

PERSONAL DATA PROTECTION ACT 2012

(No. 26 of 2012)

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation
3. Purpose
4. Application of Act

PART II

PERSONAL DATA PROTECTION COMMISSION AND ADMINISTRATION

5. Personal Data Protection Commission
6. Functions of Commission
7. Advisory committees
8. Delegation
9. Conduct of proceedings
10. Co-operation agreements

PART III

GENERAL RULES WITH RESPECT TO PROTECTION OF AND ACCOUNTABILITY FOR PERSONAL DATA

11. Compliance with Act
12. Policies and practices

PART IV

COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA

Division 1 — Consent

13. Consent required
14. Provision of consent

Section

- 15. Deemed consent
- 15A. Deemed consent by notification
- 16. Withdrawal of consent
- 17. Collection, use and disclosure without consent

Division 2 — Purpose

- 18. Limitation of purpose and extent
- 19. Personal data collected before appointed day
- 20. Notification of purpose

PART V

ACCESS TO AND CORRECTION OF
PERSONAL DATA

- 21. Access to personal data
- 22. Correction of personal data
- 22A. Preservation of copies of personal data

PART VI

CARE OF PERSONAL DATA

- 23. Accuracy of personal data
- 24. Protection of personal data
- 25. Retention of personal data
- 26. Transfer of personal data outside Singapore

PART VIA

NOTIFICATION OF DATA BREACHES

- 26A. Interpretation of this Part
- 26B. Notifiable data breaches
- 26C. Duty to conduct assessment of data breach
- 26D. Duty to notify occurrence of notifiable data breach
- 26E. Obligations of data intermediary of public agency

PART VII

[REPEALED]

PART VIII

[REPEALED]

PART IX

DO NOT CALL REGISTRY

Division 1 — Preliminary

Section

- 36. Interpretation of this Part
- 37. Meaning of “specified message”
- 38. Application of this Part

Division 2 — Administration

- 39. Register
- 40. Applications
- 41. Evidence
- 42. Information on terminated Singapore telephone number

Division 3 — Specified message to Singapore telephone number

- 43. Duty to check register
- 43A. Duty of checkers
- 44. Contact information
- 45. Calling line identity not to be concealed
- 46. Consent
- 47. Withdrawal of consent
- 48. Defence for employee

PART IXA

DICTIONARY ATTACKS AND
ADDRESS-HARVESTING SOFTWARE

- 48A. Interpretation of this Part
- 48B. Prohibition on use of dictionary attacks and address-harvesting software

PART IXB

OFFENCES AFFECTING PERSONAL DATA AND
ANONYMISED INFORMATION

Section

- 48C. Interpretation and application of this Part
- 48D. Unauthorised disclosure of personal data
- 48E. Improper use of personal data
- 48F. Unauthorised re-identification of anonymised information

PART IXC

ENFORCEMENT

- 48G. Alternative dispute resolution
- 48H. Power to review
- 48I. Directions for non-compliance
- 48J. Financial penalties
- 48K. Procedure for giving of directions and imposing of financial penalty
- 48L. Voluntary undertakings
- 48M. Enforcement of directions of or written notices by Commission in District Court
- 48N. Reconsideration of directions or decisions
- 48O. Right of private action

PART IXD

APPEALS

- 48P. Data Protection Appeal Panel and Data Protection Appeal Committees
- 48Q. Appeal from direction or decision of Commission
- 48R. Appeals to General Division of High Court, etc.

PART X

GENERAL

- 49. Advisory guidelines
- 50. Powers of investigation
- 51. Offences and penalties
- 52. Offences by corporations
- 52A. Offences by unincorporated associations or partnerships
- 53. Liability of employers for acts of employees

Section

- 54. Jurisdiction of court
 - 55. Composition of offences
 - 56. General penalties
 - 57. Public servants and public officers
 - 58. Evidence in proceedings
 - 59. Preservation of secrecy
 - 60. Protection from personal liability
 - 61. Symbol of Commission
 - 62. Power to exempt
 - 63. Certificate as to national interest
 - 64. Amendment of Schedules
 - 65. Power to make regulations
 - 66. Rules of Court
 - 67. Saving and transitional provisions
 - 68. Dissolution
 - First Schedule — Collection, use and disclosure of personal data without consent
 - Second Schedule — Additional bases for collection, use and disclosure of personal data without consent
 - Third Schedule — [*Repealed*]
 - Fourth Schedule — [*Repealed*]
 - Fifth Schedule — Exceptions from access requirement
 - Sixth Schedule — Exceptions from correction requirement
 - Seventh Schedule — Constitution and proceedings of Data Protection Appeal Panel and Data Protection Appeal Committees
 - Eighth Schedule — Exclusion from meaning of “specified message”
 - Ninth Schedule — Powers of investigation of Commission and Inspectors
 - Tenth Schedule — Applicable purposes
 - Eleventh Schedule — Specified purposes
-

An Act to govern the collection, use and disclosure of personal data by organisations, and to establish the Do Not Call Register and to provide for its administration, and for matters connected therewith, and to make related and consequential amendments to various other Acts.

[Act 22 of 2016 wef 01/10/2016]

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Personal Data Protection Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

[Deleted by Act 22 of 2016 wef 01/10/2016]

“advisory committee” means an advisory committee appointed under section 7;

“Appeal Committee” means a Data Protection Appeal Committee constituted under section 48P(4), read with the Seventh Schedule;

[Act 40 of 2020 wef 01/02/2021]

“Appeal Panel” means the Data Protection Appeal Panel established by section 48P(1);

[Act 40 of 2020 wef 01/02/2021]

“appointed day” means the date of commencement of Parts III to VI;

“authorised officer”, in relation to the exercise of any power or performance of any function or duty under any provision of this Act, means a person to whom the exercise of that power or performance of that function or duty under that provision has been delegated under section 38 of the Info-communications Media Development Authority Act 2016;

[Act 22 of 2016 wef 01/10/2016]

“Authority” means the Info-communications Media Development Authority established by section 3 of the Info-communications Media Development Authority Act 2016;

[Act 22 of 2016 wef 01/10/2016]

“benefit plan” means an insurance policy, a pension plan, an annuity, a provident fund plan or other similar plan;

“business” includes the activity of any organisation, whether or not carried on for 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;

“business contact information” means 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;

[Deleted by Act 22 of 2016 wef 01/10/2016]

“Chief Executive”, in relation to the Authority, means the Chief Executive of the Authority appointed under section 40(2) of the Info-communications Media Development Authority Act 2016, and includes any individual acting in that capacity;

[Act 22 of 2016 wef 01/10/2016]

“Commission” means the person designated as the Personal Data Protection Commission under section 5 to be responsible for the administration of this Act;

[Act 22 of 2016 wef 01/10/2016]

“Commissioner” means the Commissioner for Personal Data Protection appointed under section 8(1)(a), and includes any Deputy Commissioner for Personal Data Protection or Assistant Commissioner for Personal Data Protection appointed under section 8(1)(b);

[Act 22 of 2016 wef 01/10/2016]

“credit bureau” means an organisation which —

- (a) provides credit reports for gain or profit; or
- (b) provides credit reports on a routine, non-profit basis as an ancillary part of a business carried on for gain or profit;

“credit report” means a communication, whether in written, oral or other form, provided to an organisation to assess the creditworthiness of an individual in relation to a transaction between the organisation and the individual;

“data intermediary” means an organisation which processes personal data on behalf of another organisation but does not include an employee of that other organisation;

“derived personal data” —

(a) means personal data about an individual that is derived by an organisation in the course of business from other personal data, about the individual or another individual, in the possession or under the control of the organisation; but

(b) does not include personal data derived by the organisation using any prescribed means or method;

[Act 40 of 2020 wef 01/02/2021]

“document” includes information recorded in any form;

“domestic” means related to home or family;

“education institution” means 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;

“employee” includes a volunteer;

“employment” includes working under an unpaid volunteer work relationship;

“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 a public 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 as may be prescribed by the Minister;

“individual” means a natural person, whether living or deceased;

“inspector” means an individual appointed as an inspector under section 8(1)(b);

[Act 22 of 2016 wef 01/10/2016]

“investigation” means an investigation relating to —

- (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;

“national interest” includes national defence, national security, public security, the maintenance of essential services and the conduct of international affairs;

“organisation” includes any individual, company, association or body of persons, corporate or unincorporated, whether or not —

- (a) formed or recognised under the law of Singapore; or
- (b) resident, or having an office or a place of business, in Singapore;

“personal data” means 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 organisation has or is likely to have access;

“prescribed healthcare body” means a healthcare body, prescribed for the purposes of the Second Schedule by the Minister charged with the responsibility for health;

[Act 40 of 2020 wef 01/02/2021]

“prescribed law enforcement agency” means an authority charged with the duty of investigating offences or charging offenders under written law, prescribed for the purposes of sections 21(4) and 26D(6) and the Second Schedule by the Minister charged with the responsibility for that authority;

[Act 40 of 2020 wef 01/02/2021]

“private trust” means a trust for the benefit of one or more designated individuals who are friends, or members of the family, of the settlor;

“proceedings” means 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;

“processing”, in relation to personal data, means the carrying out of any operation or set of operations in relation to the personal data, and includes any of the following:

- (a) recording;
- (b) holding;
- (c) organisation, adaptation or alteration;
- (d) retrieval;
- (e) combination;
- (f) transmission;
- (g) erasure or destruction;

“public agency” includes —

- (a) the Government, including any ministry, department, agency, or organ of State;
- (b) any tribunal appointed under any written law; or
- (c) any statutory body specified under subsection (2);

“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;

“relevant body” means the Commission, the Appeal Panel or any Appeal Committee;

[Act 22 of 2016 wef 01/10/2016]

“tribunal” includes a judicial or quasi-judicial body or a disciplinary, an arbitral or a mediatory body;

[Act 40 of 2020 wef 01/02/2021]

“user activity data”, in relation to an organisation, means personal data about an individual that is created in the course

or as a result of the individual's use of any product or service provided by the organisation;

[Act 40 of 2020 wef 01/02/2021]

“user-provided data”, in relation to an organisation, means personal data provided by an individual to the organisation.

[Act 40 of 2020 wef 01/02/2021]

(2) The Minister may, by notification in the *Gazette*, specify any statutory body established under a public Act for a public function to be a public agency for the purposes of this Act.

Purpose

3. The purpose of this Act is to govern the collection, use and disclosure of personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations to collect, use or disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.

Application of Act

4.—(1) Parts III, IV, V, VI, VIA and VIB shall not impose any obligation on —

- (a) any individual acting in a personal or domestic capacity;
- (b) any employee acting in the course of his employment with an organisation;
- (c) any public agency; or

[Act 40 of 2020 wef 01/02/2021]

- (d) any other organisations or personal data, or classes of organisations or personal data, prescribed for the purposes of this provision.

[Act 40 of 2020 wef 01/02/2021]

(2) Parts III, IV, V, VI (except sections 24 and 25), VIA (except sections 26C(3)(a) and 26E) and VIB shall not impose any obligation on a data intermediary in respect of its processing of personal data on behalf of and for the purposes of another organisation pursuant to a contract which is evidenced or made in writing.

[Act 40 of 2020 wef 01/02/2021]

(3) An organisation shall have the same obligation under this Act in respect of personal data processed on its behalf and for its purposes by a data intermediary as if the personal data were processed by the organisation itself.

(4) This Act shall not apply in respect of —

- (a) personal data about an individual that is contained in a record that has been in existence for at least 100 years; or
- (b) personal data about a deceased individual, except that the provisions relating to the disclosure of personal data and section 24 (protection of personal data) shall apply in respect of personal data about an individual who has been dead for 10 years or fewer.

(5) Except where business contact information is expressly referred to, Parts III, IV, V, VI and VIA shall not apply to business contact information.

[Act 40 of 2020 wef 01/02/2021]

(6) Unless otherwise expressly provided in this Act —

- (a) nothing in Parts III, IV, V, VI, VIA and VIB shall affect any authority, right, privilege or immunity conferred, or obligation or limitation imposed, by or under the law, including legal privilege, except that the performance of a contractual obligation shall not be an excuse for contravening this Act; and

[Act 40 of 2020 wef 01/02/2021]

- (b) the provisions of other written law shall prevail to the extent that any provision of Parts III, IV, V, VI, VIA and VIB is inconsistent with the provisions of that other written law.

[Act 40 of 2020 wef 01/02/2021]

PART II

PERSONAL DATA PROTECTION COMMISSION
AND ADMINISTRATION

Personal Data Protection Commission

5.—(1) The Info-communications Media Development Authority is designated as the Personal Data Protection Commission.

(2) The Personal Data Protection Commission is responsible for the administration of this Act.

[Act 22 of 2016 wef 01/10/2016]

Functions of Commission

6. The functions of the Commission shall be —

- (a) to promote awareness of data protection in Singapore;
- (b) to provide consultancy, advisory, technical, managerial or other specialist services relating to data protection;
- (c) to advise the Government on all matters relating to data protection;
- (d) to represent the Government internationally on matters relating to data protection;
- (e) to conduct research and studies and promote educational activities relating to data protection, including organising and conducting seminars, workshops and symposia relating thereto, and supporting other organisations conducting such activities;
- (f) to manage technical co-operation and exchange in the area of data protection with other organisations, including foreign data protection authorities and international or inter-governmental organisations, on its own behalf or on behalf of the Government;
- (g) to administer and enforce this Act;
- (h) to carry out functions conferred on the Commission under any other written law; and

- (i) to engage in such other activities and perform such functions as the Minister may permit or assign to the Commission by order published in the *Gazette*.

Advisory committees

7.—(1) The Minister may appoint one or more advisory committees to provide advice to the Commission with regard to the performance of any of its functions under this Act.

(2) The Commission may consult such advisory committees in relation to the performance of its functions and duties and the exercise of its powers under this Act but shall not be bound by such consultation.

Delegation

8.—(1) The Commission may appoint, by name or office, from among public officers and the employees of the Authority —

- (a) the Commissioner for Personal Data Protection; and
- (b) such number of Deputy Commissioners for Personal Data Protection, Assistant Commissioners for Personal Data Protection and inspectors, as the Commission considers necessary.

[Act 22 of 2016 wef 01/10/2016]

(2) Where any function, duty or power of the Commission under this Act is delegated to the Commissioner under section 38 of the Info-communications Media Development Authority Act 2016 —

- (a) the Commissioner must perform that function or duty, or exercise that power, in his name;
- (b) the Commission must not perform that function or duty, or exercise that power, during the period when the delegation is in force; and
- (c) the Commission must, as soon as practicable after the delegation, publish a notice of the delegation in the *Gazette*.

[Act 22 of 2016 wef 01/10/2016]

(3) In exercising any of the powers of enforcement under this Act, an authorised officer shall on demand produce to the person against whom he is acting the authority issued to him by the Commission.

(4) *[Deleted by Act 22 of 2016 wef 01/10/2016]*

Conduct of proceedings

9.—(1) An individual appointed under section 8(1) or an employee of the Authority, who is authorised in writing by the Chief Executive of the Authority for the purpose of this section, may conduct, with the authorisation of the Public Prosecutor, proceedings in respect of an offence under this Act.

(2) A legal counsel of the Commission who is an advocate and solicitor may —

- (a) appear in any civil proceedings involving the performance of any function or duty, or the exercise of any power, of the Commission under any written law; and
- (b) make all applications and do all acts in respect of the civil proceedings on behalf of the Commission or an authorised officer.

[Act 22 of 2016 wef 01/10/2016]

Co-operation agreements

10.—(1) For the purposes of section 59, a co-operation agreement is an agreement for the purposes of —

- (a) facilitating co-operation between the Commission and another regulatory authority in the performance of their respective functions in so far as those functions relate to data protection; and
- (b) avoiding duplication of activities by the Commission and another regulatory authority, being activities involving the enforcement of data protection laws.

[Act 22 of 2016 wef 01/10/2016]

(2) A co-operation agreement may include provisions —

- (a) to enable the Commission and the other regulatory authority to furnish to each other information in their

respective possession if the information is required by the other for the purpose of performance by it of any of its functions;

- (b) to provide such other assistance to each other as will facilitate the performance by the other of any of its functions; and
- (c) to enable the Commission and the other regulatory authority to forbear to perform any of their respective functions in relation to a matter in circumstances where it is satisfied that the other is performing functions in relation to that matter.

