

<b>CP Title:</b>	PDPC - Proposed Data Portability and Data Innovation Provisions
<b>CP Description:</b>	The Personal Data Protection Commission (PDPC) launched a public consultation to seek views on proposals to introduce data portability and data innovation provisions in the Personal Data Protection Act (PDPA) as part of its ongoing review. These proposals will provide a balanced regulatory approach to support innovation in a Digital Economy, while giving consumers choice and control over their data. The paper also examined how strong consumer safeguards can engender trust in new technologies.

Section/SubSection Description	Bank Name	Comments
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank F	<p>For consumers, data portability will be a convenient way of porting data from an organisation to another, with a likelihood of quicker turnaround times for setting up profiles. With all the benefits considered, organisations covered under this obligation should also consider the regulations specific to its industry.</p> <p>In addition, data portability will provide convenience for all related parties. Will benefit certain retail products e.g. application of new loan/facility, refinancing a loan as most banks would require consumer to provide historical track records. However, the amount of data to be transferred needs to be aligned in the market and as the required data sets may differ between organisations.</p>
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank I	<p>As data portability has already been introduced in the EU, Australia and Philippines, the introduction of these provisions will complement Singapore's strategic shift towards building a digital economy and a smart nation, which would also be in line with international data protection developments.</p> <p>Inclusion of data portability obligation and data innovation provisions in Singapore will heighten the banking industry's competitive advantage vis-à-vis the FinTech sector. However, we are mindful that these changes may expose the major players of the banking sector to additional threats that will need to be mitigated with effective controls.</p> <p>It would be instructive if the PDPC could provide some actual use-cases of data portability (in relation to FIs) in jurisdictions that have implemented this. In particular, use-cases that are independent of the proposed data portability under the API marketplace (MAS Open Banking) would be helpful.</p> <p><b>Impact on consumers</b></p> <p>Data portability will provide consumers with increased flexibility in switching from one service provider to another. This may also encourage brand disloyalty amongst consumers.</p> <p>Individuals will need to be educated on data protection in relation to data portability, its usage, opportunities and limitations, to enable them to utilise their data fully.</p> <p>As there may be market players who might capitalise on these new provisions to commercialize ported data, safeguards should be in place to address this.</p> <p><b>Impact on the market</b></p> <p>The market will likely see greater movement and competition amongst players in the financial industry, and consequently a resultant increase in revenue.</p>
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank H	<p>Noted under paragraph 2.5 where it was mentioned that data portability could be a key enabler of inter-organisation and even cross-sector data flows. Seeking the scope of data portability to be limited to inter-organisation only i.e. between a private bank in Singapore to another private bank in Singapore, given that within inter-organization, systems, infrastructures and processes are relatively similar as compared to within cross-sector. This will help to lessen the operational burden on the organizations.</p> <p>Seeking for a reasonable implementation timeline (e.g. 2 years) for the industry to be ready (IT infrastructure readiness etc).</p>
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank A	We hope that the data portability obligation and data innovation is only restricted to same sector and not cross sector.
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank K	<p><b>Consumers will benefit from the increased ease of transfer of their data when changing service providers. However, organizations may make more extensive demands for information, once it becomes easier for the customer to provide it. Such market practices could mean less privacy for the consumer.</b></p> <p><b>Increased data flows will enable organisations to better understand their new customers and thus enhance consumer engagement. We agree with PDPC that it is important to strike a balance between the interests of organizations who have made huge investments in collecting and analyzing data, and consuming organizations who do not contribute in return.</b></p>
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank E	<p>We are supportive of the data portability proposals by PDPC which will facilitate consumers to choose between different service providers and exercise rights and control over their data. The ease of switching will prevent lock-in and the less sticky clients are, the more it promotes innovation in products and services. The innovation provisions are key to enabling greater access to data which will facilitate service providers including banks to derive client insights, innovate and come up with better products and services tailored to client needs.</p> <p>We urge the PDPC to promote competition on a level playing field by providing a framework which allows consistent application of data portability requirements such as marketing of related services, required data to fulfil requests and etc. These should be addressed in the industry specific codes of practice to be consulted with each sector, as proposed by PDPC. Fair markets would be in the interest of consumers and our clients to make informed decisions and benefit from the data portability initiative.</p>

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Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank D	<p>We propose that impact be holistically assessed from four angles, namely perceived benefits (vs reality); risks; costs; and future investment appetite-</p> <p>1. <u>Perceived benefits vs reality</u> – There is a lack of empirical support that (i) competition is being held back due to lack of data portability nor (ii) of significant potential benefits on to consumers, market and economy:</p> <ul style="list-style-type: none"> <li>• Singapore, similar to other countries, already have in place the PDPA to enable requests for personal data (Access Obligation). However, the number of people who actually access their own information is very small. There is evidence in place that this is a pre-existing right that virtually nobody uses;</li> <li>• Competition, particularly in the Singapore financial services industry (e.g., deposits, credit cards, mortgages, investment products), is not held back by lack of data portability; no studies support otherwise;</li> <li>• There is little incremental benefit to establish an additional data portability regime for financial institutions – there are already well-established, structured mechanisms to enable such financial data flows / transfers such as MyInfo, Credit Bureaus and FPDS (upcoming).</li> </ul> <p>2. <u>Risk</u> - data flows between organizations widen the attack surface on cyber security. Uneven levels of maturity &amp; scrutiny between sending organisations and receiving organisations pose new challenges to privacy and information security:</p> <ul style="list-style-type: none"> <li>• Enabling transfers of highly sensitive financial services data – even within the heavily regulated financial services industry – increases data leakage exposure, potentially leading to identity theft or fraud risk;</li> <li>• Enabling transfers of financial data outside the industry increases data exposure risks significantly due to differing data security standards and level of scrutiny / enforcement among different industries;</li> <li>• Increased risk of misuse of data by receiving organisations who may incentivise individuals to port data from other organisations.</li> </ul> <p>3. <u>Costs</u> – Requirements add significant costs to comply and administer, particularly for the financial services industry that has rich and varied datasets which ultimately will be borne by a large proportion of customers who will not benefit materially from these portability requirements.</p> <p>4. <u>Future Investment appetite</u> – Investment in business transformation, innovation and competitiveness will be negatively impacted over the longer run as effort to innovate, build and serve at scale will be undercut by players which would not undertake nor cannot recoup the necessary investment (compliance cost).</p> <p>In summary – a legislation mandating data portability, if not well thought through across the dimensions, may be of limited benefit to consumers, the market or the economy in return for increased risks and costs.</p>
Q1. What are your views on the impact of data portability, specifically on consumers, market and economy?	Bank J	<ul style="list-style-type: none"> <li>• The bank agrees that the proposed data portability provisions will provide consumers more choice and control over their data held by organisations, enable greater data flows which support innovation and enable the growth of new business models and services in the Digital Economy. However, we are of the view that these objectives will need to be carefully balanced against the operational impact to organisations to comply with the proposed provisions. Hence, the bank respectfully requests for PDPC to share if there has been any research into the costs (and risks) of implementing data portability vis-à-vis the benefits from greater competition and innovation and if possible, share the results for the different sectors.</li> </ul>
Q2a) scope of organisations covered; and	Bank F	Footnote 6 provides a definition of an organisation. Does it cover subsidiaries of an organisation, where its head office is based in Singapore? On covered organisations, perhaps specific sector guidances need to be provided.
Q2a) scope of organisations covered; and	Bank I	<p>As with MAS Open Banking, there should be a small number of pre-approved organisations that are recognised as trusted entities amongst which data can be transferred. Otherwise, organisations may potentially have to deal with transfers to and from a multitude of firms, without any assurance as to their data security controls or processes. We suggest that the PDPC consider administering a list of parties that sign up and confirm to the PDPC that they have sufficient protection to accept ported data.</p> <p>Public agencies should not be excluded. Data such as CPF contributions and tax payments should also be subject to porting requests if a customer gives his consent.</p>
Q2a) scope of organisations covered; and	Bank A	We think the scope of organisations covered is reasonable.
Q2a) scope of organisations covered; and	Bank E	No comment.
Q2a) scope of organisations covered; and	Bank D	The proposed legislation understandably encompasses a wide span of industries (both highly regulated and less regulated) which differ significantly in terms of the types of data assets, sensitivity and implications, and data protection standards, this results in a unlevel playing field amongst the different sectors. Propose to limit data portability requests to within the same industry sector.
Q2a) scope of organisations covered; and	Bank K	(a) We agree that the obligation should only apply to organisations which own the data and not data intermediaries which are processing data on behalf of the organisations.

