



PERSONAL DATA
PROTECTION COMMISSION
S I N G A P O R E

ADVISORY GUIDELINES FOR THE SOCIAL SERVICE SECTOR

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PART I: INTRODUCTION

1 Introduction

- 1.1 These Guidelines should be read in conjunction with the document titled "[Introduction to the Guidelines](#)"¹ and are subject to the disclaimers set out therein.
- 1.2 Developed in consultation with the National Council of Social Service ("NCSS"), these Guidelines aim to address the unique circumstances faced by the social service sector in complying with the PDPA.
- 1.3 Section 4(1)(c) of the PDPA provides that, among others, the Data Protection Provisions shall not impose any obligation on any public agency, or any organisation² in the course of acting on behalf of a public agency in relation to the collection, use or disclosure of personal data. Public agencies include the Government and specified statutory bodies, including the NCSS. The examples in these Guidelines on the Data Protection Provisions are relevant to voluntary welfare organisations ("VWOs") that do not fall within the definition of a public agency, or are not in the course of collecting, using or disclosing personal data on behalf of a public agency.
- 1.4 These Guidelines indicate the manner in which the Commission will interpret certain provisions of the PDPA in relation to some examples. As with all Guidelines issued by the Commission, these Guidelines are not meant to be an exhaustive representation of the circumstances faced by the social service sector and do not prescribe how organisations may wish to ensure compliance with the PDPA.

¹ Available at <http://www.pdpc.gov.sg/ag>

² Organisations that are acting on behalf of a public agency in relation to the collection, use or disclosure of personal data are excluded from the application of the Data Protection Provisions when they are so acting. However, such organisations may be subject to obligations under other laws and their contract with the relevant public agency. Such organisations also remain responsible to comply with the Data Protection Provisions in relation to other aspects of their business, for example, in relation to their employees' personal data or personal data of other clients.

PART II: APPLICATION OF THE DATA PROTECTION PROVISIONS TO THE SOCIAL SERVICE SECTOR

Please note that the following section and examples do not illustrate the application of the Do Not Call Provisions, which are addressed later in these Guidelines.

2 The Consent, Purpose Limitation and Notification Obligations

- 2.1 The Commission understands that VWOs may collect, use or disclose a client’s personal data including full name, NRIC number, contact details, financial and family situation, medical history, etc. for purposes such as evaluating the client’s suitability for social services or administering social services to the clients.
- 2.2 The Data Protection Provisions in Parts III to VI of the PDPA set out the obligations that organisations are required to comply with if they undertake activities relating to the collection, use or disclosure of personal data³. Among other things, organisations are required to obtain valid consent from the individual, for a limited purpose that has been notified to the individual, for the collection, use and disclosure of personal data of the individual, unless exceptions⁴ apply.

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| 2.3 | <p>Example: Using personal data</p> <p>VWO ABC arranges with Company XYZ so that Company XYZ will add in a fund-raising insert in the monthly bill which Company XYZ will send to its own database of customers.</p> <p>The customers could choose to donate to VWO ABC by referring to the instructions on the fund-raising insert. Hence, VWO ABC does not have access to the personal data of the customers whom Company XYZ sends the bills to, unless the customers choose to donate to VWO ABC and submit their personal data and donations to VWO ABC directly.</p> |
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³ Personal data is defined in the PDPA 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.” While some data may necessarily relate to an individual, other data may not, on its own, relate to an individual. Information that does not relate to a particular individual on its own may also form part of an individual’s personal data when combined with personal data or other information to enable an individual to be identified. Please refer to the Key Concept Guidelines for more information about the term “personal data”.

⁴ Please refer to the Second (collection of personal data without consent), Third (use of personal data without consent) and Fourth (disclosure of personal data without consent) Schedules under the PDPA for exceptions which may be applicable.

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| | <p><u>Treatment</u></p> <p>In packaging fund-raising inserts with its monthly bills addressed to an identifiable individual (whether as an insert, or printed on the monthly bill itself), Company XYZ is considered to have used personal data to send the fund-raising inserts to the individual, even if the fund-raising inserts themselves are not separately addressed to an individual. Accordingly, Company XYZ will have to comply with the PDPA in respect of such use.</p> <p>If Company XYZ has been using personal data collected before 2 July 2014 for such purposes, it may continue to do so without obtaining fresh consent, unless consent is withdrawn under the PDPA, or the individual had otherwise indicated that he/she does not consent to the use of the personal data. For more information relating to withdrawal of consent, please refer to Chapter 12 of the Advisory Guidelines on Key Concepts in the PDPA (“Key Concept Guidelines”).</p> <p>When assessing if VWO ABC is required to comply with the Data Protection Provisions in relation to sending the fund-raising inserts with the monthly bills, the Commission will consider the specific facts of the case such as the actual arrangement made between VWO ABC and Company XYZ to rely on the latter’s database containing the personal data.</p> <p>For example, where VWO ABC does not have control over the processing of the personal data in Company XYZ’s database for sending the fund-raising inserts, VWO ABC would not likely be subject to the Data Protection Provisions for engaging Company XYZ to send the inserts.</p> <p>In the event donors send their personal data directly to VWO ABC in connection with their donations, VWO ABC is considered to have control over the processing of donors’ personal data and would then be subject to the Data Protection Provisions.</p> |
| <p>2.4</p> | <p>VWO DEF engages Company GHI to help distribute promotional flyers about its upcoming programmes and events to the mailboxes of properties located within the vicinity of the VWO’s care centre, without giving Company GHI any individual’s personal data. The promotional flyers are addressed generically to “The Resident”.</p> <p><u>Treatment</u></p> <p>In this case, neither VWO DEF nor Company GHI would be considered to have collected or used the personal data of any individual residing in the vicinity in the distribution of the flyers. Hence, both VWO DEF and Company GHI would not be</p> |

