

FIRST SCHEDULE

Section 17(1) and Fifth and Twelfth Schedules

COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

PART 1

VITAL INTERESTS OF INDIVIDUALS

1.—(1) Subject to sub-paragraph (2), the collection, use or disclosure (as the case may be) of personal data about an individual is necessary for any purpose which is clearly in the individual's interests, and —

- (a) consent for the collection, use or disclosure (as the case may be) cannot be obtained in a timely way; or
- (b) the individual would not reasonably be expected to withhold consent.

(2) Where the organisation collects, uses or discloses (as the case may be) personal data about the individual under sub-paragraph (1), the organisation must, as soon as is practicable, notify the individual of the collection, use or disclosure (as the case may be) and the purpose for the collection, use or disclosure, as the case may be.

2. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual.

3. The collection, use or disclosure (as the case may be) of personal data about an individual, where —

- (a) consent for the collection, use or disclosure (as the case may be) cannot be obtained in a timely way; and
- (b) there are reasonable grounds to believe that the health or safety of the individual or another individual will be seriously affected.

4. The collection, use or disclosure of personal data is for the purpose of contacting the next-of-kin or a friend of any injured, ill or deceased individual.

PART 2

MATTERS AFFECTING PUBLIC

1. The collection, use or disclosure (as the case may be) of personal data about an individual that is publicly available.

2. The collection, use or disclosure (as the case may be) of personal data about an individual is in the national interest.

3. The collection, use or disclosure (as the case may be) of personal data about an individual is solely

for artistic or literary purposes.

4. The collection, use or disclosure (as the case may be) of personal data about an individual is solely for archival or historical purposes, if a reasonable person would not consider the personal data to be too sensitive to the individual to be collected, used or disclosed (as the case may be) at the proposed time.

5. The personal data about an individual is collected, used or disclosed (as the case may be) by a news organisation solely for its news activity.

6. In this Part —

“broadcasting service” has the meaning given by section 2(1) of the Broadcasting Act 1994;

“news activity” means —

- (a) the gathering of news, or the preparation or compilation of articles or programmes of or concerning news, observations on news, or current affairs, for the purposes of dissemination to the public or any section of the public; or
- (b) the dissemination, to the public or any section of the public, of any article or programme of or concerning —
 - (i) news;
 - (ii) observations on news; or
 - (iii) current affairs;

“news organisation” means —

- (a) any organisation —
 - (i) the business of which consists, in whole or in part, of news activity carried out in relation to a relevant broadcasting service, a newswire service or the publication of a newspaper; and
 - (ii) which, if the organisation publishes a newspaper in Singapore which is not exempted from the provisions of Part 3 of the Newspaper and Printing Presses Act 1974, is a newspaper company defined in section 2(1) of that Act; or
- (b) any organisation which provides a broadcasting service in or from Singapore and holds a broadcasting licence granted under section 8 of the Broadcasting Act 1994;

“newspaper” has the meaning given by section 2(1) of the Newspaper and Printing Presses Act 1974;

“relevant broadcasting service” means any of the following licensable broadcasting services within the meaning of the Broadcasting Act 1994:

- (a) free-to-air nationwide television services;
- (b) free-to-air localised television services;

- (c) free-to-air international television services;
- (d) subscription nationwide television services;
- (e) subscription localised television services;
- (f) subscription international television services;
- (g) special interest television services;
- (h) free-to-air nationwide radio services;
- (i) free-to-air localised radio services;
- (j) free-to-air international radio services;
- (k) subscription nationwide radio services;
- (l) subscription localised radio services;
- (m) subscription international radio services;
- (n) special interest radio services.

PART 3

LEGITIMATE INTERESTS

1.—(1) Subject to sub-paragraphs (2), (3) and (4) —

- (a) the collection, use or disclosure (as the case may be) of personal data about an individual is in the legitimate interests of the organisation or another person; and
- (b) the legitimate interests of the organisation or other person outweigh any adverse effect on the individual.

(2) For the purposes of sub-paragraph (1), the organisation must —

- (a) conduct an assessment, before collecting, using or disclosing the personal data (as the case may be), to determine whether sub-paragraph (1) is satisfied; and
- (b) provide the individual with reasonable access to information about the organisation's collection, use or disclosure of personal data (as the case may be) in accordance with sub-paragraph (1).

(3) The organisation must, in respect of the assessment mentioned in sub-paragraph (2)(a) —

- (a) identify any adverse effect that the proposed collection, use or disclosure (as the case may be) of personal data about an individual is likely to have on the individual;
- (b) identify and implement reasonable measures —
 - (i) to eliminate the adverse effect;
 - (ii) to reduce the likelihood that the adverse effect will occur; or

(iii) to mitigate the adverse effect; and

(c) comply with any other prescribed requirements.