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Q2b) scope of data covered?	Bank F	<ul style="list-style-type: none"> <li>• Scope must be defined and made clear to individuals.</li> <li>• Electronic data: This should be further narrowed down. Private Bank's systems contain qualitative electronic data documenting all interactions with the client as well as internal deliberations for assessing client's source of wealth etc. Some of it may fall within the definition of Derived Data but we need further practical demarcation of what sort of data can reasonably be shared.</li> <li>• User provided data: For emails between a Private Bank and the client which are confidential to the Bank, should these emails be ported even if the customer wishes this to be done?</li> <li>• User activity data: This needs to be further narrowed down. Would all transactions of the client be shared? Unlike a consumer platform for which all services are publicly known and available, in private banking, a Bank's ability and willingness to conduct certain transactions may be sensitive and confidential.</li> <li>• Scope of data is defined as electronically held data. What is the lookback period of the data required, in view that some legacy processes are held in hardcopy form within document warehouses?</li> <li>• For Banks, independently verifying the legitimacy of user provided data is already a challenging task, with the robust policies surrounding ID&amp;V and KYC of customers. Data such as email messages, and social media posts would not apply to Banks as these can be doctored, unreliable or untrue. User activity data would entail legal and regulatory challenges as these are sensitive information, based on a Bank's understanding of how a customer uses their accounts. These would also require comprehensive system enhancements to monitor, extract, and report.</li> <li>• Connected parties (eg beneficial owners, Directors) of clients are individuals – would these be regarded within scope of the data portability?</li> <li>• The scope of personal data relevant for porting can vary by industry and should ideally be set by the industry, e.g. ABS for banking and LIA for life insurers. For example, insurance companies do pay for medical reports in order to ascertain insurability of individuals and such data should be considered as out of scope.</li> <li>• Would the customer be able to select / control the data exchange – type, frequency, validity, recurrence, etc</li> <li>• What are the common controls across sectors, industries when data portability is implemented?</li> <li>• How is the Data Portability works / cross-over with other policies in place or in discussion or regulatory and industry-standard capabilities eg FPDS / API marketplace, MyInfo, etc</li> <li>• How do we educate the consumer of the importance of data, be vigilant in sharing or even control of their data once shared? Rights to know where the data is used, how it is used, where it will be, etc</li> <li>• How will data portability from and to the public sector be handled?</li> <li>• How to manage consent of data that is jointly owned (both joint or and joint and)?</li> </ul>
Q2b) scope of data covered?	Bank I	<p>This should be clearly and comprehensively defined, as per MAS Open Banking. Banks have a myriad of systems and it would not be realistic to provide data from all these systems. For example, a pre-agreed set of data in a common format should be defined for each sector or industry.</p> <p>It would be helpful to have agreement, on an industry-wide level, regarding the type of data and the format of the data that can be ported and received.</p> <p>User activity data will need to be defined in relation to each specific industry. The generic examples listed would place onerous obligations on certain types of organisations, especially where the information requested does not relate to any of the organisation's key activities in its provision of a product or service to the customer.</p> <p>Data of connected third parties (e.g. contact lists, social media messages, joint bank balances) should not be subject to data porting as the joint party would not have given his consent. This was the largest issue in the Facebook Cambridge Analytica scandal.</p>
Q2b) scope of data covered?	Bank G	<p><u>Scope of data covered</u></p> <p>Clients may leverage on the data portability provisions to request the Bank to provide documents (e.g. Certificate of Incumbency, Reference Letters) to others hence increasing the administrative burden for the Bank. Proposed that PDC provide working examples/ guidance (applicable to FIs) on the scope and definition of data in the Code of Practice.</p> <p>Other areas requiring clarity:</p> <p>(i) Can we clarify whether KYC information (e.g. Source of Wealth (SoW) corroboration, transaction monitoring data etc.) are deemed as 'derived data' and hence out of scope? Or will it be considered user provided data and user activity data (hence in scope)?</p> <p>(ii) Would the audit trail of a user login/log off from e-Banking tool be covered under the definition of 'user activity data' for data port as it may not be practicable.</p>
Q2b) scope of data covered?	Bank H	<p>Section 2.29: "While the Data Protection Provisions of the PDPA do not apply to business contact information (BCI), it is proposed for such information to be covered under the proposed Data Portability Obligation as BCI is provided by the individual to facilitate business activities, allowing individuals to port his or her data supports this objective of promoting business activities".</p> <p>We believe that it would not be recommendable including in the scope of data portability the business contact information. First of all, it is because it conflicts with the scope of the PDPA which excludes such data, and secondly because the protection of personal data aims predominantly to protect individuals in their freedom as natural persons and not in their business roles.</p>
Q2b) scope of data covered?	Bank B	<p>To keep the Data Portability Obligation simple and operationally viable to the Organisation, the data in scope should only be User provided data.</p>

