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PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION (APPEAL) REGULATIONS 2021

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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:

PART 1
PRELIMINARY

Citation and commencement

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

Definitions

2. In these Regulations, unless the context otherwise requires —

“appeal” means an appeal under section 48Q(1) or (2) of the Act;

“Appeal Committee”, in relation to an appeal, means an Appeal Committee constituted in accordance with paragraph 2B of the Seventh Schedule to the Act for the purpose of hearing that appeal;

“appealable decision” means any of the following directions or decisions by the Commission:

(a) a direction made under section 48G(2), 48I(1) or (2) or 48L(4) of the Act;

(b) a direction or decision made under section 48H(2) of the Act;

(c) the imposition of a financial penalty on an organisation or a person under section 48J(1) of the Act;

(d) a decision made on reconsideration under section 48N(6)(b) of the Act;

“appellant”, in relation to an appeal, means an organisation or a person (including an individual) that brings the appeal;

“Chairman” means the Chairman of the Appeal Panel appointed by the Minister under section 48P(3) of the Act;

“complainant concerned”, in relation to an appeal, means an individual who is —

(a) for an appeal against a decision of the Commission made on reconsideration under section 48N(6)(b) of

the Act — the individual whose complaint resulted in the underlying decision reconsidered; or

- (b) for an appeal against any other appealable decision — the individual whose complaint resulted in that appealable decision;

“co-respondent”, in relation to an appeal, means the complainant concerned in the appeal or the organisation or person concerned in the appeal, not being an appellant in the appeal;

“officer”, in relation to an appellant or a co-appellant —

- (a) where the appellant or co-appellant is a corporation (including a limited liability partnership) — has the meaning given by section 52(7) of the Act;
- (b) where the appellant or co-appellant is an unincorporated association (other than a partnership) — has the meaning given by section 52A(7) of the Act; or
- (c) where the appellant or co-appellant is a partnership — means a partner within the meaning given by section 52A(7) of the Act;

“organisation or person concerned”, in relation to an appeal, means an organisation or a person that is —

- (a) for an appeal against a decision of the Commission made on reconsideration under section 48N(6)(b) of the Act — the organisation or person complained against in the underlying decision reconsidered; or
- (b) for an appeal against any other appealable decision — the organisation or person complained against in the appealable decision;

“parties”, in relation to an appeal, means the appellant in relation to the appeal and the Commission, and includes the co-respondents;

“Secretary” means the Secretary to the Appeal Panel appointed under paragraph 2A of the Seventh Schedule to the Act;

“underlying decision” means any of the following directions or decisions of the Commission that was reconsidered and affirmed, revoked or varied by the Commission under section 48N(6)(b) of the Act on reconsideration:

- (a) a direction made under section 48G(2), 48I(1) or (2) or 48L(4) of the Act;
- (b) a direction or decision made under section 48H(2) of the Act;
- (c) the imposition of a financial penalty on an organisation or a person under section 48J(1) of the Act;

“working day” means any day except a Saturday, Sunday or public holiday.

PART 2

BRINGING APPEAL TO APPEAL COMMITTEE

Division 1 — Bringing appeal

Notice of Appeal

3.—(1) To appeal against an appealable decision, the Notice of Appeal and its accompanying documents mentioned in paragraph (2)(d) must be filed with the Secretary —

- (a) within 28 days after the appealable decision is served on the appellant; and
- (b) in accordance with this regulation.

(2) A Notice of Appeal must —

- (a) state the name and address of the appellant and an address in Singapore for the service of documents;
- (b) state concisely —
 - (i) the grounds of the appeal and the arguments of fact or law supporting those grounds; and

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- (ii) the facts and the issues of the appeal, including the circumstances under which the appeal arises;
- (c) be signed and dated —
- (i) where the appellant is an individual — by that individual; or
 - (ii) in any other case — by a duly authorised officer of the appellant; and
- (d) be accompanied by —
- (i) a copy of the appealable decision appealed against;
 - (ii) any documents supporting those grounds of the appeal;
 - (iii) any documents supporting the arguments of fact or law mentioned in sub-paragraph (b)(i); and
 - (iv) the appropriate fee specified in the Schedule.

