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PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION ACT (AMENDMENT OF SEVENTH SCHEDULE) ORDER 2015

In exercise of the powers conferred by section 64 of the Personal Data Protection Act 2012, the Minister for Communications and Information hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Personal Data Protection Act (Amendment of Seventh Schedule) Order 2015 and shall come into operation on 23 January 2015.

Deletion of paragraph 3 and new paragraphs 2A, 2B and 3

2. Paragraph 3 of the Seventh Schedule to the Personal Data Protection Act 2012 (referred to in this Order as the Seventh Schedule) is deleted and the following paragraphs substituted therefor:

“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 appeal proceedings under section 34; and

(b) keeping the records of proceedings relating to appeals under section 34 in such form as the Chairman may direct.

(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.

Constitution of Appeal Committee

2B.—(1) Where an appeal under section 34 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.

(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.

(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.

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.”.

Amendment of paragraph 4

3. Paragraph 4 of the Seventh Schedule is amended —

(a) by deleting the word “notify” in sub-paragraphs (7) and (8) and substituting in each case the word “inform”; and

(b) by inserting, immediately after sub-paragraph (8), the following sub-paragraph:

“(9) Subject to other provisions of this Act and regulations made under this Act, an Appeal Committee may regulate its own procedure.”.

New paragraph 6

4. The Seventh Schedule is amended by inserting, immediately after paragraph 5, the following paragraph:

“Validity of act or proceeding

6. No appeal proceeding 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

(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.”.

Made on 21 January 2015.

AUBECK KAM
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Ministry of Communications
and Information,
Singapore.*

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(To be presented to Parliament under section 64(2) of the Personal Data Protection Act 2012).