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| | subject to the Data Protection Provisions for this set of activities. |
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Obtaining consent when collecting, using or disclosing personal data

- 2.5 The PDPC does not prescribe the manner in which consent is to be obtained by an organisation under the Data Protection Provisions. VWOs may decide on the most suitable way to obtain consent in accordance with the PDPA, and may refer to Chapter 12 of the Key Concepts Guidelines⁵ for more information on considerations and good practices when obtaining consent from an individual.
- 2.6 Prior to collecting, using or disclosing personal data about an individual, a VWO should consider:
- a) Whether the individual (or a person who has the legal authority to validly⁶ act on behalf of the individual) had been notified of the purposes for the collection, use or disclosure of his personal data and had given consent to such collection, use or disclosure;
 - b) If consent had not been given, whether consent can be deemed to have been given by the individual (or a person who has the legal authority to validly act on behalf of the individual) for the collection, use or disclosure of his personal data for the purpose; and
 - c) Whether the collection, use or disclosure without the consent of the individual is required or authorised under the PDPA or any other written law, in particular, assessing whether the circumstances fall within any of the exceptions from the Consent Obligation in the Second, Third or Fourth Schedules to the PDPA.
- 2.7 The Commission is aware that, depending on the nature of their services and demographics of the client or beneficiary, some VWOs may collect, use or disclose the personal data of minors and would accordingly have to obtain consent under the PDPA. Please refer to the Advisory Guidelines on Selected Topics (“Selected Topics Guidelines”) on “data activities relating to minors” for more information relating to persons who may exercise rights or powers under the PDPA, and considerations when

⁵ Available at <http://www.pdpc.gov.sg/ag>

⁶ Whether a person may validly act on behalf of an individual and under what circumstances are set out in existing laws (e.g. common law or the Mental Capacity Act). Apart from certain Regulations in relation to the rights or powers of deceased individuals, the PDPA generally does not affect such existing treatment. Instead, the PDPA merely provides that references to consent given, or deemed to have been given, by an individual shall include those given any person validly acting on behalf of that individual.

obtaining consent from minors.

Deemed consent

- 2.8 An individual is deemed to consent to the collection, use and disclosure of his personal data for a purpose if the individual voluntarily provides the personal data to the organisation for that purpose and it is reasonable that the individual would do so.
- 2.9 In a situation where an individual gives, or is deemed to have given consent to the disclosure of personal data about the individual by one organisation to another organisation for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal data for that particular purpose by that other organisation.
- 2.10 Although organisations may rely on deemed consent instead of obtaining actual consent from the individual, it is good practice for an organisation to review its business processes to determine the situations where it should obtain actual consent instead of relying on deemed consent.
- 2.11 When it is unclear whether consent may be deemed, organisations should obtain consent from the individual to collect, use or disclose his personal data (as the case may be) for the relevant purposes in order to avoid any dispute over whether consent was given.
- 2.12 The following examples illustrate situations involving consent under the PDPA. Please refer to Chapter 12 of the Key Concepts Guidelines on the “Consent Obligation” for more information.

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| 2.13 | <p>Example: Disclosure of personal data for a case conference</p> <p>Madam Koh, a client with multiple social and medical needs, approaches VWO ABC to apply for social service assistance.</p> <p>While interviewing Madam Koh during the application process, Peter, a social worker at VWO ABC, found out from Madam Koh that she has also been receiving social services from VWO XYZ.</p> <p>Peter believes there could be better coordination between the two VWOs in order to provide timely services to Madam Koh. Peter proceeds to call Paula from VWO XYZ (whose name was shared by Madam Koh as the social worker handling her case) to invite Paula to a case conference and to discuss possible options to render</p> |
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| | <p>assistance to Madam Koh.</p> <p>The case conference is likely to involve the disclosure of Madam Koh’s personal data such as her medical history, family conditions, services that Madam Koh is currently receiving, or has received in the past, by both VWO ABC and VWO XYZ, as represented by Peter and Paula.</p> <p><u>Treatment</u></p> <p>VWO ABC and VWO XYZ are required to notify Madam Koh of the purpose for the collection, use and disclosure of her personal data for the case conference and obtain her consent for such collection, use and disclosure, unless an exception applies. For example, an exception applies where the collection, use or disclosure (as the case may be) is necessary for any purpose that is clearly in the interest of the individual, if consent for the collection, use or disclosure cannot be obtained in a timely way⁷.</p> <p>Before convening a case conference, VWO ABC and VWO XYZ have the flexibility to decide on the most suitable way to obtain consent from Madam Koh. For example, they may decide that one of them will notify and obtain consent from Madam Koh on behalf of both VWOs. If they choose to do so, they would (among other things) have to ensure that the consent given by Madam Koh is for the collection, use and disclosure of her personal data by both VWO ABC and VWO XYZ.</p> |
| 2.14 | <p>Example: Collection, use, and disclosure of personal data for client surveys</p> <p>VWO ABC intends to conduct a survey on the impact of its services on individual clients, which involves the collection and use of personal data (including clients’ full names, contact details and income levels). VWO ABC intends to publish the results of the survey in a form that identifies the individual clients⁸ in their annual report and on their website.</p> |

⁷ Paragraph 1(a) of the Second Schedule (collection of personal data without consent), Paragraph 1(a) of the Third Schedule (use of personal data without consent) and Paragraph 1(a) of the Fourth Schedule (disclosure of personal data without consent).