(3) The Commission shall not furnish any information to a foreign data protection body pursuant to a co-operation agreement unless it requires of, and obtains from, that body an undertaking in writing by it that it will comply with terms specified in that requirement, including terms that correspond to the provisions of any written law concerning the disclosure of that information by the Commission.

(4) The Commission may give an undertaking to a foreign data protection body that it will comply with terms specified in a requirement made of the Commission by the foreign data protection body to give such an undertaking where —

- (a) those terms correspond to the provisions of any law in force in the country or territory in which the foreign data protection body is established, being provisions which concern the disclosure by the foreign data protection body of the information referred to in paragraph (b); and
- (b) compliance with the requirement is a condition imposed by the foreign data protection body for furnishing information in its possession to the Commission pursuant to a co-operation agreement.

(5) In this section —

“foreign data protection body” means a body in whom there are vested functions under the law of another country or territory with respect to the enforcement or the administration of

provisions of law of that country or territory concerning data protection;

“regulatory authority” includes the Commission and any foreign data protection body.

PART III

GENERAL RULES WITH RESPECT TO PROTECTION OF AND ACCOUNTABILITY FOR PERSONAL DATA

[Act 40 of 2020 wef 01/02/2021]

Compliance with Act

11.—(1) In meeting its responsibilities under this Act, an organisation shall consider what a reasonable person would consider appropriate in the circumstances.

(2) An organisation is responsible for personal data in its possession or under its control.

(3) An organisation shall designate one or more individuals to be responsible for ensuring that the organisation complies with this Act.

(4) An individual designated under subsection (3) may delegate to another individual the responsibility conferred by that designation.

(5) An organisation shall make available to the public the business contact information of at least one of the individuals designated under subsection (3) or delegated under subsection (4).

(5A) Without limiting subsection (5), an organisation is deemed to have satisfied that subsection if the organisation makes available the business contact information of any individual mentioned in subsection (3) in any prescribed manner.

[Act 40 of 2020 wef 01/02/2021]

(6) The designation of an individual by an organisation under subsection (3) shall not relieve the organisation of any of its obligations under this Act.

Policies and practices

12. An organisation shall —

- (a) develop and implement policies and practices that are necessary for the organisation to meet the obligations of the organisation under this Act;
- (b) develop a process to receive and respond to complaints that may arise with respect to the application of this Act;
- (c) communicate to its staff information about the organisation's policies and practices referred to in paragraph (a); and
- (d) make information available on request about —
 - (i) the policies and practices referred to in paragraph (a); and
 - (ii) the complaint process referred to in paragraph (b).

PART IV**COLLECTION, USE AND DISCLOSURE OF
PERSONAL DATA***Division 1 — Consent***Consent required**

13. An organisation shall not, on or after the appointed day, collect, use or disclose personal data about an individual unless —

- (a) the individual gives, or is deemed to have given, his consent under this Act to the collection, use or disclosure, as the case may be; or
- (b) the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorised under this Act or any other written law.

Provision of consent

14.—(1) An individual has not given consent under this Act for the collection, use or disclosure of personal data about the individual by an organisation for a purpose unless —

- (a) the individual has been provided with the information required under section 20; and
- (b) the individual provided his consent for that purpose in accordance with this Act.

(2) An organisation shall not —

- (a) as a condition of providing a product or service, require an individual to consent to the collection, use or disclosure of personal data about the individual beyond what is reasonable to provide the product or service to that individual; or
- (b) obtain or attempt to obtain consent for collecting, using or disclosing personal data by providing false or misleading information with respect to the collection, use or disclosure of the personal data, or using deceptive or misleading practices.

(3) Any consent given in any of the circumstances in subsection (2) is not validly given for the purposes of this Act.

(4) In this Act, references to consent given, or deemed to have been given, by an individual for the collection, use or disclosure of personal data about the individual shall include consent given, or deemed to have been given, by any person validly acting on behalf of that individual for the collection, use or disclosure of such personal data.

Deemed consent

15.—(1) An individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an organisation for a purpose if —

- (a) the individual, without actually giving consent referred to in section 14, voluntarily provides the personal data to the organisation for that purpose; and
- (b) it is reasonable that the individual would voluntarily provide the data.

(2) If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one organisation to another organisation 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 organisation.

(3) Without limiting subsection (2) and subject to subsection (9), an individual (*P*) who provides personal data to an organisation (*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 organisation (*B*);
- (b) the collection and use of that personal data by *B*;
- (c) the disclosure of that personal data by *B* to another organisation.

[Act 40 of 2020 wef 01/02/2021]

(4) Where an organisation collects personal data disclosed to it by *B* under subsection (3)(c), subsection (3)(b) and (c) applies to the organisation as if the personal data were disclosed by *A* to the organisation under subsection (3)(a).

[Act 40 of 2020 wef 01/02/2021]

(5) Subsections (3) and (4) apply to personal data provided before the applicable date by an individual to an organisation with a view to the individual entering into a contract with the organisation —

- (a) on or after the applicable date; or
- (b) which contract was entered into before the applicable date and remains in force on that date,

as if subsections (3) and (4) —

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

(d) had continued in force until the applicable date.

[Act 40 of 2020 wef 01/02/2021]

(6) Without limiting subsection (2) and subject to subsection (9), an individual (*P*) who enters into a contract with an organisation (*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 organisation (*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 organisation, where the disclosure is reasonably necessary for any purpose mentioned in paragraph (a).

[Act 40 of 2020 wef 01/02/2021]

(7) Where an organisation collects personal data disclosed to it by *B* under subsection (6)(c), subsection (6)(b) and (c) applies to the organisation as if the personal data were disclosed by *A* to the organisation under subsection (6)(a).

[Act 40 of 2020 wef 01/02/2021]

(8) Subsections (6) and (7) apply to personal data provided before the applicable date by an individual to an organisation in relation to a contract that the individual entered into before that date with the organisation, and which remains in force on that date, as if subsections (6) and (7) —

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

(b) had continued in force until the applicable date.

[Act 40 of 2020 wef 01/02/2021]

(9) Subsections (3), (4), (5), (6), (7) and (8) 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 organisation; or
- (b) the purposes for which *A* may disclose the personal data provided by *P* to another organisation.

[Act 40 of 2020 wef 01/02/2021]

(10) In this section, “applicable date” means the date of commencement of section 6 of the Personal Data Protection (Amendment) Act 2020.

[Act 40 of 2020 wef 01/02/2021]

Deemed consent by notification

15A.—(1) This section applies to the collection, use or disclosure of personal data about an individual by an organisation on or after the date of commencement of section 7 of the Personal Data Protection (Amendment) Act 2020.

(2) Subject to subsection (3), an individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an organisation if —

- (a) the organisation satisfies the requirements in subsection (4); and
- (b) the individual does not notify the organisation, before the expiry of the period mentioned in subsection (4)(b)(iii), that the individual does not consent to the proposed collection, use or disclosure of the personal data by the organisation.

(3) Subsection (2) does not apply to the collection, use or disclosure of personal data about the individual for any prescribed purpose.

(4) For the purposes of subsection (2)(a), the organisation must, before collecting, using or disclosing any personal data about the individual —

-
-
- (a) conduct an assessment to determine that the proposed collection, use or disclosure of the personal data is not likely to have an adverse effect on the individual;
 - (b) take reasonable steps to bring the following information to the attention of the individual:
 - (i) the organisation's intention to collect, use or disclose the personal data;
 - (ii) the purpose for which the personal data will be collected, used or disclosed;
 - (iii) a reasonable period within which, and a reasonable manner by which, the individual may notify the organisation that the individual does not consent to the organisation's proposed collection, use or disclosure of the personal data; and
 - (c) satisfy any other prescribed requirements.
- (5) The organisation must, in respect of the assessment mentioned in subsection (4)(a) —
- (a) identify any adverse effect that the proposed collection, use or disclosure of the personal data for the purpose concerned is likely to have on the individual;
 - (b) identify and implement reasonable measures to —
 - (i) eliminate the adverse effect;
 - (ii) reduce the likelihood that the adverse effect will occur; or
 - (iii) mitigate the adverse effect; and
 - (c) comply with any other prescribed requirements.

[Act 40 of 2020 wef 01/02/2021]

Withdrawal of consent

16.—(1) On giving reasonable notice to the organisation, an individual may at any time withdraw any consent given, or deemed to have been given under this Act, in respect of the collection, use or

disclosure by that organisation of personal data about the individual for any purpose.

(2) On receipt of the notice referred to in subsection (1), the organisation concerned shall inform the individual of the likely consequences of withdrawing his consent.

(3) An organisation shall not prohibit an individual from withdrawing his consent to the collection, use or disclosure of personal data about the individual, but this section shall not affect any legal consequences arising from such withdrawal.

(4) Subject to section 25, if an individual withdraws consent to the collection, use or disclosure of personal data about the individual by an organisation for any purpose, the organisation shall cease (and cause its data intermediaries and agents to 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 required or authorised under this Act or other written law.

Collection, use and disclosure without consent

17.—(1) An organisation may —

- (a) collect personal data about an individual, without the consent of the individual or from a source other than the individual, in the circumstances or for the purposes, and subject to any condition, in the First Schedule or Part 1 of the Second Schedule;
- (b) use personal data about an individual without the consent of the individual, in the circumstances or for the purposes, and subject to any condition, in the First Schedule or Part 2 of the Second Schedule; or
- (c) disclose personal data about an individual without the consent of the individual, in the circumstances or for the purposes, and subject to any condition, in the First Schedule or Part 3 of the Second Schedule.

(2) Unless otherwise provided under this Act, an organisation may —

-
-
- (a) collect personal data about an individual that the organisation receives by way of a disclosure to the organisation —
- (i) on or after the specified date in accordance with subsection (1)(c); or
 - (ii) before the specified date in accordance with section 17(3) as in force before the specified date, for purposes consistent with the purpose of that disclosure, or for any purpose permitted by subsection (1)(a); or
- (b) use or disclose personal data about an individual that —
- (i) is collected by the organisation on or after the specified date in accordance with subsection (1)(a); or
 - (ii) was collected by the organisation before the specified date in accordance with section 17(1) as in force before the specified date, for purposes consistent with the purpose of that collection, or for any purpose permitted by subsection (1)(b) or (c), as the case may be.

(3) In this section, “specified date” means the date of commencement of sections 8, 31 and 32 of the Personal Data Protection (Amendment) Act 2020.

[Act 40 of 2020 wef 01/02/2021]

Division 2 — Purpose

Limitation of purpose and extent

18. An organisation may collect, use or disclose personal data about an individual only for purposes —

- (a) that a reasonable person would consider appropriate in the circumstances; and
- (b) that the individual has been informed of under section 20, if applicable.

Personal data collected before appointed day

19. Notwithstanding the other provisions in this Part, an organisation may use personal data about an individual collected before the appointed day for the purposes for which the personal data was collected unless —

- (a) consent for such use is withdrawn in accordance with section 16; or
- (b) the individual, whether before, on or after the appointed day, has otherwise indicated to the organisation that he does not consent to the use of the personal data.

Notification of purpose

20.—(1) For the purposes of sections 14(1)(a) and 18(b), an organisation 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;
- (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; and
- (c) on request by the individual, the business contact information of a person who is able to answer on behalf of the organisation the individual's questions about the collection, use or disclosure of the personal data.

(2) An organisation, on or before collecting personal data about an individual from another organisation without the consent of the individual, shall provide the other organisation with sufficient information regarding the purpose of the collection to allow that other organisation to determine whether the disclosure would be in accordance with this Act.

(3) Subsection (1) shall not apply if —

- (a) the individual is deemed to have consented to the collection, use or disclosure, as the case may be, under section 15 or 15A; or

[Act 40 of 2020 wef 01/02/2021]

- (b) the organisation collects, uses or discloses the personal data without the consent of the individual in accordance with section 17.

(4) Despite subsection (3), an organisation must comply with subsection (5) on or before collecting, using or disclosing personal data about an individual for the purpose of or in relation to the organisation —

- (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.

[Act 40 of 2020 wef 01/02/2021]

(5) For the purposes of subsection (4), the organisation must inform the individual of the following:

- (a) the purpose for which the organisation is collecting, using or disclosing (as the case may be) the personal data about the individual;
- (b) on request by the individual, the business 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 organisation.

[Act 40 of 2020 wef 01/02/2021]

PART V
ACCESS TO AND CORRECTION OF
PERSONAL DATA

Access to personal data

21.—(1) Subject to subsections (2), (3) and (4), on request of an individual, an organisation shall, as soon as reasonably possible, provide the individual with —

- (a) personal data about the individual that is in the possession or under the control of the organisation; 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 organisation within a year before the date of the request.

(2) An organisation is not required to provide an individual with the individual's personal data or other information under subsection (1) in respect of the matters specified in the Fifth Schedule.

(3) Subject to subsection (3A), an organisation shall not provide an individual with the individual's personal data or other information under subsection (1) 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.

[Act 40 of 2020 wef 01/02/2021]

(3A) Subsection (3)(c) and (d) does not apply to any user activity data about, or any user-provided data from, the individual who made the request despite such data containing personal data about another individual.

[Act 40 of 2020 wef 01/02/2021]

(4) An organisation must not inform any individual under subsection (1)(b) that the organisation has disclosed personal data about the individual to a prescribed law enforcement agency if the disclosure was made under this Act or any other written law without the consent of the individual.

[Act 40 of 2020 wef 01/02/2021]

(5) If an organisation is able to provide the individual with the individual's personal data and other information requested under subsection (1) without the personal data or other information excluded under subsections (2), (3) and (4), the organisation shall provide the individual with access to the personal data and other information without the personal data or other information excluded under subsections (2), (3) and (4).

(6) Where —

- (a) an individual makes a request under subsection (1) to an organisation on or after the date of commencement of section 10 of the Personal Data Protection (Amendment) Act 2020; and
- (b) the organisation, by reason of subsection (2) or (3), does not provide an individual with the individual's personal data or other information requested under subsection (1),

the organisation must, within the prescribed time and in accordance with the prescribed requirements, notify the individual of the rejection.

[Act 40 of 2020 wef 01/02/2021]

(7) Where —

- (a) an individual makes a request under subsection (1) to an organisation on or after the date of commencement of section 10 of the Personal Data Protection (Amendment) Act 2020; and

- (b) the organisation provides the individual, in accordance with subsection (5), with the individual's personal data or other information requested under subsection (1),

the organisation must notify the individual of the exclusion, under subsection (2) or (3), of any of the personal data or other information so requested.

[Act 40 of 2020 wef 01/02/2021]

Correction of personal data

22.—(1) An individual may request an organisation to correct an error or omission in the personal data about the individual that is in the possession or under the control of the organisation.

(2) Unless the organisation is satisfied on reasonable grounds that a correction should not be made, the organisation shall —

- (a) correct the personal data as soon as practicable; and
- (b) subject to subsection (3), send the corrected personal data to every other organisation to which the personal data was disclosed by the organisation within a year before the date the correction was made, unless that other organisation does not need the corrected personal data for any legal or business purpose.

(3) An organisation (not being a credit bureau) may, if the individual consents, send the corrected personal data only to specific organisations to which the personal data was disclosed by the organisation within a year before the date the correction was made.

(4) When an organisation is notified under subsection (2)(b) or (3) of a correction of personal data, the organisation shall correct the personal data in its possession or under its control unless the organisation is satisfied on reasonable grounds that the correction should not be made.

(5) If no correction is made under subsection (2)(a) or (4), the organisation shall annotate the personal data in its possession or under its control with the correction that was requested but not made.

(6) Nothing in this section shall require an organisation to correct or otherwise alter an opinion, including a professional or an expert opinion.

(7) An organisation is not required to comply with this section in respect of the matters specified in the Sixth Schedule.

Preservation of copies of personal data

22A.—(1) Where —

(a) an individual, on or after the date of commencement of section 11 of the Personal Data Protection (Amendment) Act 2020, makes a request under section 21(1)(a) to an organisation to provide personal data about the individual that is in the possession or under the control of the organisation; and

(b) the organisation refuses to provide that personal data,

the organisation must preserve, for not less than the prescribed period, a copy of the personal data concerned.

(2) The organisation must ensure that the copy of the personal data it preserves for the purposes of subsection (1) is a complete and accurate copy of the personal data concerned.

[Act 40 of 2020 wef 01/02/2021]

PART VI

CARE OF PERSONAL DATA

Accuracy of personal data

23. An organisation shall make a reasonable effort to ensure that personal data collected by or on behalf of the organisation is accurate and complete, if the personal data —

(a) is likely to be used by the organisation to make a decision that affects the individual to whom the personal data relates; or

(b) is likely to be disclosed by the organisation to another organisation.

