



**CLOSING NOTE ON THE PUBLIC CONSULTATION ON
THE PROPOSED ADVISORY GUIDELINES ON THE PERSONAL DATA PROTECTION ACT
FOR NRIC NUMBERS**

Issued 31 August 2018

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PART I: INTRODUCTION AND BACKGROUND

- 1.1 The Personal Data Protection Commission (“PDPC”) launched a public consultation on 7 November 2017 on the Proposed Advisory Guidelines on the Personal Data Protection Act for NRIC Numbers.
- 1.2 In the public consultation, PDPC sought views on the proposed Advisory Guidelines on the application of the Personal Data Protection Act 2012 (“PDPA”) to the collection, use and disclosure of NRIC numbers (or copies of NRIC) and retention of physical NRICs by organisations.
- 1.3 PDPC also released for public consultation a proposed technical guide to accompany the revised Advisory Guidelines. The proposed technical guide serves as an additional resource for organisations on the alternatives that they may consider adopting in place of the NRIC number as a unique identifier used in websites and other public facing computer systems.
- 1.4 The consultation closed on 18 December 2017 with 82 responses from individuals and organisations from various sectors, including retail, media and finance. Please refer to PDPC’s website for the full list of respondents and their submissions¹. PDPC thanks all respondents for the comments submitted to the public consultation.
- 1.5 PDPC has carefully considered all the comments and has endeavoured to address them in the finalised Advisory Guidelines. New and revised examples as well as further elaboration on areas where respondents have made comments have been included in the finalised Advisory Guidelines. This note summarises the key matters raised by respondents in the public consultation, and provides PDPC’s responses and positions on the proposals taking into consideration the comments received.
- 1.6 This closing note should be read in conjunction with the finalised Advisory Guidelines on the Personal Data Protection Act for NRIC and other National Identification Numbers, and Technical Guide to Advisory Guidelines on the Personal Data Protection Act for NRIC and other National Identification Numbers.

¹ Available at <https://www.pdpc.gov.sg/Legislation-and-Guidelines/Public-Consultations/Responses-Received-on-18-December-2017>

PART II: OVERVIEW OF ISSUES

2 Collection, use or disclosure of NRIC numbers (or copies of NRIC)

2.1 The public consultation sought feedback on PDPC's proposal to limit the collection, use or disclosure of NRIC numbers (or copies of NRIC) under the PDPA to instances where:

- i. the collection, use or disclosure of NRIC numbers (or copies of NRIC) is required under the law; or
- ii. the collection, use or disclosure of NRIC numbers (or copies of NRIC) is necessary to accurately establish and verify the identities of the individuals.

Summary of feedback received

2.2 Overall, there was strong support from individuals for the proposal. Respondents also highlighted additional circumstances where NRIC numbers (or copies of NRIC) were collected by organisations, such as registering for massages or spa treatments, applying for jobs and submitting feedback to organisations.

2.3 Some respondents sought clarity on the circumstances in which it would be considered necessary to accurately establish or verify the identity of the individual to a high degree of fidelity. Respondents raised examples such as organisations requiring NRIC numbers for job applications, conducting background credit checks, and claiming lucky draw prizes.

2.4 PDPC maintains its position that, in general, organisations should not collect, use or disclose NRIC numbers (or copies of NRIC), except in the following circumstances:

- a) Collection, use or disclosure of NRIC numbers (or copies of NRIC) is required under the law (or an exception under the PDPA applies); or
- b) Collection, use or disclosure of NRIC numbers (or copies of NRIC) is necessary to accurately establish or verify the identities of the individuals to a high degree of fidelity.

2.5 PDPC would generally consider it necessary to accurately establish or verify the identities of individuals to a high degree of fidelity in circumstances where failure to do so would pose a significant safety or security risk or significant impact or harm to an individual and/or the organisation. Examples include visitor management in preschools where ensuring the safety and security of young children is an overriding concern, and transactions that typically relate to healthcare, financial or real estate matters such as property transactions, insurance applications and claims,

applications and disbursements of substantial financial aid, background credit checks with credit bureau, and medical check-ups and reports. PDPC has made these clarifications in the finalised Advisory Guidelines.

- 2.6 The examples provided in the Advisory Guidelines are illustrative and not intended to be exhaustive as to the types of situations that would be considered necessary to accurately establish or verify the identities of individuals to a high degree of fidelity. Organisations should assess whether their specific situation meets these considerations before collecting an individual's NRIC number (or copy of NRIC).
- 2.7 Under the PDPA, organisations must develop and implement policies and practices that are necessary to meet their obligations under the PDPA, and make them available on request². PDPC considers that organisations which collect NRIC numbers (or copies of NRIC) must have in place policies and practices, and be able to provide justification to the individuals and/or PDPC on the basis of their collection, use or disclosure of NRIC numbers (or copies of NRIC).