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Q2b) scope of data covered?	Bank B	<p>The Data Portability Obligation should only cover user provided data, user activity data are too complex and the dataset too complicated to be in scope for this obligation. [Reference section 2.24b, 2.26]</p> <p>Expanding on the point above, normally user activity data are commingle with derived data through some form of processing of various user activity data therefore it is unreasonable and impractical for PDPC to treat user activity data and derived data differently. In conclusion, our view is that Data Portability Obligation should exclude both User activity data and Derived data. [Reference section 2.28]</p> <p>BCI was not in the scope of PDPA but with the introduction of Data Portability Obligation, BCI is going to be included in this obligation. This will create confusion to the public and the obligation difficult to understand. [Reference section 2.29]</p> <p>For personal data of third party, the question here will be whether the third party has consented to the data being transfer to another organisation arising from request of requested individual? The personal data of the third party was provided at the time of collection but the third party may not be agreeable to the data being transferred. [Reference section 2.30]</p> <p>The definition of individual's own personal or domestic purposes and the term "other purposes" mentioned is not clear and this will lead to interpretation. [Reference section 2.31]</p>
Q2b) scope of data covered?	Bank A	<p>For the scope of data covered, could PDPC specify the time frame of the user activity data that individual is permitted to request for data porting? E.g. 12 months from the date of request in order to mitigate the compliance costs for extracting all the requested user activity data.</p>
Q2b) scope of data covered?	Bank E	<p>Some data is held in the original form in which it is collected from clients, which includes scans/fax/email. Since the proposed scope for data portability is confined to electronic data, we would like to seek clarification if the scope covers fax, which is transmitted electronically but not stored electronically. In addition, certain forms of electronic data such as scans and potentially email are operationally difficult to process for data portability purposes. We seek the understanding of PDPC to include this factor into consideration of a reasonable length of time for completing data portability requests.</p> <p>We would like to seek clarity on the scope of applicability to data subjects, with whom an organisation may have contact and dealings other than as a customer. We respectfully request that data porting obligations should not extend to individuals other than <i>customers</i> i.e. individuals with an account or taken up products or offerings by the organisation. As a bank, we deal with individuals from other banks, financial market intermediaries, corporates and entities in our usual course of business but not as our customers. Data of individuals which we may collect in the course of these dealings, for example in procuring corporate services, trade and industry-related events, should not be in scope of an organisation's data portability obligations.</p> <p>We also seek clarification on the length of historical records that the data portability obligations would apply. We suggest that the length should not exceed the legal record retention period or the organisation's record retention policies if longer, as the data would no longer be held with the organisation. This would be consistent with the proposal for data portability obligation to apply only to data in the possession or control of organisations. For clarity, it would be helpful if this is explicitly stated and also for industry practice or other guidance to reflect this criteria so client expectations would be adjusted accordingly.</p>

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Q2b) scope of data covered?	Bank D	<p>1. Proposed scope of data covering –“user provided data” and “user activity data” is overly broad.</p> <ul style="list-style-type: none"> <li>• Propose these “user provided data” to be excluded: <ul style="list-style-type: none"> <li>◦ Data that had been collected for identity authentication purposes (e.g. signature, voice biometric) so as to minimise the risk of identity theft.</li> <li>◦ Data that does not originate from the sending organisation even though it is user provided data e.g. Marriage certification, educational certificates, so as to minimise reliance on the sending organisation as a record/ data repository</li> </ul> </li> <li>• Propose recognition that many user activities data are co-owned with the organisations who set up the entire infrastructure to capture, store and manage the data (e.g. banking and credit card transactions) which otherwise may not exist. An individual may not have the sole ownership right to request such data to be ported.</li> <li>• Propose these “user activity data” to be excluded: <ul style="list-style-type: none"> <li>◦ Observed data obtained from recordings and images potentially contain personal data of third parties and often not practical to segregate the individual</li> <li>◦ Data involving an organization’s employees. E.g., call logs that record conversation between the customers and staff can contain personal information about both the customer and the staff. And it is often not practical to segregate the two. Similarly, user activity data generated during an employee’s course of work (e.g emails, system usage logs) should be excluded since this information belongs to the bank and not the individual employee.</li> </ul> </li> </ul> <p>2. More definition is required for “personal data of third parties” in data portability request from individuals in scenarios of</p> <ul style="list-style-type: none"> <li>• Joint relationship <ul style="list-style-type: none"> <li>◦ Joint account relationship (single to sign and two to sign)</li> <li>◦ Portability request is made by supplementary cardholder on main account transactions</li> </ul> </li> <li>• Estate management, whereby DOA execute portability request for the deceased</li> </ul> <p>3. Proposed for scope of data to <u>exclude</u> employee records as there are established market practice for employment / reference checks. There is minimum incremental benefits to establish a legal framework for porting employee records.</p> <p>4. The proposal also does not specify any limit on <u>time period</u> of “user activity data”. Scope should take into account that certain historical data are kept according to regulations – e.g., Companies Act, Banking Act, Income Tax Act, Corruption, Drug Trafficking. However, for historical data that we store, we will provide only those that are ‘online’ and easily accessible instead of those that are kept on tape backup, because it is too costly and time-consuming to retrieve the latter. The data retrieval cost even if picked up by receiving organisations (as fees that we charge) will eventually be priced by them into the products/services for the customers. To prevent cost escalation, we propose <u>1 year of data history</u> to be made available to customers. 1 year is sufficient to form behavioural trends and anything beyond might have limited benefits of recency.</p> <p>5. We also propose for data portability requests to be limited to situations whereby an individual had established a business relationship with the sending organisation, and as such, requests for information relating to</p>
Q2b) scope of data covered?	Bank J	<ul style="list-style-type: none"> <li>• While the bank welcomes the proposed data portability provision, we are of the view that industry bodies could play a useful role in developing a minimum standard of data fields and standard format for each sector, as the proposed scope of data coverage is wide and could potentially result in significant operational burden on organisations to fulfil the request. The minimum standard of data should also take into consideration industry specific regulator expectations on acceptable use of data (e.g. the MAS’ expectations on open banking). Furthermore, where data is being ported across industries (e.g. from banking industry firm to telecom industry firm), the bank is of the view that the data portability requests should be based on the minimum standard of data fields set by the porting organisation’s industry. Any additional data to be ported could be subsequently decided between the requesting individual, the porting organisation and the receiving organisation, provided that the costs of any additional data porting were fairly apportioned between the individual and both porting and receiving organisations.</li> <li>• As individuals’ behaviours change over time, the bank is of the view that personal data of an individual’s recent financial behaviour/history (e.g. the last 2 years) would be more relevant for an organisation to better understand their customers. Hence, the bank is of the view that the scope of the data covered should be limited to only the recent data of individuals, as this will ensure that the receiving organisations receive useful data which may be used to better meet customer needs and also reduce the operational burden on the porting organisations (that would save on efforts extracting excessing data) and the receiving organisation (that would save on efforts in analysing the excessive ported data as part of data minimisation principles). We appreciate that users of non-financial services, particularly information society services such as social media and blogging services, might well require personal data processed over a longer period to be ported.</li> <li>• Further, the bank is also of the view that besides differentiating between data held in electronic and non-electronic form, the data portability provisions should also differentiate between data held in structured form and unstructured form (e.g. personal data embedded in emails) as it may require significant efforts by organisations to review the content of data held in unstructured form and hence, also increase the turnaround time for organisations to respond to a data portability request.</li> <li>• With reference to Paragraph 2.29, the bank understands that this pertains to situations where BCI may be identified incidentally in our preparation of the data request, and not for specific requests limited to the provision of BCI. Where the request is limited to BCI, the bank is of the view that such requests provide limited merit to promote business activities or service delivery but increases operational burden on the organisation. Hence, the bank views that the provisions should be clarified to confine the scope where BCI is to be provided to situations where BCI is captured incidentally to the personal banking relationship which the individual has with the bank.</li> <li>• With reference to Paragraph 2.30, where either party in a joint/or account (either party can operate the account) requests for data porting, the bank interprets such requests to be permissible under the Data Portability Obligation.</li> <li>• However, there may also be instances where third parties may oppose involuntary disclosure of their information. Hence, the bank would respectfully request for the PDPC to clarify on the redressal mechanisms if third parties oppose involuntary disclosure of their information even though the proposed provision in 2.31 allows for such disclosure, as the porting organisation may face the risks of litigation and reputational damage.</li> </ul>

