



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

Issued 07 November 2017

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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 the manner in which the Commission will interpret provisions of the PDPA. These guidelines are advisory in nature and are not legally binding on the Commission on any other party. They do not modify or supplement in any way the legal effect and interpretation of any laws cited, including, but not limited to, the PDPA and any subsidiary legislation (such as regulations and rules) issued under the PDPA. Accordingly, these Guidelines shall not be construed to limit or restrict the Commission’s administration and enforcement of the PDPA. The provisions of the PDPA and any regulations or rules issued thereunder will prevail over these Guidelines in the event of any inconsistency. The Guidelines do not constitute legal advice.
- 1.3 In September 2013, the Commission issued Advisory Guidelines on Selected Topics, which included addressed chapter on how the PDPA applies to NRIC numbers. Since the issuance of the Advisory Guidelines on Selected Topics, the Commission has received queries and feedback from individuals and organisations regarding the collection, use and disclosure of NRIC numbers, as well as the collection of physical NRICs for business purposes.
- 1.4 The Commission has therefore revised the chapter on NRIC numbers in the Advisory Guidelines on Selected Topics to provide further guidance on the issues, and has launched this public consultation to solicit views and comments on the proposed revised advisory guidelines, and whether there are additional issues or common scenarios that these advisory guidelines should address.

2 Overview of the proposed revised advisory guidelines

- 2.1 In revising the advisory guidelines, the Commission had taken into consideration current industry practices, as well as the views and feedback of individuals on the collection, use and disclosure of their NRIC numbers or copy of their NRIC, and the retention of their physical NRIC.
- 2.2 The revised advisory guidelines address the following issues:
- a) Whether organisations may collect, use or disclose individuals’ NRIC numbers or a copy of their NRIC, or retain their physical NRIC; and

- b) Other Data Protection provisions which may apply in respect of the collection, use or disclosure of NRIC numbers or copy of the NRIC, or the retention of the physical NRIC.
- 2.3 It should be noted that the examples in the advisory guidelines serve to illustrate particular aspects of the Data Protection Provisions, and are not meant to exhaustively address every obligation in the PDPA that would apply in the example.
- 2.4 The Commission is cognisant that organisations may require some time to review existing business practices and implement operational changes to adopt alternatives in place of NRIC numbers, physical NRIC or copies of the NRIC. The Commission is thus proposing to allow organisations a period of up to 12 months from the issuance of the revised advisory guidelines, to review and implement the necessary changes to its practices and processes involving the collection, use or disclosure of NRIC numbers, physical NRIC or copies of the NRIC.
- 2.5 The Commission has also released for public consultation a proposed technical guide to accompany the revised advisory guidelines. The proposed technical guide provides guidance on the alternatives that can be considered in place of the NRIC number as a unique identifier used in websites and other public facing computer systems.

Question 1: What are your views on the proposed criteria for limiting the collection, use or disclosure of individuals' NRIC numbers or copies of the NRIC to instances where:

- (a) it is required under the law; and
- (b) it is necessary to accurately establish and verify the identity of the individual?

Question 2: What are your views on the proposed criteria for limiting the retention of individuals' physical NRIC to instances where:

- (a) it is required under the law; and
- (b) it is necessary to accurately establish and verify the identity of the individual?

Question 3: Are there common scenarios or additional issues (e.g. updating of information systems) that these advisory guidelines should address?

Question 4: What are your views on the proposed provision of up to one year from the issuance of the advisory guidelines for organisations to review and implement changes to their practices and processes involving the collection, use or disclosure of NRIC numbers or copies of the NRIC, or the retention of physical NRIC?

PART II: SUBMISSION OF COMMENTS

3 Administrative details

- 3.1 Parties that wish to 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 to questions outlined in the above section, with reference to specific sections or paragraphs in the proposed advisory guidelines 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. 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 **18 December 2017**. Comments should be submitted:
- a) in soft copy (in Microsoft Word format);
 - b) to the following e-mail address: corporate@pdpc.gov.sg; and
 - c) with the email header: "PDPC's Public Consultation on the Proposed Revised Advisory Guidelines on NRIC Numbers".
- 3.4 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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