

Disclaimer: This FAQs are meant to provide guidance to the advisers to illustrate on the key concepts of the PDPA requirements. They do not constitute legal advice and should not be misinterpreted or misused. Any change in facts or circumstances may warrant a different response.

1. I wish to call the Human Resource Manager (“HRM”) at her office contact number at Company X to arrange for briefing session to promote employee benefits plan , do I need to get consent from the HRM before calling?

Answer: Information that is provided on an individual’s business card is likely to be considered as Business Contact Information (BCI). It is also likely to include the contact information of the individual. Hence, in this specific example, consent is not required and neither are you required to abide by the 8 data protection principles. However, if the BCI is provided to you solely for the personal purpose(s) of the HRM, then the BCI will fall within the scope of PDPA.

The Personal Data Protection Committee defines BCI as “[A]n 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.”

2. Company X decides to purchase a corporate employee benefits plan. Company X provided me with the personal data of its employees. Apart from providing the BCI of the employees, Company X also provided other personal data of the employees, such as Date of Birth (DOB), NRIC etc. Do I need the employee consent to be able to collect, use and disclose their personal data for the purpose of the application?

Answer: Yes. Their individual consent is required as information such as NRIC and DOB are not BCI. Alternatively, you should seek a written warranty from Company X prior to or, at the very latest, at the time of the collection of the personal data, stating that Company X has the authority to provide you such personal data and has obtained the requisite consent of their employees for the collection, use and disclosure of his personal data.

*Please go to Docushare under Data Protection Unit folder to download a copy of the **Undertaking for Corporate Employees Benefit Form**.*

3. I wish to send mailers to residential addresses which I have obtained from publicly available sources (such as newspapers, telephone directories). The mail will be addressed generically to “The Resident/ Owner”. Do I need to obtain consent to collect and use the residential address before sending out mailers to these addresses?

Answer: No, the addresses may not constitute personal data if, in this particular circumstances, you have obtained the addresses from publicly available sources. In that case, you are not required to obtain consent for the collection and use of the personal data.

Does the above change if I addressed the mailer directly to “Mr Tan Ah Kong” for example?

Answer: Maybe, depending on the facts of the circumstances. If the name was also collected from publicly available sources, then more likely than not, it is not considered as personal data. In that case, you are not required to obtain consent for the collection and use of the personal data.

4. Is personal data collected from an online social network considered “publicly available” data?

Answer: Maybe, it depends on the privacy setting of the online social network.

For example, Joe is a member of an online social network that is open to the public. His membership profile which is publicly searchable lists his name, date of birth and email address. Alan also regularly updates his profile picture. The data (including pictures of him) which Joe has shared on this online social network is very likely to be personal data that is publicly available, since any other user of the social network would be able to gain access to the data, even if they accessed his profile page by accident and any member of public may join the online social network.

Bob is also a member of the same social network. However, Bob’s membership profile is only accessible by a few users who are personally known to him and to whom he has granted permission to access his profile. Bob has also placed restrictions on the re-posting of his profile. The personal data on Bob’s membership profile is less likely to be considered publicly available since access to the data is strictly limited.

5. I wish to distribute flyers to the mailboxes of properties located in the vicinity of a specific residential area to market the launch of the new development. Do I need to obtain consent for collection or use?

Answer: No, you have not collected or use the personal data of any individual residing in the vicinity in the distribution of flyers.

I wish to mail flyers specifically to former clients to market the launch of the new development by using the names and addresses of the former clients, do I need to obtain consent for the use of the personal data?

Answer: Yes.

6. If I have collected the personal data of the individuals for the purpose of sending them emails to invite them to attend seminars/ talks before 2 July 2014, can I continue to use such personal data for the same purpose on or after 2 July 2014 without obtaining fresh consent?

Answer: Yes, you may continue to use it for the same purpose in which the personal data was collected, unless consent for such use is withdrawn or the individual has indicated to you that he/ she does not consent to the use of the personal data.

7. I placed a job advertisement on an online job portal/ newspaper for the purpose of recruitment. I received job applications that contain personal data from interested job applicants. Do I need to get consent to collect, use and disclose their personal data?

Answer: No. As the individual voluntarily provides his/her personal data to you, he/she may be deemed to have consented to you to collect, use and disclose the data for the purpose of assessing his/ her job application.

8. I am going to hold a seminar for a selected group of invited clients/ prospects and wish to take photographs of the attendees for use in my internal publication or newsletter. Must consent be given by these individuals if I wish to publish their photos in collaterals such as newsletter or other form of publication?

Answer: In the context of photo taking, deemed consent may potentially apply where the individual voluntarily permits a photograph to be taken of him/ her. In event you are relying on deemed consent, the below measures are to be taken to ensure that the attendee are aware the purpose in which their photographs are collected, used and disclosed:

- i. State clearly in the invitation, if any, to the individuals that photographs of attendees may be taken at this event for publication in our company collateral and publicity purposes;
- ii. Display prominent notices reflecting "Dear Attendee, Please be informed that your photos may be taken at this event for publication in our company collateral and/ or publicity purposes." at the reception or entrance of the function venue; and

However, as a good practice, you should obtain consent that is in writing or recorded in a manner that is accessible for future reference, for example, if the organisation is required to prove that it had obtained consent when a complaint arise in future. Below are the measures you could take:

- i. Incorporate the relevant consent clause, "I understand, acknowledge and consent to PIAS using photos taken at this event which may reflect my identity for publication in PIAS collateral and/ or publicity purposes." into your own form, if any; and
- ii. Use the standard **PIAS Event Evaluation Form** available in PIAS Docushare.

9. Is there a central record within PIAS where client's consent/ withdrawal is captured?

Answer: Yes. All consent obtained from client will be captured in the **Personal Data Consent Portal (Portal)** available on the Docushare. This Portal is maintained and updated by Data Protection Unit (Business Support). The Portal will also captured withdrawal of consent from client and prospect as and when withdrawal instruction is received directly by the Company or via the advisers. It is important to check the Portal prior to use or disclosure as consent previously obtained from an individual can be withdrawn anytime.

10. Can individual withdraw consent for the publication of photographs, or request under the PDPA for the removal of photographs that have been published? Once consent has been withdrawn, can PIAS continue to use and disseminate the printed publication?

Answer: Once an individual withdraws his/ her consent for PIAS to use his/ her photograph in a publication for example, the withdrawal of consent would affect all continued use and future disclosure. Hence, PIAS should stop distributing the publication or block out that individual's photograph before distributing further.

11. My existing clients would like to refer his friends to me. He provided me with a list of names and contact numbers. Is there any step(s) I should take since I am collecting personal data from parties other than the individual?

*Answer: In this situation, no collection should be engaged in unless you are satisfied that the party providing the personal data has obtained the consent of the individual to disclose his personal data to you for the specified purpose(s). Please ensure that the **PIAS Client Referral Form** is completed and signed if you are collecting leads from third party.*

12. I would like to refer my client to PIAS Referral Service Partner for will writing. Is there any step(s) I should take prior to disclosing the personal data of my client to the third parties?

*Answer: For advisers who are disclosing client's personal data to a Referral Service Partner, please use the **PIAS Consent to Refer Form** to ensure consent is obtained prior to disclosure.*