3 Retention of physical NRICs

- 3.1 The retention of individuals' physical NRICs is of concern as the physical NRIC contains the individual's NRIC number, as well as other personal data such as the individual's full name, photograph, thumbprint and residential address. PDPC had thus proposed to limit the retention of physical NRICs to instances where:
- a) it is required under the law; or
 - b) it is necessary to accurately establish or verify the identity of the individual to a high degree of fidelity.

Summary of feedback received

- 3.2 Majority of respondents welcomed the proposal to limit the retention of the physical NRIC by organisations, with a suggestion to further distinguish when organisations may collect NRIC numbers and retain physical NRICs, in view that fulfilling the criteria for collecting NRIC numbers may inadvertently allow for the retention of physical NRICs.
- 3.3 PDPC notes that the purposes of collecting NRIC numbers would generally differ from the purposes of retaining physical NRICs. While organisations may need to collect NRIC numbers (or copies of NRIC) for the purposes of establishing or verifying the identities of the individuals, physical NRICs are typically retained as collateral (e.g. in exchange for visitor access pass). PDPC does not consider the checking of the physical

² Section 12(a) and 12(d)(i) of the PDPA.

NRIC for the purpose of establishing or verifying the identity of the individual to be a collection of personal data on the physical NRIC, provided that it is returned immediately to the individual. PDPC considers that it would not be necessary for an organisation to retain an individual's physical NRIC for the purposes of establishing or verifying his or her identity. As such, PDPC has taken the position that organisations should only retain an individual's physical NRIC where it is required under the law.

4 Other feedback

Public agency's collection, use or disclosure of NRIC numbers and retention of physical NRICs

- 4.1 There were several queries received regarding the collection, use or disclosure of NRIC numbers and the retention of physical NRICs by public agencies (or their agents), and whether the Advisory Guidelines would apply to such activities.
- 4.2 Public agencies in Singapore (including Government Ministries, Statutory Boards and Organs of State) are excluded from the Data Protection Provisions of the PDPA. Accordingly, PDPC's Advisory Guidelines do not apply to the collection, use or disclosure of NRIC numbers (or copies of NRIC) or the retention of physical NRICs by a public agency (or an organisation in the course of acting on behalf of a public agency for that collection, use or disclosure).
- 4.3 The NRIC number is a unique identifier assigned by the Government to each Singapore resident that is often used as a unique identifier for transactions with the Government. As the issuing authority for the NRIC, the Government rightfully uses the NRIC to discharge its functions and services with citizens in a secure manner. Nevertheless, the Government will review its processes to ensure that public agencies limit the use of NRIC numbers, especially the retention of physical NRICs, to transactions where such use is required by law or is necessary to accurately establish the identities of individuals.
- 4.4 If in doubt, individuals may seek clarification from the public agency (or organisation acting on behalf of the public agency) regarding the collection, use or disclosure of their NRIC numbers (or copies of NRIC) or the retention of their physical NRICs.

Alternatives to NRIC number

- 4.5 Some respondents suggested alternatives to NRIC numbers, such as federated protocols, EZ-link card CAN³ ID, and partial NRIC number.
- 4.6 PDPC does not prescribe the types of identifiers that organisations should adopt in place of collection of NRIC numbers (or copies of NRIC) or retention of physical NRICs. Organisations should assess the suitability of alternatives based on their own business and operational needs. Organisations should also consider whether the alternatives provided are reasonable, and avoid collecting excessive personal data as an alternative to the individual's NRIC number (or copy of NRIC).
- 4.7 Nonetheless, PDPC recognises that individuals and organisations may wish to use the partial NRIC number as an alternative to collecting the full NRIC number as it is an easily recallable identifier. Organisations may consider collecting up to the last 3 numerical digits and checksum (e.g. "567A" instead of the full NRIC number of "S1234567A"). Where organisations collect partial NRIC numbers in this manner, they are not considered to be collecting the NRIC numbers of individuals and need not limit themselves to the permitted circumstances for collecting NRIC numbers.
- 4.8 To be clear, the partial NRIC number is still considered personal data under the PDPA⁴ if the individual can be identified from that data, or from that data and other information to which the organisation has or is likely to have access. Organisations must comply with the Data Protection Provisions of the PDPA in respect of such personal data, such as the obligation to inform the individuals and obtain their consent to collect, use or disclose their personal data (including their partial NRIC numbers) for the purposes, and to make reasonable security arrangements to protect the personal data from unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

Application to other identification numbers and identification documents

- 4.9 Several respondents also sought clarification on the collection, use or disclosure of other unique identification numbers, such as Birth Certificate numbers, Foreign Identification Numbers ("FIN") and passport numbers, and the retention of other identification documents ("IDs"), such as the driver's license, passport and work pass.
- 4.10 PDPC clarifies that the positions taken for the retention of physical NRIC applies to the retention of other IDs that contain the NRIC number (e.g. driver's license,