(3) An appellant cannot raise or rely on any ground of appeal which is not stated in the appellant's Notice of Appeal unless the appellant has permission to amend the Notice of Appeal under regulation 26 to include that ground.

Service of Notice of Appeal on other parties

4.—(1) The appellant in an appeal must serve by personal service on every other party to the appeal a copy of the Notice of Appeal.

(2) After complying with paragraph (1), the appellant must file a Notice of Service with the Secretary confirming that every other party to the appeal has been served in accordance with that paragraph.

Summary dismissal of appeal

5.—(1) The Appeal Committee may summarily dismiss an appeal against an appealable decision and confirm the appealable decision at any stage in the appeal proceedings if —

- (a) the Appeal Committee considers that the Notice of Appeal discloses no valid ground of appeal;

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- (b) the Appeal Committee considers that the appellant is not a person entitled to appeal under section 48Q of the Act;
 - (c) the Appeal Committee is satisfied that the appellant has habitually and persistently, and without reasonable ground —
 - (i) made vexatious appeals to the Appeal Committee; or
 - (ii) made vexatious applications in the appeal proceedings before the Appeal Committee; or
 - (d) the appellant has, without reasonable excuse, failed to comply with —
 - (i) any time delimited under the Act or these Regulations for the submission of any document, application or information in the appeal proceedings; or
 - (ii) any direction of the Appeal Committee.

(2) Where the Appeal Committee dismisses an appeal under paragraph (1), the Appeal Committee may make such consequential order as the Appeal Committee thinks fit.

Notification of request for reconsideration

6.—(1) If the Commission receives, or has received, an application for reconsideration in accordance with section 48N(1) or (2) of the Act, the Commission must, without delay, notify the Secretary of the date on which the application for reconsideration was made.

(2) When notified under paragraph (1), the Secretary must, without delay, inform the following parties and persons that the appeal is deemed to be withdrawn in accordance with section 48Q(3) of the Act with effect from the date on which the application for reconsideration was made:

- (a) every party to the appeal, except the party that applied for the reconsideration;
- (b) the Chairman;

- (c) where an Appeal Committee has been constituted to hear the appeal, each member of the Appeal Committee.

Division 2 — Response and Reply

Response by Commission and co-respondent

7.—(1) Within 21 days after being served with a copy of the Notice of Appeal in accordance with regulation 4(1), the Commission must file with the Secretary the Commission's Response and the accompanying documents mentioned in paragraph (4)(d).

(2) Where the appellant is a complainant concerned in the appeal, any organisation or person concerned in the appeal that wishes to respond to the appeal must file with the Secretary, within 21 days after being served with a copy of the Notice of Appeal in accordance with regulation 4(1), its Response as co-respondent, and the accompanying documents mentioned in paragraph (4)(d).

(3) Where the appellant is an organisation or a person concerned in the appeal, any complainant concerned in the appeal that wishes to respond to the appeal must file with the Secretary, within 21 days after being served with a copy of the Notice of Appeal in accordance with regulation 4(1), the complainant's Response as co-respondent, and the accompanying documents mentioned in paragraph (4)(d).

(4) A Response filed under paragraph (1), (2) or (3) must —

- (a) state the name of the party filing the Response and an address in Singapore for the service of documents;
- (b) state concisely the arguments of fact or law which the party will rely on in responding to each ground of appeal;
- (c) be signed and dated —
 - (i) where the party is an individual — by that individual;
or
 - (ii) in any other case — by a duly authorised officer of the party; and
- (d) be accompanied by any documents supporting the arguments of fact or law mentioned in sub-paragraph (b).

Appellant's Reply

8.—(1) An appellant that wishes to reply to a Response by the Commission or by any co-respondent must file with the Appeal Committee, within 21 days after being served with a copy of the Response in accordance with regulation 9(1), a Reply, and its accompanying documents mentioned in paragraph (2)(c).

(2) A Reply filed under paragraph (1) must —

(a) state concisely the arguments of fact or law upon which the appellant will rely in replying to the Response;

(b) be signed and dated —

(i) where the appellant is an individual — by that individual; or

(ii) in any other case — by a duly authorised officer of the appellant; and

(c) be accompanied by any documents supporting the arguments of fact or law mentioned in sub-paragraph (a).