Protection of personal data

24. An organisation must protect personal data in its possession or under its control by making reasonable security arrangements to prevent —

- (a) unauthorised access, collection, use, disclosure, copying, modification or disposal, or similar risks; and
- (b) the loss of any storage medium or device on which personal data is stored.

[Act 40 of 2020 wef 01/02/2021]

Retention of personal data

25. An organisation shall cease to retain its documents containing personal data, or remove the means by which the personal data can be associated with particular individuals, as soon as it is reasonable to assume that —

- (a) the purpose for which that personal data was collected is no longer being served by retention of the personal data; and
- (b) retention is no longer necessary for legal or business purposes.

Transfer of personal data outside Singapore

26.—(1) An organisation shall not transfer any personal data to a country or territory outside Singapore except in accordance with requirements prescribed under this Act to ensure that organisations provide a standard of protection to personal data so transferred that is comparable to the protection under this Act.

(2) The Commission may, on the application of any organisation, by notice in writing exempt the organisation from any requirement prescribed pursuant to subsection (1) in respect of any transfer of personal data by that organisation.

(3) An exemption under subsection (2) —

- (a) may be granted subject to such conditions as the Commission may specify in writing; and

(b) need not be published in the *Gazette* and may be revoked at any time by the Commission.

(4) The Commission may at any time add to, vary or revoke any condition imposed under this section.

PART VIA

NOTIFICATION OF DATA BREACHES

[Act 40 of 2020 wef 01/02/2021]

Interpretation of this Part

26A. In this Part, unless the context otherwise requires —

“affected individual” means any individual to whom any personal data affected by a data breach relates;

“data breach”, in relation to personal data, means —

- (a) the unauthorised access, collection, use, disclosure, copying, modification or disposal of personal data; or
- (b) the loss of any storage medium or device on which personal data is stored in circumstances where the unauthorised access, collection, use, disclosure, copying, modification or disposal of the personal data is likely to occur.

[Act 40 of 2020 wef 01/02/2021]

Notifiable data breaches

26B.—(1) A data breach is a notifiable data breach if the data breach —

- (a) results in, or is likely to result in, significant harm to an affected individual; or
- (b) is, or is likely to be, of a significant scale.

(2) Without limiting subsection (1)(a), a data breach is deemed to result in significant harm to an individual —

- (a) if the data breach is in relation to any prescribed personal data or class of personal data relating to the individual; or

(b) in other prescribed circumstances.

(3) Without limiting subsection (1)(b), a data breach is deemed to be of a significant scale —

(a) if the data breach affects not fewer than the prescribed number of affected individuals; or

(b) in other prescribed circumstances.

(4) Despite subsections (1), (2) and (3), a data breach that relates to the unauthorised access, collection, use, disclosure, copying or modification of personal data only within an organisation is deemed not to be a notifiable data breach.

[Act 40 of 2020 wef 01/02/2021]

Duty to conduct assessment of data breach

26C.—(1) This section applies to a data breach that occurs on or after the date of commencement of section 13 of the Personal Data Protection (Amendment) Act 2020.

(2) Subject to subsection (3), where an organisation has reason to believe that a data breach affecting personal data in its possession or under its control has occurred, the organisation must conduct, in a reasonable and expeditious manner, an assessment of whether the data breach is a notifiable data breach.

(3) Where a data intermediary (other than a data intermediary mentioned in section 26E) has reason to believe that a data breach has occurred in relation to personal data that the data intermediary is processing on behalf of and for the purposes of another organisation —

(a) the data intermediary must, without undue delay, notify that other organisation of the occurrence of the data breach; and

(b) that other organisation must, upon notification by the data intermediary, conduct an assessment of whether the data breach is a notifiable data breach.

(4) The organisation must carry out the assessment mentioned in subsection (2) or (3)(b) in accordance with any prescribed requirements.

[Act 40 of 2020 wef 01/02/2021]

Duty to notify occurrence of notifiable data breach

26D.—(1) Where an organisation assesses, in accordance with section 26C, that a data breach is a notifiable data breach, the organisation must notify the Commission as soon as is practicable, but in any case no later than 3 calendar days after the day the organisation makes that assessment.

(2) Subject to subsections (5), (6) and (7), on or after notifying the Commission under subsection (1), the organisation must also notify each affected individual affected by a notifiable data breach mentioned in section 26B(1)(a) in any manner that is reasonable in the circumstances.

(3) The notification under subsection (1) or (2) must contain, to the best of the knowledge and belief of the organisation at the time it notifies the Commission or affected individual (as the case may be), all the information that is prescribed for this purpose.

(4) The notification under subsection (1) must be made in the form and submitted in the manner required by the Commission.

(5) Subsection (2) does not apply to an organisation in relation to an affected individual if the organisation —

(a) on or after assessing that the data breach is a notifiable data breach, takes any action, in accordance with any prescribed requirements, that renders it unlikely that the notifiable data breach will result in significant harm to the affected individual; or

(b) had implemented, prior to the occurrence of the notifiable data breach, any technological measure that renders it unlikely that the notifiable data breach will result in significant harm to the affected individual.

(6) An organisation must not notify any affected individual in accordance with subsection (2) if —

- (a) a prescribed law enforcement agency so instructs; or
- (b) the Commission so directs.

(7) The Commission may, on the written application of an organisation, waive the requirement to notify an affected individual under subsection (2) subject to any conditions that the Commission thinks fit.

(8) An organisation is not, by reason only of notifying the Commission under subsection (1) or an affected individual under subsection (2), to be regarded as being in breach of —

- (a) any duty or obligation under any written law or rule of law, or any contract, as to secrecy or other restriction on the disclosure of information; or
- (b) any rule of professional conduct applicable to the organisation.

(9) Subsections (1) and (2) apply concurrently with any obligation of the organisation under any other written law to notify any other person (including any public agency) of the occurrence of a data breach, or to provide any information relating to a data breach.

[Act 40 of 2020 wef 01/02/2021]

Obligations of data intermediary of public agency

26E. Where an organisation —

- (a) is a data intermediary processing personal data on behalf of and for the purposes of a public agency; and
- (b) has reason to believe that a data breach has occurred in relation to that personal data,

the organisation must, without undue delay, notify the public agency of the occurrence of the data breach.

[Act 40 of 2020 wef 01/02/2021]

PART VII

[Repealed by Act 40 of 2020 wef 01/02/2021]

PART VIII

[Repealed by Act 40 of 2020 wef 01/02/2021]

PART IX

DO NOT CALL REGISTRY

*Division 1 — Preliminary***Interpretation of this Part**

36.—(1) In this Part, unless the context otherwise requires —

“calling line identity” means the telephone number or information identifying the sender;

“checker” means a person mentioned in section 43A(1);

[Act 40 of 2020 wef 01/02/2021]

“financial services” has the same meaning as in section 2 of the Consumer Protection (Fair Trading) Act (Cap. 52A);

“goods” means any personal property, whether tangible or intangible, and shall be deemed to include —

- (a) chattels that are attached or intended to be attached to real property on or after delivery;
- (b) financial products and credit, including credit extended solely on the security of land;
- (c) any residential property; or
- (d) a voucher;

“message” means any message, whether in sound, text, visual or other form;

“register” means any Do Not Call Register kept and maintained under section 39;

“send”, in relation to a message, means —

- (a) to send the message, cause the message to be sent, or authorise the sending of the message; or

- (b) to make a voice call containing the message, cause a voice call containing the message to be made, or authorise the making of a voice call containing the message;

“sender”, in relation to a message, means a person —

- (a) who sends the message, causes the message to be sent, or authorises the sending of the message; or
- (b) who makes a voice call containing the message, causes a voice call containing the message to be made, or authorises the making of a voice call containing the message;

“services” includes —

- (a) a service offered or provided that involves the addition to or maintenance, repair or alteration of goods or any residential property;
- (b) a membership in any club or organisation if the club or organisation is a business formed to make a profit for its owners;
- (c) the right to use time share accommodation under a time share contract; and
- (d) financial services;

“Singapore telephone number” means —

- (a) a telephone number, with 8 digits beginning with the digit “3”, “6”, “8” or “9”, that is in accordance with the National Numbering Plan referred to in regulation 12A of the Telecommunications (Class Licences) Regulations (Cap. 323, Rg 3); or
- (b) any other telephone numbers as may be prescribed;

“subscriber”, in relation to a Singapore telephone number, means the subscriber of the telecommunications service to which the Singapore telephone number is allocated;

“time share accommodation” means any living accommodation, in Singapore or elsewhere, used or intended to be used

(wholly or partly) for leisure purposes by a class of persons all of whom have rights to use, or participate in arrangements under which they may use, that accommodation or accommodation within a pool of accommodation to which that accommodation belongs;

“time share contract” means a contract which confers or purports to confer on an individual time share rights that are exercisable during a period of not less than 3 years;

“voice call” includes —

- (a) a call that involves a recorded or synthetic voice; or
- (b) in the case of a recipient with a disability (for example, a hearing impairment), a call that is equivalent to a voice call.

[Act 40 of 2020 wef 01/02/2021]

(2) For the purposes of this Part, a telecommunications service provider who merely provides a service that enables a specified message to be sent shall, unless the contrary is proved, be presumed not to have sent the message and not to have authorised the message to be sent.

(3) For the purposes of this Part, if a specified message is sent and at the relevant time the telecommunications device, service or network from which it was sent was controlled by a person without the knowledge of the owners or authorised users of the telecommunications device, service or network, the owners or authorised users shall, unless the contrary is proved, be presumed not to have sent the message and not to have authorised the sending of the message.

(4) In subsection (3), “control” means either physical control or control through the use of software or other means.

Meaning of “specified message”

37.—(1) Subject to subsection (5), for the purposes of this Part, a specified message is a message where, having regard to the following, it would be concluded that the purpose, or one of the purposes, of the message is an applicable purpose:

- (a) the content of the message;
- (b) the presentational aspects of the message;
- (c) the content that can be obtained using the numbers, URLs or contact information (if any) mentioned in the message;
- (d) if the telephone number from which the message is made is disclosed to the recipient (whether by calling line identity or otherwise), the content (if any) that can be obtained by calling that number.

[Act 40 of 2020 wef 01/02/2021]

(2) For the purposes of subsection (1), where the applicable purpose relates to offering, supplying, advertising or promoting any goods, service, land, interest in land, business opportunity or investment opportunity, it does not matter whether or not —

- (a) the goods, service, land, interest or opportunity exists; or
- (b) it is lawful to acquire the goods, service, land or interest or take up the opportunity.

[Act 40 of 2020 wef 01/02/2021]

(3) Subject to subsection (4), a person who authorises another person to offer, advertise or promote the first person's goods, services, land, interest or opportunity shall be deemed to have authorised the sending of any message sent by the second person that offers, advertises or promotes that first person's goods, services, land, interest or opportunity.

(4) For the purposes of subsection (3), a person who takes reasonable steps to stop the sending of any message referred to in that subsection shall be deemed not to have authorised the sending of the message.

(5) For the purposes of this Part, a specified message shall not include any message referred to in the Eighth Schedule.

(6) In this section, “applicable purpose” means a purpose specified in the Tenth Schedule.

[Act 40 of 2020 wef 01/02/2021]

Application of this Part

38. This Part shall apply to a specified message addressed to a Singapore telephone number where —

- (a) the sender of the specified message is present in Singapore when the specified message is sent; or
- (b) the recipient of the specified message is present in Singapore when the specified message is accessed.

*Division 2 — Administration***Register**

39.—(1) The Commission shall cause to be kept and maintained one or more registers of Singapore telephone numbers, each known as a Do Not Call Register, for the purposes of this Part.

(2) Each register shall be kept in such form and shall contain such particulars as the Commission thinks fit.

(3) The Commission may authorise another person to maintain any register, on its behalf, subject to such conditions or restrictions as the Commission may think fit.

Applications

40.—(1) A subscriber may apply to the Commission, in the form and manner prescribed —

- (a) to add his Singapore telephone number to a register; or
- (b) to remove his Singapore telephone number from a register.

(2) Any person may apply to the Commission, in the form and manner required by the Commission, to confirm whether any Singapore telephone number is listed in a register.

Evidence

41. A certificate purporting to be signed by the Chief Executive of the Authority or an authorised officer and stating that a Singapore telephone number was or was not listed in a register at a date specified

in the certificate shall be admissible as evidence of its contents in any proceedings.

[Act 22 of 2016 wef 01/10/2016]

Information on terminated Singapore telephone number

42.—(1) Every telecommunications service provider shall report to the Commission, in the form and manner prescribed, all terminated Singapore telephone numbers.

(2) A telecommunications service provider which contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(3) In this section, “terminated Singapore telephone number” means —

(a) a Singapore telephone number to which the following apply:

(i) the Singapore telephone number which has been allocated to a subscriber;

(ii) the telecommunications service associated with the Singapore telephone number has been terminated by the subscriber or telecommunications service provider; and

(iii) the Singapore telephone number has not been allocated to a different subscriber; or

(b) any other telephone numbers and circumstances as may be prescribed.

(4) For the purpose of subsection (1), where —

(a) a Singapore telephone number has been allocated to a subscriber by a telecommunications service provider (referred to in this subsection as the first provider);

(b) the telecommunications service associated with the Singapore telephone number has been terminated by the subscriber;

(c) the subscriber contracts for a telecommunications service associated with the Singapore telephone number with

another telecommunications service provider (referred to in this subsection as the subsequent provider);

- (d) the telecommunications service referred to in paragraph (c) has been terminated by the subscriber or the subsequent provider; and
- (e) the Singapore telephone number has not subsequently been allocated to any subscriber,

it shall be the responsibility of the first provider to satisfy subsection (1).

(5) Without prejudice to the obligations of the telecommunications service provider under subsections (1) to (4), the Commission shall pay the prescribed fees to the telecommunications service provider for each terminated Singapore telephone number reported to the Commission in accordance with this section.

*Division 3 — Specified message to Singapore
telephone number*

Duty to check register

43.—(1) Subject to section 48(2), a person must not send a specified message addressed to a Singapore telephone number unless the person has, at the time the person sends the specified message, valid confirmation that the Singapore telephone number is not listed in the relevant register.

(2) For the purposes of subsection (1), the person has valid confirmation that a Singapore telephone number is not listed in the relevant register in either of the following circumstances:

- (a) the person has, within the prescribed duration before sending the specified message —
 - (i) made an application to the Commission under section 40(2) to confirm whether the Singapore telephone number is listed in the relevant register; and

- (ii) received confirmation from the Commission that the Singapore telephone number is not listed in the relevant register;
- (b) the person has obtained from a checker information that the Singapore telephone number is not listed in the relevant register (called in this section the relevant information) and has no reason to believe that, and is not reckless as to whether —
 - (i) the prescribed period in relation to the relevant information has expired; or
 - (ii) the relevant information is false or inaccurate.
- (3) In subsection (2)(b)(i), “prescribed period”, in relation to relevant information, means the prescribed period beginning after the date on which the checker received confirmation from the Commission, in response to the checker’s application to the Commission under section 40(2), that a Singapore telephone number is not listed in the relevant register.
- (4) A person does not contravene subsection (1) if the subscriber or user of the Singapore telephone number to which a specified message is sent —
 - (a) gave clear and unambiguous consent to the sending of the specified message to that Singapore telephone number; and
 - (b) the consent is evidenced in written or other form so as to be accessible for subsequent reference.
- (5) For the purposes of this section and section 43A —
 - (a) where there is only one register kept or maintained under section 39, the relevant register refers to that register; and
 - (b) where there are 2 or more registers kept or maintained under section 39 for different types of specified messages, the relevant register refers to the register relevant for the particular type of specified message.

[Act 40 of 2020 wef 01/02/2021]

Duty of checkers

43A.—(1) This section applies to a person (called the checker) that, for reward, provides to another person (*P*) information on whether a Singapore telephone number is listed in the relevant register (called in this section the applicable information) for the purpose of *P*'s compliance with section 43(1), other than —

- (a) the Commission;
- (b) an individual who is an employee of *P*; and
- (c) an individual who is an employee or agent of a checker.

(2) A checker must —

- (a) ensure that the applicable information provided to *P* is accurate; and
- (b) provide the applicable information to *P* in accordance with any prescribed requirements.

