

## Part III: THE DATA PROTECTION PROVISIONS

### 10 Overview of the Data Protection Provisions

10.1 Organisations are required to comply with the Data Protection Provisions in Parts III to VI of the PDPA. When considering what they should do to comply with the Data Protection Provisions, organisations should note that they are responsible for personal data in their possession or under their control<sup>7</sup>. In addition, when an organisation employs a data intermediary to process personal data on its behalf and for its purposes, organisations have the same obligations under the PDPA as if the personal data were processed by the organisation itself<sup>8</sup>.

10.2 Broadly speaking, the Data Protection Provisions contain nine main obligations which organisations are required to comply with if they undertake activities relating to the collection, use or disclosure of personal data. These obligations may be summarised as follows. The sections of the PDPA which set out these obligations are noted below for reference.

- a) The Consent Obligation (PDPA sections 13 to 17): An organisation must obtain the consent of the individual before collecting, using or disclosing his personal data for a purpose.
- b) The Purpose Limitation Obligation (PDPA section 18): An organisation may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances and, if applicable, have been notified to the individual concerned.
- c) The Notification Obligation (PDPA section 20): An organisation must notify the individual of the purpose(s) for which it intends to collect, use or disclose the individual's personal data on or before such collection, use or disclosure of the personal data.
- d) The Access and Correction Obligations (PDPA sections 21 and 22): An organisation must, upon request, (i) provide an individual with his or her personal data in the possession or under the control of the organisation and information about the ways in which the personal data may have been used or disclosed during the past year; and (ii) correct an error or omission in an individual's personal data that is in the possession or under the control of

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<sup>7</sup> See PDPA section 11(2).

<sup>8</sup> See PDPA section 4(3).

the organisation.

- e) The Accuracy Obligation (PDPA section 23): An organisation must make a reasonable effort to ensure that personal data collected by or on behalf of the organisation is accurate and complete if the personal data is likely to be used by the organisation to make a decision that affects the individual concerned or disclosed by the organisation to another organisation.
- f) The Protection Obligation (PDPA section 24): An organisation must protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.
- g) The Retention Limitation Obligation (PDPA section 25): An organisation must cease to retain documents containing personal data, or remove the means by which the personal data can be associated with particular individuals as soon as it is reasonable to assume that (i) the purpose for which the personal data was collected is no longer being served by retention of the personal data, and (ii) retention is no longer necessary for legal or business purposes.
- h) The Transfer Limitation Obligation (PDPA section 26): An organisation must not transfer personal data to a country or territory outside Singapore except in accordance with the requirements prescribed under the PDPA.
- i) The Accountability Obligation (PDPA sections 11 and 12): An organisation must implement the necessary policies and procedures in order to meet its obligations under the PDPA and shall make information about its policies and procedures publicly available.

10.3 Some of the nine obligations mentioned above may have other related requirements which organisations must comply with. In addition, some of the nine obligations are subject to exceptions or limitations specified in the PDPA. The following sections of these Guidelines consider each of the above obligations in greater detail, together with the additional requirements and exceptions or limitations that may apply.