclosure (as the case may be) of personal data about an individual is necessary for any purpose which is clearly in the interests of the individual, and –
 - (a) consent for the collection, use or disclosure (as the case may be) cannot be obtained in a timely way; or
 - (b) the individual would not reasonably be expected to withhold consent.
 - (2) Where the agency collects, uses or discloses (as the case may be) personal data about the individual under sub-paragraph (1), the agency must, as soon as is practicable, notify the individual of the collection, use or disclosure (as the case may be) and the purpose for the collection, use or disclosure, as the case may be.

- 02
- The collection, use or disclosure (as the case may be) of personal data about an individual is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual.

03

The collection, use or disclosure (as the case may be) of personal data about an individual, where –

- (a) consent for the collection, use or disclosure (as the case may be) cannot be obtained in a timely way; and
- (b) there are reasonable grounds to believe that the health or safety of the individual or another individual will be seriously affected.

04

The collection, use or disclosure of personal data is for the purpose of contacting the next-of-kin or a friend of any injured, ill or deceased individual.

PART 2 - MATTERS AFFECTING PUBLIC

01

The collection, use or disclosure (as the case may be) of personal data about an individual that is publicly available.

02

The collection, use or disclosure (as the case may be) of personal data about an individual is solely for artistic or literary purposes.

03

The collection, use or disclosure (as the case may be) of personal data about an individual is solely for archival or historical purposes, if a reasonable person would not consider the personal data to be too sensitive to the individual to be collected, used or disclosed (as the case may be) at the proposed time.

- 04 The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for evaluative purposes.
- 05 The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for any investigation or proceedings.
- 06 The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for the agency –
- (a) to recover a debt owed by the individual to the agency; or
 - (b) to pay to the individual a debt owed by the agency.
- 07 The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for the provision of legal services by the agency to another agency or any other organisation, or for the agency to obtain legal services.
- 08 The collection, use or disclosure (as the case may be) of personal data about an individual is to –
- (a) confer an interest or a benefit on the individual under a private trust or benefit plan; and
 - (b) administer that trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be.

09

The personal data about an individual –

- (a) is provided to the agency by another individual to enable the agency to provide a service for the personal or domestic purposes of that other individual; and
- (b) is collected, used or disclosed (as the case may be) by the agency solely for the purpose in sub-paragraph (a).

10

The personal data about an individual –

- (a) is included in a document produced in the course, and for the purposes, of the individual's employment, business or profession; and
- (b) is collected, used or disclosed (as the case may be) for purposes consistent with the purpose for which the document was produced.

11

The personal data about an individual is collected, used or disclosed (as the case may be) by the agency, and the collection, use or disclosure (as the case may be) of the personal data is reasonable for the purpose of or in relation to the agency –

- (a) entering into an employment relationship with the individual or appointing the individual to any office; or
- (b) managing or terminating the employment relationship with or appointment of the individual.

01

- (1) Subject to the conditions in sub-paragraphs (2), (3), (4) and (5), where an agency (X) is a party or a prospective party to a business asset transaction with another organisation (Y), personal data about an applicable individual of Y –
 - (a) is collected from Y by X for the purposes of the business asset transaction;
 - (b) is used or disclosed by X in relation to the business asset transaction; or
 - (c) is disclosed by Y to X for the purposes of the business transaction.
- (2) Where the business asset transaction concerns any part of Y or Y's business assets, the personal data mentioned in sub-paragraph (1) must relate directly to that part of Y or Y's business assets, as the case may be.
- (3) If X is a prospective party to the business asset transaction, the following conditions apply:
 - (a) X may collect, and Y may disclose, only personal data that is necessary for X to determine whether to proceed with the business asset transaction;
 - (b) X and Y must have entered into an agreement that requires X to use or disclose the personal data solely for purposes related to the business asset transaction.
- (4) If X enters into the business asset transaction, the following conditions apply:
 - (a) X may use or disclose the personal data X collected from Y only for the same purposes for which Y would have been permitted to use or disclose the personal data;

- (b) if any personal data X collects from Y does not relate directly to the part of Y or Y's business assets with which the business asset transaction entered into is concerned, X must destroy, or return to Y, that personal data;
 - (c) X or Y must notify the applicable individuals of Y whose personal data is disclosed that –
 - (i) the business asset transaction has taken place; and
 - (ii) the personal data about them has been disclosed to X.
- (5) If the business asset transaction does not proceed or is not completed, X must destroy, or return to Y, all personal data collected.