(3) A checker is deemed to have complied with subsection (2)(a) if —

- (a) the applicable information that the checker provides to *P* is in accordance with a reply from the Commission in response to the checker's application under section 40(2); and
- (b) the checker provides the applicable information to *P* before the expiry of the prescribed period mentioned in section 43(2)(b)(i).

[Act 40 of 2020 wef 01/02/2021]

Contact information

44. Subject to section 48(2), a person must not send a specified message addressed to a Singapore telephone number unless —

- (a) the specified message includes clear and accurate information identifying the individual or organisation that sent or authorised the sending of the specified message;

- (b) the specified message includes clear and accurate information about how the recipient can readily contact that individual or organisation;
- (c) the specified message includes the information, and complies with the conditions, specified in the regulations, if any; and
- (d) the information included in the specified message in compliance with this section is reasonably likely to be valid for at least 30 days after the message is sent.

[Act 40 of 2020 wef 01/02/2021]

Calling line identity not to be concealed

45. Subject to section 48(3), a person that makes a voice call containing a specified message or causes a voice call containing a specified message to be made or authorises the making of a voice call containing a specified message, addressed to a Singapore telephone number, from a telephone number or fax number, must not do any of the following:

- (a) conceal or withhold from the recipient the calling line identity of the sender;
- (b) perform any operation or issue any instruction in connection with the sending of the specified message for the purpose of, or that has the effect of, concealing or withholding from the recipient the calling line identity of the sender.

[Act 40 of 2020 wef 01/02/2021]

Consent

46.—(1) A person shall not, as a condition for supplying goods, services, land, interest or opportunity, require a subscriber or user of a Singapore telephone number to give consent for the sending of a specified message to that Singapore telephone number or any other Singapore telephone number beyond what is reasonable to provide the goods, services, land, interest or opportunity to that subscriber or user, and any consent given in such circumstance is not validly given.

(2) If a person obtains or attempts to obtain consent for sending a specified message to a Singapore telephone number —

(a) by providing false or misleading information with respect to the sending of the specified message; or

(b) by using deceptive or misleading practices,

any consent given in such circumstances is not validly given.

Withdrawal of consent

47.—(1) On giving notice, a subscriber or user of a Singapore telephone number may at any time withdraw any consent given to a person for the sending of any specified message to that Singapore telephone number.

(2) A person shall not prohibit a subscriber or user of a Singapore telephone number from withdrawing his consent to the sending of a specified message to that Singapore telephone number, but this section shall not affect any legal consequences arising from such withdrawal.

(3) If a subscriber or user of a Singapore telephone number gives notice withdrawing consent given to a person for the sending of any specified message to that Singapore telephone number, the person shall cease (and cause its agent to cease) sending any specified message to that Singapore telephone number after the expiry of the prescribed period.

(4) For the purposes of this Part, a subscriber or user of a Singapore telephone number shall be deemed to have given his consent to a person to send a specified message to that Singapore telephone number if the subscriber or user —

(a) consents to the sending of the specified message before the date of commencement of this Part; and

(b) that consent has not been withdrawn on or after the date of commencement of this Part.

(5) For the purposes of this Part, where a subscriber or user of a Singapore telephone number —

- (a) consents to a person sending a specified message to that Singapore telephone number before, on or after the date of commencement of this Part; and
- (b) subsequently applies to add or adds that Singapore telephone number to the register on or after the date of commencement of this Part,

the application to add or the addition of that Singapore telephone number shall not be regarded as a withdrawal of the consent.

(6) For the avoidance of doubt, a subscriber of a Singapore telephone number may, at any time on or after the date of commencement of this Part, withdraw any consent given for the sending of a specified message to that Singapore telephone number.

Defence for employee

48.—(1) In any proceedings for an offence under this Part brought against any employee in respect of an act or conduct alleged to have been done or engaged in, as the case may be, by the employee, it is a defence for the employee to prove that he did the act or engaged in the conduct in good faith —

- (a) in the course of his employment; or
- (b) in accordance with instructions given to him by or on behalf of his employer in the course of his employment.

(2) Section 43(1) or 44 does not apply to an employee (*X*) who sends a specified message addressed to a Singapore telephone number in good faith —

- (a) in the course of *X*'s employment; or
- (b) in accordance with instructions given to *X* by or on behalf of *X*'s employer in the course of *X*'s employment.

[Act 40 of 2020 wef 01/02/2021]

(3) Section 45 does not apply to an employee (*Y*) who makes, causes to be made or authorises the making of a voice call containing a specified message, addressed to a Singapore telephone number, from a telephone number or fax number, in good faith —

- (a) in the course of *Y*'s employment; or

- (b) in accordance with instructions given to *Y* by or on behalf of *Y*'s employer in the course of *Y*'s employment.

[Act 40 of 2020 wef 01/02/2021]

(4) Subsection (1), (2) or (3) does not apply to an employee (*Z*) who, at the time the act was done or the conduct was engaged in, was an officer or a partner of *Z*'s employer and it is proved that —

- (a) *Z* knew or ought reasonably to have known that the telephone number is a Singapore telephone number listed in the relevant register; and

- (b) the specified message was sent with *Z*'s consent or connivance, or the sending of the specified message was attributable to any neglect on *Z*'s part.

[Act 40 of 2020 wef 01/02/2021]

(5) In this section —

“corporation” has the meaning given by section 52(7);

“officer” —

- (a) in relation to a corporation, has the meaning given by section 52(7); or

- (b) in relation to an unincorporated association (other than a partnership), has the meaning given by section 52A(7);

“partner”, in relation to a partnership, has the meaning given by section 52A(7).

[Act 40 of 2020 wef 01/02/2021]

PART IXA

DICTIONARY ATTACKS AND ADDRESS-HARVESTING SOFTWARE

[Act 40 of 2020 wef 01/02/2021]

Interpretation of this Part

48A.—(1) In this Part, unless the context otherwise requires —

“address-harvesting software” means software that is specifically designed or marketed for use for —

- (a) searching the Internet for telephone numbers; and
- (b) collecting, compiling, capturing or otherwise harvesting those telephone numbers;

“applicable message” means a message with a Singapore link that is sent to any applicable telephone number;

“applicable telephone number” means a telephone number that is generated or obtained through the use of —

- (a) a dictionary attack; or
- (b) address-harvesting software;

“dictionary attack” means the method by which the telephone number of a recipient is obtained using an automated means that generates possible telephone numbers by combining numbers into numerous permutations;

“message”, “send”, “sender” and “Singapore telephone number” have the meanings given by section 36(1).

(2) In this Part, an applicable message has a Singapore link in any of the following circumstances:

- (a) the message originates in Singapore;
- (b) the sender of the message —
 - (i) where the sender is an individual — is physically present in Singapore when the message is sent; or
 - (ii) in any other case —
 - (A) is formed or recognised under the law of Singapore; or
 - (B) has an office or a place of business in Singapore;

-
-
- (c) the telephone, mobile telephone or other device that is used to access the message is located in Singapore;
 - (d) the recipient of the message —
 - (i) where the recipient is an individual — is physically present in Singapore when the message is accessed; or
 - (ii) in any other case — carries on business or activities in Singapore when the message is accessed;
 - (e) if the message cannot be delivered because the telephone number to which the message is sent has ceased to exist (assuming that the telephone number existed), it is reasonably likely that the message would have been accessed using a telephone, mobile telephone or other device located in Singapore.

(3) For the purposes of the definition of “applicable message” in subsection (1), it does not matter —

- (a) whether the telephone number to which the message is sent is a Singapore telephone number;
- (b) whether that telephone number exists; or
- (c) whether the message reaches its intended destination.

(4) For the purposes of this Part, a telecommunications service provider that merely provides a service that enables an applicable message to be sent is, unless the contrary is proved, presumed not to have sent, caused to be sent or authorised the sending of the applicable message.

(5) For the purposes of this Part, if, at the time an applicable message is sent, the telecommunications device, service or network from which it was sent was controlled by a person without the knowledge of the owner or authorised user of the telecommunications device, service or network (as the case may be), the owner or authorised user (as the case may be) is, unless the contrary is proved, presumed not to have sent, caused to be sent or authorised the sending of the applicable message.

(6) In subsection (5), “control” means —

(a) physical control; or

(b) control through the use of software or other means.

[Act 40 of 2020 wef 01/02/2021]

Prohibition on use of dictionary attacks and address-harvesting software

48B.—(1) Subject to subsections (2) and (3), a person must not send, cause to be sent or authorise the sending of an applicable message.

(2) Subsection (1) does not apply to an employee (*P*) who sends, causes to be sent or authorises the sending of an applicable message in good faith —

(a) in the course of *P*’s employment; or

(b) in accordance with instructions given to *P* by or on behalf of *P*’s employer in the course of *P*’s employment.

(3) However, subsection (2) does not apply to a person (*P*) who, at the time the applicable message was sent, was an officer or a partner of the sender and it is proved that —

(a) *P* knew or ought reasonably to have known that the telephone number is an applicable telephone number; and

(b) the applicable message was sent with *P*’s consent or connivance, or the sending of the applicable message was attributable to any neglect on *P*’s part.

(4) In this section —

“corporation” has the meaning given by section 52(7);

“officer” —

(a) in relation to a corporation, has the meaning given by section 52(7); or

(b) in relation to an unincorporated association (other than a partnership), has the meaning given by section 52A(7);

“partner”, in relation to a partnership, has the meaning given by section 52A(7).

[Act 40 of 2020 wef 01/02/2021]

PART IXB

OFFENCES AFFECTING PERSONAL DATA AND ANONYMISED INFORMATION

[Act 40 of 2020 wef 01/02/2021]

Interpretation and application of this Part

48C.—(1) In this Part, unless the context otherwise requires —

“disclose”, in relation to personal data, includes providing access to personal data;

“gain” means —

- (a) a gain in property or a supply of services, whether temporary or permanent; or
- (b) an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration;

“harm”, in relation to an individual, means —

- (a) any physical harm; or
- (b) harassment, alarm or distress caused to the individual;

“loss” means —

- (a) a loss in property or a supply of services, whether temporary or permanent; or
- (b) a loss of an opportunity to earn remuneration or greater remuneration or to gain a financial advantage otherwise than by way of remuneration,

but excludes, in relation to an individual, the loss of personal data about the individual;

“Monetary Authority of Singapore” means the Monetary Authority of Singapore established by section 3 of the Monetary Authority of Singapore Act (Cap. 186);

“relevant public official” has the meaning given by section 7(5) of the Public Sector (Governance) Act 2018 (Act 5 of 2018);

“Singapore public sector agency” has the meaning given by section 2(1) of the Public Sector (Governance) Act 2018.

(2) This Part does not apply to an individual who —

(a) at the time of the commission of any offence under section 48D(1), 48E(1) or 48F(1), is a relevant public official in a Singapore public sector agency; or

(b) is or has been a director or an officer or employee of the Monetary Authority of Singapore in respect of the disclosure, use or re-identification of information acquired in the performance of the individual’s duties or the exercise of the individual’s functions.

[Act 40 of 2020 wef 01/02/2021]

Unauthorised disclosure of personal data

48D.—(1) If —

(a) an individual discloses, or the individual’s conduct causes disclosure of, personal data in the possession or under the control of an organisation or a public agency to another person;

(b) the disclosure is not authorised by the organisation or public agency, as the case may be; and

(c) the individual does so —

(i) knowing that the disclosure is not authorised by the organisation or public agency, as the case may be; or

(ii) reckless as to whether the disclosure is or is not authorised by the organisation or public agency, as the case may be,

the individual shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In proceedings for an offence under subsection (1), it is a defence to the charge for the accused to prove, on a balance of probabilities, any of the following:

(a) that —

- (i) the personal data in the possession or under the control of the organisation or public agency (as the case may be) that was disclosed was, at the time of the disclosure, publicly available; and
- (ii) where the personal data was publicly available solely because of an applicable contravention, the accused did not know, and was not reckless as to whether, that was the case;

(b) the accused disclosed, or caused the disclosure of, personal data in the possession or under the control of the organisation or public agency, as the case may be —

- (i) as permitted or required by or under an Act or other law (apart from this Act);
- (ii) as authorised or required by an order of court;
- (iii) in the reasonable belief that, and was not reckless as to whether, the accused had the legal right to do so; or
- (iv) in any other circumstances, or for any other purpose, prescribed.

(3) To avoid doubt, subsection (2) does not affect any obligation or limitation imposed on, or prohibition of, the disclosure of personal data in the possession or under the control of an organisation or a public agency (as the case may be) by or under any other written law or other law.

(4) In this section, “applicable contravention” means a contravention of any of the following:

(a) subsection (1);

- (b) section 48F(1);
- (c) section 7(1) or 8(1) of the Public Sector (Governance) Act 2018;
- (d) section 14A(1) or 14C(1) of the Monetary Authority of Singapore Act.

[Act 40 of 2020 wef 01/02/2021]

Improper use of personal data

48E.—(1) If —

- (a) an individual makes use of personal data in the possession or under the control of an organisation or a public agency;
- (b) the use is not authorised by the organisation or public agency, as the case may be;
- (c) the individual does so —
 - (i) knowing that the use is not authorised by the organisation or public agency, as the case may be; or
 - (ii) reckless as to whether the use is or is not authorised by the organisation or public agency, as the case may be; and
- (d) the individual, as a result of that use —
 - (i) obtains a gain for the individual or another person;
 - (ii) causes harm to another individual; or
 - (iii) causes a loss to another person,

the individual shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In proceedings for an offence under subsection (1), it is a defence to the charge for the accused to prove, on a balance of probabilities, any of the following:

- (a) that —
 - (i) the personal data in the possession or under the control of the organisation or public agency (as the

case may be) that was used was, at the time of the use, publicly available; and

- (ii) where the personal data was publicly available solely because of an applicable contravention, the accused did not know, and was not reckless as to whether, that was the case;
- (b) the accused used the personal data in the possession or under the control of the organisation or public agency, as the case may be —
- (i) as permitted or required by or under an Act or other law (apart from this Act);
 - (ii) as authorised or required by an order of court;
 - (iii) in the reasonable belief that, and was not reckless as to whether, the accused had the legal right to do so; or
 - (iv) in any other circumstances, or for any other purpose, prescribed.

(3) To avoid doubt, subsection (2) does not affect any obligation or limitation imposed on, or prohibition of, the use of personal data in the possession or under the control of an organisation or a public agency (as the case may be) by or under any other written law or other law.

(4) In this section, “applicable contravention” means a contravention of any of the following:

- (a) section 48D(1) or 48F(1);
- (b) section 7(1) or 8(1) of the Public Sector (Governance) Act 2018;
- (c) section 14A(1) or 14C(1) of the Monetary Authority of Singapore Act.

[Act 40 of 2020 wef 01/02/2021]

Unauthorised re-identification of anonymised information

48F.—(1) If —

- (a) an individual takes any action to re-identify or cause re-identification of the person to whom anonymised information in the possession or under the control of an organisation or a public agency relates (called in this section the affected person);
- (b) the re-identification is not authorised by the organisation or public agency, as the case may be; and
- (c) the individual does so —
 - (i) knowing that the re-identification is not authorised by the organisation or public agency, as the case may be; or
 - (ii) reckless as to whether the re-identification is or is not authorised by the organisation or public agency, as the case may be,

the individual shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) In proceedings for an offence under subsection (1), it is a defence to the charge for the accused to prove, on a balance of probabilities, any of the following:

- (a) that —
 - (i) the information on the identity of the affected person is publicly available; and
 - (ii) where that information was publicly available solely because of an applicable contravention, the accused did not know, and was not reckless as to whether, that was the case;
- (b) the action to re-identify or cause re-identification is —
 - (i) permitted or required by or under an Act or other law (apart from this Act); or

-
-
- (ii) authorised or required by an order of court;
 - (c) the accused —
 - (i) reasonably believed that the re-identification was for a specified purpose; and
 - (ii) notified the Commission or the organisation or public agency (as the case may be) of the re-identification as soon as was practicable;
 - (d) the accused took the action to re-identify or cause re-identification in the reasonable belief that, and was not reckless as to whether, the accused had the legal right to do so, other than for a specified purpose;
 - (e) in any other circumstances, or for any other purpose, prescribed.
- (3) To avoid doubt, subsection (2) does not affect any obligation or limitation imposed on, or prohibition of, the re-identification of the affected person by or under any other written law or other law.