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Q2b) scope of data covered?	Bank C	<p>There is a multitude of user activity data in different format and type (e.g. commuter's top-up payments may be denominated in thousands/dollars/cents or in USD/SGD), there will be operational challenges in having the receiving organization accurately map and correctly capture the data provided by the porting organisation (notwithstanding that it is in a "machine readable format").</p> <p>Propose to only have user provided data included for Data Portability Obligation. User activity data should not to be included in the upcoming revision, and to consider this as part of the next phase.</p>
Q2b) scope of data covered?	Bank C	<p>Noted the clarification provided in 2.35 "Where organisations are required by law to collect personal data of individuals for compliance purposes, such data would not be subject to the proposed Data Portability Obligation".</p> <p>Banks are similarly required to collect personal data for compliance purposes. Request PDPC to clarify if such personal data would not be subject to proposed Data Portability Obligation.</p>
Q2b) scope of data covered?	Bank K	<p>(i)BCI should not be included – commercial enterprises should remain outside the scope of the PDPA. In addition, BCI is usually publicly available.</p> <p>(ii)In view of statutory retention periods, the scope should be limited to data less than 5 years old, or, to be in line with access requests, the last year.</p> <p>(iii) There should be an industry standard for banks, namely agreement (and clarification for the consumer) on the type of data that is portable. Bank customer data presents a challenge when it comes to the data of third parties, for example, a customer's user activity data would include the personal data of third parties such as payors, payees and guarantors. It should be made clearer to what extent the personal data of third parties may be disclosed, and that the consent of such third parties to the transfer need not be sought by the bank.</p>
Q3. What are your views on the proposed exceptions to the Data Portability Obligation, specifically –	Bank D	<p>Agree that "commercial confidential information" and "derived data" should be excluded from the scope. However, given the wide range of data, it is essential to consider other exceptions as well.</p> <p>Propose below exceptions to be included in Annex B-</p> <ol style="list-style-type: none"> <li>1. Data sourced from third parties pursuant to commercial arrangements entered into by the bank, or data acquired in mergers and acquisitions.</li> <li>2. Information about an organization's product / services at a granular level in "user activity data". E.g., type of card in credit card spend history. Such information reveals performance of organization's products/services which can be used by competitors to emulate our strategy. They should be considered as "commercial confidential information".</li> <li>3. Information about third parties in "user activity data". Although it is discussed in the paper, the quoted example does not sufficiently represent most scenarios. Other examples are, payee information in fund transfers; merchant information in card transactions. Such information can either be personal data or "commercial confidential information".</li> <li>4. Information of transaction activities contributed by an individual for business purposes (e.g. corporate internet banking transactions executed by individual) should be excluded as such "user activity data" relates to the corporate relationship with the organisation and does not belong to the individual. Such information should be considered as "commercial confidential information". Similarly, any Business Contact Information (BCI) provided by an individual in a corporate relationship capacity should be excluded.</li> <li>5. Any forms of system log / clickstream data. Even though these are generated by user activities, such data is captured in relation to an organization's systems/processes which are proprietary to the organization. It is often operational in nature and used for internal monitoring, process improvement and audit trail purposes. In this regard, such data should be considered as "commercial confidential information". Moreover, such data will not be relevant to the receiving organisation as it relates to customer journeys/processes specific to the sending organisation.</li> </ol>
Q3. What are your views on the proposed exceptions to the Data Portability Obligation, specifically –	Bank J	<ul style="list-style-type: none"> <li>• The bank welcomes the proposed exceptions to the data portability obligation relating to commercial confidential information and derived data and further welcomes the proposed exception illustrated in the example in 2.35 where data collected for compliance purposes or to comply with laws/regulations would not be subjected to the Data Portability Obligation. As this proposed exception is currently not reflected in the relevant Schedules of the PDPA, we propose for PDPC to insert it into the relevant Schedules accordingly for consistency.</li> </ul>
Q3a) 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	Bank F	<p>Clear guidance needs to be provided as to what would constitute "confidential commercial information" and satisfy the exclusion.</p>
Q3a) 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	Bank I	<p>Clear rules and guidelines on the exceptions, and how they will be implemented, are needed.</p> <p>It may not be easy to determine / define the type of user provided data and user activity data that would be considered to "harm the competitive position" of an organisation, in particular because of the exception already given to "derived data". The as-yet undefined timeframe for which a first mover may be exempt from data porting requirements also throws up questions of how an "innovative product or service" should be defined.</p>