(4) Sub-paragraph (1) does not apply to the collection, use or disclosure of personal data about an individual for the purpose of sending to that individual or any other individual a message for an applicable purpose within the meaning given by section 37(6).

2. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for evaluative purposes.

3. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for any investigation or proceedings.

4. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for the organisation —

(a) to recover a debt owed by the individual to the organisation; or

(b) to pay to the individual a debt owed by the organisation.

5. The collection, use or disclosure (as the case may be) of personal data about an individual is necessary for the provision of legal services by the organisation to another person, or for the organisation to obtain legal services.

6.—(1) Subject to sub-paragraph (2), the collection, use or disclosure (as the case may be) of personal data about an individual —

(a) is for the purpose of the preparation by a credit bureau of a credit report; or

(b) relates to a credit report provided by a credit bureau to a member of the credit bureau in relation to a transaction between the member and the individual.

(2) Sub-paragraph (1) does not apply to a credit bureau that, being required to obtain a licence under any other written law, does not hold such a licence.

7. The collection, use or disclosure (as the case may be) of personal data about an individual is to —

(a) confer an interest or a benefit on the individual under a private trust or benefit plan; and

(b) administer that trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be.

8. The personal data about an individual —

(a) is provided to the organisation by another individual to enable the organisation to provide a service for the personal or domestic purposes of that other individual; and

(b) is collected, used or disclosed (as the case may be) by the organisation solely for the purpose in sub-paragraph (a).

9. The personal data about an individual —

(a) is included in a document produced in the course, and for the purposes, of the individual's employment, business or profession; and

- (b) is collected, used or disclosed (as the case may be) for purposes consistent with the purpose for which the document was produced.

10. The personal data about an individual is collected, used or disclosed (as the case may be) by the organisation, and the collection, use or disclosure (as the case may be) of the personal data is reasonable for the purpose of or in relation to the organisation —

- (a) entering into an employment relationship with the individual or appointing the individual to any office; or
- (b) managing or terminating the employment relationship with or appointment of the individual.

PART 4

BUSINESS ASSET TRANSACTIONS

1.—(1) Subject to the conditions in sub-paragraphs (2), (3), (4) and (5), where an organisation (*X*) is a party or a prospective party to a business asset transaction with another organisation (*Y*), personal data about an applicable individual of *Y* —

- (a) is collected from *Y* by *X* for the purposes of the business asset transaction;
- (b) is used or disclosed by *X* in relation to the business asset transaction; or
- (c) is disclosed by *Y* to *X* for the purposes of the business transaction.

(2) Where the business asset transaction concerns any part of *Y* or *Y*'s business assets, the personal data mentioned in sub-paragraph (1) must relate directly to that part of *Y* or *Y*'s business assets, as the case may be.

(3) If *X* is a prospective party to the business asset transaction, the following conditions apply:

- (a) *X* may collect, and *Y* may disclose, only personal data that is necessary for *X* to determine whether to proceed with the business asset transaction;
- (b) *X* and *Y* must have entered into an agreement that requires *X* to use or disclose the personal data solely for purposes related to the business asset transaction.

(4) If *X* enters into the business asset transaction, the following conditions apply:

- (a) *X* may use or disclose the personal data *X* collected from *Y* only for the same purposes for which *Y* would have been permitted to use or disclose the personal data;
- (b) if any personal data *X* collects from *Y* does not relate directly to the part of *Y* or *Y*'s business assets with which the business asset transaction entered into is concerned, *X* must destroy, or return to *Y*, that personal data;
- (c) *X* or *Y* must notify the applicable individuals of *Y* whose personal data is disclosed that —
 - (i) the business asset transaction has taken place; and
 - (ii) the personal data about them has been disclosed to *X*.

(5) If the business asset transaction does not proceed or is not completed, *X* must destroy, or return to

Y, all personal data collected.

2.—(1) Subject to the conditions in sub-paragraphs (2), (3) and (4), where an organisation (*X*) is a party or a prospective party to a business asset transaction with another organisation (*Y*) in respect of *Y*'s interest in a third organisation (*Z*) (called in this paragraph the relevant transaction), personal data about an applicable individual of *Z* —

- (a) is collected from *Y* or *Z* by *X*, or from *Z* by *Y*, for the purposes of the relevant transaction;
- (b) is used or disclosed by *X* or *Y* in relation to the relevant transaction; or
- (c) is disclosed by *Y* or *Z* (as the case may be) to *X*, or by *Z* to *Y*, for the purposes of the relevant transaction.