(4) In this section —

“applicable contravention” means a contravention of any of the following:

- (a) subsection (1);
- (b) section 8(1) of the Public Sector (Governance) Act 2018;
- (c) section 14C(1) of the Monetary Authority of Singapore Act;

“specified purpose” means any purpose specified in the Eleventh Schedule.

[Act 40 of 2020 wef 01/02/2021]

PART IXC

ENFORCEMENT

[Act 40 of 2020 wef 01/02/2021]

Alternative dispute resolution

48G.—(1) If the Commission is of the opinion that any complaint by an individual (called in this section the complainant) against an organisation may more appropriately be resolved by mediation, the Commission may, without the consent of the complainant and the organisation, refer the matter to mediation under a dispute resolution scheme.

(2) Subject to subsection (1), the Commission may, with or without the consent of the complainant and the organisation, direct the complainant or the organisation or both to attempt to resolve the complaint of the complainant in the way directed by the Commission.

(3) For the purposes of subsection (1), the Commission may establish or approve one or more dispute resolution schemes for the resolution of complaints by individuals against organisations.

(4) The Commission may, with the approval of the Minister, make regulations under section 65 to provide for matters relating to the operation by an operator of a dispute resolution scheme, including —

- (a) the standards or requirements of the services provided under the dispute resolution scheme;
- (b) the fees that the operator may charge for the services provided under the dispute resolution scheme;
- (c) the records that the operator must keep, and the period of retention of those records;
- (d) the reports that the operator must submit to the Commission, and the manner and time for those submissions;
- (e) matters relating to the administration of the dispute resolution scheme; and
- (f) generally to give effect to or for carrying out the purposes of subsections (1) and (3).

[Act 40 of 2020 wef 01/02/2021]

Power to review

48H.—(1) On the application of a complainant, the Commission may review —

- (a) a refusal by an organisation to provide access to personal data or other information requested by the complainant under section 21, or the organisation's failure to provide that access within a reasonable time;
- (b) a refusal by an organisation to correct personal data in accordance with a request by the complainant under section 22, or the organisation's failure to make the correction within a reasonable time;
- (c) a refusal by a porting organisation to transmit any applicable data pursuant to a data porting request under section 26H, or the porting organisation's failure to transmit the applicable data within a reasonable time;
- (d) a fee required from the complainant by an organisation in relation to a request by the complainant under section 21 or 22; or
- (e) a fee required from the complainant or a receiving organisation by a porting organisation in relation to a data porting request by the complainant under section 26H.

(2) Upon completion of its review under subsection (1), the Commission may —

- (a) confirm the refusal to provide access to the personal data or other information, or direct the organisation to provide access to the personal data or other information within the time specified by the Commission;
- (b) confirm the refusal to correct the personal data, or direct the organisation to correct the personal data in the manner and within the time specified by the Commission;
- (c) confirm the refusal to transmit the applicable data, or direct the porting organisation to transmit the applicable data in the manner and within the time specified by the Commission; or

- (d) confirm, reduce or disallow a fee, or direct the organisation or porting organisation (as the case may be) to make a refund to the complainant or receiving organisation, as the case may be.

[Act 40 of 2020 wef 01/02/2021]

Directions for non-compliance

48I.—(1) The Commission may, if it is satisfied that —

- (a) an organisation has not complied or is not complying with any provision of Part III, IV, V, VI, VIA or VIB; or
- (b) a person has not complied or is not complying with any provision of Part IX or section 48B(1),

give the organisation or person (as the case may be) any direction that the Commission thinks fit in the circumstances to ensure compliance with that provision.

(2) Without limiting subsection (1), the Commission may, if it thinks fit in the circumstances to ensure compliance with any provision of Part III, IV, V, VI, VIA or VIB, give an organisation all or any of the following directions:

- (a) to stop collecting, using or disclosing personal data in contravention of this Act;
- (b) to destroy personal data collected in contravention of this Act;
- (c) to comply with any direction of the Commission under section 48H(2).

[Act 40 of 2020 wef 01/02/2021]

Financial penalties

48J.—(1) Subject to subsection (2), the Commission may, if it is satisfied that —

- (a) an organisation has intentionally or negligently contravened any provision of Part III, IV, V, VI, VIA or VIB; or

-
-
- (b) a person has intentionally or negligently contravened —
- (i) any provision of Part IX; or
 - (ii) section 48B(1),

require, by written notice, the organisation or person (as the case may be) to pay a financial penalty.

(2) Subsection (1) does not apply in relation to any contravention of a provision of this Act, the breach of which is an offence under this Act.

(3) A financial penalty imposed on an organisation under subsection (1)(a) must not exceed the maximum amount to be prescribed, which in no case may be more than \$1 million.

(4) A financial penalty imposed on a person under subsection (1)(b) must not exceed the maximum amount to be prescribed, which in no case may be more than the following:

- (a) in the case of an individual — \$200,000;
- (b) in any other case — \$1 million.

(5) For the purposes of subsections (3) and (4), different maximum amounts may be prescribed in respect of contraventions of different provisions of this Act.

(6) The Commission must, in determining the amount of a financial penalty imposed under subsection (1), have regard to, and give such weight as the Commission considers appropriate to, all of the following matters:

- (a) the nature, gravity and duration of the non-compliance by the organisation or person, as the case may be;
- (b) the type and nature of the personal data affected by the non-compliance by the organisation or person, as the case may be;
- (c) whether the organisation or person (as the case may be), as a result of the non-compliance, gained any financial benefit or avoided any financial loss;

- (d) whether the organisation or person (as the case may be) took any action to mitigate the effects and consequences of the non-compliance, and the timeliness and effectiveness of that action;
- (e) whether the organisation or person (as the case may be) had, despite the non-compliance, implemented adequate and appropriate measures for compliance with the requirements under this Act;
- (f) whether the organisation or person (as the case may be) had previously failed to comply with this Act;
- (g) the compliance of the organisation or person (as the case may be) with any direction given under section 48I or 48L(4) in relation to remedying or mitigating the effect of the non-compliance;
- (h) whether the financial penalty to be imposed is proportionate and effective, having regard to achieving compliance and deterring non-compliance with this Act;
- (i) the likely impact of the imposition of the financial penalty on the organisation or person (as the case may be), including the ability of the organisation or person to continue the usual activities of the organisation or person;
- (j) any other matter that may be relevant.

[Act 40 of 2020 wef 01/02/2021]

Procedure for giving of directions and imposing of financial penalty

48K.—(1) Before giving any direction under section 48I or imposing a financial penalty under section 48J(1), the Commission must give written notice to the organisation or person concerned —

- (a) stating that the Commission intends to take action against the organisation or person under section 48I or 48J(1), as the case may be;
- (b) where the Commission intends to give any direction under section 48I, specifying the direction the Commission proposes to give;

-
-
- (c) specifying each instance of non-compliance that is the subject of the proposed action, or the reason or reasons for the proposed action; and
 - (d) subject to subsections (2) and (3), specifying the time within which written representations may be made to the Commission with respect to the proposed action.

(2) Where the Commission intends to impose a financial penalty under section 48J(1) on an organisation or a person, the time specified in the notice within which written representations may be made to the Commission must be at least 14 days after the date the notice is served on that organisation or person.

(3) The Commission may, on written application by the organisation or person concerned (whether before, on or after the expiry of the time specified in the notice), extend the time for the organisation or person to make written representations to the Commission if the Commission is satisfied that the extension should be granted by reason of exceptional circumstances in the particular case.

(4) The Commission may decide to give the direction under section 48I or impose the financial penalty under section 48J(1), as the case may be —

- (a) after considering any written representation made to the Commission pursuant to the notice mentioned in subsection (1); or
- (b) upon the expiry of the time specified in the notice under subsection (1)(d), or as extended by the Commission under subsection (3), where no representation is so made or any written representation made is subsequently withdrawn.

(5) Subsection (1) does not apply where the organisation or person (as the case may be) has died, is adjudged bankrupt, has been dissolved or wound up or has otherwise ceased to exist.

(6) Where the Commission decides to give the direction under section 48I or impose the financial penalty under section 48J(1) (as the case may be), the Commission must serve a notice of the decision on the following persons:

- (a) the organisation or person concerned;
- (b) the complainant whose complaint against the organisation or person concerned resulted in the giving of the direction or the imposition of the financial penalty (as the case may be), if any.

(7) A direction given under section 48I or the imposition of a financial penalty under section 48J(1) takes effect only when the Commission serves the notice in subsection (6)(a) on the organisation or person concerned.

(8) Where the Commission imposes a financial penalty under section 48J(1) on an organisation or a person, the written notice issued by the Commission to the organisation or person must specify the date before which the financial penalty is to be paid, being a date not earlier than 28 days after the notice is issued.

(9) The Commission may, on written application by an organisation or a person on whom a financial penalty under section 48J(1) is imposed —

- (a) extend the time for the organisation or person to pay the financial penalty; or
- (b) allow the financial penalty to be paid by instalments.

(10) The interest payable —

- (a) on the outstanding amount of any financial penalty imposed under section 48J(1); and
- (b) for payment by instalments (as the Commission may allow) of any financial penalty imposed under section 48J(1),

must be at such rate as the Commission may direct, which must not exceed the rate prescribed in the Rules of Court in respect of judgment debts.

[Act 40 of 2020 wef 01/02/2021]

Voluntary undertakings

48L.—(1) Without affecting sections 48I, 48J(1) and 50(1), where the Commission has reasonable grounds to believe that —

-
-
- (a) an organisation has not complied, is not complying or is likely not to comply with any provision of Part III, IV, V, VI, VIA or VIB; or
 - (b) a person has not complied, is not complying or is likely not to comply with any provision of Part IX or section 48B(1),

the organisation or person concerned may give, and the Commission may accept, a written voluntary undertaking.

(2) Without limiting the matters to which the voluntary undertaking may relate, the voluntary undertaking may include any of the following undertakings by the organisation or person concerned:

- (a) an undertaking to take specified action within a specified time;
- (b) an undertaking to refrain from taking specified action;
- (c) an undertaking to publicise the voluntary undertaking.

(3) Subject to subsection (4), the Commission may, after accepting the voluntary undertaking and with the agreement of the organisation or person who gave the voluntary undertaking —

- (a) vary the terms of any undertaking included in the voluntary undertaking; or
- (b) include, in the voluntary undertaking, any additional undertaking mentioned in subsection (2).

(4) Where an organisation or a person fails to comply with any undertaking in a voluntary undertaking —

- (a) the Commission may give the organisation or person concerned any direction that the Commission thinks fit in the circumstances to ensure the compliance of the organisation or person with that undertaking; and
- (b) section 48K(1), (3), (4), (5), (6) and (7) applies to the direction given under paragraph (a) as if the direction were given under section 48I.

(5) In addition, where an organisation or a person fails to comply with an undertaking mentioned in subsection (2)(c), the Commission may publicise the voluntary undertaking in accordance with the

undertaking, and recover the costs and expenses so incurred from the organisation or person as a debt due to the Commission.

[Act 40 of 2020 wef 01/02/2021]

Enforcement of directions of or written notices by Commission in District Court

48M.—(1) For the purposes of enforcing a direction or written notice mentioned in subsection (2) —

- (a) the Commission may apply for the direction or written notice (as the case may be) to be registered in a District Court in accordance with the Rules of Court; and
- (b) the District Court is to register the direction or written notice in accordance with the Rules of Court.

(2) Subsection (1) applies to any of the following:

- (a) a direction made by the Commission under section 48H(2), 48I or 48L(4);
- (b) a written notice by the Commission for the payment of any sum comprising —
 - (i) a financial penalty imposed under section 48J(1); and
 - (ii) any interest payable under section 48K(10) on that financial penalty.

(3) From the date of registration of a direction or written notice under subsection (1), the direction or written notice (as the case may be) has the same force and effect, and all proceedings may be taken on the direction or written notice (as the case may be), for the purposes of enforcement, as if it had been an order originally obtained in the District Court which has power to enforce it accordingly.

(4) A District Court may, for the purpose of enforcing a direction in accordance with subsection (3), make any order —

- (a) to secure compliance with the direction; or
- (b) to require any person to do anything to remedy, mitigate or eliminate any effects arising from —

- (i) anything done which ought not, under the direction, to have been done; or
- (ii) anything not done which ought, under the direction, to have been done,

which would not have occurred had the direction been complied with.

(5) A District Court has jurisdiction to enforce a written notice in accordance with subsection (3) regardless of the amount of the sum mentioned in subsection (2)(b).

[Act 40 of 2020 wef 01/02/2021]

Reconsideration of directions or decisions

48N.—(1) An organisation or a person (including any individual who is a complainant) aggrieved by —

- (a) any direction made by the Commission under section 48G(2), 48I(1) or (2) or 48L(4); or
- (b) any direction or decision made under section 48H(2),

may make a written application to the Commission to reconsider the direction or decision in accordance with this section.

(2) An organisation or a person aggrieved by a financial penalty imposed by the Commission under section 48J(1) on the organisation or person may make a written application to the Commission to reconsider the decision to impose the financial penalty or the amount of the financial penalty so imposed in accordance with this section.

(3) Unless the Commission decides otherwise in any particular case, an application for reconsideration does not suspend the effect of the direction or decision to be reconsidered except in the case of an application for reconsideration under subsection (2).

(4) The application for reconsideration —

- (a) subject to subsection (5), must be submitted to the Commission within the prescribed period;
- (b) must be made in the form and manner required by the Commission; and

(c) must set out the grounds on which the applicant is requesting the reconsideration.

(5) The Commission may, on written application by the organisation or person concerned (whether before, on or after the expiry of the prescribed period mentioned in subsection (4)(a)), extend the time for the organisation or person to make the application for reconsideration if the Commission is satisfied that the extension should be granted by reason of exceptional circumstances in the particular case.

(6) If an application for reconsideration is made in accordance with this section, the Commission must —

- (a) reconsider the direction or decision;
- (b) take any of the following actions as the Commission thinks fit:
 - (i) affirm, revoke or vary the direction or decision;
 - (ii) affirm or revoke, or vary the amount of, the financial penalty; and
- (c) notify the applicant in writing of the result of the reconsideration.

(7) There is to be no application for reconsideration of a decision made under subsection (6)(b).

[Act 40 of 2020 wef 01/02/2021]

Right of private action

480.—(1) A person who suffers loss or damage directly as a result of a contravention —

- (a) by an organisation of any provision of Part IV, V, VI, VIA or VIB; or
- (b) by a person of any provision of Division 3 of Part IX or Part IXA,

has a right of action for relief in civil proceedings in a court.

(2) If the Commission has made a decision under this Act in respect of a contravention specified in subsection (1), an action accruing

under subsection (1) may not be brought in respect of that contravention until after the decision has become final as a result of there being no further right of appeal.

(3) The court may grant to the plaintiff in an action under subsection (1) all or any of the following:

- (a) relief by way of injunction or declaration;
- (b) damages;
- (c) any other relief as the court thinks fit.

[Act 40 of 2020 wef 01/02/2021]

PART IXD APPEALS

[Act 40 of 2020 wef 01/02/2021]

Data Protection Appeal Panel and Data Protection Appeal Committees

48P.—(1) There is established a Data Protection Appeal Panel.

(2) The Minister must appoint the members of the Appeal Panel.

(3) The Chairman of the Appeal Panel must be appointed by the Minister from among the members of the Appeal Panel.

(4) For the purpose of hearing any appeal under section 48Q, the Chairman of the Appeal Panel may nominate a Data Protection Appeal Committee comprising 3 or more members of the Appeal Panel.

(5) The Seventh Schedule has effect with respect to the Appeal Panel, Appeal Committees and their members and the proceedings of Appeal Committees, as the case may be.

[Act 40 of 2020 wef 01/02/2021]

Appeal from direction or decision of Commission

48Q.—(1) An organisation or a person (including an individual who is a complainant) aggrieved by —

- (a) any direction made by the Commission under section 48G(2), 48I(1) or (2) or 48L(4);

(b) any direction or decision made by the Commission under section 48H(2); or

(c) any decision made by the Commission under section 48N(6)(b),

may, within the prescribed period, appeal to the Chairman of the Appeal Panel against that direction or decision.

(2) An organisation or a person aggrieved by a financial penalty imposed by the Commission under section 48J(1) on the organisation or person may, within the prescribed period, appeal to the Chairman of the Appeal Panel against the decision to impose the financial penalty or the amount of the financial penalty so imposed.

(3) Where an application for reconsideration has been made under section 48N, every appeal in respect of the same direction or decision which is the subject of the application for reconsideration is deemed to be withdrawn.