Service of Response or Reply on other parties

9.—(1) The party filing a Response to a Notice of Appeal must, within 21 days after being served with a copy of the Notice of Appeal in accordance with regulation 4(1), serve by personal service on every other party to the appeal a copy of —

(a) the Response; and

(b) the accompanying documents mentioned in regulation 7(4)(d).

(2) The party filing a Reply to a Response must, within 21 days after being served with a copy of the Response in accordance with paragraph (1), serve by personal service on every other party to the appeal a copy of —

(a) the Reply; and

(b) the accompanying documents mentioned in regulation 8(2)(c).

(3) After complying with paragraph (1) or (2), the party filing the Response or Reply (as the case may be) must file a Notice of Service with the Secretary confirming that every other party to the appeal has been served in accordance with paragraph (1) or (2), as the case may be.

Division 3 — Hearing and case management

Hearings and adjournments

10.—(1) An Appeal Committee’s meetings for any purpose under these Regulations are to be held at the times and places determined in accordance with paragraph 3(5) of the Seventh Schedule to the Act.

(2) An Appeal Committee may, on the Appeal Committee’s own initiative or on the application of any party to an appeal it is constituted to hear, postpone or adjourn any meeting or hearing, on any terms that the Appeal Committee thinks fit.

(3) The Secretary must notify all parties to an appeal of the time and place of each hearing of the appeal.

Orders and directions

11.—(1) An Appeal Committee may, on the Appeal Committee’s own initiative or on the application of any party to an appeal it is constituted to hear, direct the parties to attend a pre-hearing conference before the Appeal Committee.

(2) For the just, expeditious and economical disposal of an appeal it is constituted to hear, an Appeal Committee may give orders or directions to any party to the appeal, at a pre-hearing conference mentioned in paragraph (1) or by letter served on that party.

(3) If any party fails to comply with these Regulations or any order or direction made under these Regulations, the Appeal Committee may draw any reasonable inference from the failure and proceed with the determination or hearing of the appeal.

Summoning of witnesses

12.—(1) Subject to paragraphs (2) and (3), an Appeal Committee may at any time, on the application of a party to an appeal or of the

Appeal Committee's own initiative, issue a summons requiring any person in Singapore to do either or both of the following:

- (a) attend as a witness before the Appeal Committee, at the time and place set out in the summons;
- (b) answer any question, or produce any document or other material in the person's possession or under the person's control, which relates to any issue or matter in question in the appeal.

(2) An application for the issue of a summons under this regulation must be filed with the Secretary with the appropriate fee specified in the Schedule, and state —

- (a) the name and address of the witness to be called;
- (b) the facts upon which the witness is to be examined (if any) and the reasons for the examination; and
- (c) the documents required to be produced by the witness (if any) and the reasons for their production.

(3) A person is not required to attend in compliance with a summons under this regulation unless that person —

- (a) is served personally with the summons by the party requiring the person to attend before the Appeal Committee; and
- (b) is paid a reasonable sum to cover that person's expenses of going to, remaining at and returning from, the Appeal Committee.

Confidentiality

13.—(1) A hearing must not be held in public unless the Appeal Committee is satisfied that it is in the public interest to do so.

(2) Even if a hearing is held in public, the Appeal Committee may still direct any evidence to be heard in private or recorded without being made available to the public.

(3) The Appeal Committee may exclude any co-respondent to the appeal from any part of a hearing if the Appeal Committee is satisfied

that it is necessary to do so to protect the confidential information of any other co-respondent to the appeal.

(4) The Appeal Committee may give such directions as the Appeal Committee considers necessary to protect the confidentiality of any information or document relating to any appeal proceedings.

(5) A person who publishes or discloses any information or document in contravention of a direction of the Appeal Committee under paragraph (4) 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.