(2) If *X* is a prospective party to the relevant transaction, the following conditions apply:

- (a) where *X* collects the personal data mentioned in sub-paragraph (1) from *Y* or *Z* —
 - (i) *X* may collect, and *Y* or *Z* (as the case may be) may disclose, only personal data that is necessary for *X* to determine whether to proceed with the relevant transaction; and
 - (ii) *X* and *Y* or *Z* (as the case may be) must have entered into an agreement that requires *X* to use or disclose the personal data solely for purposes related to the relevant transaction;
- (b) where *Y* collects the personal data mentioned in sub-paragraph (1) from *Z* —
 - (i) *Y* may collect, and *Z* may disclose, only personal data that is necessary for *X* or *Y* (as the case may be) to determine whether to proceed with the relevant transaction; and
 - (ii) *Y* and *Z* must have entered into an agreement that requires *Y* to use or disclose the personal data solely for purposes related to the relevant transaction.

(3) If *X* enters into the relevant transaction, the following conditions apply:

- (a) *X* may use or disclose the personal data collected from *Y* or *Z* (as the case may be) only for the same purposes for which *Y* or *Z* (as the case may be) would have been permitted to use or disclose the personal data;
- (b) *Y* may use or disclose the personal data collected from *Z* only for the same purposes for which *Z* would have been permitted to use or disclose the personal data;
- (c) *X*, *Y* or *Z* must notify the applicable individuals of *Z* whose personal data is disclosed that —
 - (i) the relevant transaction has taken place; and
 - (ii) the personal data about them has been disclosed to *X*.

(4) If the relevant transaction does not proceed or is not completed —

- (a) *X* must destroy, or return to *Y* or *Z* (as the case may be), all personal data collected; and

(b) *Y* must destroy, or return to *Z*, all personal data collected.

3. In this Part —

“applicable individual”, in relation to an organisation, includes a contractor, a customer, a director, an employee, an officer or a shareholder of the organisation;

“business asset transaction” —

(a) means the purchase, sale, lease, merger or amalgamation or any other acquisition, disposal or financing of —

(i) an organisation or a portion of an organisation;

(ii) an interest in an organisation; or

(iii) any of the business or assets of an organisation, other than any personal data to be disclosed under paragraph 1(1) or 2(1), as the case may be; and

(b) includes —

(i) the amalgamation of a corporation with one or more related corporations; and

(ii) the transfer or disposal of any of the business or assets of a corporation to a related corporation;

“business trust” has the meaning given by section 2 of the Business Trusts Act 2004;

“corporation” and “related corporation” have the meanings given by section 4(1) of the Companies Act 1967;

“interest” means —

(a) in relation to a corporation — a share in that corporation;

(b) in relation to an entity other than a corporation — any right or interest (whether legal or equitable) in that entity, by whatever name called;

(c) in relation to a business trust — a unit in that business trust; and

(d) in relation to a trust other than a business trust — any right or interest (whether legal or equitable) in that trust, by whatever name called.

PART 5

BUSINESS IMPROVEMENT PURPOSES

1.—(1) Subject to the conditions in sub-paragraphs (3), (4) and (5), personal data about an individual (*P*) —

- (a) is collected by an organisation (*X*) that is a corporation from a related corporation (*Y*) for a purpose specified in sub-paragraph (2) (called the relevant purpose);
 - (b) is used by *X* for a relevant purpose; or
 - (c) is disclosed by *Y* to *X* for a relevant purpose.
- (2) The relevant purposes mentioned in sub-paragraph (1) are the following:
- (a) improving or enhancing any goods or services provided, or developing new goods or services to be provided, by *X* or *Y*;
 - (b) improving or enhancing the methods or processes, or developing new methods or processes, for the operations of *X* or *Y*;
 - (c) learning about and understanding the behaviour and preferences of *P* or another individual in relation to the goods or services provided by *X* or *Y*;
 - (d) identifying any goods or services provided by *X* or *Y* that may be suitable for *P* or another individual, or personalising or customising any such goods or services for *P* or another individual.
- (3) Sub-paragraph (1)(a) and (c) applies only if —
- (a) the relevant purpose for which *X* collects, or *Y* discloses, personal data about *P* cannot reasonably be achieved without the collection, use or disclosure (as the case may be) of the personal data in an individually identifiable form;
 - (b) a reasonable person would consider the collection or disclosure of personal data about *P* for the relevant purpose to be appropriate in the circumstances; and
 - (c) *X* and *Y* are bound by any contract or other agreement or binding corporate rules requiring the recipient of personal data about *P* to implement and maintain appropriate safeguards for the personal data.
- (4) Sub-paragraph (1)(b) applies only if —
- (a) the relevant purpose for which *X* uses personal data about *P* cannot reasonably be achieved without the use of the personal data in an individually identifiable form; and
 - (b) a reasonable person would consider the use of personal data about *P* for the relevant purpose to be appropriate in the circumstances.
- (5) Where *X* collects from *Y*, and *Y* discloses to *X*, personal data about *P* for a purpose mentioned in sub-paragraph (2)(c) or (d), *P* must be, at the time of the collection or disclosure, as the case may be —
- (a) an existing customer of *Y*; and
 - (b) an existing customer or a prospective customer of *X*.
- (6) To avoid doubt, sub-paragraph (1) does not apply to the collection, use or disclosure of personal data about *P* for the purpose of sending to *P* or another individual a message for an applicable purpose within the meaning given by section 37(6).