(4) Unless the Appeal Committee decides otherwise in any particular case, the making of an appeal under this section does not suspend the effect of the direction or decision to which the appeal relates except in the case of an appeal under subsection (2).

(5) An Appeal Committee hearing an appeal may confirm, vary or set aside the direction or decision which is the subject of the appeal and, in particular, may —

(a) remit the matter to the Commission;

(b) impose or revoke, or vary the amount of, a financial penalty;

(c) give any direction, or take any other step, that the Commission could itself have given or taken; or

(d) make any other direction or decision that the Commission could itself have made.

(6) A direction or decision of an Appeal Committee on an appeal has the same effect, and may be enforced in the same manner, as a direction or decision of the Commission, except that there is to be no application for further reconsideration under section 48N and no

further appeal under this section from the direction or decision of the Appeal Committee.

(7) If an Appeal Committee confirms the direction or decision which is the subject of the appeal, it may nevertheless set aside any finding of fact on which the direction or decision was based.

[Act 40 of 2020 wef 01/02/2021]

Appeals to General Division of High Court, etc.

48R.—(1) An appeal against, or with respect to, a direction or decision of an Appeal Committee lies to the General Division of the High Court —

- (a) on a point of law arising from the direction or decision of the Appeal Committee; or
- (b) from any direction of the Appeal Committee as to the amount of a financial penalty.

[Act 40 of 2020 wef 01/02/2021]

(2) An appeal under this section may be made within the prescribed time only at the instance of —

- (a) the organisation or person aggrieved by the direction or decision of the Appeal Committee;
- (b) if the decision relates to a complaint, the complainant; or
- (c) the Commission.

(3) The General Division of the High Court is to hear and determine any appeal under this section and may —

- (a) confirm, modify or reverse the direction or decision of the Appeal Committee; and
- (b) make any further or other order on the appeal, whether as to costs or otherwise, as the General Division of the High Court thinks fit.

[Act 40 of 2020 wef 01/02/2021]

(4) There is such further right of appeal from decisions of the General Division of the High Court under this section as exists in the case of decisions made by the General Division of the High Court in the exercise of its original civil jurisdiction.

[Act 40 of 2020 wef 01/02/2021]

(5) [*Deleted by Act 40 of 2020 wef 01/02/2021*]

[Act 40 of 2020 wef 01/02/2021]

PART X GENERAL

Advisory guidelines

49.—(1) The Commission may, from time to time, issue written advisory guidelines indicating the manner in which the Commission will interpret the provisions of this Act.

(2) Guidelines issued under this section may, from time to time, be varied, amended or revoked by the Commission.

(3) The Commission shall publish the guidelines in any way the Commission thinks fit, but failure to comply with this subsection in respect of any guidelines shall not invalidate the guidelines.

Powers of investigation

50.—(1) The Commission may, upon complaint or of its own motion, conduct an investigation under this section to determine whether or not an organisation or a person is complying with this Act, including a voluntary undertaking given by the organisation or person under section 48L(1).

[Act 40 of 2020 wef 01/02/2021]

(2) The powers of investigation under this section of the Commission and the inspectors shall be as set out in the Ninth Schedule.

(3) The Commission may suspend, discontinue or refuse to conduct an investigation under this section if it thinks fit, including but not limited to any of the following circumstances:

(a) the complainant has not complied with a direction under section 48G(2);

[Act 40 of 2020 wef 01/02/2021]

(b) the parties involved in the matter have mutually agreed to settle the matter;

-
-
- (c) any party involved in the matter has commenced legal proceedings against another party in respect of any contravention or alleged contravention of this Act by the other party;
- (ca) the Commission accepts a voluntary undertaking given by an organisation or a person under section 48L(1) in relation to the matter;
- [Act 40 of 2020 wef 01/02/2021]*
- (d) the Commission is of the opinion that the matter may be more appropriately investigated by another regulatory authority and has referred the matter to that authority; or
- (e) the Commission is of the opinion that —
- (i) a complaint is frivolous or vexatious or is not made in good faith; or
 - (ii) any other circumstances warrant refusing to conduct, suspending or discontinuing the investigation.

(3A) To avoid doubt, despite subsection (3)(ca), the Commission may conduct or resume an investigation under this section at any time if an organisation or a person fails to comply with a voluntary undertaking given by the organisation or person under section 48L(1) in relation to any matter.

[Act 40 of 2020 wef 01/02/2021]

(4) An organisation shall retain records relating to an investigation under this section for one year after the conclusion of the investigation or any longer period specified in writing by the Commission.

Offences and penalties

- 51.—**(1) A person shall be guilty of an offence if the person —
- (a) makes a request under section 21(1) to obtain access to personal data about another individual without the authority of that other individual;
 - (b) makes a request under section 22(1) to change personal data about another individual without the authority of that other individual; or

- (c) subject to subsection (1A), gives a porting organisation a data porting request under section 26H(1) to transmit personal data about another individual to a receiving organisation without the authority of that other individual.

[Act 40 of 2020 wef 01/02/2021]

(1A) Subsection (1)(c) does not apply to an individual who gives a data porting request under section 26H(1), in the individual's personal or domestic capacity, to transmit any user activity data or user-provided data about the individual even though the user activity data or user-provided data (as the case may be) includes personal data about another individual.

[Act 40 of 2020 wef 01/02/2021]

(2) Any person guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) An organisation or person commits an offence if the organisation or person —

- (a) with an intent to evade a request under section 21 or 22, disposes of, alters, falsifies, conceals or destroys, or directs another person to dispose of, alter, falsify, conceal or destroy, a record containing —

(i) personal data; or

(ii) information about the collection, use or disclosure of personal data;

- (b) obstructs or hinders the Commission, an inspector or an authorised officer in the performance of any function or duty, or the exercise of any power, under this Act;

[Act 22 of 2016 wef 01/10/2016]

[Act 40 of 2020 wef 01/02/2021]

- (ba) without reasonable excuse, neglects or refuses to provide any information or produce any document which the organisation or person is required by or under this Act to provide or produce to the Commission or an inspector;

[Act 40 of 2020 wef 01/02/2021]

-
-
- (bb) without reasonable excuse, neglects or refuses to attend before the Commission or an inspector as required by or under this Act; or
- [Act 40 of 2020 wef 01/02/2021]*
- (c) makes a statement, or furnishes any information or document, to the Commission, an inspector or an authorised officer under this Act, which the organisation or person knows, or ought reasonably to know, to be false or misleading in any material particular.
- [Act 22 of 2016 wef 01/10/2016]*
- (4) An organisation or person that commits an offence under subsection (3)(a) is liable —
- (a) in the case of an individual, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both; and
- [Act 40 of 2020 wef 01/02/2021]*
- (b) in any other case, to a fine not exceeding \$50,000.
- (5) An organisation or person that commits an offence under subsection (3)(b) or (c) is liable —
- (a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in any other case, to a fine not exceeding \$100,000.
- (6) An organisation or a person that commits an offence under subsection (3)(ba) or (bb) is liable —
- (a) in the case of an individual — to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and
- (b) in any other case — to a fine not exceeding \$10,000.
- [Act 40 of 2020 wef 01/02/2021]*

Offences by corporations

52.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of the actual or apparent authority of the officer, employee or agent, as the case may be; and
 - (b) the officer, employee or agent had that state of mind,
- is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the corporation; or
 - (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
 - (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any corporation formed or recognised under the law of a territory outside Singapore.

(7) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[Act 40 of 2020 wef 01/02/2021]

Offences by unincorporated associations or partnerships

52A.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated

association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of the actual or apparent authority of the employee or agent, as the case may be; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;
 - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
 - (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all

reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any unincorporated association or partnership formed or recognised under the law of a territory outside Singapore.

(7) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of the committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

[Act 40 of 2020 wef 01/02/2021]

Liability of employers for acts of employees

53.—(1) Any act done or conduct engaged in by a person in the course of his employment (referred to in this section as the employee) shall be treated for the purposes of this Act as done or engaged in by his employer as well as by him, whether or not it was done or engaged in with the employer’s knowledge or approval.

(2) In any proceedings for an offence under this Act brought against any person in respect of an act or conduct alleged to have been done or engaged in, as the case may be, by an employee of that person, it is a defence for that person to prove that he took such steps as were practicable to prevent the employee from doing the act or engaging in the conduct, or from doing or engaging in, in the course of his employment, acts or conduct, as the case may be, of that description.

Jurisdiction of court

54. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Composition of offences

55.—(1) The Commission may, in its discretion, compound any offence under this Act (except Part IX) which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following sums:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) a sum of \$5,000.

(2) The Commission may, in its discretion, compound any offence under Part IX which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(3) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(4) The Commission may, with the approval of the Minister, make regulations prescribing the offences which may be compounded.

[Act 22 of 2016 wef 01/10/2016]

General penalties

56. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

Public servants and public officers

57.—(1) All individuals appointed under section 8(1) —

- (a) are deemed to be public servants for the purposes of the Penal Code (Cap. 224); and
- (b) are, in relation to their administration, assessment, collection or enforcement of payment of composition sums under this Act, deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109); and section 20 of that Act applies to these individuals even though they are not or were not in the employment of the Government.

(2) All members of the Appeal Panel, and all members of an advisory committee, are deemed to be public servants for the purposes of the Penal Code.

[Act 22 of 2016 wef 01/10/2016]

Evidence in proceedings

58.—(1) The Commission, the Appeal Panel, an Appeal Committee, their members and anyone acting for or under the direction of the Commission shall not give or be compelled to give evidence in a court or in any other proceedings in respect of any information obtained in performing their duties or exercising their powers or functions under this Act, except —

- (a) in a prosecution for perjury or for the furnishing of false information;
- (b) in a prosecution for an offence under this Act; or
- (c) in an application for judicial review or an appeal from a decision with respect to such an application.

(2) Subsection (1) applies also in respect of evidence of the existence of proceedings conducted before the Commission.

Preservation of secrecy

59.—(1) Subject to subsection (5), every specified person shall preserve, and aid in the preservation of, secrecy with regard to —

- (a) any personal data an organisation would be required or authorised to refuse to disclose if it were contained in personal data requested under section 21;
- (b) whether information exists, if an organisation in refusing to provide access under section 21 does not indicate whether the information exists;
- (c) all matters that have been identified as confidential under subsection (3); and
- (d) all matters relating to the identity of persons furnishing information to the Commission,

that may come to his knowledge in the performance of his functions and discharge of his duties under this Act and shall not communicate any such matter to any person, except in so far as such communication —

-
-
- (i) is necessary for the performance of any such function or discharge of any such duty; or
 - (ii) is lawfully required by any court, or lawfully required or permitted under this Act or any other written law.
- (2) Any person who fails to comply with subsection (1) shall be guilty of an offence.
- (3) Any person, when furnishing any information to the Commission, may identify information that he claims to be confidential information.
- (4) Every claim made under subsection (3) shall be supported by a written statement giving reasons why the information is confidential.
- (5) Notwithstanding subsection (1), the Commission may disclose, or authorise any specified person to disclose, any information relating to any matter referred to in subsection (1) in any of the following circumstances:
- (a) where the consent of the person to whom the information relates has been obtained;
 - (b) if the Commission considers there is evidence of an offence, disclose information relating to the commission of an offence to the Public Prosecutor, any police officer and other law enforcement authorities;
 - (c) to give effect to any provision of this Act;
 - (d) for the purposes of a prosecution, an application or an appeal referred to in section 58(1)(a), (b) or (c);
 - (e) to comply with any provision of a co-operation agreement entered into under section 10, where the conditions specified in subsection (6) are satisfied; or
 - (f) to a public body in such circumstances as may be prescribed by the Minister.
- (6) The conditions referred to in subsection (5)(e) are —
- (a) that the information or documents requested by the foreign country are in the possession of the Commission;

- (b) that unless the Government otherwise allows, the foreign country undertakes to keep the information given confidential at all times; and
 - (c) that the disclosure of the information is not likely to be contrary to the public interest.
- (7) In this section, “specified person” means a person who is or has been —
- (a) a member or an officer of a relevant body;
 - (aa) a person authorised or appointed by a relevant body to perform the relevant body’s functions or duties, or exercise the relevant body’s powers, under this Act or any other written law;
[Act 22 of 2016 wef 01/10/2016]
 - (b) a member of a committee of a relevant body or any person authorised, appointed or employed to assist the relevant body; or
 - (c) an inspector or a person authorised, appointed or employed to assist an inspector.

Protection from personal liability

60. No liability shall be incurred by —

- (a) any member or officer of a relevant body;
- (b) any person authorised, appointed or employed to assist a relevant body;
- (c) any person who is on secondment or attachment to a relevant body;
- (d) any person authorised or appointed by a relevant body to exercise the relevant body’s powers, perform the relevant body’s functions or discharge the relevant body’s duties or to assist the relevant body in the exercise of its powers, the performance of its functions or the discharge of its duties under this Act or any other written law; or

- (e) any inspector or any person authorised, appointed or employed to assist him in connection with any function or duty of the inspector under this Act,

as a result of anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the course of or in connection with —

- (i) the exercise or purported exercise of any power under this Act or any other written law;
- (ii) the performance or purported performance of any function or the discharge or purported discharge of any duty under this Act or any other written law; or
- (iii) the compliance or purported compliance with this Act or any other written law.

Symbol of Commission

61.—(1) The Commission shall have the exclusive right to the use of such symbol or representation as may be prescribed in connection with its activities or affairs.

(2) Any person who, without the authority of the Commission, uses a symbol or representation identical with that of the Commission, or which so resembles the symbol or representation of the Commission as to deceive or cause confusion, or to be likely to deceive or to cause confusion, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Power to exempt

62. The Commission may, with the approval of the Minister, by order published in the *Gazette*, exempt any person or organisation or any class of persons or organisations from all or any of the provisions of this Act, subject to such terms or conditions as may be specified in the order.

Certificate as to national interest

63. For the purposes of this Act, if any doubt arises as to whether anything is necessary for the purpose of, or could be contrary to, the national interest, a certificate signed by the Minister charged with responsibility for that matter shall be conclusive evidence of the matters stated therein.

Amendment of Schedules

64.—(1) The Minister may, by order published in the *Gazette*, amend any of the Schedules, except the Ninth Schedule.

(2) An order under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Power to make regulations

65.—(1) The Commission may, with the approval of the Minister, make such regulations as may be necessary or expedient for carrying out the purposes and provisions of this Act and for prescribing anything that may be required or authorised to be prescribed by this Act.

[Act 22 of 2016 wef 01/10/2016]

(2) Without prejudice to the generality of subsection (1), the Commission may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) *[Deleted by Act 22 of 2016 wef 01/10/2016]*
- (b) the form, manner and procedures, relating to the making and responding to requests under section 21 or 22, including the content of responses to such requests, the period for such responses, the circumstances in which an organisation may refuse to provide a response or refuse to confirm or deny the existence of any matter and the fees that an organisation may charge in respect of such requests;
- (ba) the assessment and notification of notifiable data breaches, including —

-
-
- (i) the steps and measures that an organisation must take in relation to the investigation and assessment of data breaches; and
 - (ii) the form and manner in which the Commission and affected individuals must be notified of notifiable data breaches;
[Act 40 of 2020 wef 01/02/2021]
- (bb) the form, manner and procedures relating to data porting requests, including —
- (i) the information and particulars that must be provided for such requests;
 - (ii) the time for and content of a porting organisation's responses to such requests;
 - (iii) the steps that a receiving organisation must take to confirm the accessibility and completeness of any applicable data transmitted by a porting organisation; and
 - (iv) the fees that a porting organisation may charge in respect of such requests;
[Act 40 of 2020 wef 01/02/2021]
- (c) the classes of persons who may act under this Act for minors, deceased persons or any other individuals who lack capacity to act under this Act and regulating the manner in which, and the extent to which, any rights or powers of individuals under this Act may be exercised on their behalf;
- (d) the form, manner and procedures relating to applications and complaints under this Act;
- (e) the conduct of reviews by the Commission under section 48H;
[Act 40 of 2020 wef 01/02/2021]
- (f) the form, manner and procedures for applications for reconsideration by the Commission under section 48N,

including the fees to be paid in respect of such applications;

[Act 40 of 2020 wef 01/02/2021]

- (g) the form, manner and procedures for appeals to an Appeal Committee, including the fees to be paid in respect of such appeals;
- (h) the award of costs of or incidental to any proceedings before the Commission or Appeal Committee, and the award of expenses, including any allowances payable to persons in connection with their attendance before the Commission or Appeal Committee;
- (i) the criteria for determining whether a Singapore telephone number is eligible to be listed in a register;
- (j) the manner in which entries in the register are to be made, corrected or removed;
- (k) the manner and form of giving or withdrawing consent for the sending of a specified message;
- (l) any other matter relating to the establishment, operation or administration of the register;
- (m) the fees to be paid in respect of applications, and services provided by or on behalf of the Commission, under this Act, including applications made under section 40(2);
[Act 22 of 2016 wef 01/10/2016]
[Act 40 of 2020 wef 01/02/2021]
- (n) the requirements that checkers must comply with for the purposes of this Act.