Determination of appeals

14.—(1) In any appeal, an Appeal Committee —

- (a) is to have control of the evidence at the hearing of the appeal;
- (b) need not comply with the provisions of the Evidence Act (Cap. 97) or any other written law relating to evidence;
- (c) may direct that any evidence relied on by the appellant be confirmed by a statutory declaration within a specified time and, if the appellant fails to confirm any such evidence by a statutory declaration or to do so within the specified time, the Appeal Committee may disregard that evidence;
- (d) if the Appeal Committee is not satisfied that any document has been served on any party to an appeal as required under these Regulations, may —
 - (i) require evidence of such service or, if the document has not been served, give directions on the service of the document; and
 - (ii) until the Appeal Committee is satisfied that the document has been served as required by these Regulations or in accordance with its directions, refuse to proceed with the hearing of the appeal or disregard any evidence pertaining to information contained in the document;

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- (e) may give such other directions as the Appeal Committee thinks fit; and
 - (f) may either —
 - (i) summarily determine the appeal after considering the documents and evidence submitted by the parties under these Regulations without requiring the attendance of the parties at a hearing; or
 - (ii) subject to paragraph (2), conduct a hearing in such manner as the Appeal Committee thinks fit.

(2) The appellant cannot on appeal tender any evidence that the Commission did not have at the time when the Commission made the appealable decision, unless the Appeal Committee is satisfied that —

- (a) the evidence could not with reasonable diligence have been obtained and provided to the Commission at that time;
- (b) the evidence, if given, would have had an important influence on the result of the case though it need not be decisive; and
- (c) the evidence is credible.

(3) If an appellant fails to appear at the hearing of the appeal, the Appeal Committee may, if satisfied that the appellant was duly notified of the hearing date, treat the appeal by that appellant as withdrawn.

(4) The Appeal Committee hearing an appeal may confirm, vary or set aside the appealable decision and, in particular, may make any direction or decision under section 48Q(5) of the Act.

(5) Where the Appeal Committee determines an appeal or an application related to the appeal, or where an appeal or an application related to the appeal is withdrawn, the Appeal Committee may make such consequential orders as the Appeal Committee thinks fit.

(6) The Appeal Committee may, if the Appeal Committee wishes to prepare and certify the written grounds of its direction or decision made under section 48Q(5) of the Act, do so at the time of recording its direction or decision.

Withdrawal of appeal

15.—(1) An appellant may, with the permission of the Appeal Committee, withdraw the appeal or any related application.

(2) Where the Appeal Committee grants permission under paragraph (1), the Appeal Committee may do so on such terms or conditions as the Appeal Committee thinks fit.

Costs

16.—(1) The Appeal Committee may, in the Appeal Committee's discretion, award costs in relation to any appeal or related application.

(2) The power to award costs under paragraph (1) includes the power to direct an appellant to pay the costs of the Commission, the co-respondents and the Appeal Committee incurred up to the time the appeal or application is dismissed or withdrawn (as the case may be), where the appellant's appeal or related application is —

- (a) dismissed under regulation 5 or 14;
- (b) withdrawn under regulation 14(3) or 15; or
- (c) deemed withdrawn under section 48Q(3) of the Act because of an application for reconsideration made by the appellant.

Suspension of effect of appealable decision

17. On the application of a party or of its own initiative, the Appeal Committee may suspend, in whole or in part, the effect of the appealable decision appealed against (except the imposition of a financial penalty) —

- (a) for the period of the appeal; or
- (b) if the appealable decision is remitted to the Commission under section 48Q(5)(a) of the Act, until the Commission makes its direction or decision on the matter.

Record of hearing

18.—(1) An official record is to be made of every hearing, consisting of the following:

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- (a) in a hearing where an audio recording system approved by the Chairman is used — the audio recording;
 - (b) in a hearing where an audio recording system is not used — the notes of hearing recorded in such manner as the Chairman may determine.
- (2) Any party may apply for a copy or a transcript of the official record of hearing on payment of such fees as the Chairman may determine.
- (3) An application for a copy of the official record of hearing must be accompanied by the reasons for the application.
- (4) The Chairman may, in approving an application under paragraph (3), impose such conditions or make or give such orders or directions in relation to the release and use of the copy of the audio recording as the Chairman thinks fit.
- (5) The authenticity of a transcript of the official record of hearing is to be certified in such manner as the Chairman may determine.
- (6) Every official record of hearing must be kept for a period of 5 years.

