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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

- (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.

[AG/LEGIS/SL/227A/2020/4 Vol. 1]

First published in the *Government Gazette*, Electronic Edition, on 29 January 2021 at 5 pm.

No. S 70

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(COMPOSITION OF OFFENCES)
REGULATIONS 2021**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Offences compoundable under section 55(1) of Act
 3. Offences compoundable under section 55(2) of Act
 4. Revocation
-

In exercise of the powers conferred by section 55(4) 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 (Composition of Offences) Regulations 2021 and come into operation on 1 February 2021.

Offences compoundable under section 55(1) of Act

2. Any offence under section 51(1) or 61(2) of the Act may be compounded by the Commission in accordance with section 55(1) of the Act.

Offences compoundable under section 55(2) of Act

3. The following offences may be compounded by the Commission in accordance with section 55(2) of the Act:

- (a) any offence under section 42(2) of the Act;

(b) any offence under section 43(2), 44(2) or 45(2) of the Act as in force immediately before 1 February 2021.

Revocation

4. The Personal Data Protection (Composition of Offences) Regulations 2013 (G.N. No. S 759/2013) are revoked.

Made on 28 January 2021.

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

[AG/LEGIS/SL/227A/2020/6 Vol. 1]

First published in the Government *Gazette*, Electronic Edition, on 25th November 2013 at 5:00 pm.

No. S 709

PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)

PERSONAL DATA PROTECTION (DO NOT CALL
REGISTRY) REGULATIONS 2013

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART II

ADMINISTRATION OF DO NOT CALL REGISTERS

3. Application by subscriber to add or remove Singapore telephone number
4. Effective date of addition or removal
5. Application by subscriber to confirm listing in register
6. Application by or on behalf of subscriber
7. Correction or alteration of register

PART III

APPLICATION TO CHECK DO NOT CALL REGISTERS

8. Registration before applying to check register
9. Application to check Do Not Call Registers
10. Fees
11. [*Deleted*]

PART IV

REPORT ON TERMINATED SINGAPORE TELEPHONE NUMBERS

12. Registration of telecommunications service providers

Regulation

- 13. Submission of report on terminated Singapore telephone numbers
- 14. Prescribed fee

PART V

PRESCRIBED DURATION AND PERIOD

- 15. Prescribed duration for section 43(2)(a) of Act
- 16. Prescribed period for section 43(2)(b) of Act
- 17. Prescribed period for section 47(3) of Act

PART VA

CHECKERS

- 17A. Requirements for checkers

PART VI

GENERAL

- 18. Time
 - 19. Waiver
The Schedules
-

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

PART I

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Personal Data Protection (Do Not Call Registry) Regulations 2013 and shall, with the exception of regulations 9 and 11 to 17 and the Third Schedule, come into operation on 2nd December 2013.

(2) Regulations 9 and 11 to 17 and the Third Schedule shall come into operation on 2nd January 2014.

Definitions

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

“No Fax Message Register” means the register listing Singapore telephone numbers to which a specified fax message shall not be sent;

“No Text Message Register” means the register listing Singapore telephone numbers to which a specified text message shall not be sent;

“No Voice Call Register” means the register listing Singapore telephone numbers to which a specified voice message shall not be sent;

“register” means a Do Not Call Register called the No Fax Message Register, No Text Message Register or No Voice Call Register, as the case may be;

“relevant telecommunication service”, in relation to a Singapore telephone number in respect of which a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, is made, means the telecommunication service to which the Singapore telephone number is allocated;

“relevant telephone number” means a telephone number notified, from time to time, by the Commission on the specified website for the purpose of receiving a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, in respect of one or more registers;

“SMS message” means a text message that is sent using a short message service;

“specified fax message” means a specified message that is sent, or intended to be sent, to a Singapore telephone number by way of a facsimile transmission;

“specified text message” means a specified message in any text, sound or visual form that is sent, or intended to be sent, to a

Singapore telephone number, but does not include a specified fax message or a specified voice message;

“specified voice message” means a specified message that is sent, or intended to be sent, to a Singapore telephone number by way of a voice call or video call using a telephone service, data service or any other electronic means;

“specified website” means the Internet website of the Commission at <http://www.dnc.gov.sg>.

PART II

ADMINISTRATION OF DO NOT CALL REGISTERS

Application by subscriber to add or remove Singapore telephone number

3.—(1) Subject to paragraph (3) and regulation 6, an application by a subscriber under section 40(1) of the Act to add his Singapore telephone number to a register or to remove his Singapore telephone number from a register, as the case may be (referred to in this Part as a subscriber registration application) shall be made —

- (a) by making a voice call to the relevant telephone number using the relevant telecommunication service;
- (b) by sending an SMS message to the relevant telephone number using the relevant telecommunication service; or
- (c) by submitting the application online at the specified website and confirming the application by making a voice call or sending an SMS, as the case may be, to the relevant telephone number using the relevant telecommunication service,

and in accordance with such other instructions as may be issued by the Commission, from time to time, at the specified website.

(2) A subscriber making a subscriber registration application in the manner referred to in paragraph (1)(a) or (b) shall not, at any time while the subscriber registration application is being made —

- (a) conceal or withhold his calling line identity; or

(b) cause his calling line identity to be concealed or withheld.

(3) In the event that the relevant telephone number or the specified website is unavailable, whether due to maintenance, malfunction, failure or any other cause, a subscriber shall make the subscriber registration application —

(a) in the case where the relevant telephone number is unavailable, in accordance with paragraph (1)(c); or

(b) in the case where the specified website is unavailable, in accordance with paragraph (1)(a) or (b).

(4) A subscriber registration application referred to in paragraph (1)(c) shall be made in the form prescribed at the specified website for such application.

(5) The Commission may reject any subscriber registration application which is not made in accordance with this regulation or regulation 6(1).

Effective date of addition or removal

4. If a subscriber registration application to add a Singapore telephone number to a register or to remove a Singapore telephone number from a register, as the case may be, is made in accordance with regulation 3, the Singapore telephone number shall be added to or removed from the register, as the case may be, with effect from —

(a) the date on which the application is made; or

(b) such other date as the Commission may determine,

whichever is the later.

Application by subscriber to confirm listing in register

5.—(1) Subject to regulation 6, an application by a subscriber under section 40(2) of the Act to confirm whether his Singapore telephone number is listed in a register (referred to in these Regulations as a subscriber confirmation application) shall be made —

(a) by making a voice call to the relevant telephone number using the relevant telecommunication service;

- (b) by sending an SMS message to the relevant telephone number using the relevant telecommunication service; or
- (c) by submitting the application online at the specified website and confirming the application by making a voice call or sending an SMS, as the case may be, to the relevant telephone number using the relevant telecommunication service,

and in accordance with such other instructions as may be issued by the Commission, from time to time, at the specified website.

(2) A subscriber making a subscriber confirmation application in the manner referred to in paragraph (1)(a) or (b) shall not, at any time while the subscriber confirmation application is being made —

- (a) conceal or withhold his calling line identity; or
- (b) cause his calling line identity to be concealed or withheld.

Application by or on behalf of subscriber

6.—(1) Subject to paragraph (2), a subscriber registration application under regulation 3 or a subscriber confirmation application under regulation 5, as the case may be, in respect of a Singapore telephone number shall be made —

- (a) where the subscriber of the relevant telecommunication service is an individual —
 - (i) by that individual; or
 - (ii) by any other individual who is authorised by the subscriber to make the application on his behalf; or
- (b) where the subscriber of the relevant telecommunication service is an organisation, by any individual who is authorised by the organisation to make the application on its behalf.

(2) For the purposes of this Part, an application in respect of a Singapore telephone number made under regulation 3 or 5 by any person using the relevant telecommunication service shall be treated as an application made by or under the authority of the subscriber of the relevant telecommunication service.

Correction or alteration of register

7.—(1) The Commission may —

- (a) where it is satisfied that a subscriber registration application to add a Singapore telephone number to a register or to remove a Singapore telephone number from a register, as the case may be, is not made in accordance with regulation 3 or 6(1), remove that number from the register or reinstate that number to the register, as the case may be;
- (b) where a terminated Singapore telephone number is reported to the Commission under section 42 of the Act, remove that number from the register in which it is listed; and
- (c) correct any entry in a register which is attributable wholly or in part to an error, a default or an omission on the part of the Commission.

(2) Any removal, reinstatement or correction, as the case may be, under paragraph (1) shall take effect from —

- (a) the date on which the removal, reinstatement or correction, as the case may be, is made by the Commission; or
- (b) such other date as the Commission may determine,

whichever is the later.

PART III

APPLICATION TO CHECK DO NOT CALL REGISTERS

Registration before applying to check register

8.—(1) Subject to paragraph (2), a person (other than the subscriber referred to in regulation 5(1)) who intends to apply to the Commission under section 40(2) of the Act to confirm whether a Singapore telephone number is listed in a register shall, before making the application —

- (a) register with the Commission in such form and manner as the Commission may require, using the electronic

registration service provided by the Commission at the specified website; and

- (b) submit to the Commission such information and documents as the Commission may require in connection with the registration.

(2) Paragraph (1) shall not apply to a subscriber confirmation application under regulation 5 made by or on behalf of a subscriber in accordance with regulation 6(1).

(3) In the event of unavailability of the Commission's electronic registration service referred to in paragraph (1)(a), whether due to maintenance, malfunction, failure or any other cause, the person shall register with the Commission in such other form and manner as the Commission may require.

(4) A person registered with the Commission under paragraph (1) shall notify the Commission, in such form and manner as the Commission may require, of any change or inaccuracy in the person's particulars and any other information or document submitted to the Commission under paragraph (1)(b).

(5) The registration of a person under the electronic registration service referred to in paragraph (1)(a) shall be subject to such verification of the person's identity as the Commission may require.

(6) Subject to paragraph (9), the Commission may suspend the registration of a person under paragraph (1)(a) where the person has not submitted any application under section 40(2) of the Act during a continuous period of not less than 12 months after —

- (a) the date of the person's registration under paragraph (1)(a);
or

- (b) the date of the person's last application under section 40(2) of the Act.

(7) The Commission may, on the application of a person in such form and manner as the Commission may require, lift the suspension of the person's registration under paragraph (6).

(8) The Commission may cancel the registration of a person under paragraph (1)(a) if the person —

- (a) applies for the cancellation of the registration in such form and manner as the Commission may require;
- (b) subject to paragraph (9), has submitted any incorrect or incomplete information or document under paragraph (1)(b) or has not notified the Commission of any change or inaccuracy in the person's particulars or other information or document submitted under paragraph (1)(b);
- (c) subject to paragraph (9), has not submitted any application under section 40(2) of the Act for a continuous period of not less than 3 years after —
 - (i) the date of the person's registration under paragraph (1)(a); or
 - (ii) the date of the person's last application under section 40(2) of the Act;
- (d) being a person carrying on a business in Singapore, ceases to carry on that business and the registration of that business under the Business Registration Act (Cap. 32) is cancelled; or
- (e) being a company incorporated under the Companies Act (Cap. 50) or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), is wound up under the Companies Act or the Limited Liability Partnerships Act, as the case may be.

(9) Where the Commission intends to suspend the registration of a person under paragraph (6) or cancel the registration of a person under paragraph (8)(b) or (c), as the case may be, the Commission shall give the person notice in writing of its intention to do so and an opportunity to make representations with regard to the proposed suspension or cancellation within such time as may be specified in the notice.

(10) If the Commission decides to suspend the registration of a person under paragraph (6) or cancel the registration of a person under paragraph (8)(b) or (c), as the case may be, the Commission

shall notify the person in writing of the date on which the suspension or cancellation is to take effect.

Application to check Do Not Call Registers

9.—(1) Subject to paragraph (2), a registered person shall make an application under section 40(2) of the Act using the electronic application service provided by the Commission at the specified website or such other online location as the Commission may notify, from time to time, to the registered person at the specified website.

(2) A registered person's use of the Commission's electronic application service is subject to such verification of identity of the registered person as the Commission may require.

(3) In this regulation, "registered person" means a person —

- (a) who is registered with the Commission under regulation 8(1); and
- (b) whose registration is not suspended under regulation 8(6) or cancelled under regulation 8(8).

Fees

10.—(1) Every application for registration under regulation 8(1) shall be accompanied by —

- (a) the registration fee specified in the First Schedule; and
- (b) where the person is required by the Commission to submit a document verifying the person's identity under regulation 8(5), the processing fee specified in the First Schedule.