2. In this Part —

“corporation” and “related corporation” have the meanings given by section 4(1) of the

Companies Act 1967;

“existing customer”, in relation to a corporation, means an individual who purchases, hires or uses, or has purchased, hired or used, any goods or services provided by the corporation;

“prospective customer of *X*” means an individual who, at the time mentioned in paragraph 1(5) —

- (a) has informed *X* of the individual’s interest in purchasing, hiring or using any goods or services provided by *X*; or
- (b) is conducting negotiations with *X* that lead or may lead to an agreement between the individual and *X* for the purchase, hire or use of any goods or services provided by *X*.

[\[40/2020\]](#)

SECOND SCHEDULE

Sections 2(1) and 17(1)

ADDITIONAL BASES FOR COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

PART 1

COLLECTION OF PERSONAL DATA

1. The collection of personal data about an individual, if —
 - (a) the personal data was disclosed by a public agency; and
 - (b) the collection of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

PART 2

USE OF PERSONAL DATA

Division 1 — Public interest

1. The use of personal data about an individual, if —
 - (a) the personal data was disclosed by a public agency; and
 - (b) the use of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

Division 2 — Business improvement purpose

1.—(1) Subject to the conditions in sub-paragraph (2), personal data about an individual (*P*) is used by the organisation for any of the following purposes:

- (a) improving or enhancing any goods or services provided, or developing new goods or services to be provided, by the organisation;
- (b) improving or enhancing the methods or processes, or developing new methods or processes, for the operations of the organisation;
- (c) learning about and understanding the behaviour and preferences of *P* or another individual in relation to the goods or services provided by the organisation;
- (d) identifying any goods or services provided by the organisation that may be suitable for *P* or another individual, or personalising or customising any such goods or services for *P* or another individual.

(2) Sub-paragraph (1) applies only if —

- (a) the purpose for which the organisation uses personal data about *P* cannot reasonably be achieved without the use of the personal data in an individually identifiable form; and
- (b) a reasonable person would consider the use of personal data about *P* for that purpose to be appropriate in the circumstances.

(3) To avoid doubt, sub-paragraph (1) does not apply to the use of personal data about *P* for the purpose of sending to *P* or another individual a message for an applicable purpose within the meaning given by section 37(6).

(4) In this paragraph, “organisation” excludes a corporation within the meaning given by section 4(1) of the Companies Act 1967.

Division 3 — Research

1. The use of personal data about an individual for a research purpose (including historical or statistical research), if —

- (a) the research purpose cannot reasonably be accomplished unless the personal data is used in an individually identifiable form;
- (b) there is a clear public benefit to using the personal data for the research purpose;
- (c) the results of the research will not be used to make any decision that affects the individual; and
- (d) in the event that the results of the research are published, the organisation publishes the results in a form that does not identify the individual.

PART 3

DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

Division 1 — Public interest

1. The disclosure of personal data about an individual to a public agency, where the disclosure is necessary in the public interest.

2. The disclosure of personal data about an individual who is a current or former student of an educational institution to a public agency for the purposes of policy formulation or review.

3. The disclosure of personal data about an individual who is a current or former patient of any of the following to a public agency for the purposes of policy formulation or review:

- (a) a healthcare institution licensed under the Private Hospitals and Medical Clinics Act 1980;
- (b) a licensee under the Healthcare Services Act 2020;
- (c) a prescribed healthcare body.

4. The disclosure of personal data about any individual to any officer of a prescribed law enforcement agency, upon production of written authorisation signed by the head or director of that prescribed law enforcement agency or a person of a similar rank, certifying that the personal data is necessary for the purposes of the functions or duties of the officer.

