



GUIDE TO HANDLING ACCESS REQUESTS

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PURPOSE OF THIS GUIDE

This guide aims to help organisations effectively manage individuals' requests for access to their personal data in compliance with the Personal Data Protection Act (PDPA).

You are encouraged to read the Advisory Guidelines on Key Concepts in the PDPA ("Key Concepts Guidelines"), in particular the chapter on the Access Obligation, as well as any other relevant Guidelines the PDPC may issue from time to time.

Please note that the sample forms provided herein are for illustrative purposes only. Organisations should evaluate their own requirements in light of their obligations under the PDPA and customise the forms accordingly. It should not be assumed that following these sample forms would mean compliance with the PDPA or any other laws.

SECTION 21 - ACCESS OBLIGATION

On request by an individual, an organisation shall, as soon as reasonably possible, provide the individual with –

- a) personal data about the individual that is in the possession or under the control of the organisation; and
- b) Information about the ways in which the personal data has been used or may have been used or disclosed by the organisation within a year before the date of the request.

unless any exception or prohibition applies.

- 1 Making access request channels available**
- 2 Obtaining specific information**
- 3 Charging access fees**
- 4 Determining response timeframe**

POLICIES AND PROCESSES IN HANDLING ACCESS REQUESTS

- 5 Ascertaining identity**
- 6 Assessing exceptions and prohibitions**
- 7 Keeping a record of all access requests**
- 8 Preserving personal data**

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Your organisation should establish clear policies and processes for handling access requests, such as:

1. Making access request channels available

- Your organisation should allow an individual to submit an access request, and to state the available channels clearly. For example, an access request may be submitted in person, through email or post. Please refer to [ANNEX A](#) for a sample access request form.
- If the personal data requested can be retrieved by the individual himself, your organisation may wish to inform him how it can be done. For example, the individual can log into his account online to access his own personal data.

2. Obtaining specific information

- The individual does not need to provide a reason for making an access request. However, your organisation may request for the individual to provide more details to enable your organisation to identify the individual making the request and to locate the requested personal data. For example, if the individual is able to specify the type of personal data requested, and provide the date and time the personal data was collected, this would help your organisation narrow down the search.

3. Charging access fees

- Your organisation may charge the individual a reasonable fee¹ to recover any incremental costs of responding to his access request.
- If your organisation would like to charge a fee for the access request, a written estimate of the fee must be provided to the individual.

¹ Under the PDPA, on application of a complainant, the Commission may review a fee required from the complainant by an organisation in relation to a request by the complainant under section 21 or 22. Upon completion of the review, the Commission may confirm, reduce or disallow a fee, or direct the organisation to make a refund to the complainant.

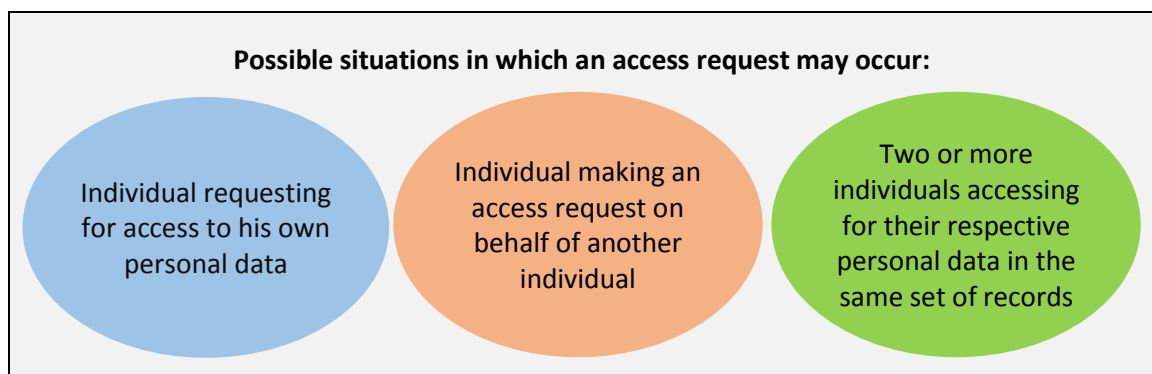
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- If the final fee to be charged is higher than the original written estimate, your organisation must inform the individual in writing of the increased fee.
- Your organisation may refuse to provide access to the personal data requested until the individual agrees to pay the relevant fee.
- Organisations should exercise discretion in computing the fee that accurately reflects the time and effort required to respond to the access request².

4. Determining response timeframe

- Your organisation must provide access to the requested personal data as soon as reasonably possible.
- If your organisation is unable to provide access within 30 days³, inform the individual as soon as possible of the time your organisation will be able to provide access.

5. Ascertaining identity



- When processing an access request, it is important to establish and verify the identity of the individual making the request.

² The PDPA does not prescribe a standard fee or range of fees applicable to access requests.

³ Generally, this refers to 30 calendar days. This may however be extended in accordance with rules on computation of time under the law, e.g. where the last day of the period falls on a Sunday or public holiday, the period shall include the next day not being a Sunday or public holiday.