⁸ The Data Protection Provisions will not apply to the disclosure of the results if VWO ABC discloses anonymised data. The data could be anonymised in various ways before publication, such as through removing personal identifiers or aggregating data points so that individual clients can no longer be identified. Chapter 3 of the Selected Topics Guidelines relating to Anonymisation provides more information on anonymisation and re-identification risks.

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| | <p><u>Treatment</u></p> <p>VWO ABC must obtain consent from the individual clients to collect, use and disclose their personal data before conducting the survey, unless an exception applies.</p> <p>If VWO ABC intends to use or disclose personal data that had previously been collected for other purposes for this survey, VWO ABC may wish to consider whether the exception for use or disclosure of personal data without consent for research in paragraph 1(i)⁹ of the Third Schedule or paragraph 1(q)¹⁰ of the Fourth Schedule respectively) would apply.</p> |
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| 2.15 | <p>Example: Posting photographs of clients on social media networks</p> <p>John, a volunteer at VWO ABC, is assisting VWO ABC to organise a gathering for its clients, donors and volunteers at its centre. As John is an avid photographer, VWO ABC requests John to take photographs of the event, so that VWO ABC can post them on its official website and official social media network profile page.</p> <p><u>Treatment</u></p> <p>To the extent that the photographs show identifiable individuals, VWO ABC would need the consent of the individuals for the collection, use or disclosure of the photographs and will need to comply with the PDPA. Please refer to Chapter 12 of the Key Concepts Guidelines on the “Consent Obligation” for more information.</p> <p>Generally, if VWO ABC intends to publish the photographs of individuals, it must obtain the individuals’ consent before doing so, unless an exception applies (e.g. if</p> |
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⁹ An organisation may use personal data about an individual without consent of the individual if, subject to conditions, the personal data is used for a research purpose, including historical or statistical research. The conditions are - (a) the research purpose cannot reasonably be accomplished unless the personal data is provided in an individually identifiable form; (b) it is impracticable for the organisation to seek the consent of the individual for the use; (c) the personal data will not be used to contact persons to ask them to participate in the research; and (d) linkage of the personal data to other information is not harmful to the individuals identified by the personal data and the benefits to be derived from the linkage are clearly in the public interest.

¹⁰ An organisation may disclose personal data about an individual without consent of the individual subject to the same conditions (a) to (d) listed in footnote 9 above, and (e) the organisation to which the personal data is to be disclosed has signed an agreement to comply with —(i) the PDPA; (ii) the policies and procedures relating to the confidentiality of personal data of the organisation that collected the personal data; (iii) security and confidentiality conditions of the organisation disclosing the personal data; (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity; and (v) a requirement not to use the personal data for any other purpose or to disclose the personal data in individually identifiable form without the express authorisation of the organisation that disclosed the personal data.

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| | <p>the personal data is publicly available¹¹).</p> <p>Consent (if required) may also be deemed to have been given in some instances where an individual voluntarily provides or makes available his personal data for a purpose. For example, consent may be deemed to have been given if:</p> <ul style="list-style-type: none"> a) In its invitations, VWO ABC clearly states that photographs of attendees will be taken at the function for publicity purposes; or b) VWO ABC puts up an obvious notice at the reception or entrance of its centre to inform attendees that photographs will be taken at the event for publicity purposes. |
| <p>2.16</p> | <p>John intends to use some of the unpublished photographs from VWO ABC’s event to create a montage and post it on his personal social media network profile page.</p> <p><u>Treatment</u></p> <p>Depending on the circumstances, John may be regarded as an employee (which would include a volunteer) or an individual acting in his personal capacity. Under the PDPA, employees (and this includes volunteers) who are acting in the course of their employment with an organisation, are excluded from the application of the Data Protection Provisions. Similarly, individuals who are acting in a personal capacity are not required to comply with the Data Protection Provisions.</p> <p>If John was acting in a personal capacity when taking the photographs, then publishing it on the social media network profile page would not be a breach of the Data Protection Provisions and VWO ABC would not be responsible for John’s conduct.</p> <p>If John was acting as an employee within the meaning of the PDPA when taking the photographs or the unpublished photographs belong to VWO ABC, then VWO ABC may be liable for his conduct under the PDPA, even if John himself is not liable. In this case, John’s actions may potentially cause VWO ABC to breach the PDPA, for example, in relation to VWO ABC’s compliance with the Protection Obligation¹².</p> |

¹¹ The term “publicly available” is defined in section 2(1) of the PDPA and refers to personal data (about an individual) that is generally available to the public, including personal data which can be observed by reasonably expected means at a location or an event at which the individual appears and that is open to the public.

¹² The Protection Obligation sets out that 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.