[Act 40 of 2020 wef 01/02/2021]

(3) Regulations made under this section may provide differently for different organisations, individuals, classes of organisations or classes of individuals.

Rules of Court

66. Rules of Court may be made to provide for the practice and procedure relating to actions under section 48O and appeals under section 48R, including the requirement that the plaintiff notify the

Commission upon commencing any such action or appeal, and for matters related thereto.

[Act 40 of 2020 wef 01/02/2021]

Saving and transitional provisions

67.—(1) Every act done by or on behalf of the Former Commission before the appointed date remains valid and have effect as though it has been done by or on behalf of the Commission, until such time as the Commission invalidates, revokes, cancels or otherwise determines that act.

(2) Where any thing has been started by or on behalf of the Former Commission before the appointed date, the Commission may carry on and complete that thing on or after that date.

(3) Any approval, authorisation, decision, direction, exemption, guideline or notice (or other document) given or made by the Former Commission under this Act before the appointed date remains valid and is deemed to have been given or made by the Commission under this Act, to the extent that it is not inconsistent with this Act as amended by the Info-communications Media Development Authority Act 2016.

(4) Any application that is made to the Former Commission under this Act and is pending on the appointed date is deemed to be an application made to the Commission under this Act, to the extent that it is not inconsistent with this Act as amended by the Info-communications Media Development Authority Act 2016.

(5) Any appeal made before the appointed date under Part VIII in respect of any direction or decision of the Former Commission is deemed to be an appeal in respect of the direction or decision of the Commission.

(6) Any authorisation made by, or any certificate or other document signed by, the Chairman of the Former Commission under this Act before the appointed date remains valid and is deemed to have been made or signed by the Chief Executive of the Authority under this Act.

(7) For a period of 2 years after the date of commencement of any provision of section 96 of the Info-communications Media

Development Authority Act 2016, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision, as the Minister may consider necessary or expedient.

(8) This section does not affect the operation of section 16 of the Interpretation Act (Cap. 1).

(9) In this section —

“appointed date” means the date of commencement of section 96(i) of the Info-communications Media Development Authority Act 2016;

“Former Commission” means the Personal Data Protection Commission established by section 5(1) as in force immediately before the appointed date.

[Act 22 of 2016 wef 01/10/2016]

Dissolution

68.—(1) The Former Commission is dissolved.

(2) In this section, “Former Commission” has the same meaning as in section 67(9).

[Act 22 of 2016 wef 02/10/2016]

FIRST SCHEDULE

Section 17(1) and Fifth and Twelfth
Schedules

COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

PART 1

VITAL INTERESTS OF INDIVIDUALS

1.—(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.

FIRST SCHEDULE — *continued*

(2) Where the organisation collects, uses or discloses (as the case may be) personal data about the individual under sub-paragraph (1), the organisation 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.

2. 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.

3. 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.

4. 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

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

2. The collection, use or disclosure (as the case may be) of personal data about an individual is in the national interest.

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

4. 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.

5. The personal data about an individual is collected, used or disclosed (as the case may be) by a news organisation solely for its news activity.

6. In this Part —

“broadcasting service” has the meaning given by section 2(1) of the Broadcasting Act (Cap. 28);

FIRST SCHEDULE — *continued*

“news activity” means —

- (a) the gathering of news, or the preparation or compilation of articles or programmes of or concerning news, observations on news, or current affairs, for the purposes of dissemination to the public or any section of the public; or
- (b) the dissemination, to the public or any section of the public, of any article or programme of or concerning —
 - (i) news;
 - (ii) observations on news; or
 - (iii) current affairs;

“news organisation” means —

- (a) any organisation —
 - (i) the business of which consists, in whole or in part, of news activity carried out in relation to a relevant broadcasting service, a newswire service or the publication of a newspaper; and
 - (ii) which, if the organisation publishes a newspaper in Singapore which is not exempted from the provisions of Part III of the Newspaper and Printing Presses Act (Cap. 206), is a newspaper company defined in section 2(1) of that Act; or
- (b) any organisation which provides a broadcasting service in or from Singapore and holds a broadcasting licence granted under section 8 of the Broadcasting Act;

“newspaper” has the meaning given by section 2(1) of the Newspaper and Printing Presses Act;

“relevant broadcasting service” means any of the following licensable broadcasting services within the meaning of the Broadcasting Act:

- (a) free-to-air nationwide television services;
- (b) free-to-air localised television services;
- (c) free-to-air international television services;
- (d) subscription nationwide television services;
- (e) subscription localised television services;
- (f) subscription international television services;

FIRST SCHEDULE — *continued*

- (g) special interest television services;
- (h) free-to-air nationwide radio services;
- (i) free-to-air localised radio services;
- (j) free-to-air international radio services;
- (k) subscription nationwide radio services;
- (l) subscription localised radio services;
- (m) subscription international radio services;
- (n) special interest radio services.

PART 3

LEGITIMATE INTERESTS

- 1.—(1) Subject to sub-paragraphs (2), (3) and (4) —
- (a) the collection, use or disclosure (as the case may be) of personal data about an individual is in the legitimate interests of the organisation or another person; and
 - (b) the legitimate interests of the organisation or other person outweigh any adverse effect on the individual.
- (2) For the purposes of sub-paragraph (1), the organisation must —
- (a) conduct an assessment, before collecting, using or disclosing the personal data (as the case may be), to determine whether sub-paragraph (1) is satisfied; and
 - (b) provide the individual with reasonable access to information about the organisation's collection, use or disclosure of personal data (as the case may be) in accordance with sub-paragraph (1).
- (3) The organisation must, in respect of the assessment mentioned in sub-paragraph (2)(a) —
- (a) identify any adverse effect that the proposed collection, use or disclosure (as the case may be) of personal data about an individual is likely to have on the individual;
 - (b) identify and implement reasonable measures —
 - (i) to eliminate the adverse effect;
 - (ii) to reduce the likelihood that the adverse effect will occur; or
 - (iii) to mitigate the adverse effect; and

FIRST SCHEDULE — *continued*

- (c) comply with any other prescribed requirements.
- (4) Sub-paragraph (1) does not apply to the collection, use or disclosure of personal data about an individual for the purpose of sending to that individual or any other individual a message for an applicable purpose within the meaning given by section 37(6).
2. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for evaluative purposes.
3. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for any investigation or proceedings.
4. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for the organisation —
- (a) to recover a debt owed by the individual to the organisation; or
 - (b) to pay to the individual a debt owed by the organisation.
5. 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 organisation to another person, or for the organisation to obtain legal services.
- 6.—(1) Subject to sub-paragraph (2), the collection, use or disclosure (as the case may be) of personal data about an individual —
- (a) is for the purpose of the preparation by a credit bureau of a credit report; or
 - (b) relates to a credit report provided by a credit bureau to a member of the credit bureau in relation to a transaction between the member and the individual.
- (2) Sub-paragraph (1) does not apply to a credit bureau that, being required to obtain a licence under any other written law, does not hold such a licence.
7. 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.
8. The personal data about an individual —
- (a) is provided to the organisation by another individual to enable the organisation to provide a service for the personal or domestic purposes of that other individual; and

FIRST SCHEDULE — *continued*

(b) is collected, used or disclosed (as the case may be) by the organisation solely for the purpose in sub-paragraph (a).

9. 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.

10. The personal data about an individual is collected, used or disclosed (as the case may be) by the organisation, 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 organisation —

(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.

PART 4

BUSINESS ASSET TRANSACTIONS

1.—(1) Subject to the conditions in sub-paragraphs (2), (3), (4) and (5), where an organisation (*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;

FIRST SCHEDULE — *continued*

- (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.
- 2.—(1) Subject to the conditions in sub-paragraphs (2), (3) and (4), where an organisation (*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 sub-paragraph (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

FIRST SCHEDULE — *continued*

- (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 sub-paragraph (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.

3. In this Part —

“applicable individual”, in relation to an organisation, includes a contractor, a customer, a director, an employee, an officer or a shareholder of the organisation;

“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;

FIRST SCHEDULE — *continued*

- (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.

PART 5

BUSINESS IMPROVEMENT PURPOSES

1.—(1) Subject to the conditions in sub-paragraphs (3), (4) and (5), personal data about an individual (*P*) —

- (a) is collected by an organisation (*X*) that is a corporation from a related corporation (*Y*) for a purpose specified in sub-paragraph (2) (called the relevant purpose);
- (b) is used by *X* for a relevant purpose; or
- (c) is disclosed by *Y* to *X* for a relevant purpose.

FIRST SCHEDULE — *continued*

- (2) The relevant purposes mentioned in sub-paragraph (1) are the following:
- (a) improving or enhancing any goods or services provided, or developing new goods or services to be provided, by *X* or *Y*;
 - (b) improving or enhancing the methods or processes, or developing new methods or processes, for the operations of *X* or *Y*;
 - (c) learning about and understanding the behaviour and preferences of *P* or another individual in relation to the goods or services provided by *X* or *Y*;
 - (d) identifying any goods or services provided by *X* or *Y* that may be suitable for *P* or another individual, or personalising or customising any such goods or services for *P* or another individual.
- (3) Sub-paragraph (1)(a) and (c) applies only if —
- (a) the relevant purpose for which *X* collects, or *Y* discloses, personal data about *P* cannot reasonably be achieved without the collection, use or disclosure (as the case may be) of the personal data in an individually identifiable form;
 - (b) a reasonable person would consider the collection or disclosure of personal data about *P* for the relevant purpose to be appropriate in the circumstances; and
 - (c) *X* and *Y* are bound by any contract or other agreement or binding corporate rules requiring the recipient of personal data about *P* to implement and maintain appropriate safeguards for the personal data.
- (4) Sub-paragraph (1)(b) applies only if —
- (a) the relevant purpose for which *X* uses personal data about *P* cannot reasonably be achieved without the use of the personal data in an individually identifiable form; and
 - (b) a reasonable person would consider the use of personal data about *P* for the relevant purpose to be appropriate in the circumstances.
- (5) Where *X* collects from *Y*, and *Y* discloses to *X*, personal data about *P* for a purpose mentioned in sub-paragraph (2)(c) or (d), *P* must be, at the time of the collection or disclosure, as the case may be —
- (a) an existing customer of *Y*; and
 - (b) an existing customer or a prospective customer of *X*.
- (6) To avoid doubt, sub-paragraph (1) does not apply to the collection, use or disclosure of personal data about *P* for the purpose of sending to *P* or another

FIRST SCHEDULE — *continued*

individual a message for an applicable purpose within the meaning given by section 37(6).

2. In this Part —

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

“existing customer”, in relation to a corporation, means an individual who purchases, hires or uses, or has purchased, hired or used, any goods or services provided by the corporation;

“prospective customer of *X*” means an individual who, at the time mentioned in paragraph 1(5) —

(a) has informed *X* of the individual’s interest in purchasing, hiring or using any goods or services provided by *X*; or

(b) is conducting negotiations with *X* that lead or may lead to an agreement between the individual and *X* for the purchase, hire or use of any goods or services provided by *X*.

[Act 40 of 2020 wef 01/02/2021]

SECOND SCHEDULE

Sections 2(1) and 17(1)

ADDITIONAL BASES FOR COLLECTION, USE AND
DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

PART 1

COLLECTION OF PERSONAL DATA

1. The collection of personal data about an individual, if —

(a) the personal data was disclosed by a public agency; and

(b) the collection of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

PART 2

USE OF PERSONAL DATA

Division 1 — Public interest

1. The use of personal data about an individual, if —

(a) the personal data was disclosed by a public agency; and

SECOND SCHEDULE — *continued*

- (b) the use of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

Division 2 — Business improvement purpose

1.—(1) Subject to the conditions in sub-paragraph (2), personal data about an individual (*P*) is used by the organisation for any of the following purposes:

- (a) improving or enhancing any goods or services provided, or developing new goods or services to be provided, by the organisation;
- (b) improving or enhancing the methods or processes, or developing new methods or processes, for the operations of the organisation;
- (c) learning about and understanding the behaviour and preferences of *P* or another individual in relation to the goods or services provided by the organisation;
- (d) identifying any goods or services provided by the organisation that may be suitable for *P* or another individual, or personalising or customising any such goods or services for *P* or another individual.

(2) Sub-paragraph (1) applies only if —

- (a) the purpose for which the organisation uses personal data about *P* cannot reasonably be achieved without the use of the personal data in an individually identifiable form; and
- (b) a reasonable person would consider the use of personal data about *P* for that purpose to be appropriate in the circumstances.

(3) To avoid doubt, sub-paragraph (1) does not apply to the use of personal data about *P* for the purpose of sending to *P* or another individual a message for an applicable purpose within the meaning given by section 37(6).

(4) In this paragraph, “organisation” excludes a corporation within the meaning given by section 4(1) of the Companies Act.

Division 3 — Research

1. 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 benefit to using the personal data for the research purpose;

SECOND SCHEDULE — *continued*

- (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 organisation publishes the results in a form that does not identify the individual.

PART 3

DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

Division 1 — Public interest

1. The disclosure of personal data about an individual to a public agency, where the disclosure is necessary in the public interest.
2. The disclosure of personal data about an individual who is a current or former student of an educational institution to a public agency for the purposes of policy formulation or review.
3. The disclosure of personal data about an individual who is a current or former patient of any of the following to 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.
4. The disclosure of personal data about any individual 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.

Division 2 — Research

1. 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 organisation to seek the consent of the individual for the disclosure;

SECOND SCHEDULE — *continued*

- (c) there is a clear public benefit 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; and
- (e) in the event that the results of the research are published, the organisation publishes the results in a form that does not identify the individual.

[Act 40 of 2020 wef 01/02/2021]

THIRD SCHEDULE

[Deleted by Act 40 of 2020 wef 01/02/2021]

FOURTH SCHEDULE

[Deleted by Act 40 of 2020 wef 01/02/2021]

FIFTH SCHEDULE

Section 21(2)

EXCEPTIONS FROM ACCESS REQUIREMENT

1. An organisation is not required to provide information under section 21(1) in respect of —

- (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) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;
- (d) 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;
- (e) a document related to a prosecution if all proceedings related to the prosecution have not been completed;
- (f) personal data which is subject to legal privilege;

FIFTH SCHEDULE — *continued*

- (g) personal data which, if disclosed, would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the organisation;
- (h) personal data collected, used or disclosed without consent, under paragraph 3 of Part 3 of the First Schedule, for the purposes of an investigation if the investigation and associated proceedings and appeals have not been completed;

[Act 40 of 2020 wef 01/02/2021]

- (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 organisation because of the repetitious or systematic nature of the requests;

- (ii) if the burden or expense of providing access would be unreasonable to the organisation 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.

2. For the purposes of paragraph 1(j)(i), the organisation may have regard to the number and frequency of requests received.

[Act 40 of 2020 wef 01/02/2021]

SIXTH SCHEDULE

Section 22(7)

EXCEPTIONS FROM CORRECTION REQUIREMENT

1. Section 22 shall not apply in respect of —

- (a) opinion data kept solely for an evaluative purpose;

SIXTH SCHEDULE — *continued*

- (b) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
- (c) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;
- (d) 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;
[Act 40 of 2020 wef 01/02/2021]
- (e) a document related to a prosecution if all proceedings related to the prosecution have not been completed; or
[Act 40 of 2020 wef 01/02/2021]
- (f) derived personal data.
[Act 40 of 2020 wef 01/02/2021]

SEVENTH SCHEDULE

Section 48P(5)

CONSTITUTION AND PROCEEDINGS OF DATA PROTECTION APPEAL
PANEL AND DATA PROTECTION APPEAL COMMITTEES**Data Protection Appeal Panel**

1.—(1) The Data Protection Appeal Panel shall consist of not more than 30 members appointed, from time to time, by the Minister on the basis of their ability and experience in industry, commerce or administration or their professional qualifications or their suitability otherwise for appointment.