Division 2 — Research

1. The disclosure of personal data about an individual for a research purpose (including historical or statistical research), if —

- (a) the research purpose cannot reasonably be accomplished unless the personal data is disclosed in an individually identifiable form;
- (b) it is impracticable for the organisation to seek the individual's consent for the disclosure;
- (c) there is a clear public benefit to disclosing the personal data for the research purpose;
- (d) the results of the research will not be used to make a decision that affects the individual; and
- (e) in the event that the results of the research are published, the organisation publishes the results in a form that does not identify the individual.

[\[40/2020\]](#)

FIFTH SCHEDULE

Section 21(2)

EXCEPTIONS FROM ACCESS REQUIREMENT

1. An organisation is not required to provide information under section 21(1) in respect of —

- (a) opinion data kept solely for an evaluative purpose;
- (b) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
- (c) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;

- (d) personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre;
- (e) a document related to a prosecution if all proceedings related to the prosecution have not been completed;
- (f) personal data which is subject to legal privilege;
- (g) personal data which, if disclosed, would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the organisation;
- (h) personal data collected, used or disclosed without consent, under paragraph 3 of Part 3 of the First Schedule, for the purposes of an investigation if the investigation and associated proceedings and appeals have not been completed;
- (i) personal data collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act —
 - (i) under a collective agreement under the Industrial Relations Act 1960 or by agreement between the parties to the mediation or arbitration;
 - (ii) under any written law; or
 - (iii) by a court, arbitral institution or mediation centre; or
- (j) any request —
 - (i) that would unreasonably interfere with the operations of the organisation because of the repetitious or systematic nature of the requests;
 - (ii) if the burden or expense of providing access would be unreasonable to the organisation or disproportionate to the individual's interests;
 - (iii) for information that does not exist or cannot be found;
 - (iv) for information that is trivial; or
 - (v) that is otherwise frivolous or vexatious.

2. For the purposes of paragraph 1(j)(i), the organisation may have regard to the number and frequency of requests received.

[\[40/2020\]](#)

SIXTH SCHEDULE

Section 22(7)

EXCEPTIONS FROM CORRECTION REQUIREMENT

1. Section 22 does not apply in respect of —

- (a) opinion data kept solely for an evaluative purpose;
- (b) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
- (c) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;
- (d) personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre;
- (e) a document related to a prosecution if all proceedings related to the prosecution have not been completed; or
- (f) derived personal data.

[\[40/2020\]](#)

SEVENTH SCHEDULE

Section 48P(5)

CONSTITUTION AND PROCEEDINGS OF DATA PROTECTION APPEAL PANEL AND DATA PROTECTION APPEAL COMMITTEES

Data Protection Appeal Panel

1.—(1) The Data Protection Appeal Panel consists of not more than 30 members appointed by the Minister on the basis of their ability and experience in industry, commerce or administration or their professional qualifications or their suitability otherwise for appointment.

(2) Members of the Appeal Panel are appointed for such period as the Minister may determine and are eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of any member of the Appeal Panel without giving any reason.

(4) A member of the Appeal Panel may resign by giving written notice to the Minister.

Chairperson of Appeal Panel or temporary Chairperson of Appeal Panel

2.—(1) The Chairperson of the Appeal Panel, unless his or her appointment is revoked by the Minister or unless he or she resigns during his or her term of office, holds office for such period as the Minister may determine and is eligible for re-appointment.

(2) The Minister may appoint any member to be a temporary Chairperson of the Appeal Panel during the temporary incapacity from illness or otherwise or during the temporary absence from Singapore of the Chairperson of the Appeal Panel.

Secretary to Appeal Panel

2A.—(1) The Secretary to the Appeal Panel is to be appointed by the Minister.

(2) The Secretary is to provide administrative and secretarial support to the Chairperson of the Appeal Panel, the Appeal Panel and every Appeal Committee, in the discharge of their functions, duties and powers under this Act.

(3) The Secretary is to act in accordance with the instructions of the Chairperson and, in particular, be responsible for —

- (a) the acceptance, transmission, service and custody of documents relating to the Appeal Panel, Appeal Committees and proceedings relating to appeals; and
- (b) keeping the records of proceedings relating to appeals in such form as the Chairperson may direct.

(4) The Secretary and any person authorised under sub-paragraph (5) may attend any meeting of an Appeal Committee to carry out their functions under this Act.

(5) The Secretary may be assisted in carrying out the Secretary's functions under this Act by persons authorised by the Secretary.