(2) Subject to paragraph (3), every application under regulation 9(1) shall be accompanied by the application fee specified in the First Schedule.

(3) The fee payable by a registered person for an application under regulation 9(1) may be paid in advance to the Commission (referred to in this regulation as the advance amount) and such advance amount shall be the amount specified in the Second Schedule corresponding

to the number of Singapore telephone numbers that the registered person intends to check.

(4) The fee or an advance amount referred to in paragraph (1), (2) or (3) shall be paid to the Commission in such manner as the Commission may require.

(5) Subject to paragraphs (6) and (7), the application fee payable by a person under paragraph (2) may be deducted from the advance amount, if any, paid by the person under paragraph (3).

(6) Where a person has paid 2 or more advance amounts under paragraph (3), a deduction under paragraph (5) shall be made from the advance amount first paid and if that advance amount is insufficient to pay the application fee, from the other advance amounts in the order that they were paid to the Commission.

(7) Where the advance amounts paid by a person under paragraph (3) are insufficient to pay the application fee, the person shall pay the application fee in the manner directed by the Commission.

(8) Subject to paragraph (9), any fee paid under paragraph (1) or (2) or any advance amount paid under paragraph (3) shall not be refundable, in whole or in part.

(9) The Commission shall refund the unutilised portion of the advance amount (or part thereof, rounded down to the nearest one cent) paid by a person under paragraph (3) if —

- (a) no application is submitted by the person under regulation 9(1) during a continuous period of 3 years after the advance amount is paid;
- (b) the person's registration is cancelled under regulation 8(8);
or
- (c) the person applies for a refund in such form and manner as the Commission may require.

(10) No interest shall be payable in respect of any amount that is refunded under paragraph (9).

11. *[Deleted by S 67/2021 wef 01/02/2021]*

PART IV

REPORT ON TERMINATED SINGAPORE TELEPHONE
NUMBERS

Registration of telecommunications service providers

12.—(1) For the purpose of section 42 of the Act, every telecommunications service provider before submitting its first report under regulation 13 shall register and maintain such registration with the Commission (referred to in this Part as a registered telecommunications service provider) in such form and manner as the Commission may require.

(2) A registered telecommunications service provider shall notify the Commission, in such form and manner as the Commission may require, of any change or inaccuracy in its particulars and any other information submitted to the Commission in connection with its registration.

(3) The Commission may cancel the registration of a registered telecommunications service provider if the telecommunications service provider —

- (a) notifies the Commission in such form and manner as the Commission may require that it has ceased to be licensed under the Telecommunications Act (Cap. 323) to provide any telecommunication service to which Singapore telephone numbers are allocated;
- (b) being a person carrying on a business as a telecommunications service provider in Singapore, ceases to carry on that business and the registration of that business under the Business Registration Act (Cap. 32) is cancelled; or
- (c) being a company incorporated under the Companies Act (Cap. 50) or a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), is wound up under the Companies Act or the Limited Liability Partnerships Act, as the case may be.

Submission of report on terminated Singapore telephone numbers

13.—(1) Subject to regulation 14(2), a registered telecommunications service provider when submitting a report to the Commission under section 42(1) of the Act shall comply with the following requirements:

- (a) the report shall be submitted to the Commission through such electronic facility as may be specified by the Commission;
- (b) the report shall be made in the form provided at the specified website for such report; and
- (c) subject to paragraph (2), the report shall be submitted not later than the 15th day of each month, listing every Singapore telephone number terminated in the immediately preceding month.

(2) In the case of any Singapore telephone number terminated during the period from 1st December 2013 to 31st January 2014 (both dates inclusive), the registered telecommunications service provider of the telephone service associated with the telephone number shall submit the report referred to in paragraph (1) not later than 15th February 2014.

(3) In the event of unavailability of the electronic facility referred to in paragraph (1)(a), whether due to maintenance, malfunction, failure or any other cause, the report referred to in paragraph (1) shall be submitted in such other form and manner as the Commission may require.

Prescribed fee

14.—(1) For the purposes of section 42(5) of the Act and subject to paragraph (2), the Commission shall pay to a registered telecommunications service provider that submits a report under regulation 13 containing the number of terminated Singapore telephone numbers specified in the first column of the Third Schedule shall be the fee specified opposite in the second column.

(2) If a registered telecommunications service provider submits 2 or more reports in a month, the reports shall, for the purposes of determining the fee payable under paragraph (1), collectively be considered to be a single report.

PART V

PRESCRIBED DURATION AND PERIOD

[S 67/2021 wef 01/02/2021]

Prescribed duration for section 43(2)(a) of Act

15. For the purposes of section 43(2)(a) of the Act, the prescribed duration before sending a specified message on or after 1 February 2021 is 21 days.

[S 67/2021 wef 01/02/2021]

Prescribed period for section 43(2)(b) of Act

16. For the purposes of section 43(2)(b) read with section 43(3) of the Act, the prescribed period in relation to the relevant information on or after 1 February 2021 is 21 days.

[S 67/2021 wef 01/02/2021]

Prescribed period for section 47(3) of Act

17. The prescribed period for the purposes of section 47(3) of the Act is, where a person receives a notice of withdrawal of consent for the sending of a specified message on or after 1 February 2021, 21 days after the date on which the person receives the notice.

[S 67/2021 wef 01/02/2021]

PART VA

CHECKERS

[S 67/2021 wef 01/02/2021]

Requirements for checkers

17A. For the purposes of section 43A(2)(b) of the Act, a checker must, when providing applicable information to another person (*P*)

on or after 1 February 2021, also provide the following information to *P*:

- (a) the date (on or after 1 February 2021) on which the checker received the reply from the Commission in response to the checker's application under section 40(2) of the Act that included the applicable information;
- (b) the date after which the applicable information ceases to be valid, being 21 days after the date mentioned in paragraph (a).

[S 67/2021 wef 01/02/2021]

PART VI

GENERAL

Time

18.—(1) A period expressed in days, months or years after, from or before the happening of an event or the doing of any act or thing shall exclude the day on which the event happens or the act or thing is done.

(2) A period expressed in months or years shall end with the expiry of whichever day in the last month or year is the same day of the month or year as the day on which the event or the act or thing after or from which the period is to be calculated happens or is done.

(3) If, in a period expressed in months or years, the day on which it should expire does not occur in the last month of that period, the period shall end with the expiry of the last day of that month.

(4) If the last day of a period expressed in months or years is a Saturday, Sunday or public holiday, the period shall include the next following day not being a Saturday, Sunday or public holiday.

Waiver

19.—(1) The Commission may, with the approval of the Minister, waive any fee or part thereof payable under these Regulations.

(2) A waiver granted under paragraph (1) may be notified in writing to the person concerned, and need not be published in the *Gazette*.

FIRST SCHEDULE

Regulation 10(1) and (2)

FEES PAYABLE BY PERSON

PART I

- | | |
|--|--|
| 1. Registration fee (for each account or sub-account created) | \$30 |
| 2. Processing fee | \$30 |
| 3. Application fee | |
| (a) First 1,000 Singapore telephone numbers checked per year (per applicant) | No fee. |
| (b) Pay-per application basis | The higher of \$10 or the amount (rounded down to the nearest one cent) calculated in accordance with the following formula: |

$$N \times R,$$

where N is the number of Singapore telephone numbers specified in the first column of Part II of this Schedule that are submitted in the application; and

R is the rate specified in the second column of Part II of this Schedule corresponding to N .

- | | |
|--------------------|---|
| (c) Pre-paid basis | The amount calculated in accordance with the following formula: |
|--------------------|---|

$$C \times D,$$

where C is the number of Singapore telephone numbers that are submitted in the application and for which the application fee is paid in advance; and

D is the rate specified in the second column of Part III

FIRST SCHEDULE — *continued*

of this Schedule corresponding to the number of Singapore telephone numbers specified in the first column of that Part for which the application fee is paid in advance.

[S 331/2015 wef 01/06/2015]

PART II

<i>First column</i>	<i>Second column</i>
<i>Number of Singapore telephone numbers checked in an application</i>	<i>Rate</i>
1. 1 to 4,999	\$0.025 per number
2. 5,000 and above	\$0.023 per number

PART III

<i>First column</i>	<i>Second column</i>
<i>Number of Singapore telephone numbers paid in advance at any one time</i>	<i>Rate</i>
1. 5,000	\$0.02 per number
2. 10,000	\$0.015 per number
3. 25,000	\$0.014 per number
4. 100,000	\$0.012 per number
5. 250,000	\$0.0108 per number
6. 1,000,000	\$0.01 per number

SECOND SCHEDULE

Regulation 10(3)

ADVANCE PAYMENT OF APPLICATION FEE

<i>First column</i>	<i>Second column</i>
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SECOND SCHEDULE — *continued*

<i>Number of Singapore telephone numbers pre-paid at any one time</i>	<i>Amount</i>
1. 5,000	\$100
2. 10,000	\$150
3. 25,000	\$350
4. 100,000	\$1,200
5. 250,000	\$2,700
6. 1,000,000	\$10,000

THIRD SCHEDULE

Regulation 14(1)

FEES PAYABLE IN RESPECT OF
TERMINATED SINGAPORE TELEPHONE NUMBERS

<i>First column</i>	<i>Second column</i>
<i>Number of terminated Singapore telephone numbers submitted in a report (per month)</i>	<i>Fee</i>
1. 1 – 20	\$100
2. 21 – 100	\$500
3. 101 – 500	\$1,000
4. 501 – 1,000	\$1,500
5. 1,001 – 10,000	\$2,000
6. 10,001 – 100,000	\$2,900
7. 100,001 and above	\$3,200

Made this 21st day of November 2013.

AUBECK KAM
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

[Y03.002.001.EV30/13; AG/LLRD/SL/227A/2012/5 Vol. 1]

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No. S 62

PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION (ENFORCEMENT) REGULATIONS 2021

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY

Regulation

1. Citation and commencement
2. Definitions

PART 2

REVIEW APPLICATIONS

3. Non-derogation from powers of investigation
4. Review application
5. Summary dismissal of review application
6. Notice of review application and response from respondent
7. Notice of response and reply from applicant
8. Withdrawal of review application
9. Suspension of conduct of review
10. Consolidation of review applications

PART 2A

FINANCIAL PENALTIES

- 10A. Maximum amount of financial penalties

PART 3

RECONSIDERATION APPLICATIONS

11. Reconsideration application
12. Notice of reconsideration application and response from respondent

Regulation

13. Notice of response and reply from applicant
14. Withdrawal of reconsideration application
15. Consolidation of reconsideration applications

PART 4**DIRECTIONS AND DECISIONS OF COMMISSION**

16. Notice of direction under section 48G(2) of Act
17. Notice of direction or decision under section 48H(2) of Act
18. Notice of direction under section 48I of Act or imposition of financial penalty under section 48J(1) of Act
19. Notice of decision under section 48N(6)(b) of Act

PART 5**EXERCISE OF POWERS OF INVESTIGATION**

20. Requiring organisation to produce document or information during investigation under section 50 of Act
21. List of all things taken to be made and signed

PART 6**MISCELLANEOUS**

22. Publication of voluntary undertakings
 23. Service of notices or documents
 24. Submission of documents or information to Commission
 25. Commission's website
 26. Forms
 27. Time
 28. Waiver
 29. Revocation
 30. Transitional provision
- The Schedule
-

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 (Enforcement) Regulations 2021 and come into operation on 1 February 2021.

