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No. S 734

PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION (AMENDMENT) REGULATIONS 2021

In exercise of the powers conferred by section 65 of the Personal Data Protection Act 2012, the Personal Data Protection Commission, with the approval of the Minister for Communications and Information, makes the following Regulations:

Citation and commencement

1. These Regulations are the Personal Data Protection (Amendment) Regulations 2021 and come into operation on 1 October 2021.

New Part 1A

2. The Personal Data Protection Regulations 2021 (G.N. No. S 63/2021) are amended by inserting, immediately after regulation 1, the following Part:

“PART 1A

BUSINESS CONTACT INFORMATION

Business contact information of designated individuals

1A.—(1) For the purposes of section 11(5A) of the Act, an organisation is deemed to have satisfied section 11(5) of the Act if the organisation makes available the business contact information of any individual designated by the organisation under section 11(3) of the Act in any of the following manners:

- (a) where the organisation is registered under an applicable Act — in a record relating to the organisation that is made available on the Internet

website of the Accounting and Corporate Regulatory Authority at <https://www.bizfile.gov.sg>;

(b) in a readily accessible part of the organisation’s official website.

(2) In paragraph (1) —

“applicable Act” means —

(a) the Business Names Registration Act 2014 (Act 29 of 2014);

(b) the Companies Act (Cap. 50);

(c) the Limited Liability Partnerships Act (Cap. 163A); or

(d) the Limited Partnerships Act (Cap. 163B);

“official website”, for an organisation, means a website that is accessible by the public and through which the organisation provides information about the organisation to the public.”.

New Part 4A

3. The Personal Data Protection Regulations 2021 are amended by inserting, immediately after regulation 15, the following Part:

“PART 4A

DEFENCES TO OFFENCES UNDER PART IXB OF ACT

Defence to offence under section 48D(1) of Act

15A. In proceedings for an offence under section 48D(1) of the Act, it is a defence to the charge for the accused to prove, on a balance of probabilities, that where the charge relates to personal data in the possession or under the control of an organisation, the accused disclosed, or caused the disclosure of, that personal data with the prior consent of the individual to whom that personal data relates.

Defence to offence under section 48E(1) of Act

15B. In proceedings for an offence under section 48E(1) of the Act, it is a defence to the charge for the accused to prove, on a balance of probabilities, that where the charge relates to personal data in the possession or under the control of an organisation, the accused used that personal data with the prior consent of the individual to whom the personal data used relates.”.

Made on 27 September 2021.

CHAN YENG KIT
Chairman,
Info-communications Media
Development Authority,
Singapore.

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