02

- (1) Subject to the conditions in sub-paragraphs (2), (3) and (4), where an agency (X) is a party or a prospective party to a business asset transaction with another organisation (Y) in respect of Y's interest in a third organisation (Z) (called in this paragraph the relevant transaction), personal data about an applicable individual of Z –
- (a) is collected from Y or Z by X, or from Z by Y, for the purposes of the relevant transaction;
 - (b) is used or disclosed by X or Y in relation to the relevant transaction; or
 - (c) is disclosed by Y or Z (as the case may be) to X, or by Z to Y, for the purposes of the relevant transaction.

- (2) If X is a prospective party to the relevant transaction, the following conditions apply:
 - (a) where X collects the personal data mentioned in subparagraph (1) from Y or Z –
 - (i) X may collect, and Y or Z (as the case may be) may disclose, only personal data that is necessary for X to determine whether to proceed with the relevant transaction; and
 - (ii) X and Y or Z (as the case may be) must have entered into an agreement that requires X to use or disclose the personal data solely for purposes related to the relevant transaction;
 - (b) where Y collects the personal data mentioned in subparagraph (1) from Z –
 - (i) Y may collect, and Z may disclose, only personal data that is necessary for X or Y (as the case may be) to determine whether to proceed with the relevant transaction; and
 - (ii) Y and Z must have entered into an agreement that requires Y to use or disclose the personal data solely for purposes related to the relevant transaction.
- (3) If X enters into the relevant transaction, the following conditions apply:
 - (a) X may use or disclose the personal data collected from Y or Z (as the case may be) only for the same purposes for which Y or Z (as the case may be) would have been permitted to use or disclose the personal data;
 - (b) Y may use or disclose the personal data collected from Z only for the same purposes for which Z would have been permitted to use or disclose the personal data;

- (c) X, Y or Z must notify the applicable individuals of Z whose personal data is disclosed that –
 - (i) the relevant transaction has taken place; and
 - (ii) the personal data about them has been disclosed to X.
- (4) If the relevant transaction does not proceed or is not completed –
 - (a) X must destroy, or return to Y or Z (as the case may be), all personal data collected; and
 - (b) Y must destroy, or return to Z, all personal data collected.

03

In this Part –

“applicable individual”, in relation to an agency or NGE, includes a contractor, a customer, a director, an employee, an officer or a shareholder (where applicable) of the agency or NGE;

“business asset transaction” –

- (a) means the purchase, sale, lease, merger or amalgamation or any other acquisition, disposal or financing of –
 - (i) an organisation or a portion of an organisation;
 - (ii) an interest in an organisation; or
 - (iii) any of the business or assets of an organisation, other than any personal data to be disclosed under paragraph 1(1) or 2(1), as the case may be; and

- (b) includes –
 - (i) the amalgamation of a corporation with one or more related corporations; and
 - (ii) the transfer or disposal of any of the business or assets of a corporation to a related corporation;

“business trust” has the meaning given by section 2 of the Business Trusts Act (Cap. 31A);

“corporation” and **“related corporation”** have the meanings given by section 4(1) of the Companies Act (Cap. 50);

“interest” means –

- (a) in relation to a corporation – a share in that corporation;
- (b) in relation to an entity other than a corporation – any right or interest (whether legal or equitable) in that entity, by whatever name called;
- (c) in relation to a business trust – a unit in that business trust; and
- (d) in relation to a trust other than a business trust – any right or interest (whether legal or equitable) in that trust, by whatever name called.

Annex B - Additional Bases for Collection, Use and Disclosure of Personal Data Without Consent

PART 1: COLLECTION AND/OR USE OF PERSONAL DATA

Division 1 – Research

- 01 The use of personal data about an individual for a research purpose (including historical or statistical research), if –
- (a) the research purpose cannot reasonably be accomplished unless the personal data is used in an individually identifiable form;
 - (b) there is a clear public interest to using the personal data for the research purpose;
 - (c) the results of the research will not be used to make any decision that affects the individual; and
 - (d) in the event that the results of the research are published, the agency publishes the results in a form that does not identify the individual.

Division 2 – Public interest

- 01 The collection or use of personal data about an individual who is a current or former student of an educational institution by an agency for the purposes of policy formulation or review.