Definitions

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

- (a) in relation to a reconsideration application to the Commission to reconsider a contestable decision, means an organisation or a person (including any individual who is a complainant) aggrieved by that decision and making the reconsideration application; or
- (b) in relation to a review application, means the complainant mentioned in section 48H of the Act making the review application;

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

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

“officer” —

- (a) in relation to a corporation, has the meaning given by section 52(7) of the Act;

(b) in relation to an unincorporated association (other than a partnership), has the meaning given by section 52A(7) of the Act; or

(c) in relation to a partnership, means a partner within the meaning given by section 52A(7) of the Act;

“reconsideration application” means an application made under section 48N(1) or (2) of the Act to the Commission for the Commission to reconsider a contestable decision;

“relevant matter” means —

(a) a refusal to provide access to personal data or other information requested by a complainant under section 21 of the Act;

(b) a failure to provide within a reasonable time access to personal data or other information requested by a complainant under section 21 of the Act;

(c) a refusal to correct personal data in accordance with a request by a complainant under section 22 of the Act;

(d) a failure to make within a reasonable time a correction of personal data in accordance with a request by a complainant under section 22 of the Act;
or

(e) a fee required from a complainant by an organisation in relation to a request by the complainant under section 21 or 22 of the Act;

“relevant request” means a request under section 21 or 22 of the Act;

“respondent” means —

(a) in the case of a reconsideration application made by a complainant regarding a contestable decision made under section 48G(2) or 48H(2) of the Act — the organisation complained against by a complainant;

(b) in the case of a reconsideration application made by an organisation complained against by a complainant

regarding a contestable decision made under section 48G(2) or 48H(2) of the Act — the complainant;

- (c) in the case of a reconsideration application made by an individual aggrieved by a contestable decision made under section 48I(1) or (2) or 48J(1) of the Act — the organisation or person in respect of which the contestable decision was made;
- (d) in the case of a reconsideration application made by an organisation or a person aggrieved by a contestable decision made under section 48I(1) or (2) or 48J(1) of the Act — the complainant whose complaint against the organisation or person resulted in the contestable decision; or
- (e) in the case of a review application made by a complainant mentioned in section 48H of the Act — the organisation complained against by the complainant;

“review application” means an application made under section 48H of the Act to the Commission for the Commission to conduct a review;

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

PART 2

REVIEW APPLICATIONS

Non-derogation from powers of investigation

3. Nothing in this Part affects the Commission’s power to conduct an investigation under section 50(1) of the Act.

Review application

4.—(1) A review application must —

- (a) state concisely, in the English language —
 - (i) the applicant's particulars;
 - (ii) the particulars of the relevant request and relevant matter that are the subject of the review application;
 - (iii) the facts and circumstances under which the review application arises;
 - (iv) the directions or decisions under section 48H(2) of the Act sought; and
 - (v) the applicant's reasons for seeking the directions or decisions mentioned in sub-paragraph (iv);
- (b) be signed by the applicant, or on the applicant's behalf by the applicant's authorised representative or legal representative;
- (c) be accompanied by —
 - (i) a copy of the relevant request, if available;
 - (ii) a copy of all correspondence between the applicant and the respondent relating to the relevant request, if any; and
 - (iii) any statutory declaration or other document or information to support the facts or particulars contained in the applicant's review application as the Commission may require; and
- (d) be submitted to the Commission in accordance with regulation 24.

(2) A review application under paragraph (1) may be made in the form provided under regulation 26.

(3) The Commission may, by written notice, further require an applicant to provide, within the period specified in the notice, a statutory declaration or any other document or information to support

the facts or particulars contained in the applicant's review application.

Summary dismissal of review application

5. The Commission may, at any time, dismiss a review application if —

- (a) the Commission considers that the review application does not disclose a prima facie case for a review to be conducted under section 48H(1) of the Act;
- (b) the Commission has referred the matter to mediation under a dispute resolution scheme under section 48G(1) of the Act;
- (c) the applicant has not complied with a direction under section 48G(2) of the Act;
- (d) the applicant and respondent have mutually agreed to settle the matter;
- (e) the applicant has commenced legal proceedings against the respondent in respect of a contravention or an alleged contravention of section 21 or 22 of the Act, which is also the subject of the review application;
- (f) the review application is not made in accordance with regulation 4(1) or is materially incomplete;
- (g) the applicant has, without reasonable excuse, failed to comply with the time specified in a written notice under regulation 4(3) for the submission of any document or information required under the notice; or
- (h) the Commission is of the opinion —
 - (i) that the review application is frivolous or vexatious or is not made in good faith; or
 - (ii) that any other circumstances warrant the summary dismissal of the review application.

Notice of review application and response from respondent

6.—(1) Where the Commission is satisfied that a review application discloses a *prima facie* case for a review to be conducted under section 48H(1) of the Act, the Commission must serve on the respondent —

- (a) a copy of the review application and any statutory declaration and accompanying documents or information provided under regulation 4(1)(c) or (3); and
 - (b) a notice requiring the respondent to submit a written response within the period specified in the notice.
- (2) A respondent's response to a review application must —
 - (a) state the case number assigned to the review application;
 - (b) be made in the English language;
 - (c) contain an explanation of any of the following, according to the relevant matter and relevant request in the review application:
 - (i) the respondent's refusal to provide access to personal data or other information or correct personal data (as the case may be) in accordance with the relevant request;
 - (ii) the respondent's failure to provide access to personal data or other information or correct personal data (as the case may be) in accordance with the relevant request within a reasonable time;
 - (iii) the fee required from the applicant by the respondent in relation to the relevant request;
 - (d) be signed —
 - (i) where the respondent is an individual — by the individual, or on the individual's behalf by his or her authorised representative or legal representative; or
 - (ii) in any other case — by a duly authorised officer of the respondent;

- (e) be accompanied by any statutory declaration or other document or information to support the facts and particulars in the respondent's response as the Commission may require; and
- (f) be submitted to the Commission in accordance with regulation 24 within the time specified in the notice mentioned in paragraph (1)(b).

(3) The Commission may, by written notice, further require a respondent to provide, within the period specified in the notice, any statutory declaration or other document or information to support the facts or particulars in the respondent's response.

(4) The Commission may, on written application by the respondent, extend the time to submit the respondent's response specified in the notice mentioned in paragraph (1)(b).

(5) If the respondent does not submit a response to the review application within the time specified in the notice mentioned in paragraph (1)(b), or any extension of time under paragraph (4), the Commission may proceed to make the Commission's direction or decision under section 48H(2), 48I(1) or (2) or 48J(1) of the Act (as the case may be) in the absence of such response.

Notice of response and reply from applicant

7.—(1) The Commission may, where the Commission considers it appropriate, serve on the applicant of a review application —

- (a) a copy of the response by the respondent under regulation 6(2) to the review application and any statutory declaration and accompanying documents or information provided by the respondent under regulation 6(2)(e) or (3); and
- (b) a notice inviting the applicant to submit to the Commission, within the period specified in the notice, a written reply to the response as the applicant may wish to offer.

(2) An applicant's reply must —

- (a) state the case number assigned to the review application;

- (b) be made in the English language;
- (c) be signed by the applicant, or on the applicant's behalf by his or her authorised representative or legal representative;
- (d) be accompanied by any statutory declaration or other document or information as the Commission may require; and
- (e) be submitted to the Commission in accordance with regulation 24 within the time specified in the notice mentioned in paragraph (1)(b).

(3) The Commission may, by written notice, require an applicant to provide, within the period specified in the notice, any statutory declaration or other document or information to support the facts or particulars contained in the applicant's reply.

(4) The Commission may, on written application by the applicant, extend the time to submit the applicant's reply specified in the notice mentioned in paragraph (1)(b).

(5) If the applicant does not submit a response to the review application within the time specified in the notice mentioned in paragraph (1)(b), or any extension of time under paragraph (4), the Commission may proceed to make the Commission's direction or decision under section 48H(2), 48I(1) or (2) or 48J(1) of the Act (as the case may be) in the absence of such reply.

Withdrawal of review application

8. An applicant of a review application may, at any time before the Commission has given a notice under regulation 17 to either the applicant or the respondent, withdraw the review application by written notice to the Commission.

Suspension of conduct of review

9. The Commission may, where the Commission thinks fit, suspend the conduct of a review under section 48H of the Act, for any period that the Commission considers reasonable in the circumstances, if —

- (a) the Commission commences an investigation under section 50(1) of the Act into the conduct of the

respondent in relation to any relevant matter that is the subject of the review application; or

- (b) the Commission is of the opinion that any other circumstances warrant the suspension of the conduct of the review.

Consolidation of review applications

10.—(1) Where 2 or more review applications —

- (a) are pending in relation to the same respondent; or
- (b) involve the same or similar issues or relevant matters,

the Commission may, at any time and on the request of the respondent or applicant of any of the review applications or of the Commission's own initiative, direct that the review applications, or any particular issue or relevant matter raised in the review applications, be consolidated and reviewed together.

(2) Before a direction under paragraph (1) is made, all applicants and respondents are entitled to make their submissions on a proposed consolidation of their respective review applications.

(3) Where the Commission decides to consolidate 2 or more review applications together under paragraph (1), the Commission may —

- (a) consider those review applications together;
- (b) permit the applicants or respondents to combine any documents required to be submitted for those review applications;
- (c) issue a combined direction or decision under section 48H(2) of the Act for all or any of those review applications; and
- (d) make any other directions as the Commission sees fit for the proper administration of those review applications.

PART 2A

FINANCIAL PENALTIES

[S 768/2022 wef 01/10/2022]

Maximum amount of financial penalties

10A.—(1) The maximum amount prescribed for the purposes of section 48J(3) of the Act is —

(a) in the case of a contravention on or after 1 October 2022 by an organisation whose annual turnover in Singapore exceeds \$10 million — 10% of the annual turnover in Singapore of the organisation; and

(b) in any other case — \$1 million.

(2) The maximum amount prescribed for the purposes of section 48J(4) of the Act is —

(a) in the case of an individual — \$200,000; and

(b) in any other case — \$1 million.

(3) The maximum amount prescribed for the purposes of section 48J(4A) of the Act is —

(a) in the case of an individual — \$200,000;

(b) in the case of a contravention on or after 1 October 2022 by a person whose annual turnover in Singapore exceeds \$20 million — 5% of the annual turnover of the person in Singapore; and

(c) in any other case — \$1 million.

[S 768/2022 wef 01/10/2022]

PART 3**RECONSIDERATION APPLICATIONS****Reconsideration application**

11.—(1) A reconsideration application must —

(a) state concisely, in the English language —

(i) the applicant's particulars;

(ii) the particulars of the contestable decision to be reconsidered;

- (iii) the grounds for making the reconsideration application, in particular the grounds upon which the applicant contends that the contestable decision was made based on an error of fact or was wrong in law;
- (iv) the arguments of fact or law supporting each of the grounds; and
- (v) the decisions under section 48N(6)(b) of the Act sought from the Commission and the applicant's reasons for seeking those decisions;

(b) be signed —

- (i) where the applicant is an individual — by the individual, or on the individual's behalf by his or her authorised representative or legal representative; or
- (ii) in any other case — by a duly authorised officer of the applicant;

(c) be accompanied by —

- (i) a copy of the contestable decision to be reconsidered;
- (ii) any statutory declaration or other document or information to support the facts or particulars contained in the applicant's reconsideration application as the Commission may require; and
- (iii) the appropriate fee specified in the Schedule; and

(d) be submitted to the Commission —

- (i) in accordance with regulation 24; and
- (ii) no later than 28 days after the contestable decision to be reconsidered is served on the applicant.

(2) A reconsideration application under paragraph (1) may be made in the form provided under regulation 26.

(3) The Commission may, by written notice, further require an applicant to provide, within the period specified in the notice, any statutory declaration or any other document or information to support

the facts or particulars contained in the applicant's reconsideration application.

Notice of reconsideration application and response from respondent

12.—(1) Where an applicant makes a reconsideration application in accordance with section 48N of the Act and these Regulations, the Commission must serve on the respondent —

- (a) a copy of the reconsideration application and any accompanying document or information provided under regulation 11(1)(c)(i) and (ii) or (3); and
- (b) a notice requiring the respondent to submit a written response within the period specified in the notice.

(2) A respondent's response to a reconsideration application must —

- (a) state the case number assigned to the reconsideration application;
- (b) be made in the English language;
- (c) be signed —
 - (i) where the respondent is an individual — by the individual, or on the individual's behalf by his or her authorised representative or legal representative; or
 - (ii) in any other case — by a duly authorised officer of the respondent;
- (d) be accompanied by any statutory declaration or other document or information as the Commission may require; and
- (e) be submitted to the Commission in accordance with regulation 24 within the time specified in the notice mentioned in paragraph (1)(b).

(3) The Commission may, by written notice, further require an applicant to provide, within the period specified in the notice, any

statutory declaration or any other document or information to support the facts or particulars contained in the respondent's response.

(4) The Commission may, on written application by the respondent, extend the time to submit the respondent's response specified in the notice mentioned in paragraph (1)(b).

