

PDPA'S FRAMEWORK FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA

Flowchart: Provision to Rely on to Collect, Use or Disclose Personal Data

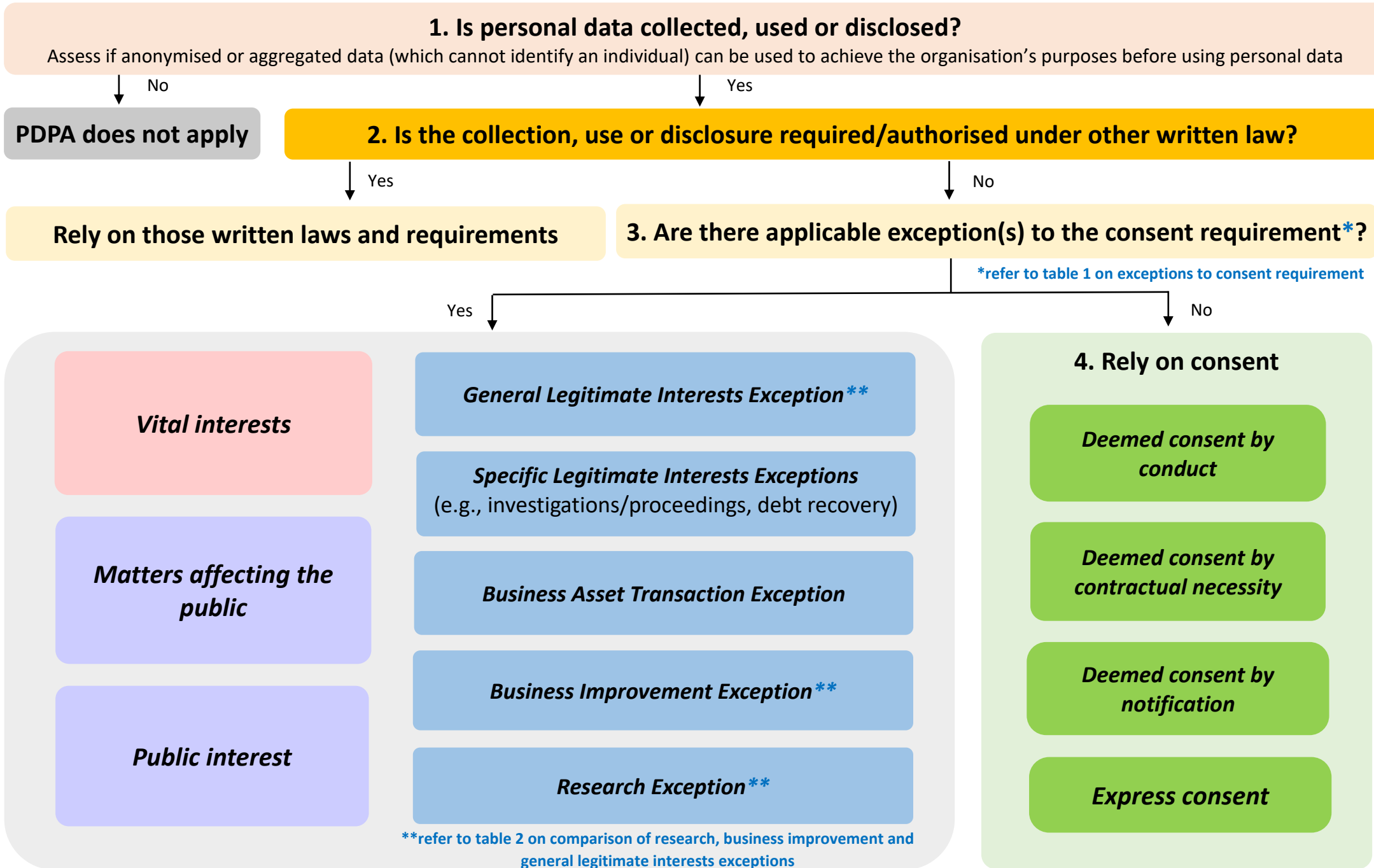


Table 1: Exceptions to Consent Requirement

Vital interests	Matters affecting the public	Public interest	Legitimate interests	Business asset transaction	Business improvement*	Research**
<ul style="list-style-type: none"> Necessary for purpose that is clearly in the interest of individual Necessary to protect vital interest of individual (e.g. responding to emergency, incidents affecting health or safety, contacting next-of-kin or friend of any injured, ill or deceased individual) 	<ul style="list-style-type: none"> Publicly available In the national interest Solely for artistic or literary purposes Solely for archival or historical purposes Solely for news activity by a news organisation 	<ul style="list-style-type: none"> In relation to data obtained from or disclosed to public agency 	<ul style="list-style-type: none"> Necessary for evaluative purposes Necessary for any investigation or proceedings Necessary for the organisation to recover/pay a debt Necessary for the provision of legal services Between a credit bureau and member of a credit bureau for the purpose of preparing a credit report To confer an interest or a benefit on the individual under a private trust or a benefit plan/ administer that trust or benefit plan Necessary to provide a service for the personal or domestic purposes of the individual Document produced in the course of the individual's employment, business or profession Entering into, managing or terminating an employment relationship or appointment General legitimate interests of organisation or another person 	<ul style="list-style-type: none"> Business asset transactions involving the purchase, sale, lease, merger or amalgamation or any other acquisition, disposal or financing of an organisation or part of the organisations/ interest in an organisation/any business asset Business asset transactions involving the amalgamation of a corporation with one or more related corporations Business asset transactions involving the transfer or disposal of any of the business or assets of a corporation to a related corporation 	<ul style="list-style-type: none"> Improving, enhancing or developing new goods or services Improving, enhancing or developing new methods or processes for operations Learning or understanding the behaviour and preferences of individuals in relation to providing goods and services Identifying goods or services that may be suitable for individuals or personalising/ customising such goods or services for individuals <p><i>*For use without consent by all organisations; for collection and disclosure within a group only</i></p>	<ul style="list-style-type: none"> Research purpose, including historical or statistical research <p><i>**For the use and disclosure of personal data</i></p>

Table 2: Comparison of Research, Business Improvement and General Legitimate Interests Exceptions