(2) Members of the Appeal Panel shall be appointed for such period as may be determined by the Minister and shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of any member of the Appeal Panel without assigning any reason.

(4) A member of the Appeal Panel may resign by giving notice in writing to the Minister.

Chairman of Appeal Panel or temporary Chairman of Appeal Panel

2.—(1) The Chairman of the Appeal Panel, unless his appointment is revoked by the Minister or unless he resigns during his term of office, shall hold office for such period as the Minister may determine and shall be eligible for re-appointment.

SEVENTH SCHEDULE — *continued*

(2) The Minister may appoint any member to be a temporary Chairman of the Appeal Panel during the temporary incapacity from illness or otherwise or during the temporary absence from Singapore of the Chairman of the Appeal Panel.

Secretary to Appeal Panel

2A.—(1) The Secretary to the Appeal Panel is to be appointed by the Minister.

(2) The Secretary is to provide administrative and secretarial support to the Chairman of the Appeal Panel, the Appeal Panel and every Appeal Committee, in the discharge of their functions, duties and powers under this Act.

(3) The Secretary is to act in accordance with the instructions of the Chairman and, in particular, be responsible for —

(a) the acceptance, transmission, service and custody of documents relating to the Appeal Panel, Appeal Committees and proceedings relating to appeals; and

[Act 40 of 2020 wef 01/02/2021]

(b) keeping the records of proceedings relating to appeals in such form as the Chairman may direct.

[Act 40 of 2020 wef 01/02/2021]

(4) The Secretary and any person authorised under sub-paragraph (5) may attend any meeting of an Appeal Committee to carry out their functions under this Act.

(5) The Secretary may be assisted in carrying out the Secretary's functions under this Act by persons authorised by the Secretary.

[S 19/2015 wef 23/01/2015]

Constitution of Appeal Committee

2B.—(1) Where an appeal is made, the Chairman of the Appeal Panel is to nominate 3 or more members of the Appeal Panel (which may include himself) to constitute an Appeal Committee to hear the appeal.

[Act 40 of 2020 wef 01/02/2021]

(2) For the proper functioning of any Appeal Committee, the Chairman of the Appeal Panel may at any time —

(a) terminate the nomination of any member of the Appeal Committee; and

(b) re-constitute the Appeal Committee upon the termination of the nomination, the expiry of the term of appointment or the withdrawal of any member of the Appeal Committee.

SEVENTH SCHEDULE — *continued*

(3) The re-constitution of an Appeal Committee under sub-paragraph (2)(b) does not affect the validity of anything done by the Appeal Committee under this Act before, on or after the re-constitution of the Appeal Committee.

[S 19/2015 wef 23/01/2015]

Proceedings of Appeal Committees

3.—(1) The presiding member of an Appeal Committee is —

- (a) the Chairman of the Appeal Panel, if he nominates himself as a member of the Appeal Committee; or
- (b) the member of the Appeal Panel appointed by the Chairman of the Appeal Panel as the presiding member of that Appeal Committee.

(2) However, in the absence at any meeting of the presiding member of an Appeal Committee referred to in sub-paragraph (1), another member of the Appeal Committee chosen by the members of that Appeal Committee present is to preside at that meeting.

(3) All matters coming before an Appeal Committee are to be decided by a majority of votes of those members present and, in the event of an equality of votes, the presiding member has a second or casting vote.

(4) Any member of the Appeal Panel whose term of appointment expires in the course of proceedings by an Appeal Committee to which he is appointed continues as a member of that Appeal Committee until the Appeal Committee —

- (a) completes its work on the appeal; or
- (b) is earlier re-constituted under paragraph 2B(2)(b) without that member.

(5) An Appeal Committee is to meet for any purpose under this Act at such times and places as determined by the presiding member before the meeting.

[S 19/2015 wef 23/01/2015]

Powers of Appeal Committees

4.—(1) An Appeal Committee shall have all the powers and duties of the Commission that are necessary to perform its functions and discharge its duties under this Act.

(2) An Appeal Committee shall have the powers, rights and privileges vested in a District Court on the hearing of an action, including —

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise;
- (b) the compelling of the production of documents; and

SEVENTH SCHEDULE — *continued*

(c) the award of such costs or expenses as may be prescribed under section 65.

(3) A summons signed by such member of an Appeal Committee as may be authorised by the Appeal Committee shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(4) Where any person being duly summoned to attend before an Appeal Committee does not so attend, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) A witness before an Appeal Committee shall be entitled to the same immunities and privileges as if he were a witness before a District Court.

(6) All appeals shall be determined, having regard to the nature and complexity of the appeal, as soon as reasonably practicable.

[Act 40 of 2020 wef 01/02/2021]

(7) An Appeal Committee shall inform the Commission and the parties to the appeal of the date on and the place at which the appeal shall be heard.

[S 19/2015 wef 23/01/2015]

(8) An Appeal Committee shall inform the Commission and the parties to the appeal of its decision in respect of the appeal and the reasons for its decision.

[S 19/2015 wef 23/01/2015]

(9) Subject to other provisions of this Act and regulations made under this Act, an Appeal Committee may regulate its own procedure.

[S 19/2015 wef 23/01/2015]

Allowances

5. Members of the Appeal Committee may receive such remuneration and such travelling and subsistence allowances as the Minister may determine.

Validity of act or proceeding

6. No proceedings relating to any appeal before an Appeal Committee, and no act of the Chairman of the Appeal Panel or of the presiding member of an Appeal Committee, is to be nullified only because of —

- (a) in the case of an appeal or proceeding before or act of an Appeal Committee, any vacancy in, or defect in the constitution of, the Appeal Committee; or

SEVENTH SCHEDULE — *continued*

- (b) any defect in the appointment of the Chairman of the Appeal Panel, or any member (or presiding member) of an Appeal Committee, as the case may be.

[S 19/2015 wef 23/01/2015]

[Act 40 of 2020 wef 01/02/2021]

Definition

7. In this Schedule, “appeal” means an appeal under —

- (a) section 34 as in force immediately before the date of commencement of section 15 of the Personal Data Protection (Amendment) Act 2020; or
- (b) section 48Q.

[Act 40 of 2020 wef 01/02/2021]

[Act 40 of 2020 wef 01/02/2021]

EIGHTH SCHEDULE

Section 37(5)

EXCLUSION FROM MEANING OF “SPECIFIED MESSAGE”

1.—(1) For the purposes of Part IX, a specified message shall not include any of the following:

- (a) any message sent by a public agency under, or to promote, any programme carried out by any public agency which is not for a commercial purpose;
- (b) any message sent by an individual acting in a personal or domestic capacity;
- (c) any message which is necessary to respond to an emergency that threatens the life, health or safety of any individual;
- (d) any message the sole purpose of which is —
- (i) to facilitate, complete or confirm a transaction that the recipient of the message has previously agreed to enter into with the sender;
 - (ii) to provide warranty information, product recall information or safety or security information with respect to a product or service purchased or used by the recipient of the message; or
 - (iii) to deliver goods or services, including product updates or upgrades, that the recipient of the message is entitled to receive

EIGHTH SCHEDULE — *continued*

under the terms of a transaction that the recipient has previously agreed to enter into with the sender;

- (e) any message, other than a message mentioned in sub-paragraph (d) —
- (i) that is sent while the sender is in an ongoing relationship with the recipient of the message; and
 - (ii) the sole purpose of which relates to the subject matter of the ongoing relationship;

[Act 40 of 2020 wef 01/02/2021]

- (f) any message the sole purpose of which is to conduct market research or market survey; or

- (g) any message sent to an organisation other than an individual acting in a personal or domestic capacity, for any purpose of the receiving organisation.

[Act 40 of 2020 wef 01/02/2021]

(2) In sub-paragraph (1)(e), “ongoing relationship” means a relationship, on an ongoing basis, between the sender and the recipient of the message, arising from the carrying on or conduct of a business or an activity (commercial or otherwise) by the sender.

[Act 40 of 2020 wef 01/02/2021]

2. [Deleted by Act 22 of 2016 wef 01/10/2016]

NINTH SCHEDULE

Section 50(2)

POWERS OF INVESTIGATION OF COMMISSION AND INSPECTORS

Power to require documents or information

1.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may, by notice in writing to any organisation, require the organisation to produce to the Commission or the inspector a specified document or specified information, which the Commission or inspector considers relates to any matter relevant to such investigation.

(2) A notice under sub-paragraph (1) shall indicate the purpose for which the specified document or specified information is required by the Commission.

(3) The Commission may specify in the notice —

- (a) the time and place at which any document is to be produced or any information is to be provided; and
- (b) the manner and form in which it is to be produced or provided.

NINTH SCHEDULE — *continued*

(4) The power under this paragraph to require an organisation to produce a document includes the power —

- (a) if the document is produced —
 - (i) to take copies of it or extracts from it; and
 - (ii) to require such organisation, or any person who is a present or past officer of the organisation, or is or was at any time employed by the organisation, to provide an explanation of the document; or
- (b) if the document is not produced, to require such organisation or person to state, to the best of his knowledge and belief, where it is.

(5) In sub-paragraphs (1) and (2), “specified” means —

- (a) specified or described in the notice; or
- (b) falling within a category which is specified or described in the notice.

Power to require provision of information, etc.

1A.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may do all or any of the following:

- (a) require, by written notice, any person whom the Commission or inspector reasonably believes has any information, or any document in the person’s custody or control, that is relevant to the investigation, to provide that information or produce that document, within the time and in the manner specified in the written notice;
- (b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Commission or inspector;
- (c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter.

(2) A person examined under sub-paragraph (1)(c) is bound to state truly the facts and circumstances with which the person is acquainted concerning the matter except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by a person examined under sub-paragraph (1)(c) must —

- (a) be reduced to writing;
- (b) be read over to the person;

NINTH SCHEDULE — *continued*

(c) if the person does not understand English, be interpreted in a language that the person understands; and

(d) after correction (if necessary), be signed by the person.

[Act 40 of 2020 wef 01/02/2021]

Power to enter premises without warrant

2.—(1) In connection with an investigation under section 50, an inspector, and such other persons as the inspector may require to assist him, may enter any premises.

(2) No inspector or person assisting the inspector shall enter any premises in exercise of the powers under this paragraph unless the inspector has given the occupier of the premises a written notice which —

(a) gives at least 2 working days' notice of the intended entry; and

(b) indicates the subject-matter and purpose of the investigation.

(3) Sub-paragraph (2) shall not apply if the inspector has reasonable grounds for suspecting that the premises are, or have been, occupied by an organisation which is being investigated in relation to a contravention of this Act and if the inspector has taken all such steps as are reasonably practicable to give written notice under that sub-paragraph but has not been able to do so.

(4) Where sub-paragraph (3) applies, the power of entry conferred by sub-paragraph (1) shall be exercised upon production of —

(a) evidence of the inspector's appointment; and

(b) a document containing the information referred to in sub-paragraph (2)(b).

(5) An inspector or a person assisting the inspector entering any premises under this paragraph may —

(a) take with him such equipment as appears to him to be necessary;

(b) require any person on the premises —

(i) to produce any document which he considers relates to any matter relevant to the investigation; and

(ii) if the document is produced, to provide an explanation of it;

(c) require any person to state, to the best of the person's knowledge and belief, where any such document is to be found;

(d) take copies of, or extracts from, any document which is produced;

NINTH SCHEDULE — *continued*

- (e) require any information which is stored in any electronic form and is accessible from the premises and which he considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible; and
- (f) take any step which appears to be necessary for the purpose of preserving or preventing interference with any document which he considers relates to any matter relevant to the investigation.

Power to enter premises under warrant

3.—(1) The Commission or any inspector may apply to a court for a warrant and the court may issue such a warrant if it is satisfied that —

- (a) there are reasonable grounds for suspecting that there are, on any premises, documents —
 - (i) the production of which has been required under paragraph 1 or 2; and
 - (ii) which have not been produced as required;
- (b) there are reasonable grounds for suspecting that —
 - (i) there are, on any premises, documents which the Commission or the inspector has power under paragraph 1 to require to be produced; and
 - (ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed; or
- (c) an inspector or a person assisting the inspector has attempted to enter the premises in the exercise of his powers under paragraph 2 but has been unable to do so and that there are reasonable grounds for suspecting that there are, on the premises, documents the production of which could have been required under that paragraph.

(2) A warrant under this paragraph shall authorise a named officer, and such other persons as the inspector may require to assist him, to do all or any of the following:

- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;

NINTH SCHEDULE — *continued*

- (b) to search any person on those premises if there are reasonable grounds for believing that that person has in his possession any document, equipment or article which has a bearing on the investigation;
- (c) to search the premises and take copies of, or extracts from, any document appearing to be of a kind in respect of which the application under sub-paragraph (1) was granted (the relevant kind);
- (d) to take possession of any document appearing to be of the relevant kind if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
- (e) to take any other step which appears to be necessary for the purpose mentioned in sub-paragraph (d)(i);
- (f) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of his knowledge and belief, where it may be found;
- (g) to require any information which is stored in any electronic form and is accessible from the premises and which he considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; or
 - (ii) in which it is visible and legible; and
- (h) to remove from those premises for examination any equipment or article which relates to any matter relevant to the investigation.

(3) If, in the case of a warrant under sub-paragraph (1)(b), the court is satisfied that it is reasonable to suspect that there are also on the premises other documents relating to the investigation concerned, the warrant shall also authorise the actions mentioned in sub-paragraph (2) to be taken in relation to any such document.

(4) Where possession of any document is taken under sub-paragraph (2)(d) or (3), the named officer may, at the request of the person from whom possession of the document was taken, provide such person with a copy of the document.

(5) A named officer may allow any equipment or article which has a bearing on an investigation and which may be removed from any premises for examination under sub-paragraph (2)(h) to be retained on those premises subject to such conditions as the named officer may require.

NINTH SCHEDULE — *continued*

- (6) A warrant issued under this paragraph shall —
- (a) indicate the subject-matter and purpose of the investigation; and
 - (b) continue in force until the end of the period of one month beginning from the day on which it is issued.
- (7) The powers conferred by this paragraph shall not be exercised except upon production of a warrant issued under this paragraph.
- (8) Any person entering any premises by virtue of a warrant under this paragraph may take with him such equipment as appears to him to be necessary.
- (9) If there is no one at the premises when the named officer proposes to execute such a warrant, he shall, before executing it —
- (a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and
 - (b) if the occupier is informed, afford him or his legal or other representative a reasonable opportunity to be present when the warrant is executed.
- (10) If the named officer is unable to inform the occupier of the intended entry, he shall, when executing the warrant, leave a copy of the warrant in a prominent place on the premises.
- (11) On leaving any premises which he has entered by virtue of a warrant under this paragraph, the named officer shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as he found them.
- (12) Any document of which possession is taken under sub-paragraph (2)(d) or (3) may be retained for a period of not more than 3 months.
- (13) In this paragraph —
- “named officer” means an inspector named in the warrant;
 - “occupier”, in relation to any premises, means a person whom the inspector reasonably believes is the occupier of those premises.

TENTH SCHEDULE

Section 37(6)

APPLICABLE PURPOSES

1. Offering to supply goods or services.
2. Advertising or promoting goods or services.

TENTH SCHEDULE — *continued*

3. Advertising or promoting a supplier, or prospective supplier, of goods or services.
4. Offering to supply land or an interest in land.
5. Advertising or promoting land or an interest in land.
6. Advertising or promoting a supplier, or prospective supplier, of land or an interest in land.
7. Offering to provide a business opportunity or an investment opportunity.
8. Advertising or promoting a business opportunity or an investment opportunity.
9. Advertising or promoting a provider, or prospective provider, of a business opportunity or an investment opportunity.

[Act 40 of 2020 wef 01/02/2021]

ELEVENTH SCHEDULE

Section 48F(4)

SPECIFIED PURPOSES

1. Testing the effectiveness of the anonymisation of personal data in the possession or under the control of an organisation or a public agency, as the case may be.
2. Testing the integrity and confidentiality of anonymised information in the possession or under the control of an organisation or a public agency, as the case may be.
3. Assessing, testing or evaluating the systems and processes of an organisation or a public agency for ensuring or safeguarding the integrity and confidentiality of anonymised information —
 - (a) in the possession or under the control of the organisation or public agency; or
 - (b) transmitted or received by the organisation or public agency.

[Act 40 of 2020 wef 01/02/2021]