Division 4 — Miscellaneous

Representation

19. A party to any appeal proceedings before an Appeal Committee may be represented in those proceedings by —

- (a) an advocate and solicitor who has in force a practising certificate issued under the Legal Profession Act (Cap. 161); or
- (b) any other person allowed by the Appeal Committee to appear on behalf of that party.

Forms

20.—(1) Every application made to, and every document filed with, sent to, served on or issued by, the Chairman, an Appeal Committee or the Secretary under these Regulations must be in such form as the

Chairman may approve and cause to be published on the Ministry of Digital Development and Information's website.

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(2) Unless otherwise required, all particulars to be inserted in a form must be in the English language.

(3) All forms must be completed in accordance with such directions as may be specified in that form or by the Chairman.

(4) The Chairman may modify any such form from time to time or in any particular case.

(5) Where strict compliance with a form is not possible, the Chairman or the Appeal Committee may allow that form to be complied with in such other manner as the Chairman or the Appeal Committee (as the case may be) thinks fit.

Filing with and service on Chairman, Appeal Committee and Secretary

21.—(1) Unless the Chairman otherwise directs, any document to be filed with, sent to or served on the Chairman, an Appeal Committee or the Secretary in connection with an appeal must be addressed to the Secretary to the Data Protection Appeal Panel and —

(a) delivered personally to an officer or agent of the Ministry of Digital Development and Information at 140 Hill Street, #01-01A, Old Hill Street Police Station, Singapore 179369 or any other address as the Chairman may direct; or

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(b) served in any other manner as the Chairman may direct.

(2) Regulations 23 and 24 do not apply where a document is to be filed with, sent to or served on the Chairman, an Appeal Committee or the Secretary in connection with an appeal.

(3) The Chairman, an Appeal Committee or the Secretary may refuse to accept any document mentioned in paragraph (1) if the document or its manner of filing, sending or service does not comply with any requirement under the Act or these Regulations.

Service of applications to other parties

22.—(1) Any person who files an application with the Chairman or the Appeal Committee under these Regulations must, unless the Chairman or the Appeal Committee (as the case may be) directs otherwise —

- (a) serve a copy of the application by personal service on every other party to the appeal; and
- (b) after complying with sub-paragraph (a), file a Notice of Service with the Secretary confirming that every other party to the appeal has been served in accordance with that sub-paragraph.

(2) On the application of a person required to serve any documents on another party to the appeal, the Commission may provide to that person the contact details of that other party to facilitate such service of documents.

Service of documents

23.—(1) Unless any provision of these Regulations or the Appeal Committee requires the document to be served personally, any document required to be sent to or served on any person for the purposes of any appeal proceedings may be —

- (a) delivered to that person's appropriate address;
- (b) sent to that person's appropriate address by post; or
- (c) sent in any other manner as may be agreed between the person serving and the person to be served.

(2) For the purposes of paragraph (1), a person's appropriate address is —

- (a) the address for service in the appeal which that person has notified to the Chairman, the Appeal Committee or the Secretary; or
- (b) if no address has been so notified, the person's usual or last known place of residence or business.

(3) Service of a document under paragraph (1) on the person to whom the document is addressed takes effect —

- (a) if the document is sent by ordinary post to the appropriate address — on the day after it would in the ordinary course of post be delivered, unless it is returned undelivered;
- (b) if the document is sent by prepaid registered post to the appropriate address — 2 days after the day it was posted, even if it is returned undelivered;
- (c) if the document is sent by fax in accordance with paragraph (1)(c) and a notice of successful transmission of the fax is received — on the day of the transmission; and
- (d) if the document is sent by email in accordance with paragraph (1)(c) — at the time that the email becomes capable of being retrieved by the person.

(4) If the Appeal Committee is satisfied that the interests of justice require the service of a document in any other manner, the Appeal Committee may, on the request of the person serving the document or of the Appeal Committee's own initiative, make an order —

- (a) for the document to be served in that other manner specified by the Appeal Committee; and
- (b) specifying when the document is deemed to be served.

(5) The Appeal Committee may dispense with service of a document for the purposes of any appeal proceedings if the interests of justice so require.