Constitution of Appeal Committee

2B.—(1) Where an appeal is made, the Chairperson of the Appeal Panel is to nominate 3 or more members of the Appeal Panel (which may include the Chairperson) to constitute an Appeal Committee to hear the appeal.

(2) For the proper functioning of any Appeal Committee, the Chairperson of the Appeal Panel may at any time —

- (a) terminate the nomination of any member of the Appeal Committee; and
- (b) reconstitute the Appeal Committee upon the termination of the nomination, the expiry of the term of appointment or the withdrawal of any member of the Appeal Committee.

(3) The reconstitution of an Appeal Committee under sub-paragraph (2)(b) does not affect the validity of anything done by the Appeal Committee under this Act before, on or after the reconstitution of the Appeal Committee.

Proceedings of Appeal Committees

3.—(1) The presiding member of an Appeal Committee is —

- (a) the Chairperson of the Appeal Panel, if the Chairperson nominates himself or herself as a member of the Appeal Committee; or
- (b) the member of the Appeal Panel appointed by the Chairperson of the Appeal Panel as the presiding member of that Appeal Committee.

(2) However, in the absence at any meeting of the presiding member of an Appeal Committee mentioned in sub-paragraph (1), another member of the Appeal Committee chosen by the members of that Appeal Committee present is to preside at that meeting.

(3) All matters coming before an Appeal Committee are to be decided by a majority of votes of those members present and, in the event of an equality of votes, the presiding member has a second or casting

vote.

(4) Any member of the Appeal Panel whose term of appointment expires in the course of proceedings by an Appeal Committee to which the member is appointed continues as a member of that Appeal Committee until the Appeal Committee —

- (a) completes its work on the appeal; or
- (b) is earlier reconstituted under paragraph 2B(2)(b) without that member.

(5) An Appeal Committee is to meet for any purpose under this Act at such times and places as determined by the presiding member before the meeting.

Powers of Appeal Committees

4.—(1) An Appeal Committee has all the powers and duties of the Commission that are necessary to perform its functions and discharge its duties under this Act.

(2) An Appeal Committee has the powers, rights and privileges vested in a District Court on the hearing of an action, including —

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise;
- (b) the compelling of the production of documents; and
- (c) the award of such costs or expenses as may be prescribed under section 65.

(3) A summons signed by such member of an Appeal Committee as may be authorised by the Appeal Committee is equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(4) Where any person being duly summoned to attend before an Appeal Committee does not so attend, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(5) A witness before an Appeal Committee is entitled to the same immunities and privileges as if he or she were a witness before a District Court.

(6) All appeals must be determined, having regard to the nature and complexity of the appeal, as soon as reasonably practicable.

(7) An Appeal Committee must inform the Commission and the parties to the appeal of the date on and the place at which the appeal is to be heard.

(8) An Appeal Committee must inform the Commission and the parties to the appeal of its decision in respect of the appeal and the reasons for its decision.

(9) Subject to other provisions of this Act and regulations made under this Act, an Appeal Committee may regulate its own procedure.

Allowances

5. Members of the Appeal Committee may receive such remuneration and such travelling and subsistence allowances as the Minister may determine.

Validity of act or proceeding

6. No proceedings relating to any appeal before an Appeal Committee, and no act of the Chairperson of the Appeal Panel or of the presiding member of an Appeal Committee, is to be nullified only because of —

- (a) in the case of an appeal or proceeding before or act of an Appeal Committee, any vacancy in, or defect in the constitution of, the Appeal Committee; or
- (b) any defect in the appointment of the Chairperson of the Appeal Panel, or any member (or presiding member) of an Appeal Committee, as the case may be.

Definition

7. In this Schedule, “appeal” means an appeal under —

- (a) section 34 as in force immediately before 1 February 2021; or
- (b) section 48Q.

[40/2020; S 19/2015]

EIGHTH SCHEDULE

Section 37(5)

EXCLUSION FROM MEANING OF “SPECIFIED MESSAGE”

1.—(1) For the purposes of Part 9, a specified message does not include any of the following:

- (a) any message sent by a public agency under, or to promote, any programme carried out by any public agency which is not for a commercial purpose;
- (b) any message sent by an individual acting in a personal or domestic capacity;
- (c) any message which is necessary to respond to an emergency that threatens the life, health or safety of any individual;
- (d) any message the sole purpose of which is —
 - (i) to facilitate, complete or confirm a transaction that the recipient of the message has previously agreed to enter into with the sender;
 - (ii) to provide warranty information, product recall information or safety or security information with respect to a product or service purchased or used by the recipient of the message; or
 - (iii) to deliver goods or services, including product updates or upgrades, that the recipient of the message is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender;
- (e) any message, other than a message mentioned in sub-paragraph (d) —
 - (i) that is sent while the sender is in an ongoing relationship with the recipient of the message; and

