

RESPONSE TO CONSULTATION PAPER

Consultation topic:	Public Consultation on Proposed Data Portability and Data Innovation Provisions
Name¹/Organisation:	St. James's Place (Singapore) Private Limited
¹ if responding in a personal capacity	

Proposed Data Portability Obligations

S/No.

Questions:

Q1.

What are your views on the impact of data portability, specifically on consumers, market and economy?

In general, though data portability has a positive impact to consumers, the market and economy, the proposed obligation is onerous as it imposes additional administrative burden on firms to have controls and processes in place to port data to receiving organisations.

Q2.

What are your views on the proposed Data Portability Obligation, specifically – a) scope of organisations covered; and

Pertaining to “Receiving Organisation”, paragraph 2.18, firms are only required to transmit data to organisations in Singapore, therefore, we would like to seek clarification on: -

- 1) whether there is an expectation on firms to perform their due diligence before transmitting such data?
- 2) We would also like to bring to your attention that it may be challenging for firms determine the presence of an organisation in Singapore if the receiving organisation is not registered on the Companies Registry. This then leads to the question of whether firms can rely on business cards or search engines for such a determination.
- 3) In the event the data portability request is rejected by the firm on the ground that the receiving organisation does not have a presence in Singapore which turns out to be untrue, would the firm be liable for failing to execute the request?

b) scope of data covered?

From the perspective of a MAS-regulated FI, the regulated FI is required to perform its customer due diligence which includes obtaining copies of proof of identification and address. In addition, personal preferences and any other information that the individual has provided may change over time and the regulated FI has to ensure the individual’s profile remains current. Hence, it may not be useful to transmit such user provided data and user activity data to the receiving organisation which is also a MAS-regulated FI, but only adds on to the administrative burden of the regulated FI.

We would like to seek clarification on the examples of user provided data. In the event the information provided is in physical paper form (it could be any documents, printed photographs, printed email messages, printed social media posts etc), does the information fall within the definition of electronic form? In the event such information (it could be any documents, printed photographs, printed email messages, printed social media posts etc) is on firm’s system, would that then be treated differently?

In addition, with reference to “Example”, paragraph 2.35, we would like to seek clarification on what kind of “compliance purpose” data would not be subject to the proposed Data Portability Obligation?

<p>Q3.</p>	<p><i>What are your views on the proposed exceptions to the Data Portability Obligation, specifically –</i> <i>a) the proposed exception relating to commercial confidential information that could harm the competitive position of the organisation, to strike a balance between consumer interests and preserving the incentive for first movers’ business innovation; and</i> No comments. <i>b) the proposed exception for “derived data”?</i> No Comments.</p>
<p>Q4.</p>	<p><i>What are your views on the proposed requirements for handling data portability requests?</i></p> <p>The proposed framework on handling data portability requests requires firms to put in more resources to manage data portability which may include expanding the existing team or establishing a new team.</p> <p>Before porting the requested data, PDPC requires the porting organisation to allow the requesting individual to view the data before the transmittal. We would like to seek clarification on whether the porting organisation has a duty to ensure the data provided is complete given the definition of ‘covered data’ is broad and may be hard to be determined by the porting organisation.</p> <p>In relation to the fees involved for the porting of data, whilst PDPC stresses that it should be a reasonable fee, PDPC should also take into account of frivolous requests if the fee is too low which will inadvertently create excessive administrative workload for the porting organisation.</p> <p>In addition, we are also of the view that the proposed duration (<i>no longer than 7 calendar days</i>) of which the porting organisation must port the details is too short considering its core business activities and priorities.</p> <p>The requirement to ensure that the format for porting data is easily accessible and affordable may also pose challenges as different organisation uses different systems and formats. It will involve cost to ensure interoperability and such cost should be taken into account when reviewing the fee chargeable to the requesting individual.</p> <p>The proposed framework also requires porting organisation to have a system to track the status of the data portability requests. This is so that the porting organisation ports the data within the prescribed period, any withdrawal requests are executed in a timely basis and data is preserved according to the prescribed period, which again, involves costs and resources.</p> <p>In extension to the proposed requirements for handling data portability requests, it is observed that the receiving of ported data (under paragraph 2.39) also requires an increase in resources to manage and handle received data. We would like to seek clarification on whether if we receive data which pertains to residential address, are we still expected to perform verification on the address?</p>

Q5.	<p><i>What are your views on the proposed powers for PDPC to review an organisation’s refusal to port data, failure to port data within a reasonable time, and fees for porting data?</i></p> <p>No comments.</p>
Q6.	<p><i>What are your views on the proposed binding codes of practices that set out specific requirements and standards for the porting of data in specific clusters or sectors?</i></p> <p>No comments.</p>
<i>Proposed Data Innovation Provisions</i>	
Q7.	<p><i>What are your views on the proposed approach for organisations to use personal data for the specified businesses innovation purposes, without the requirement to notify and seek consent to use the personal data for these purpose?</i></p> <p>No comments.</p>
Q8.	<p><i>What are your views on the proposed definition of “derived data”?</i></p> <p>No comments.</p>
Q9.	<p><i>What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?</i></p> <p>No comments.</p>