

Comments for:

**PUBLIC CONSULTATION ON REVIEW OF THE PERSONAL DATA PROTECTION ACT 2012 -
PROPOSED DATA PORTABILITY AND DATA INNOVATION PROVISIONS**

From:

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1. Reference to Section: 2.3

Data portability allows consumers to move from one service provider to another without losing past records and important histories built up with the previous service provider. For example, an individual's loan or credit repayments and purchase histories, built up over the years with a bank, can potentially be moved to another bank to benefit from more attractive services offered.

Comments:

- i. Banks are subjected to banking secrecy, for bank's customers asking to port data from one bank to another, can this be accommodated?
- ii. If the data to be ported include financial information of client, will there be a banking secrecy exemption?
- iii. We request that PDPC show us some examples on how bank's customer can request one bank to port data to another bank?
- iv. Can the declaration signed off for the current PDPA provision be expanded to include the data portability or consent has to provide separately for each request?
- v. Is Data Portability applicable to cross sectorial industry? Please provide examples of it. We request PDPC to show some examples on how bank's customer can place request for port data cross sector.

2. Reference to Section: 2.14

PDPC is considering the introduction of a Data Portability Obligation under the PDPA. Under the proposed obligation, an organisation must, at the request of the individual, provide the individual's data that is in the organisation's possession or under its control, to be transmitted to another organisation in a commonly used machine-readable format.

Comments:

- i. If data porting results in fraud (e.g. identity theft; account takeover), will there be any legal liability on the Sending Organisation for sending data at the request of the individual?
- ii. Must the disclosing organisation put in an agreement with the receiving organisation for the data port in order to comply with the Data Portability and Data Innovation guild line?
- iii. How much time do organisations have to get ready for systems and databases to "talk to each other and/or will PDPC create a central portal for the data requests?

3. Reference to Section: 2.18

Organisations will only be required to transmit data to other organisations ("receiving organisations") that have a presence in Singapore. Organisations will not be required, as a matter of compliance with the proposed obligation, to transmit data to overseas receiving organisations. However, this is not intended to prevent voluntary arrangements by organisations to transmit data to overseas organisations with consent of the individual.

Comments:

- i. If the individual request for his data to be ported overseas, would the sending organisation be required to ensure that the receiving organisation accords a standard of protection similar to PDPA?

4. Reference to Section: 2.24

In order to reap the maximum benefits for consumers and the economy, PDPC proposes for the Data Portability Obligation to apply to data¹² that is:

- (a) provided by the individual to the organisation (“user provided data”); and
- (b) generated by the individual’s activities in using the organisation’s product or service (“user activity data”).

Comments:

- i. User activity data and User provided data can be very broad. Will there be alignment on the standard fields that will be shared?
- ii. Is there a prescribed period of purchase/ transaction history data to be ported to another organisation?

5. Reference to 2.37(d)(i)

Porting the data - Following verification of request and individual’s confirmation of the data to be ported, the porting organisation must provide the following information to the individual:

- (i) fees payable by the requesting individual, if any, for the porting. A reasonable fee may be charged to recover the cost of providing the service to port the requested data. The fees may be paid by the requesting individual or the receiving organisation....

Comment:

- i. Is there a recommended range for fees for porting data at the request of the individual?