

11 Applicability to Inbound Data Transfers

- 11.1 The Data Protection Provisions apply to organisations carrying out activities involving personal data in Singapore. Where personal data is collected overseas and subsequently transferred into Singapore, the Data Protection Provisions will apply in respect of the activities involving the personal data in Singapore⁹.

Example:

ABC, an organisation based overseas, has a contractual agreement with JKL, a data hosting company based in Singapore, for JKL to host ABC's client database. The Data Protection Provisions apply in respect of the personal data in the client database when it is in Singapore. Since JKL is acting as ABC's data intermediary in relation to the hosting of the client database pursuant to their contractual agreement, JKL is subject to the Protection and Retention Limitation Obligations in respect of such hosting.

ABC discloses personal data of its clients to DEF, a company based in Singapore, for DEF to conduct its own market research. Since DEF is not a data intermediary, DEF is subject to all the Data Protection Provisions in respect of its collection, use and disclosure of personal data for its purposes.

- 11.2 Where personal data originating from outside Singapore is collected by an organisation in Singapore for use or disclosure for its own purposes in Singapore (that is, not as a data intermediary of another organisation), the organisation is required to comply with all Data Protection Provisions from the time it seeks to collect the personal data (if such collection occurs in Singapore) or from the time it brings the personal data into Singapore. This includes obtaining consent for the collection, use and disclosure of the personal data (where such activities will be conducted in Singapore) unless the personal data may be collected, used or disclosed without consent under the PDPA or consent may be deemed. The Commission notes that where personal data is collected outside Singapore, such collection may be subject to the data protection laws of the country or territory in which it was collected (if any). In determining whether an organisation has complied with the Notification Obligation and the Consent Obligation before collecting, using or disclosing the personal data in Singapore, the Commission will take into account the manner in which the personal data was collected in compliance with such data protection laws.

- 11.3 Where personal data collected from outside Singapore is transferred to an

⁹ The organisation will separately have to determine the applicable laws in respect of the data activities involving personal data overseas.

organisation in Singapore, the Transfer Limitation Obligation could apply to the latter organisation if it transfers the personal data outside Singapore, although the avenues for compliance depend on whether the personal data is data in transit. Please refer to the section on the Transfer Limitation Obligation for more details.