PUBLIC CONSULTATION ON PROPOSED ADVISORY GUIDELINES ON USE OF PERSONAL DATA IN AI RECOMMENDATION AND DECISION SYSTEMS

Issued 18 July 2023

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PART I: INTRODUCTION AND OVERVIEW

1   Introduction

1.1   The Personal Data Protection Act 2012 (**the "PDPA"**) governs the collection, use and disclosure of individuals' personal data by organisations. The PDPA's data protection obligations are set out in Parts III to VI of the PDPA (**the "Data Protection Provisions"**). The functions of the Personal Data Protection Commission (**the "Commission"**) include, amongst others, promoting awareness of data protection in Singapore and administering and enforcing the PDPA.

1.2   Section 49(1) of the PDPA provides for the Commission to issue advisory guidelines to provide guidance on how the Commission will interpret provisions of the PDPA. These Guidelines should be read in conjunction with the Commission's Advisory Guidelines on Key Concepts in the PDPA, Advisory Guidelines on Selected Topics as well as its Guide to Basic Anonymisation. These Guidelines are advisory in nature, are not legally binding on the Commission or on any other party, and do not constitute legal advice. They neither modify nor supplement in any way the legal effect of any laws cited, including, but not limited to, the PDPA and any subsidiary legislation issued under the PDPA. The provisions of the PDPA and any subsidiary legislation will prevail over these Guidelines in the event of any inconsistency. These Guidelines should not be construed to limit or restrict the Commission's administration and enforcement of the PDPA.

1.3   These Guidelines are provided for situations where the design and/or deployment of machine-learning AI models or systems involve the use of personal data in scenarios governed by the PDPA**.**

1.4   In preparing the guidelines, the Commission has also taken into consideration the state of the science and current industry practices.

1.5   The Commission has launched this public consultation to solicit views and comments on the proposed advisory guidelines, and whether there are additional issues or common scenarios that these proposed advisory guidelines should address.

2   Overview of the proposed advisory guidelines

2.1   These Advisory Guidelines address issues and scenarios such as:

a) How organisations may benefit from existing exceptions within the PDPA when they want to use Personal Data in the development of machine-learning AI models or systems;

b) How to meet requirements of the consent, notification and accountability obligations under the PDPA when collecting personal data for use in machine-learning AI systems for decisions, recommendations or predictions.

PART II: SUBMISSION OF COMMENTS

3 Administrative details

3.1 Parties that submit comments on these proposed advisory guidelines should organise their submission as follows:

a) Cover page (including particulars of the organisation and contact person);
b) Summary of major points
c) Comments, with reference to specific sections if appropriate; and
d) Conclusion.

3.2 Supporting material may be placed in an Annex. All submissions should be clearly and concisely written and should provide a reasoned explanation for any comments on the proposed advisory guidelines. Where feasible, parties should identify the specific section on which they are commenting and explain the basis for their proposals.

3.3 All submissions should reach the Commission by **31 August 2023 (12 noon)**.

3.4 Comments should be submitted:

a) In soft copy (in Microsoft Word format);
b) To the following e-mail address: corporate@pdpc.gov.sg
c) With the email header: "PDPC's Public Consultation on Proposed Advisory Guidelines on use of Personal Data in AI Recommendation and Decision Systems".

3.5 The Commission reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the submission that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If the Commission grants confidential treatment it will consider, but will not publicly

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disclose, the information. If the Commission rejects the request for confidential treatment, it will return the information to the party that submitted it and will not consider this information as part of its review. As far as possible, parties should limit any request for confidential treatment of information submitted. The Commission will not accept any submission that requests confidential treatment of all, or a substantial part, of its submission.

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