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PERSONAL DATA PROTECTION (AMENDMENT) ACT 2020 (ACT 40 OF 2020)

PERSONAL DATA PROTECTION (AMENDMENT) ACT 2020 (SAVING AND TRANSITIONAL PROVISIONS) REGULATIONS 2021

ARRANGEMENT OF REGULATIONS

Regulation

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In exercise of the powers conferred by section 46(12) of the Personal Data Protection (Amendment) Act 2020, the Minister for Communications and Information makes the following Regulations:

Citation and commencement

1. These Regulations are the Personal Data Protection (Amendment) Act 2020 (Saving and Transitional Provisions) Regulations 2021 and come into operation on 1 February 2021.

Definitions

2. In these Regulations —

“amendment Act” means the Personal Data Protection (Amendment) Act 2020;

“principal Act” means the Personal Data Protection Act 2012 (Act 26 of 2012).

Specified messages sent before 1 February 2021

3.—(1) Section 43 of the principal Act as in force immediately before 1 February 2021 continues to apply in relation to a person who, before that date, sends a specified message addressed to a Singapore telephone number, as if sections 16 to 21, 36 and 38 of the amendment Act had not been enacted.

(2) Section 44 of the principal Act as in force immediately before 1 February 2021 continues to apply in relation to a person who, before that date, sends a specified message addressed to a Singapore telephone number, as if sections 16 to 21, 36 and 38 of the amendment Act had not been enacted.

(3) Section 45 of the principal Act as in force immediately before 1 February 2021 continues to apply to a person who, before that date, 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, as if sections 16 to 21, 36 and 38 of the amendment Act had not been enacted.

(4) Section 48 of the principal Act as in force immediately before 1 February 2021 continues to apply in relation to any proceedings for an offence under section 43(2), 44(2) or 45(2) of the principal Act as in force before that date, as if sections 16 to 21, 36 and 38 of the amendment Act had not been enacted.

Relevant or applicable information obtained from or provided, and Personal Data Protection Commission's reply received, by checker before 1 February 2021

4.—(1) Section 43(2)(b) of the principal Act does not apply if —

- (a) the person mentioned in section 43(1) of the principal Act obtained the relevant information from the checker before 1 February 2021; or
- (b) the Personal Data Protection Commission's reply to the checker's application under section 40(2) of the principal Act in relation to the relevant information was received by the checker before 1 February 2021.

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- (2) Section 43A of the principal Act does not apply if —
- (a) the checker provided the applicable information to *P* before 1 February 2021; or
 - (b) the Personal Data Protection Commission’s reply to the checker’s application under section 40(2) of the principal Act in relation to the applicable information was received by the checker before 1 February 2021.

Sending of electronic messages generated or obtained through use of dictionary attack or address harvesting software

5. Part II of the Spam Control Act (Cap. 311A) as in force immediately before 1 February 2021 continues to apply to a person who, before that date, sends, causes to be sent or authorises the sending of an electronic message to any mobile telephone number generated or obtained through the use of a dictionary attack or address harvesting software, as if section 41(e) of the amendment Act had not been enacted.

Made on 27 January 2021.

YONG YING-I
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

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