³ Card Application Number

⁴ Personal data under the PDPA is defined as data, whether true or not, about an individual who can be identified – (a) from that data; or (b) from that data and other information to which the organisation has or is likely to have access.

passport) as collateral. This is because the same concerns of the risks associated with the indiscriminate retention of physical NRICs as collateral exist with other IDs that contain individuals' NRIC numbers. Organisations that wish to retain such IDs should only do so where it is required under the law, and put in place the appropriate security arrangements to protect the IDs from unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

- 4.11 In view that the FIN, Work Permit numbers and Birth Certificate numbers are also permanent and irreplaceable identifiers that bear similar risks as NRIC numbers if indiscriminately collected, used or disclosed, PDPC's position on the collection, use or disclosure of NRIC numbers (or copies of NRIC) and retention of physical NRICs will also apply to FIN, Work Permit numbers and Birth Certificate numbers, and the retention of other IDs containing such identification numbers (e.g. work passes).
- 4.12 While passport numbers are periodically replaced, PDPC notes that they too are important identification numbers that can serve the same purposes as the NRIC, FIN, Work Permit and Birth Certification numbers. Therefore, organisations should accord passports similar treatment as that for NRICs, i.e. refrain from collecting passport numbers. If there is a need to collect passport numbers, organisations should limit their collection to partial passport numbers and ensure an appropriate level of security to protect the passport numbers collected.

Consumer choice

- 4.13 Several respondents highlighted that consumers should be able to decide if they wish to use their NRIC numbers as their preferred identifier, such as for a service.
- 4.14 To be clear, in situations where the collection, use or disclosure of NRIC numbers is not required under the law nor necessary to accurately establish or verify the identities of individuals to a high degree of fidelity, organisations should not seek the individual's consent to collect, use or disclose his or her NRIC number (or copy of NRIC). Consent obtained from the individual contrary to the Advisory Guidelines does not override the requirement for organisations to ensure the personal data collected is for purposes that are considered appropriate in the circumstances.
- 4.15 PDPC recognises that in some cases, individuals may prefer to use their NRIC numbers as their identifiers as a matter of convenience. Individuals are not prohibited from choosing to use their NRIC numbers as their preferred identifiers, for example as their membership or log-in IDs. Individuals should make their own assessment of the risks of using their NRIC numbers for purposes that do not require it. Organisations are not expected to implement form verification code to reject NRIC numbers in online forms that allow individuals to type in free text.

Identifier for multiple product or service platforms or offerings

- 4.16 There was also feedback that some organisations rely on their customers' NRIC numbers as reliable, unique identifiers to identify and create a complete profile of customers across multiple product or service platforms or offerings (e.g. internet, Pay TV and telephony subscriptions).
- 4.17 Organisations that wish to collect, use or disclose the NRIC numbers of their customers for such purposes should only do so where it is required under the law or where there is a need to accurately establish or verify the identity of the customers to a high degree of fidelity. Otherwise, PDPC is of the view that organisations should adopt alternative identifiers (e.g. customers' full names and partial NRIC numbers) or issue unique identifiers which can meet their business purposes and operational needs.

5 Implementation timeframe

- 5.1 The public consultation sought views on the proposed provision of 12 months from the issuance of the finalised Advisory Guidelines, for organisations to review and implement the necessary changes to their business practices and processes involving the collection, use and disclosure of NRIC numbers (or copies of NRIC) and retention of physical NRICs as collateral.

Summary of feedback received

- 5.2 Among those who responded to PDPC's proposed timeframe of 12 months, individuals preferred a shorter implementation period, while organisations called for a longer period ranging from 18 to 24 months. There were also suggestions for PDPC to consider extensions on a case by case basis.
- 5.3 A few respondents called for the complete removal of NRIC numbers from organisations' databases. Some raised concerns or disagreed with the retrospective application to existing NRIC numbers in the organisations' possession, while others sought guidance on how existing NRIC numbers (or copies of NRIC) in their possession or under their control should be treated.
- 5.4 Several respondents also requested for PDPC to increase public education and awareness on the positions of the finalised Advisory Guidelines so as to minimise potential dispute between organisations and consumers in relation to the collection, use and disclosure of NRIC numbers (or copies of NRIC) or the retention of physical NRICs.
- 5.5 In balancing the need to allow sufficient time for organisations to implement the necessary changes with the need to ensure individuals' interests are protected, PDPC

considers 12 months to be a reasonable timeframe. PDPC will hence apply the interpretation of the PDPA in Part II of the Advisory Guidelines from 1st September 2019.

PART III: CONCLUSION

- 6.1 PDPC will continually assess the need to provide further guidance through Advisory Guidelines, technical guides or other resources to assist organisations in meeting their obligations under the PDPA. Organisations should visit www.pdpc.gov.sg for more information.
- 6.2 Once again, PDPC thanks all respondents for their comments and participation in this public consultation.

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