Section/SubSection Description	Bank Name	Comments
Q3a) 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	Bank A	We are fine with the proposed exception relating to commercial confidential information that could harm the competitive position of the organisation;
Q3a) 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	Bank E	<p>a) The proposed exception relating to commercial, confidential information that could harm the competitive position of the organization, to strike a balance between consumer interests and preserving the incentive for first movers business innovation and</p> <p>We are supportive of exceptions to the data portability obligations to data which contain proprietary or commercially sensitive information. This would protect trade secrets and support innovation and healthy competition.</p>
Q3a) 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	Bank C	<p>Supportive of the proposed exception.</p> <p>Additional, to also include the exceptions from Access Requirement (Fifth Schedule of PDPA), including but not limited to:  personal data which is subject to legal privilege;  personal data porting requests that would unreasonably interfere with the operations of the organisation because of the repetitious or systematic nature of the requests; or if the burden or expense of providing access would be unreasonable to the organisation or disproportionate to the individual's interests.</p>
Q3b) the proposed exception for "derived data"?	Bank I	We agree with the proposal to include an exception for "derived data". Derived data provides organisations with insights on the types of products and services that can further, and better, fulfil a consumer's needs. This exception would benefit organisations which have invested time, effort and money towards building these derived insights.
Q3b) the proposed exception for "derived data"?	Bank A	We are fine with the proposed exception for "derived data".
Q3b) the proposed exception for "derived data"?	Bank E	b) We are supportive of exceptions to the data portability obligations to protect commercial interests of organisations in deriving client insights and other competitive advantage from processing collected data. This would promote a level playing field and support business innovation, which ultimately benefits consumers.
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank F	<p>To consider IT development costs, compliance control costs, and maintenance costs in addition to transfer of data uniformly across organisations.</p> <p>Verify the data to be ported: The requestor should be allowed to view the data generated or sample of the data before porting. This allows the requestor to verify if the data generated is aligned with the initial request. If the request is met successfully, and the requestor requires further changes to the data (e.g. tamper the authenticity of information, masking of certain information etc.), the Bank is not obliged to do so.</p> <p>Fee Payable: The requestors should be charged for the data portability request. A fee schedule may be required as a guide for clients to refer to, and the fees will be based on the complexity of the request. If there is a disagreement with the fee payable between the requestor and the bank, this should be discussed between the involved parties.</p> <p>Porting the data: The proposal for a 7 calendar days turnaround time for porting of data upon confirmation of the data may not be sufficient for more complex requests. The turnaround time for completing a request should be based on the complexity of the request.</p>

Section/SubSection Description	Bank Name	Comments
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank I	<p><b>Avenues for individuals to submit porting requests</b></p> <p>To facilitate the processing of porting requests, there should be standard channels established for making requests, e.g. a dedicated web portal or by email.</p> <p><b>Verification of data by an individual before it is ported</b></p> <p>In the case of user activity data, there may be issues with enabling a requesting individual to remove data that he does not wish to port. This may result in the loss of integrity of the data, e.g. in the context of a customer's account transactions / purchase transactions. To consider if this should be limited to user provided data only.</p> <p>Under paragraph 2.37(b), the example cited refers to an online service that the requesting individual has to securely log into. As some organisations may not have such online services, does an organisation have the discretion to determine its own means of authentication of the individual, e.g. by accepting an email from the requesting individual?</p> <p><b>Timeframe for porting data</b></p> <p>The proposed timeframe of 7 calendar days for porting data is unrealistic as banks require time to retrieve archived data, etc – unless the scope of the data and the transfer mechanism can be automated and standardised. A longer timeframe – at minimum, 7 business days – would be more practicable, especially in view of the intention to provide individuals with a "cooling off" period to change their minds about porting their data.</p> <p>The timeline prescribed by the PDPC should also be more specific and refer to various parts of the process, e.g. the length of time required for the organisation to provide the data, the length of time then required for the individual to verify the data, and so on.</p> <p><b>Fees payable by individuals for data porting requests</b></p> <p>Will due diligence costs by financial institutions ("FI") be built into the fees payable by customers for data porting requests? Considering the proposed timeline of 7 calendar days (even if extended to 30 calendar days), it is not likely that an FI can conduct sufficient due diligence on the recipient organisation within such a short period of time. It would also be unrealistic for OCBC to build a data pipeline with each requesting organisation. If the PDPC is able to administer a list of "pre-approved" organisations that have signed up and confirmed with the PDPC that they provide sufficient protection for ported data, FIs will only need to double-check against the pre-approved list prior to agreeing to the transfer request, and no additional due diligence will be required.</p> <p><b>Format for porting data</b></p> <p>We understand that the PDPC does not intend to specify the format for porting data. It would be useful to have some guidance on acceptable formats / standard formats for example, would it be possible to have a standard format for the data to be ported?</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank G	<p>On the proposed handling of data portability request (under the step for 'verifying the data'), it was proposed for organisation to allow individual to view the requested data (or sample) before transmission, and that the individual may remove data he/she does not wish to port. On this point, allowing individuals to remove certain data may result in the ported data being "distorted", i.e. not reflective of full picture. Please consider this and provide further guidance.</p> <p>On the step for 'verifying the request' – how should request from one party in joint accounts (joint/and; joint/or) be handled? During the briefing, PDC recommended that Banks need to perform due diligence to ensure other person (in the joint account relationship) is aware of data port (including proper documentation). However, MAS representative during the briefing has an alternative view. Proposed that PDC provide further guidance to address this.</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank B	<p>Handling of data portability requests should be an industry wide (banking) initiative, which is for the general benefit of the customer like the Debt Consolidation. Without a consolidated effort to standardise the data for exchange, again it will be operationally very challenging. [Reference section 2.37]</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank H	<p>Section 2.37 d) (ii): "When the data will be ported to the receiving organisation. The period from the time the individual requests for the data to be ported to the time the data is ported must be within a reasonable period. PDPC is proposing to prescribe in Regulations a period of no longer than 7 calendar days for the porting of data upon confirmation of the data (or any other periods as specified under the codes of practice)".</p> <p>Seven days seems to be a very short timeframe especially for the most complicated data portability requests. We would recommend deleting the seven day timeframe. "As soon as reasonably practical" should be already aligned with the rights of the individual and it would have the positive effect not to generate false expectations in the individuals. In case a more specific time frame is required we would recommend aligning the text to the GDPR timeframe by proposing: "without undue delay and at the latest within one month of receipt" that can also be extended by a further two months in case of more complex cases.</p> <p>For the reasons explained under (1) and (2), we would recommend deleting from the Proposed Data Portability and Data Innovation Provisions:</p> <ul style="list-style-type: none"> <li>A. the business contact information from the scope of data portability right in section 2.29; and</li> <li>B. the 7 day timeframe to respond to the data portability request in section 2.37 d) (ii).</li> </ul>