- (ii) the sole purpose of which relates to the subject matter of the ongoing relationship;
 - (f) any message the sole purpose of which is to conduct market research or market survey;
 - (g) any message sent to an organisation other than an individual acting in a personal or domestic capacity, for any purpose of the receiving organisation.
- (2) In sub-paragraph (1)(e), “ongoing relationship” means a relationship, on an ongoing basis, between the sender and the recipient of the message, arising from the carrying on or conduct of a business or an activity (commercial or otherwise) by the sender.

[\[22/2016; 40/2020\]](#)

NINTH SCHEDULE

Section 50(2)

POWERS OF INVESTIGATION OF COMMISSION AND INSPECTORS

Power to require documents or information

1.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may, by written notice to any organisation, require the organisation to produce to the Commission or the inspector a specified document or specified information, which the Commission or inspector considers relates to any matter relevant to such investigation.

(2) A notice under sub-paragraph (1) must indicate the purpose for which the specified document or specified information is required by the Commission.

(3) The Commission may specify in the notice —

- (a) the time and place at which any document is to be produced or any information is to be provided; and
- (b) the manner and form in which it is to be produced or provided.

(4) The power under this paragraph to require an organisation to produce a document includes the power —

(a) if the document is produced —

- (i) to take copies of it or extracts from it; and
- (ii) to require the organisation, or any person who is a present or past officer of the organisation, or is or was at any time employed by the organisation, to provide an explanation of the document; or

(b) if the document is not produced, to require the organisation or person to state, to the best of the organisation’s or person’s knowledge and belief, where it is.

(5) In sub-paragraphs (1) and (2), “specified” means —

- (a) specified or described in the notice; or
- (b) falling within a category which is specified or described in the notice.

Power to require provision of information, etc.

1A.—(1) For the purposes of an investigation under section 50, the Commission or an inspector may do all or any of the following:

- (a) require, by written notice, any person whom the Commission or inspector reasonably believes has any information, or any document in the person's custody or control, that is relevant to the investigation, to provide that information or produce that document, within the time and in the manner specified in the written notice;
- (b) require, by written notice, any person within the limits of Singapore, who appears to be acquainted with the facts or circumstances of the matter, to attend before the Commission or inspector;
- (c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter.

(2) A person examined under sub-paragraph (1)(c) is bound to state truly the facts and circumstances with which the person is acquainted concerning the matter except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by a person examined under sub-paragraph (1)(c) must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary), be signed by the person.

Power to enter premises without warrant

2.—(1) In connection with an investigation under section 50, an inspector, and such other persons as the inspector may require to assist him or her, may enter any premises.

(2) An inspector or a person assisting the inspector must not enter any premises in exercise of the powers under this paragraph unless the inspector has given the occupier of the premises a written notice which —

- (a) gives at least 2 working days' notice of the intended entry; and
- (b) indicates the subject matter and purpose of the investigation.

(3) Sub-paragraph (2) does not apply if the inspector has reasonable grounds for suspecting that the premises are, or have been, occupied by an organisation which is being investigated in relation to a contravention of this Act and if the inspector has taken all such steps as are reasonably practicable to give written notice under that sub-paragraph but has not been able to do so.

(4) Where sub-paragraph (3) applies, the power of entry conferred by sub-paragraph (1) shall be exercised upon production of —

- (a) evidence of the inspector's appointment; and
- (b) a document containing the information referred to in sub-paragraph (2)(b).

(5) An inspector or a person assisting the inspector entering any premises under this paragraph may —

- (a) take with him or her such equipment as appears to him or her to be necessary;
- (b) require any person on the premises —
 - (i) to produce any document which he or she considers relates to any matter relevant to the investigation; and
 - (ii) if the document is produced, to provide an explanation of it;
- (c) require any person to state, to the best of the person's knowledge and belief, where any such document is to be found;
- (d) take copies of, or extracts from, any document which is produced;
- (e) require any information which is stored in any electronic form and is accessible from the premises and which he or she considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible; and
- (f) take any step which appears to be necessary for the purpose of preserving or preventing interference with any document which he or she considers relates to any matter relevant to the investigation.