Personal service

24.—(1) Where any provision of these Regulations or an Appeal Committee requires a document to be served personally for the purposes of any appeal proceedings, personal service of the document may be effected —

- (a) by leaving a copy of the document with the person to be served; or
- (b) in any other manner as may be agreed between the party serving the document and the party to be served.

(2) Where the person to be served is a corporation (including a limited liability partnership) or an unincorporated association (other than a partnership), paragraph (1)(a) is satisfied if the document is left with an officer of the corporation or unincorporated association (as the case may be) at its registered or principal office for the time being.

(3) Where the person to be served is a partnership, paragraph (1)(a) is satisfied if the document is left with any partner for the time being.

(4) If it appears to an Appeal Committee that it is impracticable for any reason to serve a document personally on a person, the Appeal Committee may, on the application of the party that is required to serve the document or of the Appeal Committee's own initiative, make an order for substituted service of that document.

(5) Substituted service of a document pursuant to an order made under paragraph (4) is effected by taking steps as directed by the Appeal Committee to bring that document to the notice of the person to be served.

(6) For the purposes of paragraph (5), the steps which an Appeal Committee may direct to be taken for substituted service of a document to be effected include the use of any electronic means (including email or Internet transmission) that the Appeal Committee may specify.

(7) The Secretary must at the request of an Appeal Committee, or may, at the request of any person serving a document, certify the steps taken to serve the document under these Regulations, including the date and manner of service.

Extension of time

25.—(1) Where the time specified by an Appeal Committee or these Regulations for doing any act expires on a day other than a working day, the act is in time if done on the next working day.

(2) An Appeal Committee may, subject to paragraph (3) and on the application of the person seeking the extension, extend on any terms and conditions the time delimited for doing anything under these Regulations or in any order or direction of the Appeal Committee,

even if the application for the extension is made after the time delimited has expired.

(3) The period for filing a Notice of Appeal may be extended under paragraph (2) only if an Appeal Committee is satisfied that it is just to do so by reason of exceptional circumstances in the particular case.

Amendment of Notice of Appeal, Response or Reply

26.—(1) A party to an appeal may apply to the Appeal Committee to amend any Notice of Appeal, Response or Reply filed by that party.

(2) The Appeal Committee may, if the Appeal Committee is satisfied that it is just to do so, permit the Notice of Appeal, Response or Reply (as the case may be) to be amended on any terms and in such manner as the Appeal Committee thinks fit.

(3) Permission to amend a Notice of Appeal in order to add a new ground of appeal is not to be granted under paragraph (2) unless the Appeal Committee is satisfied that —

- (a) that ground is based on any matter of fact or law which came to light after the Notice of Appeal was lodged;
- (b) it was not practicable to include that ground in the Notice of Appeal at the time the Notice of Appeal was lodged; or
- (c) there are exceptional circumstances to do so.

(4) Where an application to amend a Notice of Appeal, a Response or a Reply is filed under paragraph (1) —

- (a) the time delimited for the filing and service of a Response to that Notice of Appeal or a Reply to that Response under regulation 7, 8 or 9 (as the case may be) is to be extended until such time as the Appeal Committee may direct; and
- (b) the Appeal Committee may make such directions as the Appeal Committee thinks fit, including directions as to the service of any documents on any person specified by the Appeal Committee, costs or otherwise.

Non-compliance and errors

27.—(1) Unless otherwise provided by the Act, a failure to comply with any provision of these Regulations or any order or direction of an Appeal Committee not affecting the merits of the case does not of itself render the proceedings void.

(2) Where there has been any failure mentioned in paragraph (1) not affecting the merits of the case, an Appeal Committee may, on such terms as to costs or any other matters as the Appeal Committee thinks just —

- (a) set aside, in whole or in part, the proceedings in which the failure occurred, any step taken in those proceedings or any order or direction made in those proceedings; or
- (b) exercise its powers under these Regulations to allow amendments and to make orders as to the proceedings generally as the Appeal Committee thinks fit.

(3) Any error arising from an accidental slip or omission in any document recording the appeal proceedings, or any decision, order, direction or other document issued in an appeal by the Appeal Committee, may be corrected by a certificate signed by —

- (a) the presiding member of the Appeal Committee which heard those appeal proceedings or issued that decision, order, direction or document; or
- (b) the Chairman.