Section/SubSection Description	Bank Name	Comments
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank B	<p>By porting over the data, can the transferring organization be deemed to have confirmed the accuracy of the ported data? This is to address the receiving organization's accuracy obligation under the PDPA. If not, the receiving organization has utilize resources to negotiate a bilateral representation letter from the transferring organization or re-confirm accuracy with the customer. This may defeat the efficiencies of data portability. [Reference section 2.37]</p> <p>Is the transferring organization required to ensure that the receiving organization provides adequate protection to the ported data? Arguably, this should not be necessary given that the porting over will be at the request of the customer. [Reference section 2.39]</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank A	<p>Specific timeframe of the user activity data requested should be provided for the data portability obligations (such as the access obligation is up to 12 months from the date of request) in order to mitigate the compliance costs.</p> <p>Other than the exception in Annex B, could PDPC provide specific grounds of rejection for data portability obligations.</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank K	<p><u>Timing</u> We propose that the response time be set at 30 days, consistent with access requests.</p> <p><u>Format</u> There should be clear guidance on what constitutes an acceptable machine-readable format, and on acceptable transmission methods.</p> <p><u>Verification</u> What would be the standard of verification that data has been sent/received, and that such data is complete?</p> <p><u>Overseas transfers</u> Where the data subject has requested that his data be transferred to an organization outside Singapore, the porting organization should not be required to comply with S.26 of the PDPA, for the following reasons: (i) the transfer is upon the data subject's specific instructions, (ii) it would be impractical and unreasonable to expect the transferor and transferee to negotiate contractual terms for the data transfer as they may have no business relationship, and (iii) the porting organization should not have to incur the expenses and resources to review the laws of the overseas recipient's jurisdiction to ensure parity with the PDPA.</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank E	<p>We propose that it should be left to the organisations to determine and provide adequate means to initiate the requests for data portability in order to allow them to comply with other requirements and install adequate security mechanisms. In the case of a website, login credentials should suffice for authentication and verifying the request is coming from a genuine client.</p> <p>One proposed requirement for porting organisations is to allow individuals to view the data to be ported, who can request to exclude certain data from being ported. We would like to seek clarification if obligations of porting organisations would be fulfilled by porting data of the individual confined to the extent necessary to move to another service provider. The industry codes of practice should identify these requirements by product or service, which would facilitate efficient transfer of data.</p> <p>With respect to the proposed 7 calendar days' time to complete the data portability requests following verification, we would be grateful if PDPC could consider providing more time as handling of the data portability request may require preparation and multiple parties for porting the data. We also seek clarification on what is considered a 'reasonable period' of time from the time the individual request for the data for the data to be ported. Sufficient time must be allowed for preparation and validation of data which may be gathered from multiple system sources and difficult formats (per our response to Question 2b).</p> <p>Under proposed requirements for preserving the data, organisations are required to preserve a copy of the requested data for 30 calendar days after rejecting the request. We would like to seek clarification if this data is separate from the original data held for the individual, which are subject to data retention requirements. Further, we seek confirmation that there are no obligations imposed in the proposals for clients to request to delete their personal data held with the organisation after the data porting request is completed. Banks have to retain client data for legal purposes including record retention requirements. The receiving organisation also should be able to retain the data as per its record retention policies.</p>

Section/SubSection Description	Bank Name	Comments
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank D	<p>1. As part of administration, data portability requests require building a workflow from the initial request to transmitting of data to the receiving organisation. Other than the cost to comply and administer, the workflow is required to incorporate feasible lead time for individual to review, access and correct and having a “cooling off” period. The proposed 7 calendar days in which sending organisation should port the data as prescribed in Annex A is not a feasible lead time taking into considerations the activities from request to porting and long weekends. Note that the 7 days as described in 2.37(d)(ii) is from confirmation of data which differs from Annex A, from receipt of request.</p> <p>2. There should be a clear liability framework in place in the relationship between “individual”, “sending organisation” and “receiving organisation” e.g., receiving organisation must ensure the veracity of data requested to be ported commensurate to the purpose of service / product that is offered to the individual. To this end, use cases will help in better understanding these considerations. These can be first developed within vertical industry segments before extending them to cross-industry sectors applications.</p> <p>3. Stepping back, there are already SG Govt initiatives e.g. MyInfo, MyInfo Business; where information of individuals and corporations are available to organizations through SingPass or CorpPass. Entrenching these as central repositories of information to be drawn upon (including enabling their corrections/updates) instead of porting the same via different organizations, will be a better approach to preserve the integrity of the underlying data and minimize the proliferation of silo data sources as well as data quality issues permeating through the system.</p> <p>4. Data to be ported should be in a structured format as prescribed by sending organisation especially in user activity data e.g. transactional activities. From a cost, operational and data authenticity perspective, it is not feasible to</p> <p>a. allow individual to request for/ customize the data to be ported e.g. remove specific transaction data</p> <p>b. allow receiving organisations to customise the format for the data to be ported. i.e indicate the specifics type and structure of data to be receive</p> <p>5. When sending organisation received a request to correct personal data (under PDPA’s Correction Obligation), section (22.2.b) of the Correction Obligation should not apply for sending organisation to inform receiving organisation that there is correction on the data that was previously ported, as receiving organisation in itself is a data controller. Individual should contact receiving organisation for any correction of personal data.</p> <p>6. Ported data that is deemed irrelevant or excessive data received by the receiving organisation may not (or cannot be) purged. As such, such ‘unused’ ported data should be subjected to the PDPA’s Protection Obligation and Retention Limitation Obligation as it is in possession of the receiving organisation.</p>
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank J	<ul style="list-style-type: none"> <li>• The bank is of the view that organisations should be provided with an indicative timeframe for handling data portability requests and draw reference to the PDPC’s guidance provided for Access Obligation, where the organisation is given up to 30 days to provide access to the personal data requested. If the organisation is unable to respond within 30 days after receiving a request, the organisation should inform the individual in writing of the time by which the organisation will be able to respond to the request, together with the general reason for the delay.</li> <li>• Whilst the bank notes that there may be different levels of complexity and effort required by organisations to prepare the data to be ported, we would like to propose for guidelines/examples on the range of fees which will help provide clarity and reduce disputes between organisations (should the fees be borne by a receiving organisation) as well as the requesting individual (should the fees be borne by the requesting individual). Industry bodies could play a useful role in determining the potential range of fees.</li> <li>• With reference to Paragraph 2.37(c), the bank respectfully requests for the PDPC to revisit the requirements. By allowing the requestor to selectively edit the data they want to port creates significantly higher operational complexity for the porting organisation and may also reduce the utility for such porting (e.g. an organisation using financial statements ported from the requestor’s bank to determine the requestor’s credit worthiness would want the full set of statements, not just the ones the requestor selectively chooses to share).</li> <li>• The bank respectfully requests for clarity on the legal obligations in case of data security breaches during and after the transmission of data. This request has already been raised in the EU as part of the response to Open Banking requirements. We seek clarity who would be legally liable if a requestor asks their bank to port financial transaction data to a different organisation, and the latter is unable to protect the data either during the transfer of data from the sending organisation, or after such a transfer.</li> <li>• With reference to Paragraph 2.37(h), the bank would like to propose that a reasonable prescribed period be included in the proposed provision for a porting organisation to operationalise the individual’s withdrawal of request, in order to reduce potential disputes.</li> <li>• With reference to our response in Question 2 on the need to develop a minimum standard of data fields and standard format for each sector, the bank would respectfully propose that the data portability provisions to be operationalised only after such standards have been developed and shared with the industry. Else, the complexity and risk of providing data in numerous formats based on each receiving organisation’s expectations may become unmanageable.</li> </ul>