(5) If the respondent does not submit a response to the review application within the time specified in the notice mentioned in paragraph (1)(b), or any extension of time under paragraph (4), the Commission may proceed to make the Commission's direction or decision under section 48N(6)(b) of the Act in the absence of such response.

Notice of response and reply from applicant

13.—(1) The Commission may, where the Commission considers it appropriate, serve on the applicant of a reconsideration application —

- (a) a copy of the response by the respondent under regulation 12(2) to the reconsideration application and any statutory declaration and accompanying documents or information provided by the respondent under regulation 12(2)(d) or (3); and
 - (b) a notice inviting the applicant to submit to the Commission, within the period specified in the notice, a written reply to the response as the applicant may wish to offer.
- (2) An applicant's reply must —
- (a) state the case number assigned to the reconsideration application;
 - (b) be made in the English language;
 - (c) be signed —
 - (i) where the applicant is an individual — by the individual, or on the individual's behalf by his or her authorised representative or legal representative; or
 - (ii) in any other case — by a duly authorised officer or partner of the applicant;

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- (d) be accompanied by any statutory declaration or other document or information as the Commission may require; and
 - (e) be submitted to the Commission in accordance with regulation 24 within the time specified in the notice mentioned in paragraph (1)(b).
- (3) The Commission may, by written notice, further require an applicant to provide, within the period specified in the notice, any statutory declaration or other document or information to support the facts or particulars contained in the applicant's reply.
- (4) The Commission may, on written application by the applicant, extend the time to submit the applicant's reply specified in the notice mentioned in paragraph (1)(b).
- (5) If the applicant does not submit a response to the review application within the time specified in the notice mentioned in paragraph (1)(b), or any extension of time under paragraph (4), the Commission may proceed to make the Commission's direction or decision under section 48N(6)(b) in the absence of such reply.

Withdrawal of reconsideration application

14. An applicant of a reconsideration application may, at any time before the Commission has given a notice under regulation 19 to either the applicant or the respondent and with the permission of the Commission, withdraw the reconsideration application by written notice to the Commission.

Consolidation of reconsideration applications

- 15.—**(1) Where 2 or more reconsideration applications —
- (a) are pending in relation to the same decision of the Commission; or
 - (b) involve the same or similar issues or relevant matters,
- the Commission may, at any time and on the request of the respondent or applicant of any of the reconsideration applications or of the Commission's own initiative, direct that the reconsideration

applications, or any particular issue or relevant matter raised in the reconsideration applications, be consolidated and reviewed together.

(2) Before a direction under paragraph (1) is made, all applicants and respondents are entitled to make their submissions on a proposed consolidation of their respective reconsideration applications.

(3) Where the Commission decides to consolidate 2 or more reconsideration applications together under paragraph (1), the Commission may —

- (a) consider those reconsideration applications together;
- (b) permit the applicants or respondents to combine any documents required to be submitted for those reconsideration applications;
- (c) issue a combined decision under section 48N(6)(b) of the Act for all or any of those reconsideration applications; and
- (d) make any other directions as the Commission sees fit for the proper administration of those reconsideration applications.

PART 4

DIRECTIONS AND DECISIONS OF COMMISSION

Notice of direction under section 48G(2) of Act

16. The Commission must give notice to the complainant and the organisation mentioned in section 48G(2) of the Act of every direction the Commission makes under that provision relating to that complainant and organisation.

Notice of direction or decision under section 48H(2) of Act

17. Where the Commission makes a direction or decision under section 48H(2) of the Act upon a review application, the Commission —

- (a) must give notice of the direction or decision to the applicant and the respondent of the review application; and

- (b) may publish the direction or decision, or a summary of the direction or decision, on the Commission's website or in any other manner as the Commission may decide.

Notice of direction under section 48I of Act or imposition of financial penalty under section 48J(1) of Act

18. Where the Commission gives a direction under section 48I(1) or (2) of the Act, or requires an organisation or a person to pay a financial penalty under section 48J(1) of the Act, the Commission may publish the direction or written notice for the payment of the financial penalty, or a summary of the direction or written notice, on the Commission's website or in any other manner as the Commission may decide.

Notice of decision under section 48N(6)(b) of Act

19.—(1) Where the Commission makes a decision under section 48N(6)(b) of the Act after reconsidering a contestable decision, the Commission must give notice of the decision to the applicant and the respondent.

(2) The Commission may also publish the decision mentioned in paragraph (1) or a summary of that decision on the Commission's website or in any other manner as the Commission may decide.

PART 5

EXERCISE OF POWERS OF INVESTIGATION

Requiring organisation to produce document or information during investigation under section 50 of Act

20.—(1) At any time during a review under section 48H of the Act, or during a reconsideration under section 48N of the Act, the Commission may conduct an investigation under section 50 of the Act to determine whether or not an organisation or a person that is the subject of the review or reconsideration is complying with the Act.

(2) For the purposes of an investigation carried out under section 50 of the Act, the Commission or an inspector may exercise their respective powers set out in the Ninth Schedule to the Act.

List of all things taken to be made and signed

21.—(1) A list of all things taken in the course of any entry to any premises under the Act and of the places in which they are produced or found respectively must be prepared or caused to be prepared and signed by the officer of the Commission entering the premises.

(2) The occupier of the premises entered or any person in the occupier's behalf must in every instance be permitted to attend during the entry, and a copy of the list prepared and signed under paragraph (1) must be delivered to that occupier or person at the request of the occupier or person as soon as practicable.

(3) In this regulation, “officer” means —

- (a) where entry into the premises is pursuant to paragraph 2 of the Ninth Schedule to the Act — an inspector appointed under section 8(1) of the Act; or
- (b) where entry into the premises is pursuant to a warrant issued under paragraph 3 of the Ninth Schedule to the Act — an officer or inspector appointed under section 8(1) of the Act and named in the warrant.

PART 6**MISCELLANEOUS****Publication of voluntary undertakings**

22.—(1) Where the Commission accepts a voluntary undertaking given by an organisation or a person under section 48L(1) of the Act, the Commission may publish the voluntary undertaking, or a summary of the voluntary undertaking, on the Commission's website or in any other manner as the Commission may decide.

(2) To avoid doubt, paragraph (1) does not affect section 48L of the Act or any undertaking included in the voluntary undertaking given by an organisation or a person to publicise that voluntary undertaking.

Service of notices or documents

23.—(1) Any notice or document required or authorised to be served on any person by the Commission under the Act or any regulations made under the Act may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult apparently resident at, or by sending it by ordinary post or prepaid registered post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult apparently employed at, or by sending it by ordinary post or prepaid registered post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice or document in a conspicuous place at the usual or last known address of residence or business of the individual;
- (v) by sending it by fax to the fax number given to the Commission by the individual as the fax number for the service of notices or documents on the individual;
or
- (vi) by sending it by email to the last email address given to the Commission by the individual as the email address for the service of notices or documents on the individual;

(b) in the case of a body corporate (including a limited liability partnership) or an unincorporated association (other than a partnership) —

- (i) by delivering it to an officer of the body corporate or unincorporated association;
- (ii) by leaving it at, or by sending it by ordinary post or prepaid registered post to, the registered office or principal office of the body corporate or unincorporated association in Singapore;

- (iii) by sending it by fax to the fax number given to the Commission by the body corporate or unincorporated association in Singapore as the fax number for the service of notices or documents on the body corporate or unincorporated association; or
 - (iv) by sending it by email to the last email address given to the Commission by the body corporate or unincorporated association as the email address for the service of notices or documents on the body corporate or unincorporated association; and
- (c) in the case of a partnership —
- (i) by delivering it to an officer of the partnership;
 - (ii) by leaving it at, or by sending it by ordinary post or prepaid registered post to, the principal or last known place of business of the partnership in Singapore;
 - (iii) by sending it by fax to the fax number given to the Commission by the partnership as the fax number for the service of notices or documents on the partnership; or
 - (iv) by sending it by email to the last email address given to the Commission by the partnership as the email address for the service of notices or documents on the partnership.

(2) Where any notice or document required or authorised to be served on any person by the Commission under the Act or any regulations made under the Act is —

- (a) served personally in accordance with paragraph (1), the notice or document is deemed to have been duly served on the day of delivery;
- (b) sent by ordinary post in accordance with paragraph (1), the notice or document is deemed to have been duly served on the person to whom it is addressed on the day after it would in the ordinary course of post be delivered, unless it is returned undelivered;

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- (c) sent by prepaid registered post in accordance with paragraph (1), the notice or document is deemed to have been duly served on the person to whom it is addressed 2 days after the day it was posted, whether or not it is returned undelivered;
 - (d) sent by fax to a fax number in accordance with paragraph (1), the notice or document is deemed to have been duly served on the person to whom it is addressed on the day of the transmission, subject to the receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the fax machine for that fax number; or
 - (e) sent by email to an email address in accordance with paragraph (1), the notice or document is deemed to have been duly served on the person to whom it is addressed at the time the email becomes capable of being retrieved by the person.
- (3) Despite paragraph (1), the Commission may instead give notice to any person by publishing on the Commission's website and in at least one local daily newspaper, a summary of the notice, indicating that the complete notice may be obtained from the Commission upon the request of that person, if —
- (a) the Commission has taken any of the steps mentioned in paragraph (1) to give notice to the person but has been unable to give such notice or in the Commission's opinion there is doubt that it has been able to give such notice; or
 - (b) the Commission is of the view that none of the steps mentioned in paragraph (1), if taken, would give the required notice to the person.
- (4) Where paragraph (3) applies, the notice is treated as having been given on the date of its publication in accordance with that paragraph.

Submission of documents or information to Commission

24.—(1) Unless the Commission otherwise directs, any document or information required to be submitted to the Commission under the

Act or any regulations made under the Act must be submitted to the Commission —

- (a) by delivering it to an officer of the Commission at 10 Pasir Panjang Road, #03-01 Mapletree Business City, Singapore 117438 or any other address as the Commission may direct;
- (b) by sending it by ordinary post or prepaid registered post to the address specified in sub-paragraph (a) or any other address as the Commission may direct;
- (c) by sending it by email to info@pdpc.gov.sg or any other email address as the Commission may direct; or
- (d) by serving it in any other manner as the Commission may agree to accept.

(2) Any document submitted to the Commission under the Act or any regulations made under the Act —

- (a) must comply with any directions made by the Commission; and
- (b) if not in the English language, must be accompanied by a translation of the document —
 - (i) certified by a court interpreter; or
 - (ii) verified by the affidavit of a person qualified to translate it.

Commission's website

25. The Commission's website is at www.pdpc.gov.sg.

Forms

26.—(1) The Commission may provide and cause to be published on the Commission's website any form as the Commission thinks fit for the purposes of the Act and any regulations made under the Act.

(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 any directions specified in that form or by the Commission.

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

(5) The Commission may refuse to accept any form that is not in compliance with this regulation.

(6) Where strict compliance with a form is not possible, the Commission may allow that form to be complied with in any other manner as the Commission thinks fit.

Time

27.—(1) Where an act is required to be done in accordance with a notice issued under these Regulations before the expiry of a specified period after or from a specified date, the period begins immediately after that date.

(2) Where an act is required to be done in accordance with a notice issued under these Regulations within or not less than a specified period before a specified date, the period ends immediately before that date.

(3) Where the time indicated in a notice issued under 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.

Waiver

28.—(1) The Commission may, with the approval of the Minister, waive the whole or part of any fee payable under these Regulations.

(2) A waiver granted under paragraph (1) may be notified in writing to the person concerned, and need not be published in the *Gazette*.

Revocation

29. The Personal Data Protection (Enforcement) Regulations 2014 (G.N. No. S 455/2014) are revoked.

Transitional provision

30. 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 (Enforcement) Regulations 2014 as in force immediately before that date continue to apply to or in relation to those proceedings.

THE SCHEDULE

Regulation 11(1)(c)(iii)

FEES

- | | |
|---|-------|
| 1. Filing a reconsideration application relating to a direction or decision under section 48H(2) of the Act | \$25 |
| 2. Filing any other reconsideration application | \$250 |

Made on 28 January 2021.

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

[AG/LEGIS/SL/227A/2020/5 Vol. 1]

First published in the *Government Gazette*, Electronic Edition, on 29 January 2021 at 5 pm.