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| | <p>VWO ABC should take reasonable actions to safeguard itself against such risks. For example, VWO ABC may implement policies and procedures (that include disciplinary measures in the event of breaches) for employees/volunteers to ensure protection of the personal data in its possession or under its control including photographs taken of the VWO’s clients, and/or conduct training for employees/volunteers to impart good practices on handling personal data. Please refer to Chapter 17 on the Protection Obligation in the Key Concepts Guidelines and the section below for more information.</p> |
| <p>2.17</p> | <p>Example: Disclosure of clients’ personal data to a third party</p> <p>VWO ZYX receives a letter from a neighbourhood grassroots club requesting for a list of VWO ZYX’s needy clients and their addresses in order for the grassroots club to deliver some food rations to these clients.</p> <p><u>Treatment</u></p> <p>The Data Protection Provisions will generally apply to VWO ZYX’s disclosure of its clients’ personal data to the grassroots club.</p> <p>Among other things, consent would be required for such disclosure unless an exception applies, such as when the disclosure is necessary for any purpose which is clearly in the interests of the individual, if consent for its disclosure cannot be obtained in a timely way. Please refer to Chapter 12 of the Key Concepts Guidelines on the “Consent Obligation” for more information.</p> |

Exceptions for collection, use or disclosure of personal data without consent

- 2.18 The PDPA permits the collection, use and disclosure of personal data without consent (and in the case of collection, from a source other than the individual) in circumstances provided in the Second (collection of personal data without consent), Third (use of personal data without consent) and Fourth Schedules (disclosure of personal data without consent) to the PDPA respectively.
- 2.19 Such exceptions include where the collection, use or disclosure of personal data is necessary for evaluative purposes (such as in relation to the grant of financial or social assistance, or the delivery of appropriate health services, under any scheme

administered by a public agency)¹³. However, these exceptions to the Consent Obligation do not affect rights or obligations by or under other laws. For example, even if an exception applies under the PDPA, organisations are required to comply with any legal obligations of confidentiality that they may have.

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| 2.20 | <p>Example: Disclosure of personal data without consent in an emergency situation</p> <p>Maggie works at a day care centre for senior citizens. One day, an elderly client at the centre, Mr. Tan, falls ill after his meal and has to be admitted to the hospital.</p> <p>Maggie provides the hospital staff with Mr. Tan’s personal data such as his full name, NRIC number, and medical allergies.</p> <p><u>Treatment</u></p> <p>Maggie may disclose Mr. Tan’s personal data without consent, as there is an applicable exception under the paragraph 1(b) of the Fourth Schedule to the PDPA which relates to the disclosure of an individual’s personal data, without consent, that is necessary to respond to an emergency that threatened, among other things, his health.</p> |
| 2.21 | <p>Example: Exception to the Consent Obligation for evaluative purposes</p> <p>Don is an employee of VWO DEF that provides social and recreational activities and food rations to low-income households.</p> <p>He receives a call from Audrey, a social worker with VWO 123. Audrey enquires on</p> |

¹³ For completeness, “evaluative purpose” is defined under the PDPA to mean –

- (a) for the purpose of determining the suitability, eligibility or qualifications of the individual to whom the data relates – (i) for employment or for appointment to office; (ii) for promotion in employment or office or for continuance in employment or office; (iii) for removal from employment or office; (iv) for admission to an education institution; (v) for the awarding of contracts, awards, bursaries, scholarships, honours or other similar benefits; (vi) for selection for an athletic or artistic purposes; or (vii) for grant of financial or social assistance, or the delivery of appropriate health services, under any scheme administered by a public agency;
- (b) for the purpose of determining whether any contract, award, bursary, scholarship, honour or other similar benefit should be continued, modified or cancelled;
- (c) for the purpose of deciding whether to insure any individual or property or to continue or renew the insurance of any individual or property; or
- (d) for such other similar purposes as may be prescribed by the Minister.
No other such purposes have been prescribed to date.

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| | <p>the services that one of VWO DEF’s clients, Mr. Ong, had been receiving, and to understand Mr. Ong’s financial situation. Audrey explains to Don that Mr. Ong had approached VWO 123 recently to apply for their pilot social assistance scheme administered by a public agency¹⁴.</p> <p><u>Treatment</u></p> <p>In this case, consent is not required for VWO 123 to collect and use Mr. Ong’s personal data if the collection or use is necessary for an evaluative purpose¹⁵ (e.g. to determine Mr. Ong’s suitability or eligibility for grant of social assistance under the scheme administered by the public agency). Similarly, consent is not required for VWO DEF to disclose Mr. Ong’s personal data to VWO 123 if the disclosure is necessary for an evaluative purpose¹⁶.</p> <p>Both VWO 123 and VWO DEF should also ensure that they remain compliant with relevant sectoral laws and regulatory requirements.</p> |
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Obtaining consent from source(s) other than the individual

- 2.22 The Commission is aware that in some circumstances, an organisation may obtain personal data about an individual with the consent of the individual, but from a source other than an individual (“third party”). These may include:
- a) Where the third party source can validly give consent to the collection, use and disclosure of the individual’s personal data; or
 - b) Where the individual has consented, or is deemed to have consented to the disclosure of his or her personal data by the third party source.
- 2.23 VWOs may wish to consider how best to obtain consent from clients who are individuals that may not have the capacity to give consent for themselves, such as a

¹⁴ “Public agency” is defined under the PDPA to include: (a) the Government, including any ministry, department, agency, or organ of State; (b) any tribunal appointed under any written law; or (c) any statutory body specified under subsection (2).

¹⁵ See definition of “evaluative purpose” under the PDPA in footnote 13 in these guidelines, and paragraph 1(f) of the Second and Third Schedules to the PDPA.