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- Your organisation should set out standard operating procedures to conduct verification when processing access requests (e.g. verification questions to be asked to establish the identity of the requestor).
- If the requestor is making an access request on behalf of another individual, your organisation should ensure the requestor is legally authorised to act on behalf of the individual.
- If your organisation receives an access request from two or more individuals (e.g. husband and wife) for their respective personal data captured in the same set of records, your organisation may obtain consent⁴ from the respective individuals to disclose their personal data to each other. In such a circumstance, your organisation can provide the individuals access to a common data set containing their personal data, without having to exclude the personal data of the other individuals. If such consent cannot be obtained, your organisation may provide access to the individuals separately, for example, by masking the personal data of the other individuals before providing the individual access to his own personal data, and vice versa.
- In addition, organisations should consider if there are other prohibitions or exceptions⁵ to providing access that would apply.

6. Assessing exceptions and prohibitions

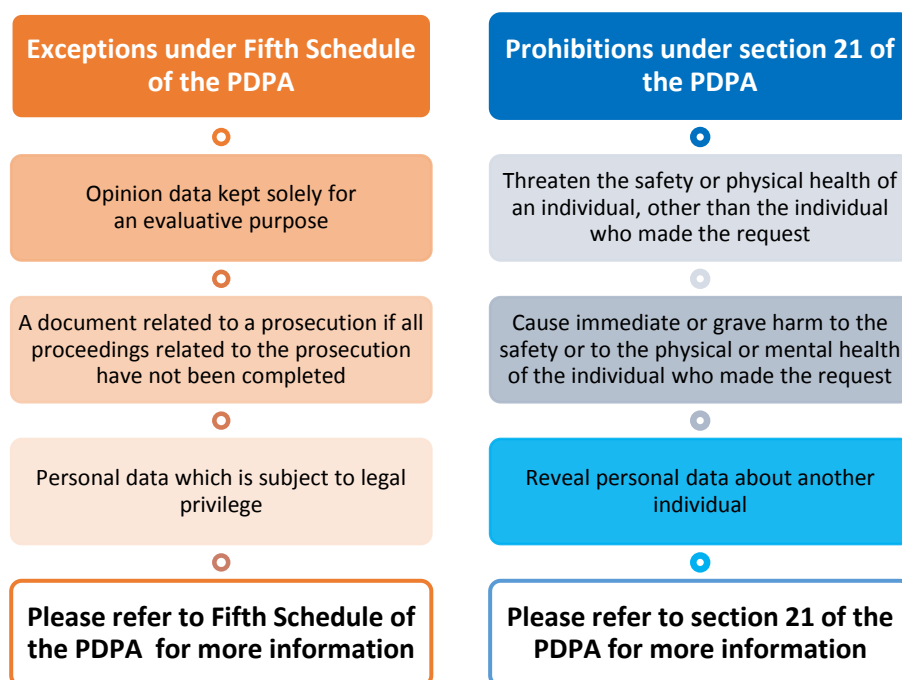
- Under the PDPA, there may be circumstances where your organisation does not need to provide access to the personal data requested. Some of these circumstances include⁶:

⁴ The organisation may decide how individuals can provide such consent, for example, in the organisation's access request form where applicable, or in a separate written notice to the organisation. The organisation may also consider if deemed consent may apply. 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. 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.

⁵ Please refer to Chapter 15 of the [Advisory Guidelines on Key Concepts in the PDPA](#) for more information.

⁶ Please refer to section 21 of the PDPA, Part II of the Personal Data Protection Regulations 2014 and [Advisory Guidelines on Key Concepts in the PDPA](#) for more information on exceptions and prohibitions under the Access Obligation.

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- When assessing whether any exceptions or prohibitions apply, your organisation should also consider if it is able to provide the individual with the requested personal data or information without the personal data or information excluded under sections 21(2), (3) and (4) of the PDPA. If your organisation is able to do so, it must provide the individual access to the personal data without the personal data or information excluded. For example, if personal data requested by the individual also contains personal data of another individual, and your organisation is able to mask out the personal data of the other individual, your organisation must provide access to the requested personal data without the personal data of the other individual⁷.
- If any exception or prohibition under the PDPA applies such that your organisation may reject the access request, as good practice, inform the individual of the relevant reason(s) so that he understands the reason(s) behind your organisation's decision.

⁷ Subject to any applicable fees for access requests. For more information, please refer to the [Advisory Guidelines on Key Concepts in the PDPA](#).

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7. Keeping a record of all access requests

- Your organisation should keep a record of all access requests received and processed, documenting clearly whether the requested access was provided or rejected. Proper documentation may help your organisation in the event of a dispute or an application to the PDPC for a review. As part of your organisation’s documentation process, you may wish to consider using an acknowledgement form (please see [ANNEX B](#) for a sample form).
- Your organisation should also put in place an appropriate retention policy for the keeping of such records, including the duration for which they will be retained. Organisations should cease to retain records containing the individuals’ personal data where retention is no longer necessary for any legal or business purposes.

