

Case No. 1

1. ABC Pte. Ltd. is a human resource and management consultancy that has been around since 2000. It is run by a husband-and-wife team and one part-time staff. Because it is such a small company, the proprietors never bothered to have any written policies concerning data protection, and instead, relied on certain work habits that they had adopted and that they would instruct their part-time staff to follow.
2. ABC provides a 360 Feedback Service to its corporate clients. The 360 Feedback Service delivers the following service:
 - A software application (the “**360 Feedback App**”) that generates surveys that are sent to the employees of ABC’s clients for the purpose of obtaining the feedback on the work performance of the clients’ employees from managers, subordinates and/or peers.
 - Evaluation reports that are compiled from the survey results.
3. The surveys collect the following types of data:
 - Quantitative ratings of character traits (e.g., honesty, reliability, trustworthiness, professionalism, grasp of technical knowledge, likeability) on a scale of 0 to 10 with 9-10 being an exceptional strength and 1-2 being below expectations.
 - Qualitative analysis of these character traits and general performance assessment, disciplinary issues and potential for growth.
 - For certain individuals, data that is used to rank them against their colleagues, including data relating to their leadership, integrity, decision-making, initiative, and professional disposition.
4. The evaluation reports are compiled from the survey results (“**Reports**”) within the 360 Feedback App. A client user obtains a Report for each assessed individual by clicking on that person’s name and the 360 Feedback App would generate the Report for viewing and for download as a PDF file. Each Report contains the following information:
 - Name of the individual being assessed
 - Name and address of that individual’s employer
 - Appraisal of that individual’s work performance by managers, subordinates and peers
 - Their feedback scores
 - An indication of whether such an individual is considered a top former within its organisation
5. ABC’s first iteration of the 360 Feedback App (“**Version 1**”) was a version hosted on its own on-premises servers. Users would access the 360 Feedback App through a Website that was coded using HTML, which was also hosted on the same servers. Version 1 was developed by outsourced developers and paid for by ABC’s founder. ABC’s founder thought that Reports would be generated dynamically and presented for viewing only in digital form. However, to

prepare the Reports for downloads, the outsourced developers included a feature that would create PDF files of the Reports stored in temporary folders to allow for quick downloads of the Reports if needed by the user. There was no function coded for regular deletion of the temporary folders.

6. In 2010, ABC hired an independent developer based in India (the “**App Developer**”) to create an improvement to its 360 Feedback App, called “Version 2” and decommission Version 1. ABC’s contract with the developer consisted of a series of email exchanges through which ABC and the developer discussed and agreed solely on the specifications for Version 2, the deliverables, the timeline and the price. There was no exact protocol agreed upon between the parties for the decommissioning of Version 1 of the data collected between 2000 and 2010.
7. In 2017, ABC decided to engage the services of an independent web developer (the “**Web Developer**”) based in the Philippines to redevelop its website, changing it from a HTML-coded version to one hosted and managed using the WordPress content management system, as well as migrating the content of the existing website to the new website. During the redesign, the Web Developer created webpages containing the Reports stored in the temporary folder (the “**Webpages**”). The Web Developer provided a test URL to ABC to confirm that the Website was designed according to the latter’s instructions. ABC did so, but did not detect that the Webpages had been created. During the redesign process, password protection for the Reports was not implemented although it was previously implemented.
8. Between 2000 and 2017, no one had ever complained about any data breach concerning any survey result or the Reports.
9. In 2020, a couple of individuals filed a complaint to the PDPC alleging that when they searched their names on the Internet, the search results included links to PDF copies of their Reports, and these reports were accessible through the links. The only Reports that were available online were those generated by Version 1 between 2000 and 2010.

QUESTIONS

1. Which sections of the PDPA did ABC breach?
2. How did they breach each section?
3. What could they have done to prevent each such breach?
4. Do you think that the data that was breached required a higher degree of security arrangement? Why or why not?