Consolidation or hearing together of appeals

28.—(1) Where 2 or more pending appeals involve the same organisation or person (whether as the appellant or as the organisation or person concerned in the appeals) or the same or similar issues, the Appeal Committee constituted to hear those appeals or the Chairman may at any time, on the request of any party to such an appeal or on the initiative of the Appeal Committee or the Chairman (as the case may be), direct that the appeals or any issue raised in the appeals be consolidated or heard together.

(2) Before a direction under paragraph (1) is made, all parties to the appeals are entitled to make their submissions on the proposal to

consolidate their respective appeals or to hear the appeals together, as the case may be.

(3) Where any appeals or issues have been consolidated under paragraph (1), the Appeal Committee hearing the consolidated appeals or issues may —

- (a) permit the parties to those appeals to combine any documents in the appeal proceedings;
- (b) issue a combined direction or decision under section 48Q(5) of the Act for all or any of the consolidated appeals or issues; and
- (c) make such other directions as the Appeal Committee thinks fit for the proper administration of those appeals.

Publication and provision of information or documents

29.—(1) The Chairman may publish any direction or decision in an appeal or other information relating to an appeal in such manner as the Chairman may decide.

(2) Where the Chairman, Appeal Committee or Secretary is required or permitted to provide any information or document under these Regulations, the Chairman, Appeal Committee or Secretary (as the case may be) may do so in summary or in a redacted form as the Chairman, Appeal Committee or Secretary (as the case may be) thinks fit.

Fees

30.—(1) The fees payable in relation to an appeal are specified in the Schedule.

(2) The fee payable under these Regulations for an application or the provision or filing of a document must be paid to the Secretary, in such manner as the Chairman may direct, at the time that the application is made or the document is provided or filed, as the case may be.

(3) Where the cheque or authorisation for the payment of any fee payable under these Regulations for an application or the provision or filing of a document is dishonoured and such payment is not received

within 7 days after that, that application or document is deemed not to have been made or filed.

(4) If an appeal is deemed withdrawn under section 48Q(3) of the Act because of an application for reconsideration by any person, the Permanent Secretary, Ministry of Digital Development and Information, may refund the whole or a part of the fee specified in item 1 of the Schedule paid by the appellant (not being the person that applied for the reconsideration) in respect of the appeal deemed to be withdrawn.

[S 576/2024 wef 08/07/2024]

Exercise of powers of Appeal Committee by Chairman

31. Without limiting any other powers of the Chairman, the Chairman may, at any time when there is no properly constituted Appeal Committee to hear an appeal, exercise the powers of the Appeal Committee under regulations 11, 12, 15, 16, 17, 25, 27 and 28(3) in relation to that appeal.

PART 3

APPEALS TO GENERAL DIVISION OF HIGH COURT

Appeals to General Division of High Court

32. For the purposes of section 48R(2) of the Act, an appeal against, or with respect to, a direction or decision of an Appeal Committee to the General Division of the High Court under section 48R of the Act must be made within 28 days of the issue of that direction or decision.

PART 4

MISCELLANEOUS

Revocation

33. The Personal Data Protection (Appeal) Regulations 2015 (G.N. No. S 20/2015) are revoked.

Transitional provision

34. Where, under section 46 of the Personal Data Protection (Amendment) Act 2020 (Act 40 of 2020), any provision of Part VII or VIII of the Personal Data Protection Act 2012 as in force immediately before 1 February 2021 continues to apply to any proceedings, the Personal Data Protection (Appeal) Regulations 2015 as in force immediately before that date continue to apply to or in relation to those proceedings.

THE SCHEDULE

Regulations 3(2)(d)(iv), 12(2) and
30(1) and (4)

FEEES

1. Filing a Notice of Appeal in respect of —
 - (a) an appeal relating to a decision or direction under section 48H(2)(d) of the Act \$50
 - (b) any other appeal \$600
2. Application for issue of witness summons under regulation 12 —
 - (a) where the request is made less than 3 days before the day fixed for the hearing \$110
 - (b) in any other case \$55

Made on 28 January 2021.

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

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