8. Preserving personal data

Preservation of personal data may occur in any of the following situations:

While processing
an access request

After rejecting
an access request

While processing an access request

- When your organisation receives an access request, your organisation should locate the requested personal data as soon as reasonably possible, and ensure the requested personal data is preserved while the access request is being processed.
- However, your organisation should not unnecessarily preserve personal data “just in case” of possible access requests. Your organisation should not retain⁸ personal data unless there is a business or legal purpose to do so.

After rejecting an access request

- Should your organisation reject an access request, your organisation should continue to preserve the requested personal data for a reasonable period (minimally 30 days) after rejecting the request.

⁸ Section 25 of the PDPA – Retention Limitation Obligation

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- In the event the individual submits an application to the PDPC to review your organisation's rejection of the access request, your organisation should continue to preserve the requested personal data until PDPC's review is concluded and any right of the individual to apply for reconsideration and appeal is exhausted.

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ANNEX A: SAMPLE ACCESS REQUEST FORM

I. APPLICATION TO ACCESS PERSONAL DATA			
<p>1. Under the Personal Data Protection Act 2012 (“PDPA”), you are entitled to request for your personal data that we have, and request to know how your personal data has been used or disclosed over the past year.</p> <p>2. Please complete this form and submit it to: <Please specify any other modes to submit an access request below></p> <table><tr><td>In person or by post: Data Protection Officer Organisation ABC ABC Complex 123, ABC Road Singapore 123456</td><td>Alternatively, you can email the completed form to us: <u>DPO@abc.com.sg</u></td></tr></table>		In person or by post: Data Protection Officer Organisation ABC ABC Complex 123, ABC Road Singapore 123456	Alternatively, you can email the completed form to us: <u>DPO@abc.com.sg</u>
In person or by post: Data Protection Officer Organisation ABC ABC Complex 123, ABC Road Singapore 123456	Alternatively, you can email the completed form to us: <u>DPO@abc.com.sg</u>		
II. PARTICULARS OF REQUESTOR			
<For this section, please determine the types of information your organisation requires in order to process the access request, including any documentation required to establish that the requestor is legally authorised to act on behalf the other individual(s)>			
Name of requestor:			
Contact number:	Email address:		
Please check the applicable box(es): <input type="checkbox"/> I am making an access request for my own personal data <input type="checkbox"/> I am making an access request on behalf of other individual(s)			
Please complete this section if you are making an access request on behalf of other individual(s)			
Name of other individual(s) whom you are making an access request on behalf of:			
Contact number:	Email address:		
III. DESCRIPTION OF THE PERSONAL DATA REQUESTED			
To enable us to process your access request quickly and efficiently, please provide us with as much information as possible about the personal data you are requesting access to (e.g. type of personal data, date, time).			

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IV. DECLARATION	
By submitting this form, I confirm that the information stated above is true, complete and accurate to the best of my knowledge and belief.	
<hr/> Name & Signature	<hr/> Date (DD/MM/YYYY)

Additional Notes:

- If there are terms and conditions for services that your organisation may provide to the individual in conjunction with the access requests (e.g. reproduction costs depending on the number of copies requested), please provide these to the individual together with this form. However, please note that organisations cannot limit their obligations to provide access through contractual terms and any fee should be reasonable. Individuals may apply to the Commission for review if an organisation does not comply with its obligation to provide access or if the fee charged by the organisation to respond to the access request is not reasonable.
- If the information is lengthy, please consider directing the requestor to other channels of information. For example, you may wish to consider if it would be appropriate to provide the terms and conditions on a separate page or your organisation's website.

<Proof of identity>

- If an individual is making an access request for his/her own personal data, what form(s) of proof of identity or documentation does your organisation require or accept?
- If the applicant is making an access request on behalf of another individual, what form(s) of proof of identity or documentation does your organisation require or accept?

<Fees>

- Please make clear if your organisation charges a fee for an access request, and how your organisation will inform the individual of any applicable fees.
- What mode and/or term(s) of payment does your organisation accept?

<Processing>

- Please make clear the processing time for an access request, and how does your organisation inform the individual if it requires more time to process the access request?

<Denial of access request>

- Please make clear if there are any circumstances where your organisation does not grant an access request. For example, prohibitions or exceptions that are provided under the PDPA or other written law.

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ANNEX B: SAMPLE ACKNOWLEDGEMENT FORM

ACKNOWLEDGEMENT OF PERSONAL DATA RECEIVED FOR AN ACCESS REQUEST

Reference Number:
Name of Recipient:
Contact Details:

No	Document/Material	Date Received
1		
2		
3		
4		
5		

<hr/> Signature of Recipient	<hr/> Date (DD/MM/YYYY)
--	-----------------------------------

For Internal Use Only	
Staff of organisation handling access request:	
Date:	Time:



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