

## **PART I: INTRODUCTION AND OVERVIEW**

### **1 Introduction**

- 1.1 The Personal Data Protection Act 2012 (the “PDPA”) establishes a general data protection law in Singapore which governs the collection, use and disclosure of individuals’ personal data by organisations. The Personal Data Protection Commission (the “Commission”) is established under the PDPA with the key functions, amongst others, of promoting awareness of data protection in Singapore and administering and enforcing the PDPA.
- 1.2 These Guidelines should be read in conjunction with the document titled “Introduction to the Guidelines” and are subject to the disclaimers set out therein.
- 1.3 It should be noted that the examples in these Guidelines serve to illustrate particular aspects of the PDPA, and are not meant to exhaustively address every obligation in the PDPA that would apply in that scenario.

## 2 Overview of the PDPA

- 2.1 The PDPA governs the collection, use and disclosure of individuals' personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations to collect, use and disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances. The PDPA contains two (2) main sets of provisions, covering data protection and the Do Not Call registry, which organisations are required to comply with.
- 2.2 The PDPA's data protection obligations are set out in Parts III to VI of the PDPA (the "Data Protection Provisions"). In brief, the Data Protection Provisions deal with the following matters:
- a) Having reasonable purposes, notifying purposes and obtaining consent for the collection, use or disclosure of personal data;
  - b) Allowing individuals to access and correct their personal data;
  - c) Taking care of personal data (which relates to ensuring accuracy), protecting personal data (including protection in the case of international transfers) and not retaining personal data if no longer needed; and
  - d) Having policies and practices to comply with the PDPA.
- 2.3 The PDPA provides a number of exceptions to various Data Protection Provisions to address situations where organisations may have a legitimate need, for example, to collect, use or disclose personal data without consent or to refuse to provide an individual with access to his personal data.
- 2.4 The PDPA's Do Not Call Registry provisions are set out in Part IX of the PDPA (the "Do Not Call Provisions"). These deal with the establishment of Singapore's national Do Not Call Registry (the "Do Not Call Registry") and the obligations of organisations relating to the sending of certain marketing messages to Singapore telephone numbers. The Do Not Call Registry will initially comprise three (3) separate registers kept and maintained by the Commission under section 39 of the PDPA (the "Do Not Call Registers") which cover telephone calls, text messages and faxes. Users and subscribers will be able to register their Singapore telephone number(s) on one or more Do Not Call Registers depending on their preferences in relation to receiving marketing messages through telephone calls, text messages or faxes.
- 2.5 Organisations have the following obligations in relation to sending certain marketing messages to Singapore telephone numbers:

- a) Checking the relevant Do Not Call Register(s) to confirm if the Singapore telephone number is listed on the Do Not Call Register(s);
  - b) Providing information on the individual or organisation who sent or authorised the sending of the marketing message; and
  - c) Not concealing or withholding the calling line identity of the sender of the marketing message.
- 2.6 The PDPA recognises that organisations may not need to check the Do Not Call Registers in certain circumstances, in particular, when the user or subscriber of a Singapore telephone number has given clear and unambiguous consent in written or other accessible form to the sending of the marketing message to that number. In addition, certain organisations that are in an ongoing relationship with individuals may be exempted from the obligation to check the Do Not Call Registry before sending certain messages related to the subject of the ongoing relationship. Please refer to the Advisory Guidelines on the Do Not Call Provisions for more information.
- 2.7 The Data Protection Provisions and the Do Not Call Provisions are intended to operate in conjunction. Accordingly, organisations are required to comply with both sets of provisions when collecting and using Singapore telephone numbers that form part of individuals' personal data. Organisations need not comply with the Data Protection Provisions for Singapore telephone numbers that do not form part of an individual's personal data, but would still be required to comply with the Do Not Call Provisions.
- 2.8 Other parts of the PDPA (which are not specifically addressed in these Guidelines) deal with the administration of the PDPA and certain preliminary and general matters. The Commission may issue further advisory guidelines in due course addressing such matters.