	Research exception	Business improvement exception	General legitimate interests exception
Applicability of exception (e.g., collection, use or disclosure)	<ul style="list-style-type: none"> Applicable for use and disclosure of personal data 	<ul style="list-style-type: none"> Applicable for use of personal data within an organisation Applicable for collection and disclosure (or sharing) within a group¹ 	<ul style="list-style-type: none"> Applicable for collection, use and disclosure of personal data
Conditions	<ul style="list-style-type: none"> Cannot reasonably be accomplished unless the personal data is used or disclosed in an individually identifiable form; Impracticable to seek consent (for disclosure only); Clear public benefit to using or disclosing the personal data for the research purpose; Results of the research will not be used to make any decision that affects the individual; and 	<ul style="list-style-type: none"> Ensure purposes cannot reasonably be achieved without using the personal data in individually identifiable form; Purpose has to be considered appropriate by a reasonable person in the circumstances; and Purpose is not to send marketing messages <p>Additional conditions for sharing of personal data within a group:</p>	<ul style="list-style-type: none"> Conduct an assessment and balancing test to determine that legitimate interests of organisation or other person outweigh any likely adverse effect to the individual; Provide the individual with reasonable access to information on the organisation’s reliance on the exception; and Purpose is not to send marketing messages

¹“Group of companies” refers to related corporations within the meaning of the Companies Act (Cap. 50).

	Research exception	Business improvement exception	General legitimate interests exception
	<ul style="list-style-type: none"> Published results must be in a form that does not identify the individual 	<ul style="list-style-type: none"> Organisations are bound by contract or other agreement or binding corporate rules to implement or maintain appropriate safeguards; and Sharing can only involve personal data of existing and/or prospective customers of the receiving organisation 	
Examples	<ul style="list-style-type: none"> Early stage / exploratory / broader research and development that may not have any immediate application to their products, services or markets Activities undertaken by commercial laboratories, educational institutes and market research organisations 	<ul style="list-style-type: none"> Broadly applicable where use of personal data has immediate application to its products and services or products and services that are closer to market Conduct analyses of customer preferences, profile of customers, implement customer segmentation strategy, to improve, develop new products and services 	<ul style="list-style-type: none"> Prevent and detect fraud, misuse of services Ensure security of business assets and individuals at premises Manage disputes