No. S 64

PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION (NOTIFICATION OF DATA BREACHES) REGULATIONS 2021

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Data breach resulting in significant harm to individuals
 4. Data breach of significant scale
 5. Notification to Commission
 6. Notification to affected individuals
- The Schedule
-

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 (Notification of Data Breaches) Regulations 2021 and come into operation on 1 February 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “bank” has the meaning given by section 2(1) of the Banking Act (Cap. 19);
- “finance company” has the meaning given by section 2 of the Finance Companies Act (Cap. 108);

“identification number”, in relation to an individual, means an identity card number, a passport number or the number of any other document of identity issued by a government as evidence of the individual’s nationality or residence, and includes a foreign identification number.

Data breach resulting in significant harm to individuals

3.—(1) For the purposes of section 26B(2) of the Act, a data breach is deemed to result in significant harm to an individual if the data breach relates to —

- (a) the individual’s full name or alias or identification number, and any of the personal data or classes of personal data relating to the individual set out in Part 1 of the Schedule, subject to Part 2 of the Schedule; or
- (b) all of the following personal data relating to an individual’s account with an organisation:
 - (i) the individual’s account identifier, such as an account name or number;
 - (ii) any password, security code, access code, response to a security question, biometric data or other data that is used or required to allow access to or use of the individual’s account.

(2) In paragraph (1)(b), “account identifier” includes a number assigned to any account the individual has with an organisation that is a bank or finance company.

Data breach of significant scale

4. For the purposes of section 26B(3)(a) of the Act, the prescribed number of affected individuals is 500.

Notification to Commission

5.—(1) For the purposes of section 26D(3) of the Act, the notification by an organisation to the Commission of a notifiable data breach under section 26D(1) of the Act must include all of the following information:

- (a) the date on which and the circumstances in which the organisation first became aware that the data breach had occurred;
- (b) a chronological account of the steps taken by the organisation after the organisation became aware that the data breach had occurred, including the organisation's assessment under section 26C(2) or (3)(b) of the Act that the data breach is a notifiable data breach;
- (c) information on how the notifiable data breach occurred;
- (d) the number of affected individuals affected by the notifiable data breach;
- (e) the personal data or classes of personal data affected by the notifiable data breach;
- (f) the potential harm to the affected individuals as a result of the notifiable data breach;
- (g) information on any action by the organisation, whether taken before or to be taken after the organisation notifies the Commission of the occurrence of the notifiable data breach —
 - (i) to eliminate or mitigate any potential harm to any affected individual as a result of the notifiable data breach; and
 - (ii) to address or remedy any failure or shortcoming that the organisation believes to have caused, or enabled or facilitated the occurrence of, the notifiable data breach;
- (h) information on the organisation's plan (if any) to inform, on or after notifying the Commission of the occurrence of the notifiable data breach, all or any affected individuals or the public that the notifiable data breach has occurred and how an affected individual may eliminate or mitigate any potential harm as a result of the notifiable data breach;
- (i) the business contact information of at least one authorised representative of the organisation.

(2) If the organisation notifies the Commission of the notifiable data breach after the expiry of the period specified in section 26D(1) of the Act, the notification to the Commission must additionally specify the reasons for the late notification and include any supporting evidence.

(3) Where, despite section 26D(2) of the Act, the organisation does not intend to notify any affected individual affected by a notifiable data breach mentioned in section 26B(1)(a) of the Act of the occurrence of that data breach, the notification to the Commission must additionally specify the grounds (whether under the Act or other written law) for not notifying the affected individual.

(4) The notification by the organisation to the Commission must be in the form and manner specified on the Commission's website at www.pdpc.gov.sg.

Notification to affected individuals

6. For the purposes of section 26D(3) of the Act, the notification by an organisation to an affected individual affected by a notifiable data breach under section 26D(2) of the Act must contain all of the following information:

- (a) the circumstances in which the organisation first became aware that the notifiable data breach had occurred;
- (b) the personal data or classes of personal data relating to the affected individual affected by the notifiable data breach;
- (c) the potential harm to the affected individual as a result of the notifiable data breach;
- (d) information on any action by the organisation, whether taken before or to be taken after the organisation notifies the affected individual —
 - (i) to eliminate or mitigate any potential harm to the affected individual as a result of the notifiable data breach; and
 - (ii) to address or remedy any failure or shortcoming that the organisation believes to have caused, or enabled

or facilitated the occurrence of, the notifiable data breach;

- (e) the steps that the affected individual may take to eliminate or mitigate any potential harm as a result of the notifiable data breach, including preventing the misuse of the affected individual's personal data affected by the notifiable data breach;
- (f) the business contact information of at least one authorised representative of the organisation.

THE SCHEDULE

Regulation 3(1)(a)

PREScribed PERSONAL DATA AND PREScRIBED CIRCUMSTANCES UNDER SECTION 26B(2) OF ACT

PART 1

1. The amount of any wages, salary, fee, commission, bonus, gratuity, allowance or other remuneration paid or payable to the individual by any person, whether under a contract of service or a contract for services.
2. The income of the individual from the sale of any goods or property.
3. The number of any credit card, charge card or debit card issued to or in the name of the individual.
4. The number assigned to any account the individual has with any organisation that is a bank or finance company.
5. Any information that identifies, or is likely to lead to the identification of, the individual as a child or young person who —
 - (a) is or had been the subject of any investigation under the CYPA;
 - (b) is or had been arrested, on or after 1 July 2020, for an offence committed under any written law;
 - (c) is or had been taken into care or custody by the Director-General of Social Welfare, a protector, any officer generally or specially authorised in that behalf in writing by the Director-General or protector or a police officer under the CYPA;
 - (d) is attending or had attended a family programme in relation to an application to be made under section 50 of the CYPA;
 - (e) is or was the subject of an order made by a court under the CYPA; or

THE SCHEDULE — *continued*

- (f) is or had been concerned in any proceedings in any court or on appeal from any court, whether the individual is the person against or in respect of whom the proceedings are taken or a witness in those proceedings.
6. Any information that identifies, or is likely to lead to the identification of —
- (a) the individual who has been or is the subject of any investigation, examination, assessment or treatment under the VAA relating to whether the individual is a vulnerable adult experiencing or at risk of abuse, neglect or self-neglect;
 - (b) the individual as a vulnerable adult who has been committed to a place of temporary care and protection or place of safety designated under section 19(1) of the VAA or to the care of a fit person under the VAA;
[S 735/2021 wef 01/10/2021]
 - (c) the individual as a vulnerable adult who is the subject of an order made by a court under the VAA;
 - (d) a place of temporary care and protection or place of safety designated under section 19(1) of the VAA in which an individual or a vulnerable adult mentioned in sub-paragraph (a), (b) or (c) is committed, or the location of such a place of temporary care and protection or place of safety; or
[S 735/2021 wef 01/10/2021]
 - (e) a fit person under whose care an individual or a vulnerable adult mentioned in sub-paragraph (a), (b) or (c) is placed, or the location of the premises of such a fit person.
- 6A.—(1) Any of the following:
- (a) the name or address of any woman or girl in respect of whom a specified offence is alleged to have been committed;
 - (b) any particulars given, in any proceedings in any court relating to a specified offence, which identify, or are calculated to lead to the identification of, any woman or girl in respect of whom the specified offence is alleged to have been committed;
 - (c) the name and address of any witness, in any proceedings in any court relating to a specified offence, which may lead to the identification of any woman or girl in respect of whom the specified offence is alleged to have been committed;
 - (d) the particulars of any evidence given by any witness, in any proceedings in any court relating to a specified offence, which may

THE SCHEDULE — *continued*

lead to the identification of any woman or girl in respect of whom the specified offence is alleged to have been committed;

- (e) any picture of, or any picture including a picture of —
 - (i) any woman or girl in respect of whom a specified offence is alleged to have been committed; or
 - (ii) any witness in any proceedings in any court relating to a specified offence.

(2) In sub-paragraph (1), “specified offence” means —

- (a) an offence under section 354, 354A, 375, 376, 376A, 376B, 376C, 376D, 376E, 376F, 376G or 377B of the Penal Code (Cap. 224), including an attempt to commit or cause the commission of any such offence; or
- (b) an offence under Part XI of the WC.

[S 735/2021 wef 01/10/2021]

6B. Any information that identifies, or is likely to lead to the identification of —

- (a) the individual as a resident of a place of safety established under section 177 of the WC; or
- (b) the location of a place of safety established under section 177 of the WC at which the individual is residing.

[S 735/2021 wef 01/10/2021]

7. Any private key of or relating to the individual that is used or may be used —

- (a) to create a secure electronic record or secure electronic signature;
- (b) to verify the integrity of a secure electronic record; or
- (c) to verify the authenticity or integrity of a secure electronic signature.

8. The net worth of the individual.

9. The deposit of moneys by the individual with any organisation.

10. The withdrawal by the individual of moneys deposited with any organisation.

11. The granting by an organisation of advances, loans and other facilities by which the individual, being a customer of the organisation, has access to funds or financial guarantees.

12. The incurring by the organisation of any liabilities other than those mentioned in paragraph 11 on behalf of the individual.

THE SCHEDULE — *continued*

13. The payment of any moneys, or transfer of any property, by any person to the individual, including the amount of the moneys paid or the value of the property transferred, as the case may be.
14. The creditworthiness of the individual.
15. The individual's investment in any capital markets products.
16. The existence, and amount due or outstanding, of any debt —
 - (a) owed by the individual to an organisation; or
 - (b) owed by an organisation to the individual.
17. Any of the following:
 - (a) the terms and conditions of any accident and health policy or life policy (called in this item the applicable policy) of which the individual is the policy owner or under which the individual is a beneficiary;
 - (b) the premium payable by the policy owner under the applicable policy;
 - (c) the benefits payable to any beneficiary under the applicable policy;
 - (d) any information relating to any claim on, or payment under, the applicable policy, including the condition of the health of the individual and the diagnosis, treatment, prevention or alleviation of any ailment, condition, disability, disease, disorder or injury that the individual has suffered or is suffering from;
 - (e) any other information that the individual is the policy owner of, or a beneficiary under, an applicable policy.
18. The assessment, diagnosis, treatment, prevention or alleviation by a health professional of any of the following affecting the individual:
 - (a) any sexually-transmitted disease such as Chlamydial Genital Infection, Gonorrhoea and Syphilis;
 - (b) Human Immunodeficiency Virus Infection;
 - (c) schizophrenia or delusional disorder;
 - (d) substance abuse and addiction, including drug addiction and alcoholism.
19. The provision of treatment to the individual for or in respect of —
 - (a) the donation or receipt of a human egg or human sperm; or
 - (b) any contraceptive operation or procedure or abortion.

THE SCHEDULE — *continued*

20. Any of the following:
- (a) subject to section 4(4)(b) of the Act, the donation and removal of any organ from the body of the deceased individual for the purpose of its transplantation into the body of another individual;
 - (b) the donation and removal of any specified organ from the individual, being a living organ donor, for the purpose of its transplantation into the body of another individual;
 - (c) the transplantation of any organ mentioned in sub-paragraph (a) or (b) into the body of the individual.
21. Subject to section 4(4)(b) of the Act, the suicide or attempted suicide of the individual.
22. Domestic abuse, child abuse or sexual abuse involving or alleged to involve the individual.
23. Any of the following:
- (a) information that the individual is or had been adopted pursuant to an adoption order made under the repealed Adoption of Children Act 1939 or the Adoption of Children Act 2022, or is or had been the subject of an application for an adoption order;
[S 800/2024 wef 15/10/2024]
 - (b) the identity of the natural father or mother of the individual;
 - (c) the identity of the adoptive father or mother of the individual;
 - (d) the identity of any applicant for an adoption order;
 - (e) the identity of any person whose consent is necessary under that Act for an adoption order to be made, whether or not the court has dispensed with the consent of that person in accordance with that Act;
 - (f) any other information that the individual is or had been an adopted child or relating to the adoption of the individual.

PART 2

1. The prescribed personal data or classes of personal data set out in Part 1 excludes —
- (a) subject to paragraph 2, any personal data that is publicly available; and
 - (b) any personal data that is disclosed to the extent that is required or permitted under any written law.
2. The personal data mentioned in paragraph 1(a) must not be publicly available solely because of any data breach.