Section/SubSection Description	Bank Name	Comments
Q4. What are your views on the proposed requirements for handling data portability requests?	Bank C	<p>i) The onus is currently on the porting organisation to ensure the receiving organisation have a presence in Singapore, otherwise, to ensure the transfer is done in compliance with the Data Protection Provisions, including the Transfer Limitation Obligation. The onus should be place instead on the receiving organisation to be eligible.</p> <p>Further, there are multiple organisations (providing similar services) in Singapore such that individuals have ample choices locally. Should individuals require an overseas option, they can exercise caveat emptor whether their data would be adequately protected before they request local porting organisations to transfer their data overseas.</p> <p>ii) In the present flow, fees are only quoted after the porting organisation had already exerted time, effort and resources to provide the data (or a sample of which) to the individual. Propose instead to allow for a nominal fee to be collected at the outset. And for the remaining fee to be quoted after the individual confirms the data to be ported.</p> <p>The receiving organisation should communicate to the individual (or be involved when the data is requested) to agree on the format and protocols for transmitting and receiving the data (it would be more costly to send by registered courier the CD containing the data versus sending the same over encrypted email). In absence of such agreement, the porting organisation should reserve the right to charge a reasonable fee for any technical support or changes to the format of the requested data in order to successfully transmit the data to the receiving organisation.</p>
Q5. 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?	Bank F	Not all organisations operates at same level of efficiency and unless there is defined core minimum information format agreed, it would be challenging. This will increase the cost of compliance with the portability request.
Q5. 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?	Bank I	While the PDPC is the main authority responsible for enforcing the data portability obligation, it would be ideal to delegate some of the proposed powers of review – at least where the banking sector is concerned – to regulatory bodies such as the MAS, given the intricacies of the Banking Act.
Q5. 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?	Bank G	<p>Proposed that PDPC provide guidance on 'reasonable time and fees' to (actually) <u>port</u> data.</p> <p>Noted that PDC has indicated that the organization is required to provide individual with information about when the data will be ported (no longer than 7 calendar days upon confirmation of data to be ported)</p>
Q5. 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?	Bank A	We are fine with 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.
Q5. 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?	Bank K	The right of review is an appropriate safeguard. We request that PDPC publish guidelines as to their expectations and review criteria.
Q5. 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?	Bank E	<p>We would like to seek guidance on the acceptable reasons for an organisation's refusal to port data. We propose that valid reasons include:</p> <ul style="list-style-type: none"> <li>&amp;bull; Refusal to port data if the individual is not able to provide the required information to enable identification and verification (including validation if request is made on behalf of another individual)</li> <li>&amp;bull; Refusal to port data if the customer does not pay the fees in time</li> <li>&amp;bull; Failure to port data could occur due to a number of reasons including force majeure. If a force majeure or other cause which is beyond the reasonable control of porting or receiving organisations occurs resulting in failure to carry out the request, the relevant parties should not be held responsible</li> <li>&amp;bull; Both the porting and receiving organisations should not have an obligation to adopt or maintain processing systems which are technically compatible in order to carry out the data porting request</li> <li>&amp;bull; According to the defined scope of data, if data is held by an organisation in non-electronic form, data porting is exempted and there should not be an obligation for the organisation to convert its records to electronic form to facilitate porting of the data</li> </ul>
Q5. 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?	Bank D	<p>1. The basis in which 'reasonable' fees is determined is not clear and risks creating an inherent bias between larger incumbents vs newer, smaller competitors – influencing the flow of data and ultimately competitiveness. We request PDPC to provide more guidance on fees, perhaps leveraging the information from other jurisdictions where data portability is already in place. Reasonable fees has to be assessed in relation to the complexity and legacy of platforms and systems, and efforts required to generate the requested data to be ported, and will vary between organisations.</p> <p>2. The net flow of data will decidedly be biased against incumbents. With the ability to source data cheaply by leveraging on incumbent players, newer entrants may focus through a narrower set of activities, leading incumbents to eventually withdraw essential but less-profitable services (or increase prices for these services), impacting financial inclusion.</p>

Section/SubSection Description	Bank Name	Comments
Q6. 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?	Bank F	<p>Counterparty assurance: Having an industry/cross-industry agreed accreditation model to define a trusted data recipient is key to assuage individuals' and organisations' concerns over security and protection for ported data.</p> <p>Security of data: The bank agrees of ensuring minimum security standards to ensure integrity and security of data during transmission. There should also be clarity on the limits of liability for the data recipient and the porting organisation should also not be held liable against any claims relating to the accuracy and quality once data is successfully ported.</p>
Q6. 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?	Bank I	<p>We agree with the proposal to implement codes of practices specific to different industries or sectors.</p> <p>As regards the banking sector, the data porting obligation should be similarly aligned with MAS' Open Banking so that there is a common framework regardless of who or where the porting request originates from.</p> <p>The code of practice for the banking sector should:</p> <ul style="list-style-type: none"> <li>• consider issues of interoperability and security of data. For example, data transmission standards, data storage requirements between the sender and receiver, as well as the right for the user (consumer) to review his data before it is ported, would have to be specifically defined for the banking sector;</li> <li>• consider cross-sectorial exchanges and the potential differences in information security standards, e.g. where data is ported between a bank and a travel agency.</li> </ul>
Q6. 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?	Bank G	We will provide our feedback, if any, when the consultation of codes of practices is made available
Q6. 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?	Bank B	<p>The data portability obligation should fall under the proposed binding code of practice for the specific sectors, with this binding code of practice, the data format and rules of engagement between organisations will be able be clear and without ambiguity.</p> <p>With the above code of practice by the specific sectors, the data format to be exchange could be standardised and published by ABS or MAS.</p>
Q6. 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?	Bank A	We definitely agree to have specific binding codes of practices for the porting of data for banking sector in order to ensure that all the banks in Singapore abide with the same set of rules when it ports data to another bank or organisation in Singapore.
Q6. 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?	Bank K	We agree that a code of practice should be developed for the banking industry, with a common standard as to the matters set out in the paper. In addition, the code could address matters such as the type of data that can be excluded, the basis for charging fees, transfers to non-FIs, etc.
Q6. 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?	Bank E	<p>The requirement to provide a cooling-off period is operationally burdensome for the porting organisation and we would like to seek clarification how this would add to consumer safeguards. If PDPC decides to proceed with such proposals, we also propose that a time frame should be given for clients to provide sign off to respond to queries relating the request and to confirm the data request.</p> <p>Under the proposals, the receiving organisation is responsible for safeguarding the ported data. Consistent with this, we also respectfully request that the porting organisation should not be held responsible for counterparty assurance or due diligence to ensure that the receiving organisation would have adequate protection measures in place before porting the data. Porting organisations should also not be held liable for any subsequent fraud or misuse of the data after it is transmitted.</p> <p>We are supportive of PDPC's proposal to address interoperability requirements in the codes of practice. It would be helpful to the industry if these requirements are details to facilitate data transfers between porting and receiving organisations.</p> <p>Regarding security of data, we propose that data lost or corrupted in transmission for reasons beyond the control of the porting organisation such as force majeure, should not be held against the porting organisation.</p> <p>It should also be made clear that in case of any conflicts between the PDPA and the industry codes of practice, the Act should take precedence.</p>

