

SECOND SCHEDULE — *continued*

- (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]

THIRD SCHEDULE

[Repealed by Act 40 of 2020]

FOURTH SCHEDULE

[Repealed by Act 40 of 2020]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;

FIFTH SCHEDULE — *continued*

- (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;

SIXTH SCHEDULE — *continued*

- (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.

SEVENTH SCHEDULE — *continued*

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

SEVENTH SCHEDULE — *continued*

(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.

SEVENTH SCHEDULE — *continued*

(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