THE SCHEDULE — *continued*

3. In this Schedule —

“abuse”, “fit person”, “neglect”, “self-neglect” and “vulnerable adult” have the meanings given by section 2(1) of the VAA;

[S 735/2021 wef 01/10/2021]

“accident and health policy”, “life policy” and “policy owner” have the meanings given by the First Schedule to the Insurance Act (Cap. 142);

“capital markets products” has the meaning given by section 2(1) of the Securities and Futures Act (Cap. 289);

“child or young person” means a person below 18 years of age;

“credit card” and “charge card” have the meanings given by section 56 of the Banking Act;

“CYPA” means the Children and Young Persons Act (Cap. 38);

“electronic record”, “secure electronic record” and “secure electronic signature” have the meanings given by section 2(1) of the Electronic Transactions Act (Cap. 88);

“health professional” means —

(a) a registered medical practitioner under the Medical Registration Act (Cap. 174); or

(b) a registered dentist under the Dental Registration Act (Cap. 76);

“investment in any capital markets product” includes any of the following:

(a) the nature, quantity and value of any capital markets products purchased or sold by the individual;

(b) the nature and value of any capital markets products held by or in the name of the individual;

“net worth” of an individual includes any of the following:

(a) the amount of any moneys, and value of any property, in which the individual has a legal or beneficial interest;

(b) the amount of any debts and other liabilities owed by the individual to any person;

“private key” includes a private key within the meaning given by paragraph 1(1) of the Third Schedule to the Electronic Transactions Act;

“property” includes any thing in action and any interest in real or personal property;

THE SCHEDULE — *continued*

“protector” has the meaning given by section 2(1) of the CYP A;

“specified organ” has the meaning given by section 2 of the Human Organ Transplant Act (Cap. 131A);

“VAA” means the Vulnerable Adults Act 2018 (Act 27 of 2018);

[S 735/2021 wef 01/10/2021]

“WC” means the Women’s Charter (Cap. 353).

[S 735/2021 wef 01/10/2021]

Made on 28 January 2021.

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

[AG/LEGIS/SL/227A/2020/1 Vol. 1]

First published in the Government *Gazette*, Electronic Edition, on 27th February 2015 at 5:00 pm.

No. S 90

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(PRESCRIBED HEALTHCARE BODIES)
NOTIFICATION 2015**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Prescribed healthcare bodies
- The Schedule
-

In exercise of the powers conferred by the definition of “prescribed healthcare body” in section 2(1) of the Personal Data Protection Act 2012, the Minister for Health hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Personal Data Protection (Prescribed Healthcare Bodies) Notification 2015 and comes into operation on 1 March 2015.

Prescribed healthcare bodies

2. The organisations specified in the Schedule are prescribed as prescribed healthcare bodies for the purposes of the Second Schedule to the Act.

[S 69/2021 wef 01/02/2021]

THE SCHEDULE

Paragraph 2

PRESCRIBED HEALTHCARE BODIES

1. Agency for Integrated Care Pte. Ltd.
2. *[Deleted by S 69/2021 wef 01/02/2021]*
3. *[Deleted by S 69/2021 wef 01/02/2021]*
4. *[Deleted by S 69/2021 wef 01/02/2021]*
5. National Healthcare Group Pte Ltd
6. National University Health System Pte. Ltd.
7. Singapore Health Services Pte Ltd
8. An organisation that is an approved provider within the meaning of the Medical and Elderly Care Endowment Schemes Act (Cap. 173A).

Made on 15 February 2015.

TAN CHING YEE
*Permanent Secretary,
Ministry of Health,
Singapore.*

[MH 78:30/9; AG/LLRD/SL/227A/2012/9 Vol. 1]

First published in the *Government Gazette*, Electronic Edition, on 14 April 2020 at 5 pm.

No. S 272

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(PRESCRIBED LAW ENFORCEMENT AGENCY)
NOTIFICATION 2020**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Prescribed law enforcement agency
-

In exercise of the powers conferred by the definition of “prescribed law enforcement agency” in section 2(1) of the Personal Data Protection Act 2012, the Prime Minister makes the following Notification:

Citation and commencement

1. This Notification is the Personal Data Protection (Prescribed Law Enforcement Agency) Notification 2020 and comes into operation on 15 April 2020.

Prescribed law enforcement agency

2. For the purposes of sections 21(4) and 26D(6) of, and the Second Schedule to, the Act, the Corrupt Practices Investigation Bureau is a prescribed law enforcement agency.

[S 83/2021 wef 05/02/2021]

Made on 31 March 2020.

LEO YIP
*Permanent Secretary,
Prime Minister's Office,
Singapore.*

[CPIB/7.3.1 Vol.2; AG/LEGIS/SL/227A/2015/4 Vol. 1]

First published in the *Government Gazette*, Electronic Edition, on 21st May 2014 at 5:00 pm.

No. S 368

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(PRESCRIBED LAW ENFORCEMENT AGENCIES)
NOTIFICATION 2014**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Prescribed law enforcement agencies
- The Schedule
-

In exercise of the powers conferred by the definition of “prescribed law enforcement agency” in section 2(1) of the Personal Data Protection Act 2012, the Minister for Home Affairs hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Personal Data Protection (Prescribed Law Enforcement Agencies) Notification 2014 and shall come into operation on 2nd July 2014.

Prescribed law enforcement agencies

2. The authorities specified in the Schedule are prescribed as prescribed law enforcement agencies for the purposes of sections 21(4) and 26D(6) of, and the Second Schedule to, the Act.

[S 68/2021 wef 01/02/2021]

THE SCHEDULE

Paragraph 2

PRESCRIBED LAW ENFORCEMENT AGENCIES

1. Casino Regulatory Authority of Singapore.
2. Central Narcotics Bureau.
3. Immigration & Checkpoints Authority.
4. Internal Security Department.
5. Singapore Civil Defence Force.
6. Singapore Police Force.
7. Singapore Prison Service.

Made this 19th day of May 2014.

TAN TEE HOW
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

[MHA PR1/1/014; AG/LLRD/SL/227A/2012/2 Vol. 1]

First published in the *Government Gazette*, Electronic Edition, on 19th March 2013 at 5:00 pm.

No. S 149

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(STATUTORY BODIES)
NOTIFICATION 2013**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Statutory bodies specified to be public agencies
- The Schedule
-

In exercise of the powers conferred by section 2(2) of the Personal Data Protection Act 2012, the Minister for Communications and Information hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Personal Data Protection (Statutory Bodies) Notification 2013 and shall come into operation on 20th March 2013.

Statutory bodies specified to be public agencies

2. The statutory bodies specified in the Schedule shall be public agencies for the purposes of the Act.

THE SCHEDULE

Paragraph 2

STATUTORY BODIES SPECIFIED TO BE PUBLIC AGENCIES

<i>Statutory body</i>	<i>Act under which established or constituted</i>
1. Accounting and Corporate Regulatory Authority	Accounting and Corporate Regulatory Authority Act (Cap. 2A)
2. Agency for Science, Technology and Research (A*STAR)	Agency for Science, Technology and Research Act (Cap. 5A)
3. <i>[Deleted by S 402/2019 wef 01/04/2019]</i>	
4. Board of Architects	Architects Act (Cap. 12)
5. Building and Construction Authority	Building and Construction Authority Act (Cap. 30A)
6. <i>[Deleted by S 217/2025 wef 01/04/2025]</i>	
7. Central Provident Fund Board	Central Provident Fund Act (Cap. 36)
8. Civil Aviation Authority of Singapore	Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009)
9. Civil Service College	Civil Service College Act (Cap. 45)
9A. Communicable Diseases Agency	Communicable Diseases Agency Act 2025
10. Competition and Consumer Commission of Singapore	Competition Act (Cap. 50B)
11. Council for Estate Agencies	Estate Agents Act (Cap. 95A)
12. <i>[Deleted by S 464/2016 wef 03/10/2016]</i>	
13. Defence Science and Technology Agency	Defence Science and Technology Agency Act (Cap. 75A)
14. Economic Development Board	Economic Development Board Act (Cap. 85)

 THE SCHEDULE — *continued*

<i>Statutory body</i>	<i>Act under which established or constituted</i>
15. Energy Market Authority of Singapore	Energy Market Authority of Singapore Act (Cap. 92B)
15AA. Gambling Regulatory Authority of Singapore	Gambling Regulatory Authority of Singapore Act 2022
15A. Government Technology Agency	Government Technology Agency Act 2016 (Act 23 of 2016)
16. Health Promotion Board	Health Promotion Board Act (Cap. 122B)
17. Health Sciences Authority	Health Sciences Authority Act (Cap. 122C)
18. Home Team Science and Technology Agency	Home Team Science and Technology Agency Act 2019 (Act 21 of 2019)
19. Hotels Licensing Board	Hotels Act (Cap. 127)
20. Housing and Development Board	Housing and Development Act (Cap. 129)
21. Info-communications Media Development Authority	Info-communications Media Development Authority Act 2016 (Act 22 of 2016)
22. Inland Revenue Authority of Singapore	Inland Revenue Authority of Singapore Act (Cap. 138A)
23. ISEAS – Yusof Ishak Institute	ISEAS – Yusof Ishak Institute Act (Cap. 141)
24. Institute of Technical Education, Singapore	Institute of Technical Education Act (Cap. 141A)
25. Intellectual Property Office of Singapore	Intellectual Property Office of Singapore Act (Cap. 140)
26. Enterprise Singapore Board	Enterprise Singapore Board Act 2018 (Act 10 of 2018)
27. Jurong Town Corporation	Jurong Town Corporation Act (Cap. 150)
28. Land Surveyors Board	Land Surveyors Act (Cap. 156)
29. Land Transport Authority of Singapore	Land Transport Authority of Singapore Act (Cap. 158A)

THE SCHEDULE — *continued*

<i>Statutory body</i>	<i>Act under which established or constituted</i>
30. Majlis Ugama Islam, Singapura	Administration of Muslim Law Act (Cap. 3)
31. Maritime and Port Authority of Singapore	Maritime and Port Authority of Singapore Act (Cap. 170A)
32. <i>[Deleted by S 464/2016 wef 01/10/2016]</i>	
33. Monetary Authority of Singapore	Monetary Authority of Singapore Act (Cap. 186)
34. Nanyang Polytechnic	Nanyang Polytechnic Act (Cap. 191A)
35. National Arts Council	National Arts Council Act (Cap. 193A)
36. National Council of Social Service	National Council of Social Service Act (Cap. 195A)
37. National Environment Agency	National Environment Agency Act (Cap. 195)
38. National Heritage Board	National Heritage Board Act (Cap. 196A)
39. National Library Board	National Library Board Act (Cap. 197)
40. National Parks Board	National Parks Board Act (Cap. 198A)
41. Ngee Ann Polytechnic	Ngee Ann Polytechnic Act (Cap. 207)
42. People's Association	People's Association Act (Cap. 227)
43. <i>[Deleted by S 464/2016 wef 01/10/2016]</i>	
44. Professional Engineers Board	Professional Engineers Act (Cap. 253)
45. Public Transport Council	Public Transport Council Act (Cap. 259B)
46. Public Utilities Board	Public Utilities Act (Cap. 261)
47. Republic Polytechnic	Republic Polytechnic Act (Cap. 270)
48. Science Centre Board	Science Centre Act (Cap. 286)
49. Sentosa Development Corporation	Sentosa Development Corporation Act (Cap. 291)

THE SCHEDULE — *continued*

<i>Statutory body</i>	<i>Act under which established or constituted</i>
50. Singapore Corporation of Rehabilitative Enterprises	Singapore Corporation of Rehabilitative Enterprises Act (Cap. 298)
51. Singapore Dental Council	Dental Registration Act (Cap. 76)
52. Singapore Examinations and Assessment Board	Singapore Examinations and Assessment Board Act (Cap. 299A)
52A. Singapore Food Agency	Singapore Food Agency Act 2019 (Act 11 of 2019)
53. Singapore Labour Foundation	Singapore Labour Foundation Act (Cap. 302)
54. Singapore Land Authority	Singapore Land Authority Act (Cap. 301)
55. Singapore Medical Council	Medical Registration Act (Cap. 174)
56. Singapore Nursing Board	Nurses and Midwives Act (Cap. 209)
57. Singapore Pharmacy Council	Pharmacists Registration Act (Cap. 230)
58. Singapore Polytechnic	Singapore Polytechnic Act (Cap. 303)
59. Singapore Sports Council	Singapore Sports Council Act (Cap. 305)
60. Singapore Totalisator Board	Singapore Totalisator Board Act (Cap. 305A)
61. Singapore Tourism Board	Singapore Tourism Board Act (Cap. 305B)
62. <i>[Deleted by S 464/2016 wef 04/10/2016]</i>	
62A. SkillsFuture Singapore Agency	SkillsFuture Singapore Agency Act 2016 (Act 24 of 2016)
63. <i>[Deleted by S 188/2018 wef 01/04/2018]</i>	
64. Temasek Polytechnic	Temasek Polytechnic Act (Cap. 323A)

THE SCHEDULE — *continued*

<i>Statutory body</i>	<i>Act under which established or constituted</i>
65. Traditional Chinese Medicine Practitioners Board	Traditional Chinese Medicine Practitioners Act (Cap. 333A)
66. Urban Redevelopment Authority	Urban Redevelopment Authority Act (Cap. 340)
67. Workforce Singapore Agency	Workforce Singapore Agency Act (Cap. 305D)

[S 217/2025 wef 01/04/2025]

[S 739/2019 wef 01/12/2019]

[S 402/2019 wef 01/04/2019]

[S 188/2018 wef 01/04/2018]

[S 464/2016 wef 04/10/2016]

[S 464/2016 wef 03/10/2016]

[S 464/2016 wef 01/10/2016]

[S 256/2016 wef 12/08/2015]

Made this 18th day of March 2013.

