



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

**PUBLIC CONSULTATION ISSUED BY THE PERSONAL DATA PROTECTION
COMMISSION**

**PROPOSED ADVISORY GUIDELINES ON THE APPLICATION OF THE
PERSONAL DATA PROTECTION ACT TO SCENARIOS FACED IN THE REAL
ESTATE AGENCY AND TELECOMMUNICATION SECTORS**

23 JANUARY 2014

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PART I: INTRODUCTION AND OVERVIEW

1 Introduction

- 1.1 The Personal Data Protection Act 2012 (the “PDPA”) establishes a new 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 Section 49(1) of the PDPA provides for the Commission to issue advisory guidelines to provide guidance on the manner in which the Commission will interpret provisions of the PDPA. In September 2013, the Commission issued Advisory Guidelines on Key Concepts in the PDPA, which explained in greater detail the obligations which organisations have to comply with under the PDPA, and Advisory Guidelines on Selected Topics, which explained certain topics in detail. In December 2013, the Commission had also issued Advisory Guidelines on the Do Not Call Provisions, which explained in detail the application of the Do Not Call Registry Provisions in Part IX of the PDPA.
- 1.3 While these advisory guidelines have addressed the general application of the provisions of the PDPA, the Commission recognises that industry sectors may have unique sector-specific issues. The Commission has therefore developed sector-specific advisory guidelines to address such issues. The first two sets of such sectoral advisory guidelines address issues and scenarios specific to the real estate agency and telecommunication sectors. These proposed advisory guidelines were developed based on queries and feedback that the Commission receives from time to time from and relating to members of the respective industries, and in consultation with the relevant sectoral regulators.
- 1.4 The Commission has launched this public consultation to solicit views and comments on these proposed advisory guidelines, and whether there are additional issues or common scenarios that these proposed advisory guidelines should address.

2 Overview of proposed advisory guidelines

Proposed advisory guidelines for real estate agency sector (“real estate agency guidelines”)

- 2.1 The real estate agency guidelines address the following issues and scenarios:

- a) Information typically collected, used or disclosed by estate agents or sales persons that could fall within the definition of personal data;
- b) The application of the Data Protection Provisions (in Parts III to VI of the PDPA) to common scenarios such as the use or disclosure of personal data collected from clients or prospective clients;
- c) The application of the Do Not Call Provisions (in Part IX of the PDPA) to common scenarios such as the marketing of a client's property, and related issues such as when a message would be considered a specified message, obtaining clear and unambiguous consent in evidential form, and the application of the Personal Data Protection (Exemption from Section 43) Order (S.817/2013) ("Exemption Order"); and
- d) Other rights, obligations and uses under the PDPA, such as the use of an organisation's existing client database.

Proposed advisory guidelines for telecommunication sector ("telecommunication guidelines")

2.2 The telecommunication guidelines address the following issues and scenarios:

- a) Information typically collected, used or disclosed by in the telecommunications context that could fall within the definition of personal data;
- b) The application of the Data Protection Provisions to common scenarios such as international roaming, the provision of the subscriber's calling line identity for calls or text messages, and pre-paid mobile services;
- c) Issues related to the application of the Do Not Call Provisions such as whether messages typically sent by telecommunication operators would be considered specified messages; and
- d) Other rights, obligations and uses under the PDPA, such as the obligations of an Internet Service Provider in relation to the caching of personal data.

PART II: SUBMISSION OF COMMENTS

3 Administrative details

- 3.1 The Commission would like to seek the views and comments on the issues and scenarios raised in the proposed real estate agency and telecommunication advisory guidelines.
- 3.2 Parties that submit comments on the proposed advisory guidelines should organise their submissions as follows:
- a) Cover page (including particulars of the organisation and contact person);
 - b) Summary of major points;
 - c) Comments; and
 - d) Conclusion.
- 3.3 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.
- 3.4 **All submissions should reach the Commission by 13 February 2014 (5pm). Comments should be submitted:**
- a) in soft copy (in Microsoft Word format);
 - b) with the email header “Public Consultation on Proposed Real Estate Agency and Telecommunications Advisory Guidelines”; and
 - c) to the following e-mail address: pdpc_consultation@pdpc.gov.sg
- 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 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 the submission.

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