¹⁶ See paragraph 1(h) of the Fourth Schedule to the PDPA.

client who is mentally unwell, or is a minor¹⁷. In this regard, the Data Protection Provisions do not affect any authority, right, obligation or limitation under other laws and VWOs should accordingly ensure compliance with other laws such as the Mental Capacity Act.

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| 2.24 | <p>Example: Consent for collection of personal data from third parties</p> <p>Adam, an only child who lives with his elderly parents, has not been able to find a job for a year. He learns about a financial assistance programme offered by VWO ABC and decides to apply for it.</p> <p>As part of its enrolment process, VWO ABC requires all applicants to provide the personal data of family members living in the same household, including their full names, and employment status. VWO ABC collects and uses these personal data to evaluate a client's suitability for its programme.</p> <p>Adam had not obtained either parent's consent before disclosing their personal data to VWO ABC.</p> <p><u>Treatment</u></p> <p>Before disclosing personal data of an individual, the consent of the individual should typically be obtained, unless an exception applies.</p> <p>In this case, VWO ABC can collect Adam's parents' personal data from Adam without his parents' consent, pursuant to Paragraph 1(m) of the Second Schedule. This exception relates to a situation where personal data of an individual (i.e. Adam's parents) was provided to the organisation (i.e. VWO ABC) by another individual (i.e. Adam) to enable the organisation to provide a service for the personal or domestic purposes of that other individual (i.e. Adam).</p> <p>VWO ABC should also ensure that it remains compliant with relevant sectoral laws and regulatory requirements.</p> |
| 2.25 | <p>Madam Lim visits VWO ABC and chats with Robert, who is employed by VWO ABC as a social worker, to find out more about a new social assistance programme which</p> |

¹⁷ Please refer to the Personal Data Protection Regulations 2014 and Advisory Guidelines on Selected Topics relating to persons who may exercise rights or powers under the PDPA, and considerations when obtaining consent from minors.

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| <p>it is launching next month.</p> <p>Robert assesses that Madam Lim does not meet the requirements to qualify for VWO ABC's programme, but intends to refer Madam Lim to a programme offered by VWO XYZ.</p> <p>Robert obtains Madam Lim's consent to disclose her personal data to VWO XYZ as part of the professional referral process.</p> <p><u>Treatment</u></p> <p>Before VWO XYZ collects Madam Lim's personal data from VWO ABC (through VWO ABC's employee Robert), VWO XYZ should exercise due diligence to check and ensure that VWO ABC had obtained consent from Madam Lim to disclose her personal data.</p> <p>In this scenario, VWO XYZ is obtaining Madam Lim's personal data from a third party source – VWO ABC.</p> <p>Organisations should adopt appropriate measures to verify that the third party source has obtained consent from the individual concerned. Depending on the circumstances, this may be met by obtaining the individual's consent in writing or in other evidential form through the third party, or obtaining and documenting in an appropriate form, verbal confirmation from the third party that the individual has given consent.</p> <p>In addition, VWO XYZ could, as good practice, verify with Madam Lim when contacting her for the first time that she had provided consent through VWO ABC for VWO XYZ to contact her.</p> <p>Please refer to Chapter 12 of the Key Concepts Guidelines for more information on considerations when collecting personal data from third party sources.</p> |
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3 The Access and Correction Obligation¹⁸

- 3.1 Section 21(1) of the PDPA provides that, upon request by an individual, an organisation shall provide the individual with the following as soon as reasonably possible:
- a) personal data about the individual that is in their possession or under the control of the organisation; and
 - b) information about the ways in which that personal data has been or may have been used or disclosed by the organisation within a year before the date of the individual's request.
- 3.2 The Fifth Schedule to the PDPA contains exceptions to this obligation such as where the data is opinion data kept solely for an evaluative purpose. In addition, section 21(3) and section 21(4) sets out circumstances where an organisation is prohibited from providing access.¹⁹
- 3.3 Sections 22(1) and 22(2) of the PDPA provide that an individual may submit a request for an organisation to correct an error or omission in the individual's personal data that is in the possession or under the control of the organisation ("a correction request"). Upon receipt of a correction request, the organisation is required to make the correction unless the organisation is satisfied on reasonable grounds that the correction should not be made.
- 3.4 In particular, the PDPA provides that an organisation should:
- a) correct the personal data as soon as practicable; and
 - b) send the corrected personal data to every other organisation²⁰ to which the personal data was disclosed by the organisation within the year before the date the correction request was made, unless that other organisation does not need the corrected personal data for any legal or business purpose.
- 3.5 If an organisation is satisfied upon reasonable grounds that a correction should not be made (whether the organisation is responding to a correction request made directly

¹⁸ Please refer to the Personal Data Protection Regulations 2014 and Chapter 15 of the Key Concepts Guidelines on the "Access and Correction Obligation" for more information.

¹⁹ If an organisation is able to provide the individual with his/her personal data and other information requested under section 21(1) without the personal data or other information excluded under the Fifth Schedule, section 21(3) and section 21(4), then it must do so (see section 21(5) of the PDPA).

²⁰ However, an organisation (not being a credit bureau) may, if the individual consents, send the corrected personal data only to specific organisations to which the personal data was disclosed by the organisation within a year before the date the correction was made (see section 22(3) of the PDPA).

by the individual or has been notified of a correction made by such an organisation), section 22(5) requires the organisation to annotate (that is, make a note to) the personal data in its possession or under its control indicating the correction that was requested but not made. As a good practice, the organisation may also wish to annotate the reasons why it has decided that the correction should not be made.