AUBECK KAM
*Permanent Secretary,
Ministry of Communications
and Information,
Singapore.*

[Y03.002.001 Vol. 29; AG/LLRD/SL/227A/2012/3 Vol. 1]

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No. S 63

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
REGULATIONS 2021**

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY

Regulation

1. Citation and commencement

PART 1A

BUSINESS CONTACT INFORMATION

- 1A. Business contact information of designated individuals

PART 2

**REQUESTS FOR ACCESS TO AND CORRECTION OF
PERSONAL DATA**

2. Definitions of this Part
3. How to make request
4. Duty to respond to request under section 21(1) of Act
5. Notification of timeframe for response
6. Refusal to confirm or deny existence, use or disclosure of personal data
7. Fees
8. Preservation of copies of personal data

PART 3

TRANSFER OF PERSONAL DATA OUTSIDE SINGAPORE

9. Definitions of this Part
10. Requirements for transfer
11. Legally enforceable obligations

Regulation

12. Recipients holding specified certifications

PART 4

DEEMED CONSENT BY NOTIFICATION
AND LEGITIMATE INTERESTS

13. Excluded purposes under section 15A(3) of Act
14. Assessment of effect of proposed collection, use or disclosure of personal data for purposes of section 15A of Act
15. Assessment of effect of proposed collection, use or disclosure of personal data for purposes of Part 3 of First Schedule to Act

PART 4A

DEFENCES TO OFFENCES UNDER PART IXB OF ACT

- 15A. Defence to offence under section 48D(1) of Act
15B. Defence to offence under section 48E(1) of Act

PART 5

MISCELLANEOUS

16. Exercise of rights under Act in respect of deceased individual
17. Symbol of Commission
18. Revocation
19. Saving and transitional provisions
The Schedules
-

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 Regulations 2021 and come into operation on 1 February 2021.

PART 1A
BUSINESS CONTACT INFORMATION

[S 734/2021 wef 01/10/2021]

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.

[S 734/2021 wef 01/10/2021]

PART 2

REQUESTS FOR ACCESS TO AND CORRECTION OF PERSONAL DATA

Definitions of this Part

2. In this Part, unless the context otherwise requires —

“applicant” means an individual who makes a request;

“data protection officer”, in relation to an organisation, means an individual designated by the organisation under section 11(3) of the Act or an individual to whom the responsibility of the data protection officer has been delegated under section 11(4) of the Act;

“individual’s personal data” means personal data about an individual;

“request” means a request to an organisation made by an individual under section 21(1) or 22(1) of the Act;

“use and disclosure information” means the information specified in section 21(1)(b) of the Act.

How to make request

3.—(1) A request to an organisation must be made in writing and must include sufficient detail to enable the organisation, with a reasonable effort, to identify —

- (a) the applicant making the request;
- (b) in relation to a request under section 21(1) of the Act, the personal data and use and disclosure information requested by the applicant; and
- (c) in relation to a request under section 22(1) of the Act, the correction requested by the applicant.

(2) A request must be sent to the organisation —

- (a) in accordance with section 48A of the Interpretation Act (Cap. 1);

- (b) by sending the request to the organisation's data protection officer in accordance with the business contact information provided under section 11(5) of the Act; or
- (c) in any other manner that is acceptable to the organisation.

Duty to respond to request under section 21(1) of Act

4.—(1) Subject to section 21(2), (3), (3A) and (4) of the Act and regulations 6 and 7(3), an organisation must respond to each request made to it under section 21(1) of the Act on or after 1 February 2021 as accurately and completely as necessary and reasonably possible.

(2) The organisation must provide an applicant access to the applicant's personal data requested under section 21(1) of the Act on or after 1 February 2021 —

- (a) by providing the applicant with a copy of the personal data and use and disclosure information in documentary form;
- (b) if sub-paragraph (a) is impracticable in any particular case, by allowing the applicant a reasonable opportunity to examine the personal data and use and disclosure information; or
- (c) in any other form requested by the applicant as is acceptable to the organisation.

Notification of timeframe for response

5. Subject to the requirement to comply with section 21(1) of the Act as soon as reasonably possible or section 22(2) of the Act as soon as practicable (as the case may be), if the organisation is unable to comply with that requirement within 30 days after receiving a request made in accordance with regulation 3, the organisation must within that time inform the applicant in writing of the time by which it will respond to the request.

Refusal to confirm or deny existence, use or disclosure of personal data

6. Subject to section 21(4) of the Act, an organisation, in a response to a request made to it under section 21(1) of the Act, may refuse to confirm or may deny any of the following:

- (a) the existence of personal data mentioned in paragraph 1(h) of the Fifth Schedule to the Act as in force before, on or after 1 February 2021;
- (b) the use or disclosure of personal data without consent under the following provisions for any investigation or proceedings, if the investigation or proceedings and related appeals have not been completed:
 - (i) paragraph 3 of Part 3 of the First Schedule to the Act as in force on or after 1 February 2021;
 - (ii) paragraph 1(e) of the Third Schedule to the Act or paragraph 1(f) of the Fourth Schedule to the Act (as the case may be) as in force before 1 February 2021.

Fees

7.—(1) Subject to section 28 of the Act as in force immediately before 1 February 2021 or section 48H of the Act (as the case may be), an organisation may charge an applicant who makes a request to it under section 21(1) of the Act a reasonable fee for services provided to the applicant to enable the organisation to respond to the applicant's request.

(2) An organisation must not charge a fee to respond to the applicant's request under section 21(1) of the Act unless the organisation has —

- (a) provided the applicant with a written estimate of the fee; and
- (b) if the organisation wishes to charge a fee that is higher than the written estimate provided under sub-paragraph (a), notified the applicant in writing of the higher fee.

(3) An organisation does not have to respond to an applicant's request under section 21(1) of the Act unless the applicant agrees to pay the following fee:

(a) where the organisation has notified the applicant of a higher fee under paragraph (2)(b) —

(i) if the Commission —

(A) has reviewed the higher fee under section 28(1) of the Act as in force immediately before 1 February 2021, the fee allowed by the Commission under section 28(2) of the Act as in force immediately before that date; or

(B) has reviewed the higher fee under section 48H(1) of the Act, the fee allowed by the Commission under section 48H(2) of the Act; or

(ii) if sub-paragraph (i) does not apply, the higher fee notified under paragraph (2)(b);

(b) where sub-paragraph (a) does not apply and the organisation has provided the applicant with an estimated fee under paragraph (2)(a) —

(i) if the Commission —

(A) has reviewed the estimated fee under section 28(1) of the Act as in force immediately before 1 February 2021, the fee allowed by the Commission under section 28(2) of the Act as in force immediately before that date; or

(B) has reviewed the estimated fee under section 48H(1) of the Act, the fee allowed by the Commission under section 48H(2) of the Act; or

(ii) if sub-paragraph (i) does not apply, the estimated fee provided under paragraph (2)(a).

(4) To avoid doubt, an organisation must not charge the applicant any fee to comply with its obligations under section 22(2) of the Act.

Preservation of copies of personal data

8.—(1) For the purposes of section 22A(1) of the Act, the prescribed period for the preservation of a copy of the personal data that an organisation has refused to provide is the period beginning immediately after the date of the organisation’s refusal and ending immediately after the relevant date.

(2) In this regulation —

“date of refusal”, in relation to an organisation’s refusal, means the date on which the organisation notifies an individual of the organisation’s refusal;

“date of withdrawal” —

(a) in relation to an application made by a complainant under section 48H(1) of the Act in relation to an organisation’s refusal, means the date on which the complainant withdraws the application or the Commission dismisses the application under the Personal Data Protection (Enforcement) Regulations 2021 (G.N. No. S 62/2021);

(b) in relation to an application or appeal made by a complainant in relation to a decision or direction made by the Commission, means the date on which the complainant withdraws the application or appeal;
or

(c) in relation to an application or appeal made by an organisation in relation to a decision or direction made by the Commission, means the date of compliance by the organisation with the decision or direction;

“organisation’s refusal” means an organisation’s refusal to provide, pursuant to an individual’s request under section 21(1)(a) of the Act, the individual’s personal data in the possession or under the control of the organisation;

“relevant date”, in relation to an organisation’s refusal, means —

- (a) the 30th day after the date of refusal; or
- (b) where, on or before the day mentioned in paragraph (a) or while the personal data concerned in relation to the organisation’s refusal is in the possession or under the control of the organisation on or after that date, the organisation has notice of any of the following applications or appeals — the latest of the following dates applicable to those applications or appeals:
 - (i) an application to the Commission under section 48H(1)(a) of the Act to review the organisation’s refusal — the date of withdrawal of the application or the 28th day after the Commission issues its decision or direction made under section 48H(2) of the Act in relation to the application;
 - (ii) an application for reconsideration made to the Commission under section 48N(1) of the Act in relation to the organisation’s refusal — the date of withdrawal of the application or the 28th day after the date of issue of the Commission’s decision made under section 48N(6)(b) of the Act in relation to the application;
 - (iii) an application under section 48N(5) of the Act to extend the prescribed period for an application for reconsideration in relation to the organisation’s refusal — the date of withdrawal or refusal of the application or the date of expiry of the extended period allowed for the application, if any;
 - (iv) an appeal under section 48Q(1) of the Act against the Commission’s decision or direction made under section 48H(2) of the Act or decision made under section 48N(6)(b) of the Act (as the case may be) in relation to the

organisation's refusal — the date of withdrawal of the appeal or the 28th day after the Appeal Committee hearing the appeal issues its direction or decision;

- (v) an appeal against, or with respect to, a direction or decision of the Appeal Committee mentioned in sub-paragraph (iv) under section 48R of the Act — the date of withdrawal of the appeal or the date the General Division of the High Court or Court of Appeal (as the case may be) determines the appeal.

PART 3

TRANSFER OF PERSONAL DATA OUTSIDE SINGAPORE

Definitions of this Part

9. In this Part, unless the context otherwise requires —

“data in transit” means personal data transferred through Singapore in the course of onward transportation to a country or territory outside Singapore, without the personal data being accessed or used by, or disclosed to, any organisation (other than the transferring organisation or an employee of the transferring organisation acting in the course of the employee's employment with the transferring organisation) while the personal data is in Singapore, except for the purpose of such transportation;

“individual's personal data” means personal data about an individual;

“recipient”, in relation to personal data transferred from Singapore to a country or territory outside Singapore, means any organisation that receives in a country or territory outside Singapore the personal data transferred to it by or on behalf of the transferring organisation, but does not include —

- (a) the transferring organisation;
- (b) any employee of the transferring organisation acting in the course of the employee's employment with that organisation;
- (c) any organisation that receives the personal data solely as a network service provider or carrier; or
- (d) any organisation that receives the personal data from a recipient of that personal data;

“transferring organisation” —

- (a) in relation to any personal data transferred from Singapore to a country or territory outside Singapore, means the organisation that transfers the personal data from Singapore to the country or territory outside Singapore; or
- (b) in relation to data in transit, means the organisation that transfers the personal data through Singapore to the country or territory outside Singapore;

“transportation” includes transmission in electronic form.

