



Public Consultation on the positions proposed for the Regulations & Guidelines to be made under the PDPA

1... Who we are

This submission is from the Market Research Society Singapore ("MRSS").

MRSS (<http://www.mrssingapore.org.sg/>) was established in 2000 in response to the need for a body that would unite research practitioners toward common goals including the continued professionalism of the industry, cooperation among research organizations, upholding of the highest standards of research and business ethics as well as the rights of respondents.

MRSS is also the national research governing body in Singapore officially recognised by ESOMAR. ESOMAR is the global market and social research society. (<http://www.esomar.org/>).

As with most professions and industries, the Singapore research industry now operates within a global community, in which it is critical to strive for harmonisation of practices and standards and to understand and accommodate international laws and regulations. MRSS works closely with ESOMAR, the world association of research professionals, on establishing commonality in standards and guidelines and aligning our positions on emerging technologies and methodologies. As part of our joint interest in global harmonisation, **ESOMAR has reviewed and endorsed these comments submitted by MRSS.**

Founded in 1948, ESOMAR has almost 5,000 individual members worldwide on both the provider and client side as well as in public bodies and academic institutions. Since the 1940s, market, social and opinion research has been robustly self-regulated by a family of codes of conduct and practice, supported by strong compliance and disciplinary frameworks.

MRSS has 250 members consisting of 45 nominated corporate members and 40 individual members. The vast majority of large research organisations in Singapore are members as well as companies that commission market research.

All MRSS members agree to abide by the [ICC/ESOMAR International Code on Market and Social Research](#), which has been jointly drafted by ESOMAR and the International Chamber of Commerce and is endorsed by the [major national and international professional bodies](#) around the world. MRSS also has a Professional Standards Committee to ensure researchers and clients adhere to the highest standards of quality and ethical integrity and to protect the rights of respondents.

Legitimate research in Singapore as advocated and monitored by MRSS takes place under strict ethical and privacy rules that protect confidentiality and prohibit any selling via face-to-face surveys, telephone interviews, email, SMS or any other avenue. MRSS also excludes from our membership any research company that has a link to telemarketing or other aspects of direct marketing and responds quickly to any complaint regarding respondent rights, especially those regarding data confidentiality.

2... Our submission on the PDPA

We applaud the formation of the Personal Data Protection Commission (PDPC), and appreciate the ongoing consultation with the community and MRSS specifically

We also appreciate the opportunity to provide feedback on the Regulations and Advisory Guidelines under the Personal Data Protection Act 2012 (PDPA).

As in our previous submission we would like to reiterate our strong support of the exclusion of legitimate market and social research surveys from the new regulations.

3... Our feedback

Collection of personal data with consent

Research respondents voluntarily provide personal data for market, social and opinion research (i.e. the interviewer explains the purpose of the survey, and the respondent will provide an answer) and we note that this constitutes voluntary consent under the terms of the Act Part IV, Division 1, Section 15.

We welcome and appreciate that specific wording is included in relation to a research purpose, including historical or statistical research for the disclosure and use of personal data without consent with additional safeguards.

Use of personal data without consent: Section 17

We respectfully request that Section 17 (2) of the Third schedule, relating to use of personal data without consent be reworded as follows to be clearer:

1. An organization may use personal data about an individual without the consent of the individual in any of the following circumstances:

(i) subject to the conditions in paragraph 2, the personal data is used for a research purpose, including historical or statistical research; or

(j) the data was collected by the organisation in accordance with section 17(1) (i.e. without consent), and is used by the organisation for purposes consistent with the purpose of that collection.

2. Paragraph 1(i) shall not apply unless —

- (a) the research purpose cannot reasonably be accomplished unless the personal data is provided in an individually identifiable form; or
- (b) it is impracticable for the organisation to seek the consent of the individual for the use; or
- (c) the personal data will not be used to contact persons to ask them to participate in the research unless there is a reasonable expectation that they will be so contacted for this purpose; and
- (d) linkage of the personal data to other information is not harmful to the individuals identified by the personal data and the benefits to be derived from the linkage are clearly in the public interest.

3. For the avoidance of doubt, personal data collected before the appointed day in the circumstances and conditions set out in the Second Schedule shall satisfy paragraph 1(j) notwithstanding that section 17(1) was not in force at the time of the collection.

Market research, which includes social and opinion research, is the systematic gathering and interpretation of information about individuals or organisations using the statistical and analytical methods and techniques of the applied social sciences to gain insight or support decision making. Such research plays a key role in helping businesses and other constituencies better understand consumers, customers and citizens and thus make better decisions.

Such data will not be used to make a decision about an individual or be used for any other purpose than market research. No sales approach will be made to the respondent as a direct result of their having provided information.

According to the ICC/ESOMAR Code, respondents must not be harmed or disadvantaged as a result of participating in a research project; and personal data collected for research purposes must not be used for other purposes.

Market research is governed by process standards reflecting traditional concerns with research integrity and data security. Researchers need access to representative samples to be able to provide robust research results and this entails the opportunity to invite people to ask them to participate in the research.

We would therefore support the exemption to the right of subject access and correction set out in section 22(7) of the Sixth Schedule and would suggest it be reworded as follows:

Exceptions from correction requirement

1. Section 22 shall not apply in respect of (a) opinion data kept solely for an evaluative purpose to (a) personal data which is compiled for a research purpose, including historical or statistical research.

This provision will be compatible with the EU Data Protection Directive to allow access to historic data to compile research and statistical records and trend data to provide inform better and more accurate assessment of important economic and social activities.

For further information on this submission or on MRSS and its activities, please contact:

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