Power to enter premises under warrant

3.—(1) The Commission or any inspector may apply to a court for a warrant and the court may issue such a warrant if it is satisfied that —

- (a) there are reasonable grounds for suspecting that there are, on any premises, documents —
 - (i) the production of which has been required under paragraph 1 or 2; and
 - (ii) which have not been produced as required;
- (b) there are reasonable grounds for suspecting that —
 - (i) there are, on any premises, documents which the Commission or the inspector has power under paragraph 1 to require to be produced; and
 - (ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed; or

- (c) an inspector or a person assisting the inspector has attempted to enter the premises in the exercise of his or her powers under paragraph 2 but has been unable to do so and that there are reasonable grounds for suspecting that there are, on the premises, documents the production of which could have been required under that paragraph.

(2) A warrant under this paragraph authorises a named officer, and such other persons as the inspector may require to assist him or her, to do all or any of the following:

- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;
- (b) to search any person on those premises if there are reasonable grounds for believing that that person has in his or her possession any document, equipment or article which has a bearing on the investigation;
- (c) to search the premises and take copies of, or extracts from, any document appearing to be of a kind in respect of which the application under sub-paragraph (1) was granted (the relevant kind);
- (d) to take possession of any document appearing to be of the relevant kind if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
- (e) to take any other step which appears to be necessary for the purpose mentioned in sub-paragraph (d)(i);
- (f) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of the person's knowledge and belief, where it may be found;
- (g) to require any information which is stored in any electronic form and is accessible from the premises and which he or she considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; or
 - (ii) in which it is visible and legible; and
- (h) to remove from those premises for examination any equipment or article which relates to any matter relevant to the investigation.

(3) If, in the case of a warrant under sub-paragraph (1)(b), the court is satisfied that it is reasonable to suspect that there are also on the premises other documents relating to the investigation concerned, the warrant also authorises the actions mentioned in sub-paragraph (2) to be taken in relation to any such document.

(4) Where possession of any document is taken under sub-paragraph (2)(d) or (3), the named officer may, at the request of the person from whom possession of the document was taken, provide such person with a copy of the document.

(5) A named officer may allow any equipment or article which has a bearing on an investigation and which may be removed from any premises for examination under sub-paragraph (2)(h) to be retained on those premises subject to such conditions as the named officer may require.

(6) A warrant issued under this paragraph —

- (a) must indicate the subject matter and purpose of the investigation; and
- (b) continues in force until the end of one month beginning from the day on which it is issued.

(7) The powers conferred by this paragraph must not be exercised except upon production of a warrant issued under this paragraph.

(8) A person entering any premises by virtue of a warrant under this paragraph may take with the person such equipment as appears to the person to be necessary.

(9) If there is no one at the premises when the named officer proposes to execute such a warrant, the named officer must, before executing it —

- (a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and
- (b) if the occupier is informed, give the occupier or the occupier's legal or other representative a reasonable opportunity to be present when the warrant is executed.

(10) If the named officer is unable to inform the occupier of the intended entry, the named officer must, when executing the warrant, leave a copy of the warrant in a prominent place on the premises.

(11) On leaving any premises which the named officer has entered by virtue of a warrant under this paragraph, the named officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as the named officer found them.

(12) Any document of which possession is taken under sub-paragraph (2)(d) or (3) may be retained for a period of not more than 3 months.

(13) In this paragraph —

“named officer” means an inspector named in the warrant;

“occupier”, in relation to any premises, means a person whom the inspector reasonably believes is the occupier of those premises.

[\[40/2020\]](#)

TENTH SCHEDULE

Section 37(6)

APPLICABLE PURPOSES

1. Offering to supply goods or services.
2. Advertising or promoting goods or services.
3. Advertising or promoting a supplier, or prospective supplier, of goods or services.

4. Offering to supply land or an interest in land.
5. Advertising or promoting land or an interest in land.
6. Advertising or promoting a supplier, or prospective supplier, of land or an interest in land.
7. Offering to provide a business opportunity or an investment opportunity.
8. Advertising or promoting a business opportunity or an investment opportunity.
9. Advertising or promoting a provider, or prospective provider, of a business opportunity or an investment opportunity.

[\[40/2020\]](#)

ELEVENTH SCHEDULE

Section 48F(4)

SPECIFIED PURPOSES

1. Testing the effectiveness of the anonymisation of personal data in the possession or under the control of an organisation or a public agency, as the case may be.
2. Testing the integrity and confidentiality of anonymised information in the possession or under the control of an organisation or a public agency, as the case may be.
3. Assessing, testing or evaluating the systems and processes of an organisation or a public agency for ensuring or safeguarding the integrity and confidentiality of anonymised information —
 - (a) in the possession or under the control of the organisation or public agency; or
 - (b) transmitted or received by the organisation or public agency.

[\[40/2020\]](#)