Requirements for transfer

10.—(1) For the purposes of section 26 of the Act, a transferring organisation must, before transferring an individual's personal data to a country or territory outside Singapore on or after 1 February 2021, take appropriate steps to ascertain whether, and to ensure that, the recipient of the personal data is bound by legally enforceable obligations (in accordance with regulation 11) to provide to the transferred personal data a standard of protection that is at least comparable to the protection under the Act.

(2) A transferring organisation is taken to have satisfied the requirements of paragraph (1) in respect of an individual's personal data which it transfers to a recipient in a country or territory outside Singapore if —

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- (a) subject to paragraph (3), the individual consents to the transfer of the individual's personal data to that recipient in that country or territory;
 - (b) the individual is deemed to have consented to the disclosure by the transferring organisation of the individual's personal data to that recipient under section 15(3), (4), (5), (6), (7) or (8) of the Act;
 - (c) the transfer of the personal data to the recipient is necessary for the personal data to be used or disclosed under Part 1 or paragraph 2 of Part 2 of the First Schedule to the Act, and the transferring organisation has taken reasonable steps to ensure that the personal data so transferred will not be used or disclosed by the recipient for any other purpose;
 - (d) the personal data is data in transit; or
 - (e) the personal data is publicly available in Singapore.
- (3) For the purposes of paragraph (2)(a), an individual is not taken to have consented to the transfer of the individual's personal data to a country or territory outside Singapore if —
- (a) the individual was not, before giving his or her consent, given a reasonable summary in writing of the extent to which the personal data to be transferred to that country or territory will be protected to a standard comparable to the protection under the Act;
 - (b) the transferring organisation required the individual to consent to the transfer as a condition of providing a product or service, unless the transfer is reasonably necessary to provide the product or service to the individual; or
 - (c) the transferring organisation obtained or attempted to obtain the individual's consent for the transfer by providing false or misleading information about the transfer, or by using other deceptive or misleading practices.

(4) This Part does not prevent an individual from withdrawing any consent given for the transfer of the personal data to a country or territory outside Singapore.

Legally enforceable obligations

11.—(1) For the purposes of regulation 10(1), legally enforceable obligations include obligations imposed on a recipient of personal data under —

- (a) any law;
 - (b) any contract in accordance with paragraph (2);
 - (c) any binding corporate rules in accordance with paragraph (3); or
 - (d) any other legally binding instrument.
- (2) A contract mentioned in paragraph (1)(b) must —
 - (a) require the recipient to provide a standard of protection for the personal data transferred to the recipient that is at least comparable to the protection under the Act; and
 - (b) specify the countries and territories to which the personal data may be transferred under the contract.
- (3) The binding corporate rules mentioned in paragraph (1)(c) —
 - (a) must require every recipient of the transferred personal data that is related to the transferring organisation and does not already satisfy paragraph (1)(a), (b) or (d), to provide a standard of protection for the personal data transferred to the recipient that is at least comparable to the protection under the Act;
 - (b) must specify —
 - (i) the recipients of the transferred personal data to which the binding corporate rules apply;
 - (ii) the countries and territories to which the personal data may be transferred under the binding corporate rules; and

(iii) the rights and obligations provided by the binding corporate rules; and

(c) may only be used for recipients that are related to the transferring organisation.

(4) For the purposes of paragraph (3)(a) and (c), a recipient of personal data is related to the transferring organisation transferring that personal data if —

(a) the recipient, directly or indirectly, controls the transferring organisation;

(b) the recipient is, directly or indirectly, controlled by the transferring organisation; or

(c) the recipient and the transferring organisation are, directly or indirectly, under the control of a common person.

Recipients holding specified certifications

12.—(1) For the purposes of regulation 10(1), a recipient of an individual’s personal data in a country or territory outside Singapore is taken to be bound by legally enforceable obligations to provide a standard of protection for the transferred personal data that is at least comparable to the protection under the Act if the recipient holds a specified certification that is granted or recognised under the law of that country or territory to which the personal data is transferred.

(2) In this regulation, “specified certification”, in relation to a recipient of an individual’s personal data, means a certification under —

(a) where the recipient is a data intermediary — the Asia-Pacific Economic Cooperation Privacy Recognition for Processors System or the Asia-Pacific Economic Cooperation Cross Border Privacy Rules System; or

(b) in any other case — the Asia-Pacific Economic Cooperation Cross Border Privacy Rules System.

PART 4

DEEMED CONSENT BY NOTIFICATION
AND LEGITIMATE INTERESTS

Excluded purposes under section 15A(3) of Act

13. For the purposes of section 15A(3) of the Act, the prescribed purpose is the sending of a message to the individual for an applicable purpose specified in the Tenth Schedule to the Act.

Assessment of effect of proposed collection, use or disclosure of personal data for purposes of section 15A of Act

14.—(1) This regulation applies where an organisation intends to collect, use or disclose personal data about an individual under section 15A(2) of the Act.

(2) An assessment mentioned in section 15A(4)(a) of the Act to determine that a proposed collection, use or disclosure of personal data by an organisation is not likely to have an adverse effect on an individual must specify all of the following information:

- (a) the types and volume of personal data to be collected, used or disclosed, as the case may be;
- (b) the purpose or purposes for which the personal data will be collected, used or disclosed, as the case may be;
- (c) the method or methods by which the personal data will be collected, used or disclosed, as the case may be;
- (d) the mode by which the individual will be notified of the organisation's proposed collection, use or disclosure (as the case may be) of the individual's personal data;
- (e) the period within which, and the mode by which, the individual may notify the organisation that the individual does not consent to the organisation's proposed collection, use or disclosure (as the case may be) of the individual's personal data;
- (f) the rationale for the period and mode mentioned in sub-paragraph (e).

(3) The organisation must retain a copy of its assessment mentioned in section 15A(4)(a) of the Act relating to the collection, use or disclosure of personal data about an individual throughout the period that the organisation collects, uses or discloses personal data about the individual under section 15A(2) of the Act.

Assessment of effect of proposed collection, use or disclosure of personal data for purposes of Part 3 of First Schedule to Act

15.—(1) This regulation applies where an organisation intends to collect, use or disclose personal data about an individual under paragraph 1(1) of Part 3 of the First Schedule to the Act.

(2) An assessment mentioned in paragraph 1(2)(a) of Part 3 of the First Schedule to the Act in respect of the intended collection, use or disclosure of personal data must —

(a) specify —

- (i) the types and volume of personal data to be collected, used or disclosed, as the case may be;
- (ii) the purpose or purposes for which the personal data will be collected, used or disclosed, as the case may be; and
- (iii) the method or methods by which the personal data will be collected, used or disclosed, as the case may be;

(b) identify any residual adverse effect on any individual after implementing any reasonable measures mentioned in paragraph 1(3)(b) of Part 3 of the First Schedule to the Act;

(c) identify the legitimate interests that justify the collection, use or disclosure (as the case may be) by the organisation of personal data about the individual;

(d) where the legitimate interests identified under sub-paragraph (c) relate to a person other than the organisation, identify that other person by name or description; and

- (e) set out the reasons for the organisation's conclusion that the legitimate interests identified under sub-paragraph (c) outweigh any adverse effect on the individual.

(3) The organisation must retain a copy of the assessment it conducted in accordance with paragraph 1(2)(a) of Part 3 of the First Schedule to the Act relating to the collection, use or disclosure of personal data about an individual throughout the period that the organisation collects, uses or discloses personal data about the individual under paragraph 1(1) of Part 3 of the First Schedule to the Act.

PART 4A

DEFENCES TO OFFENCES UNDER PART IXB OF ACT

[S 734/2021 wef 01/10/2021]

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.

[S 734/2021 wef 01/10/2021]

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.

[S 734/2021 wef 01/10/2021]

PART 5
MISCELLANEOUS

Exercise of rights under Act in respect of deceased individual

16.—(1) The persons specified in paragraph (2) may exercise all or any of the following rights in relation to section 24 of the Act or any provision of the Act relating to the disclosure of personal data, in respect of a deceased individual who has been dead for 10 years or fewer:

- (a) the right to give or withdraw any consent for the purposes of the Act;
 - (b) the right to bring an action —
 - (i) under section 32 of the Act as in force immediately before 1 February 2021 in respect of a contravention, before 1 February 2021, by an organisation of section 24 of the Act or other provision of the Act relating to the disclosure of personal data (as the case may be) as in force before that date; or
 - (ii) under section 48O of the Act in respect of a contravention, on or after 1 February 2021, by an organisation or a person of section 24 of the Act or other provision of the Act relating to the disclosure of personal data (as the case may be) as in force on or after that date;
 - (c) the right to bring a complaint under the Act.
- (2) The following persons are specified for the purposes of paragraph (1):
- (a) a person appointed under the deceased individual's will to exercise the right mentioned in paragraph (1) which is to be exercised or a personal representative of the deceased individual, unless the person or personal representative (as the case may be) has renounced the grant of such right;
 - (b) if no person or personal representative mentioned in sub-paragraph (a) is able to exercise such right or power,

the deceased individual's nearest relative determined in accordance with the First Schedule.

(3) Subject to Part II of the Probate and Administration Act (Cap. 251) (if applicable), the renunciation of the grant of any right under paragraph (1) must be made expressly in writing.

(4) Any notice or other communication to be given under the Act concerning any consent, action or complaint mentioned in paragraph (1) may be given to the person who may exercise the right related to that consent, action or complaint under that paragraph.

(5) This regulation does not —

- (a) enable any person to exercise any right under paragraph (1) if that person is legally incapable of exercising such a right on that person's own behalf; or
- (b) affect the authority of any person under any other law to exercise any right mentioned in paragraph (1).

(6) A person does not cease to be a personal representative for the purposes of this regulation merely because that person has completed the administration of the deceased individual's estate.

Symbol of Commission

17. For the purposes of section 61 of the Act, the symbol for use in connection with the activities and affairs of the Commission is as set out in the Second Schedule.

Revocation

18. The Personal Data Protection Regulations 2014 (G.N. No. S 362/2014) are revoked.

Saving and transitional provisions

19.—(1) Despite regulation 18 —

- (a) regulation 4(1) of the revoked Regulations continues to apply to a request made to an organisation before 1 February 2021 under section 21(1) of the Act as in force immediately before that date; and

- (b) regulations 8, 9, 10 and 10A of the revoked Regulations continue to apply to a transferring organisation in relation to the transfer, before 1 February 2021, of an individual's personal data to a country or territory outside Singapore.
- (2) In this regulation, "revoked Regulations" means the Personal Data Protection Regulations 2014 revoked by regulation 18.

FIRST SCHEDULE

Regulation 16(2)(b)

DETERMINATION OF NEAREST RELATIVE

1. Subject to paragraphs 2 and 3, the nearest relative of a deceased individual is the individual first listed in the following sub-paragraphs, the elder or eldest of 2 or more such individuals described in any sub-paragraph being preferred:
 - (a) the deceased individual's spouse at the time of death;
 - (b) the deceased individual's child;
 - (c) the deceased individual's parent;
 - (d) the deceased individual's brother or sister;
 - (e) an other relative of the deceased individual.
2. For the purposes of paragraph 1 —
 - (a) a reference to a deceased individual's child means a legitimate, legitimated or adopted child of the deceased individual;
 - (b) a reference to a deceased individual's brother, sister or relative includes, respectively, a brother, sister or relative of the deceased individual by adoption; and
 - (c) there is to be no distinction between those who are related to a deceased individual through the father or the mother of the deceased individual.
3. If the individual (*P*) who is determined in accordance with this Schedule to be the nearest relative of the deceased individual —
 - (a) dies;
 - (b) is legally incapable of exercising the right mentioned in regulation 16(1); or
 - (c) is unable or refuses to make a decision concerning the exercise of the right mentioned in regulation 16(1),

FIRST SCHEDULE — *continued*

the individual who is next in priority to *P* is regarded as the next nearest relative of the deceased individual.

4. For the purposes of this Schedule, an individual is not considered to be unable or to have refused to make a decision mentioned in paragraph 3(c) merely due to a temporary inability or temporary unavailability to make such a decision.

SECOND SCHEDULE

Regulation 17

SYMBOL OF COMMISSION



Made on 28 January 2021.

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

[AG/LEGIS/SL/227A/2020/3 Vol. 1]