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15 December 2017

**By Email:** [corporate@pdpc.gov.sg](mailto:corporate@pdpc.gov.sg)

**Attention: Personal Data Protection Commission, Singapore (“PDPC”)**

Dear Sirs,

**Public Consultation for Proposed Advisory Guidelines on the Personal Data Protection Act for NRIC Numbers**

We refer to the subject matter.

Please find in the Schedule to this letter the feedback of Canon Singapore Pte. Ltd. for your consideration.

Please contact the undersigned at Tel: 6796 3697 or [janette\\_loh@canon.com.sg](mailto:janette_loh@canon.com.sg) should you have any queries.

Thank you.

Yours sincerely,

Janette Loh  
General Counsel  
Legal, IP & Regulatory Division  
Canon Singapore Pte. Ltd.



## Schedule

### Part 1:

#### **Comments on Proposed Advisory Guidelines on the Personal Data Protection Act for NRIC Numbers**

**1. Collection, use of disclosure of the NRIC number of copy of the NRIC is necessary to accurately establish and verify the identity of the individual - Paragraphs 1.12 to 1.15**

The circumstances which PDPC would consider necessary to accurately establish and verify the identity of individuals listed results is unduly restrictive and limits the circumstances to very limited scenarios. The concept of “high value transactions” can be rather subjective and does not take into consideration other lesser value but higher risk transactions. For example, there are many companies who provide warranty services for the products distributed by them. Some of these products (eg copiers, cameras and lenses in our case), are products that are subject to high theft or other conversion risk. For purpose of verification and record of customer identification (especially where theft/conversion investigations are reported), there may be a need to verify and keep a record of the customer’s NRIC particulars.

**2. What alternatives should organisations use in place of NRIC numbers or copy of the NRIC? - Paragraphs 1.16 to 1.20**

With the increasing growth of e-commerce, online purchase of movie tickets is an extremely limited representation of the vast range of present and future e-commerce transactions. There are potentially many e-retail transactions, many of which involve larger value and higher risks transactions where the necessity of NRIC verification and retention is not adequately represented by the movie tickets purchase example.

On the example of signing up for retail membership and lucky draw, it would seem the alternatives are proposed on the basis that such transactions do not involve high value or high risks. However, with dynamic marketing concepts, there is a possibility that a number of organisations may offer such programmes/lucky draws/contests with benefits that are of significantly high value and thereby, the need to ensure the right parties avail themselves of the benefits and to protect themselves against 3<sup>rd</sup> party claims of wrongful accord of benefits.





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In addition, where alternatives such as vehicle number and mobile number are used as alternatives for verification, there are practical challenges in:

- (i) verifying such details as true and accurate; and
- (ii) achieving the same level of verification as verification of the NRIC.

**3. Other Data Protection obligations -  
Paragraph 1.29**

We would like to propose 18 months (instead of 12 months) for the review and implementation of changes. This is because any changes may involve updating of existing electronic systems and processes integrated with others that may require more time for review, change and implementation.





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**Part 2:**

**Comments on Proposed Technical Guide to NRIC Advisory Guidelines**

We have no comments on the Proposed Technical Guide to NRIC Advisory Guidelines.

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**Part 3:**

**Response to PDPC Questions**

**Question 1:** What are your views on the proposed criteria for limiting the collection, use or disclosure of individuals' NRIC numbers or copies of the NRIC to instances where:

- (a) it is required under the law; and
- (b) it is necessary to accurately establish and verify the identity of the individual?

Response:

*Please refer to comments in Part 1 and Part 4.*

**Question 2:** What are your views on the proposed criteria for limiting the retention of individuals' physical NRIC to instances where:

- (a) it is required under the law; and
- (b) it is necessary to accurately establish and verify the identity of the individual?

Response:

*Generally we agree that retention of physical NRIC should only be very limited circumstances.*

**Question 3:** Are there common scenarios or additional issues (e.g. updating of information systems) that these advisory guidelines should address?

Response:

*Please refer to comments in Part 1 and Part 4.*

**Question 4:** What are your views on the proposed provision of up to one year from the issuance of the advisory guidelines for organisations to review and implement changes to their practices and processes involving the collection, use or disclosure of NRIC numbers or copies of the NRIC, or the retention of physical NRIC?

Response:

*Please refer to comments in Part 1.*



## **Part 4:**

### **Additional Points & Conclusion**

#### 1. NRIC Number as a Unique Identifier

- (a) An NRIC number on its own as primary data does not provide information beyond serving as a unique identifier. Given the rampant usage and disclosure of NRIC numbers for various transactions, it should not be classified as highly sensitive data in the same category of data such as medical history and financial information. To draw a distinction between NRIC particulars eg NRIC number and such other information would be arbitrary.
- (b) The usage of the NRIC number as a unique identifier is superior to all other suggested alternatives such as organization generated IDs, emails, and mobile numbers as an individual could concurrently have multiples of such identifiers or change such identifiers from time to time. From a data management point of view, deduplication of data points is ideal and the NRIC number is a vastly superior tool for this purpose.
- (c) The ability of an organisation to be able to effectively de-duplicate customer data to provide customer experience would be not only on the wish list of the organisation but the individual customer as well.

#### 2. Informed Consent

- (a) We would advocate the continuing collection of NRIC particulars (including retention of a copy of NRIC where necessary) on an informed consent basis in order to provide flexibility to both organisations and the individuals in making an informed choice. Currently highly sensitive information such as CPF and income tax information are released to financial institutions on an informed consent basis. Even decision on medical procedures and treatments are based on informed consent. As long as individuals are aware of the potential risks, they should be allowed to make the choice of whether to proceed.
- (b) While we agree that certain basic provisioning of services should not necessarily be withheld on condition that NRIC particulars are provided, when it comes to peripheral marketing activities and benefits such as lucky draws and other promotions, customer have a choice whether they wish to avail themselves of the benefits based on the conditions and have the option to walk away. A healthy trading exchange of benefits can still be in place. This is especially so when organisations invest heavily in these activities with a view to a return on investment in terms of rights to market to customer in an effective manner.



3. Level Playing Field

- (a) A right balance should be struck between a highly regulated vs a laissez-faire approach. Placing onus on companies and shifting responsibility from customers is one sided and increases compliance and regulatory costs on businesses who are increasingly challenged to manage their bottomline.
- (b) Big data is growing in importance and not all companies are on the same footing. Reducing the ability of companies to deduplicate their data points will result in certain already well placed organisations from having excessive customer intelligence over others and be in a position to amalgamate a multitude of data points and use these as services. If other companies are not able to develop their own customer intelligence, then an uneven playing field would become even more prominent.
- (c) Many of the legislated industries such as telecommunications companies could be given the advantage of being able to utilise their legislative rights to collect NRIC data for marketing purposes. As a result, they are able to use their enhanced intelligence to promote egn paid targeting services or even disclose the data to other parties though this right/advantage may not be immediately apparent to the individual customer.

4. Others

- (a) While some form of regulation is necessary, over-prescription would place undue burden on organisations relative to the individual. With the proliferation of internet connectivity and content and social sharing, forensic sleuthing on these platforms can unearth even more details of the individual beyond NRIC particulars.
- (b) Informed consent (with an individual being able to exercise his/her right to consent) rather than a mandated non-collection of information is a balanced implementation that places equal responsibility on all parties. We should not propagate a nanny state where the populace expects systems to always act for them without them having to exercise their personal responsibilities.