02

The collection or use of personal data about an individual who is a current or former patient of any of the following by a public agency for the purposes of policy formulation or review:

- (a) a healthcare institution licensed under the Private Hospitals and Medical Clinics Act (Cap. 248);
- (b) a licensee under the Healthcare Services Act 2020 (Act 3 of 2020);
- (c) a prescribed healthcare body.

03

The collection or use of personal data about any individual disclosed to any officer of a prescribed law enforcement agency, upon production of written authorisation signed by the head or director of that prescribed law enforcement agency or a person of a similar rank, certifying that the personal data is necessary for the purposes of the functions or duties of the officer.

For the purposes of this paragraph 3, the term “prescribed law enforcement agency” shall have the same meaning given to it in the Personal Data Protection Act (No. 26 of 2012).

PART 2: DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

Division 1 – Research

01

The disclosure of personal data about an individual for a research purpose (including historical or statistical research), if –

- (a) the research purpose cannot reasonably be accomplished unless the personal data is disclosed in an individually identifiable form;

- (b) it is impracticable for the agency to seek the consent of the individual for the disclosure;
- (c) there is a clear public interest to disclosing the personal data for the research purpose;
- (d) the results of the research will not be used to make a decision that affects the individual;
- (e) in the event that the results of the research are published, the agency publishes the results in a form that does not identify the individual; and
- (f) the organisation to which the personal data is to be disclosed has signed an agreement to comply with –
 - (i) the policies and procedures relating to the confidentiality of personal data of the agency that collected the personal data;
 - (ii) security and confidentiality conditions of the agency disclosing the personal data;
 - (iii) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity; and
 - (iv) a requirement not to use the personal data for any other purpose or to disclose the personal data in individually identifiable form without the express authorisation of the agency that disclosed the personal data.

Annex C - Exceptions from Access Requirement

01

An agency is not required to comply with paragraph 27 in any of the following circumstances –

- (a) opinion data kept solely for an evaluative purpose;
- (b) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
- (c) a document related to a prosecution if all proceedings related to the prosecution have not been completed;
- (d) personal data which is subject to legal privilege;
- (e) the personal data or other information should not be disclosed for public interest, legal, security, or commercial proprietary reasons;
- (f) personal data collected, used or disclosed without consent, under Paragraph 5 of Part 2 of Annex A, for the purposes of an investigation if the investigation and associated proceedings and appeals have not been completed;
- (g) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;
- (h) personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre;

- (i) the personal data was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he was appointed to act –
 - (i) under a collective agreement under the Industrial Relations Act (Cap. 136) or by agreement between the parties to the mediation or arbitration;
 - (ii) under any written law; or
 - (iii) by a court, arbitral institution or mediation centre; or
- (j) any request –
 - (i) that would unreasonably interfere with the operations of the agency because of the repetitious or systematic nature of the requests;
 - (ii) if the burden or expense of providing access would be unreasonable to the agency or disproportionate to the individual's interests;
 - (iii) for information that does not exist or cannot be found;
 - (iv) for information that is trivial; or
 - (v) that is otherwise frivolous or vexatious.

02

The Agency may make the determination in paragraph 1(j)(i) above based on the number and frequency of requests received.

Annex D - Exceptions from Correction Requirement

01

An agency is not required to comply with paragraph 38, 39, 40, 41, 42, 43 and 44 in any of the following circumstances –

- (a) data which will not cause any adverse consequences to the individual if not corrected, such as school records of students that are frozen from the point the student left the school;
- (b) opinion data kept solely for an evaluative purpose;
- (c) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
- (d) a document related to a prosecution if all proceedings related to the prosecution have not been completed;
- (e) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust; or
- (f) personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre.

02

An agency is not required to transmit corrected personal data to any other organisation under paragraph 41(b) if it is not reasonably practicable or it involves a disproportionate effort for the agency to do so e.g. public records shared under open access (with or without a fee).

Change Log

S/N	Date of Change	Description of Change
1	1 July 2021	<ul style="list-style-type: none">a. Introduced new provision on deemed consent by contractual necessityb. Revised existing exceptions to consent – business asset transaction purposes, employment relationship purposes and research purposesc. Elaborated what public agencies are required to do when they reject individuals’ requests for access to their personal data, e.g. notify individuals of the rejection within the stated time and in accordance with the stated requirements, preserve a copy of the personal data concernedd. Clarified that the “repetitious or systematic nature” of access requests referred to the number and frequency of requests received



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