Section/SubSection Description	Bank Name	Comments
Q6. 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?	Bank D	<p>1. Confidence in the reliability and security of the underpinning technical infrastructure will be critical for success. This is in particular given the extent of identifiable information shared coupled with recent incidents of data breaches. We propose instead for PDPC to set out or consult on proposed technical specifications, including security management requirements, cryptography standards, sessions logging etc. This will ensure consistency across organizations and sectors and in turn, promote the confidence of requesting individuals, sending and receiving organizations. The aspirations of data portability can only be as strong as its weakest link.</p> <p>2. We also propose for PDPC to ensure alignment of codes of practices across clusters or sectors for cross cluster/sector data porting to eliminate variances in practice between clusters or sectors e.g. those that are highly regulated versus those that are not/ less regulated. Independent audits/checks should also be mandated on both sending and receiving organizations, including the ramifications when not meeting these requirements e.g. barred from participating in data porting. These will help reassure the robustness of any established data porting infrastructure.</p> <p>3. Additionally, the financial sector is very complex and there is potential for many unintended consequences if broad data portability is adopted. We agree that there is a need to be led by sector specific policy to complement overarching policy. However, standards and requirements should also apply to <u>activities</u> instead of just entities. For instance, if a parallel (to banking) industry player decides to offer payments as a service, their activity should be subjected to the same data standards and requirements in the code of practice for financial sector. In this regard, an industry work group set up by MAS and ABS is in place for Financial Planning Digital Services (“FPDS”). We propose that the principles and considerations for FPDS be the basis for data portability code of practice in the financial sector.</p> <p>4. If employment records remains in scope, there should be a corresponding code of practice for employment records that applies across all clusters or sectors.</p>
Q6. 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?	Bank J	<ul style="list-style-type: none"> <li>The bank welcomes the proposal for codes of practices in specific clusters or sectors to be prescribed as this will provide clarity and a level playing field in the clusters or sectors. However, the bank is of the view that the proposed binding codes of practices which include practical examples and guidance should not be issued as subsidiary legislation but instead as industry led guidelines, consistent with the sector specific guidelines on the PDPA which are developed with industry associations.</li> <li>Specifically, in relation to the proposed coverage of security of data, the bank would respectfully request that the PDPC would allow the porting organisation to reject requests in instances where the receiving organisation does not meet the minimum standards around data security.</li> </ul>
Q7. 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?	Bank I	The proposal to dispense with the requirement to notify and seek consent is less straightforward where personal data about an individual was obtained from a third party. Please clarify if there would be any difference in the treatment of such personal data.
Q7. 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?	Bank A	We are agreeable with the proposed approach.
Q7. 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?	Bank K	We support this, as business innovation benefits the organization, the consumer, and the economy as a whole. Please clarify if personal data collected before the effective date of the new provisions may be used for business innovation purposes, although there was no specific consent for such use at the time of collection.
Q7. 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?	Bank E	We are supportive of the proposal. We seek assurance that necessary amendments will be made to the PDPA in order to reflect the proposed approach.
Q7. 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?	Bank D	Agreed, and we would like to further propose for “Risk Management” to be included as one of the purposes for data innovation.

Section/SubSection Description	Bank Name	Comments
Q7. 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?	Bank J	<ul style="list-style-type: none"> <li>The bank welcomes the proposal 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 purposes as this is a good initiative which will spur the development of the digital economy. However, to prevent misuse of personal data under the pretext of business innovation, the bank would like to propose for PDPC to provide more guidance for organisations on the business innovation purposes to ensure that individuals' interests/rights are protected/respected.</li> <li>The bank supports any proposal that enables organisations to process personal data for the purposes of the legitimate interests, except where such interests are overridden by the interests or fundamental rights and freedoms of individuals.</li> </ul>
Q8. What are your views on the proposed definition of "derived data"?	Bank I	For clarity, the level of protection to be applied to derived personal data should also be clearly stated.
Q8. What are your views on the proposed definition of "derived data"?	Bank G	Please provide more working examples that are applicable to Financial Institutions (refer to our feedback on question 2b)
Q8. What are your views on the proposed definition of "derived data"?	Bank A	We are agreeable with the proposed definition of "derived data".
Q8. What are your views on the proposed definition of "derived data"?	Bank E	We are supportive of the proposed definition per our response in Question 3b.
Q8. What are your views on the proposed definition of "derived data"?	Bank D	The given definition of derived data rests on the assumption that business-specific rules must be applied in order to derive data. Many AI based solutions derive data and insights without business-specific rules being applied. In fact this is one of the key factors in differentiating between AI and non-AI solutions as inferred in the PCPC 'Proposed Model Artificial Intelligence Governance Framework'.
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank I	<p>Where customers request that organisations stop collecting, using or disclosing their data, how would this impact such customers' derived personal data?</p> <p>Please clarify whether the Retention Obligation applies to derived personal data.</p> <p><b>Conclusion</b></p> <p>The introduction of data portability and data innovation provisions are revolutionary proposals that will benefit the digital economy, but which would also invite potential issues and challenges that may not be easily resolved by resorting to legislative solutions.</p> <p>In deciding how best to implement these new provisions, thorough consultation and scenario-planning amongst the various business sectors, and learning from jurisdictions where these concepts have already been implemented, is critical.</p>
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank A	We are agreeable with the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data.
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank K	We agree with this proposal. Derived personal data should be recognized as the property of the organization.
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank E	We are supportive of the proposed definition per our response in Question 3b.
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank D	Derived data should be excluded from Access Obligation (PDPA Section 21) of PDPA in totality and not in parts because notification of its usage or disclosure (in the past year to other organisation) may compromise an organisation commercial position or such data are proprietary in nature e.g. customer internal (credit) risk scores based on bank's assessment.
Q9. What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Bank J	<ul style="list-style-type: none"> <li>The bank welcomes the proposal for access, correction and proposed data portability obligations to not apply to derived personal data.</li> </ul>