3.6 The obligation to correct personal data is subject to a number of exceptions in section 22 and the Sixth Schedule of the PDPA. One such exception relates to personal data which is opinion data kept solely for an evaluative purpose²¹.

3.7 The following example illustrates the application of the Access Obligation.

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| 3.8 | <p>Example: Accessing personal data of one individual which was provided by another individual</p> <p>VWO ABC is launching a new social service scheme targeting the elderly.</p> <p>Madam Chua, a widow who lives in a one-room apartment, intends to apply for VWO ABC's new scheme.</p> <p>As part of the application process, Madam Chua is required to provide VWO ABC with the personal data of her family members or those in her support system in order for VWO ABC to assess her suitability. Madam Chua discloses the full names of her five children, and their marital status. In addition, Madam Chua discloses that one of her children, Alan is not her biological son and was adopted. She added that Alan was not aware that he was an adopted child.</p> <p>Alan learns about his mother's application for the social service scheme and makes an access request for the personal data VWO ABC has about him, and how it had been used by VWO ABC.</p> <p><u>Treatment</u></p> <p>Generally, VWO ABC should provide Alan access to his personal data which is in the possession or under the control of VWO ABC and information about the ways in which such personal data has been or may have been used by VWO ABC over the past year.</p> |
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²¹ Please refer to the PDPA for the full set of exceptions.

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| <p>However, VWO ABC must consider if any prohibition under section 21 applies.²² For example, section 21(3) of the PDPA prohibits VWO ABC from providing Alan with his personal data or other information, as the case may be, if doing so could reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request.²³</p> <p>VWO ABC may also wish to consider if any of the exceptions to the Access Obligation set out in the Fifth Schedule apply.</p> <p>VWO ABC should generally exercise due diligence and adopt appropriate measures to verify the identity of Alan before providing him with access to his personal data.</p> |
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²² Please refer to Sections 21(3) and (4) of the PDPA for the full list of circumstances under which organisations must not provide individuals with access to their personal data.

²³ This is set out in Section 21(3)(b) of the PDPA.

4 The Protection Obligation

- 4.1 The PDPA requires an organisation to make reasonable security arrangements to protect personal data in its possession or under its control.
- 4.2 There is no ‘one size fits all’ solution for organisations to comply with the Protection Obligation. Generally, VWOs should consider factors such as the nature of the personal data in their possession or under their control (as the case may be), and the adverse impact to individuals if an unauthorised person obtained, modified or disposed of the personal data, to determine the security arrangements that are reasonable and appropriate in the circumstances.
- 4.3 Please refer to Chapter 17 of the Key Concepts Guidelines for more information relating to the Protection Obligation, and more examples of security arrangements.

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| 4.4 | <p>Example: Protecting personal data that has been collected</p> <p>VWO XYZ operates a day activity centre for senior citizens. As part of its security procedures, VWO XYZ requires all visitors to the centre to sign up for a visitor pass at the reception. Visitors are requested to provide their name, NRIC numbers, and contact number in order to be issued a visitor pass. VWO XYZ records such information in a log book at the reception.</p> <p><u>Treatment</u></p> <p>VWO XYZ should consider the specific circumstances when assessing whether it is reasonable to collect the personal data of visitors to their premises. Generally, organisations should avoid collecting NRIC numbers and are encouraged use alternative ways to address their requirements.</p> <p>Generally, VWO XYZ is required to comply with the Protection Obligation in respect of the personal data recorded in the log book. Security arrangements implemented by organisations may take various forms such as administrative measures, physical measures or technical measures. In the case of VWO XYZ, for example, an administrative measure which it could implement to safeguard the personal data would be to assign the reception staff to record the personal data in the log book rather than getting the visitor to do so (as the visitor could possibly read through the log book pages and see who else had visited the VWO). Other examples could be to instruct the reception staff to keep the log book locked in a cabinet or drawer when not in use, or to have the log book manned at all times, in order to prevent</p> |
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| | unauthorised persons from accessing it. |
| 4.5 | <p>Example: Protecting personal data collected through a website</p> <p>VWO ABC operates an online portal which allows individuals to sign up as volunteers. The registration process involves the collection of personal data of individuals who sign up, such as their full names, mobile numbers and email addresses.</p> <p><u>Treatment</u></p> <p>VWO ABC is required to comply with the Protection Obligation by making reasonable security arrangements to protect the personal data collected by VWO ABC through the portal. An example of a technical measure which VWO ABC could adopt would be to encrypt all personal data captured through the registration process before it is being transferred to VWO ABC's local database for storage.</p> |

5 The Retention Limitation Obligation

- 5.1 The Retention Limitation Obligation requires an organisation to cease to retain its 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 the purpose for which that personal data was collected is no longer being served by retention of the personal data, and the retention is no longer necessary for legal or business purposes. The PDPA does not prescribe a specific retention period for personal data.
- 5.2 VWOs should review the personal data they hold on a regular basis to determine if that personal data is still needed for the purposes of collection or other legal or business purposes. Relevant considerations in conducting such reviews may include:
- a) Whether one or more of the purposes for which the personal data was collected is still being served by the retention of the personal data; and
 - b) Whether retention of the personal data is necessary for other legal or business purposes. For example, where the personal data is relevant to an ongoing legal action, or where the personal data needs to be used to generate an annual report.

