

Broad comparison of the PDPA's Consent and Exceptions to Consent Provisions with the EU GDPR's Six Legal Bases for Processing Personal Data

Where PDPA's exceptions to consent apply, or where collection, use or disclosure without consent is authorised under any other written law

Consent

- Express consent
- Deemed consent by conduct
- Deemed consent by contractual necessity
- Deemed consent by notification

Vital Interests

- Necessary for purpose(s) clearly in the interest of the individual
- Necessary for response to any emergency that threatens life, health or safety
- Where reasonable to believe that health or safety will be seriously affected

Legitimate Interests

- Necessary for any investigation or proceedings
- Necessary for evaluative purposes
- Necessary for the organisation to recover or pay a debt
- Necessary for the provision of legal services
- Necessary to provide a service for the personal or domestic purposes of the individual
- 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
- Produced in the course of the individual's employment, business or profession
- For managing or terminating an employment relationship
- Legitimate interests of the organisation or any person outweighs any adverse effect on the individual

Business Asset Transaction

Research Purposes

Business Improvement Purposes

Public Interests

- In relation to data obtained or disclosed to a public agency

Matters Affecting the Public

- Publicly available
- Necessary in the national interest
- Solely for artistic or literary purposes
- For archival or historical purposes
- Solely for news activity by news organisations

PDPA

GDPR

Compliance with Legal Obligations

- Processing is necessary for compliance with a legal obligation to which the controller is subject to

Consent

- Data subject has given consent for the processing

Contract

- Processing is necessary for performance of contract

Vital Interests

- Processing is necessary to protect vital interests of data subject

Public Interests

- Processing is necessary for performance of tasks carried out in public interest

Legitimate Interests

- Processing is necessary for purposes of legitimate interests pursued by controller or a third party