6 Organisations and Data Intermediaries or Employees

Organisations and data intermediaries

- 6.1 Generally, organisations²⁴ that VWOs typically work with (such as sponsors, donors or service providers) will also be subject to the Data Protection Obligations, unless they fall within a category of organisations that is expressly excluded. For example, organisations which are data intermediaries are partially excluded from the application of the Data Protection Provisions, as explained further below.
- 6.2 A data intermediary is an organisation that processes personal data on behalf of another organisation, but excludes an employee of that other organisation. In some situations, VWOs may engage data intermediaries to process personal data. The PDPA provides that a data intermediary that processes personal data on behalf of and for the purposes of another organisation pursuant to a contract which is evidenced or made in writing will only be subject to the Protection Obligation and Retention Limitation Obligation and not any of the other Data Protection Provisions.
- 6.3 A data intermediary remains responsible for complying with all Data Protection Provisions in respect of other activities that do not constitute processing of personal data on behalf of and for the purposes of another organisation that is pursuant to a contract evidenced or made in writing.
- 6.4 In any case, under section 4(3) of the PDPA, the organisation that engages the data intermediary would still have the same obligations under the PDPA in respect of personal data processed on its behalf as if the personal data were processed by the organisation itself.
- 6.5 VWOs should note that whether an organisation charges a VWO for its services generally does not affect whether that organisation is a data intermediary of the VWO. Please refer to Chapter 6 of the Key Concepts Guidelines for more information on when an organisation is considered a data intermediary, as well as the obligations applicable to data intermediaries and the organisations that engage data intermediaries, under the PDPA.

²⁴ The PDPA defines an organisation as “any individual, company, association or body of persons, corporate or unincorporated whether or not formed or recognised under the law of Singapore; or resident, or having an office or a place of business, in Singapore”.

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| 6.7 | <p>Example: Engaging a data intermediary to manage payroll</p> <p>Company 789, which is owned by one of VWO GHI’s Board Members, provides pro-bono services to process the payroll for all employees working in VWO GHI’s various centres in Singapore. Company 789 will hold records of VWO GHI’s employees such as their full names, NRIC numbers, duration of employment, salary and bank account details. Company 789 is processing the personal data solely for the purposes of payroll administration pursuant to a written agreement with VWO GHI.</p> <p><u>Treatment</u></p> <p>In this case, Company 789 is considered a data intermediary processing personal data on behalf of and for the purposes of VWO GHI pursuant to a contract evidenced or made in writing. The fact that Company 789 does not charge VWO GHI for its services does not affect Company 789’s status. Company 789 will be subject only to the Protection Obligation and Retention Limitation Obligation in respect of such processing, while VWO GHI will have the same obligations under the PDPA in respect of the personal data of VWO GHI’s employees processed on its behalf by Company 789, as if the personal data were processed by VWO GHI itself.</p> |
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Organisations and employees (including volunteers)

- 6.8 Employees acting in the course of their employment with an organisation are excluded from the application of the Data Protection Provisions. The definition of ‘employee’ in the PDPA includes a volunteer, who could be an individual who undertakes work without an expectation of payment of salary. VWOs would be responsible for the actions of their employees (including volunteers) which result in a contravention of the Data Protection Provisions, provided the employees/volunteers are acting in the course of their employment.
- 6.9 As explained earlier, there are several obligations within the Data Protection Provisions which require organisations to develop and implement policies and practices that are necessary for the organisation to meet its obligations under the PDPA. Organisations are required to make the information about their data protection policies available to their employees (including volunteers).
- 6.10 For more information on employees and employment please refer to Chapter 6 of the Key Concepts Guidelines relating to employees and Chapter 5 of the Selected Topics Guidelines on employment.

7 Rights and obligations, etc under other laws

- 7.1 Section 4(6) of the PDPA states that unless otherwise provided in the PDPA, nothing in Parts III to VI of the PDPA shall affect any authority, right, privilege or immunity conferred, or obligation or limitation imposed, by or under the law, including legal privilege, except that the performance of a contractual obligation shall not be an excuse for contravening the PDPA, and the provisions of other written law shall prevail to the extent that any provision of Parts III to VI is inconsistent with the provisions of that other written law.
- 7.2 Similarly, section 13(b) of the PDPA provides that an organisation shall not, on or after the appointed day (i.e., 2 July 2014), collect, use or disclose personal data about an individual without the consent of the individual unless the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorised under the PDPA or any other written law.
- 7.3 Section 19 of the PDPA provides that notwithstanding the other provisions of Part IV of the PDPA, an organisation may use personal data collected before the appointed day (i.e., 2 July 2014) for the purposes for which the personal data was collected, unless consent for such use is withdrawn or the individual has indicated to the organisation that he does not consent to the use of the personal data. Such 'use' could include disclosure that is necessarily part of the organisation's use of such personal data. For avoidance of doubt, the Do Not Call Provisions will apply to the sending of specified messages to Singapore telephone numbers, even if the Singapore telephone numbers are collected before the appointed day.

PART III: APPLICATION OF THE DO NOT CALL PROVISIONS TO THE SOCIAL SERVICE SECTOR

The following sections and examples set out the application of the Do Not Call Provisions and the Personal Data Protection (Exemption from Section 43) Order (S 817/2013) (“Exemption Order”) to scenarios faced in the social service sector. They are not meant to exhaustively address every obligation in the PDPA that would apply in that scenario. In particular, they do not illustrate the application of the Data Protection Provisions, which were addressed earlier in these Guidelines.

8 The Do Not Call Provisions

- 8.1 Messages with a purpose to offer to supply, advertise or promote goods or services, land or an interest in land, or a business or investment opportunity, or a supplier of such goods, services, land or opportunity are specified messages and the Do Not Call Provisions will apply to such messages.
- 8.2 Messages which do not have any of the purposes listed above will not be considered specified messages.
- 8.3 The Eighth Schedule to the PDPA sets out exclusions from the meaning of “specified message” that relate to, among others, any message sent by a public agency under, or to promote, any programme carried out by any public agency, which is not for commercial purpose, any message the sole purpose of which is to conduct market research or market survey, any “business-to-business” marketing message and other types of information specified in the Eighth Schedule.
- 8.4 The Do Not Call Provisions apply to a specified message (in the form of voice calls, text messages or faxes) addressed to a Singapore telephone number, if the sender of the specified message is present in Singapore when the specified message is sent or the recipient of the specified message is present in Singapore when the specified message is accessed.

Obligation to check the Do Not Call Registers

- 8.5 One significant obligation under the Do Not Call Provisions is that the organisation sending the specified message will have to check the Do Not Call Registers as described above, unless:
- a) the user or subscriber of the Singapore telephone number has given clear and unambiguous consent in written or other accessible form to the sending of the

- specified message to that number; or
- b) the organisation is exempted from complying with its obligation under the Exemption Order.
- 8.6 Under the Exemption Order, a sender that is sending a specified fax message or a specified text message to a Singapore telephone number related to the subject of an ongoing relationship between the sender and a recipient is exempted from the requirement to check the relevant Do Not Call Registers, if certain conditions are met. An “ongoing relationship” under the Exemption Order means a relationship which is on an ongoing basis, between a sender and a subscriber or user of a Singapore telephone number, arising from the carrying on or conduct of a business or activity (commercial or otherwise) by the sender. Please refer to Chapter 4 of the Advisory Guidelines on the Do Not Call Provisions for further elaboration.
- 8.7 In determining what constitutes an ongoing relationship, the Commission considers one-off interactions or transactions in themselves to be insufficient to be an ongoing relationship. For example, the fact that the individual volunteered or donated once, in themselves, would be insufficient to establish an ongoing relationship between the individual and the sender.

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| 8.8 | <p>Examples: Whether messages are specified messages²⁵</p> <p>VWO ABC runs a caregiver support group for families taking care of the elderly and will be conducting a seminar to impart skills in caring for the elderly.</p> <p>a) VWO ABC sends an SMS to various individuals who are clients and volunteers to publicise the event. The message is likely to be a specified message to the extent that it is an offer to provide a service.</p> <p>b) VWO ABC calls VWO XYZ’s office line to inform VWO XYZ about the seminar and ascertain whether VWO XYZ would like to promote the upcoming seminar to VWO XYZ’s clients and volunteers. Such a call is <u>not</u> a specified message as under the Eighth Schedule, a message sent to an organisation (other than an individual acting in a personal or domestic capacity) for any business purposes of the receiving organisation is excluded from the meaning of specified message.</p> |
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²⁵ Please refer to the Advisory Guidelines on the Do Not Call Provisions for more information and examples on when messages are considered specified messages.

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| | <p>c) Should VWO XYZ market VWO ABC’s seminar to individuals listed in VWO XYZ’s own database of clients and volunteers by sending messages to their telephone numbers, VWO XYZ will be sending a specified message to those individuals.</p> <p>d) VWO ABC sends an SMS to its clients and volunteers, who had signed up for the seminar, informing of a postponement in the seminar. VWO ABC is <u>not</u> sending a specified message to the extent that the message does not offer to supply a good or service or have any of the other purposes listed in the definition of a specified message.</p> |
| 8.9 | <p>VWO XYZ is organising an annual charity fund-raiser.</p> <p>a) VWO XYZ sends an SMS to its donors and volunteers to donate money during the annual fund-raiser. To the extent that the SMS does not offer to supply a good or service or have any of the other purposes listed in the definition of a specified message, such a message would <u>not</u> be a specified message.</p> <p>b) VWO XYZ sends an SMS to its clients, donors and volunteers informing that it has partnered Company ABC to sell ABC’s limited edition products at the annual fund-raiser. In this case, as VWO XYZ is offering to supply or promoting Company ABC’s products, it is considered to be sending a specified message.</p> <p>c) VWO XYZ calls its donors and volunteers to thank them for the donations/assistance rendered at the charity fund-raiser. VWO XYZ is <u>not</u> sending a specified message as the message does not offer to supply a good or service or have any of the other purposes listed in the definition of a specified message.</p> |

8.10 The following examples illustrate the application of the Exemption Order, the details of which have been summarised in the preceding paragraphs.

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| 8.11 | <p>Examples: Application of the Exemption Order</p> <p>a) Tony participated in a seminar organised by VWO ABC last year. In this case, VWO ABC <u>cannot</u> rely on the Exemption Order to send a specified message to Tony as his participation in last year’s seminar was a one-off</p> |
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| | <p>interaction.</p> <p>b) Debbie is a member of a volunteer club established by VWO DEF. VWO DEF may rely on the Exemption Order to send Debbie text or fax messages promoting its upcoming volunteer training programmes.</p> |
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