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VIA E-MAIL ONLY

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18 December 2017

Personal Data Protection Commission

Dear Sirs,

PDPC'S PUBLIC CONSULTATION ON THE PROPOSED REVISED ADVISORY GUIDELINES ON NRIC NUMBERS

We refer to the above matter and are pleased to submit our views, enclosed herein, for the consideration of the Personal Data Protection Commission ("PDPC").

For questions or clarifications, please contact:

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Yours faithfully

Lee Choon Fatt
Data Protection Officer, Legal & Secretariat
for and on behalf of
Mediacorp Pte. Ltd.

(enc.)

**PDPC'S PUBLIC CONSULTATION ON THE PROPOSED REVISED ADVISORY GUIDELINES ON
NRIC NUMBERS**

**ISSUED ON
7 NOVEMBER 2017**

**RESPONSE TO PDPC'S PUBLIC CONSULTATION ON THE PROPOSED REVISED ADVISORY
GUIDELINES ON NRIC NUMBERS**

BY MEDIACORP PTE LTD

Contact

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Date of Submission

18 December 2017

1. INTRODUCTION

- 1.1 We refer to PDPC'S public consultation on the Proposed Revised Advisory Guidelines on NRIC Numbers dated 7 November 2017. We are grateful for the opportunity to respond to the public consultation.
- 1.2 To provide some background, Mediacorp Pte Ltd, together with its various group companies ("Mediacorp"), is one of Singapore's biggest media organisations. We are, *inter alia*, a nationwide free-to-air television and radio broadcaster, and also have an over the top digital platform. We produce content for television and radio broadcasts, publish magazines as well as cover live events and report the news.

2. SUMMARY OF MAJOR POINTS

- 2.1 We are supportive of PDPA's effort to limit the collection, use or disclosure of individuals' NRIC.
- 2.2 However, we wish to propose that the practice of exchanging physical NRICs for visitor badges be allowed for the purpose of accessing an organisation's premises that house sensitive and/or critical infrastructure integral to an organization's operations, provided the visitor is informed of the consequences and consent to it.
- 2.3 We also seek PDPC's confirmation that organisations will be able to collect NRIC numbers in the following instances based on the criteria specified by PDPA:
- When the NRIC numbers are requested to be submitted for government forms;
 - When establishing a relationship with the individual;
 - When publishing the result of winners for lotteries.

3. LIMITING THE COLLECTION, USE OR DISCLOSURE OF INDIVIDUAL'S NRIC NUMBERS OR COPIES OF THE NRIC

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?

- 3.1 We are supportive of PDPA's effort to limit the collection, use or disclosure of individuals' NRIC numbers or copies of the NRIC.

Instances where NRIC is required to be submitted for government forms

- 3.2 Government bodies or agencies may require organisations to submit NRIC information as part of submission of certain online or physical forms. Some examples include submission of claims to CPF or MOM, and submitting audited statements to SPF for notifications on lotteries. We would like to request PDPC to clarify specifically in the Revised Advisory Guidelines on NRIC Numbers that the collection, use and disclosure of NRIC numbers in such situations will be permitted either because it is deemed to be a requirement under the law or it is necessary to accurately establish and verify the identity of the individual.

Instances where NRIC is necessary to accurately establish and verify the identity of the individual

- 3.3 While we agree with the general principles behind the proposed criteria, it will be helpful to have more specific guidelines especially with regards to the criteria “necessary to accurately establish and verify the identity of the individual?”
- 3.4 Section 1.13 states that “*Circumstances which PDPC would consider necessary to accurately establish and verify the identity of individuals include situations or transactions where verification is necessary to prevent a risk of significant harm or impact to the individual and/or the organization, for example entering into high value contracts such as property transactions, and applications for healthcare or travel insurance to prevent fraudulent claims....*”
- 3.5 Our current business operations include instances where we need to create legal relations with the individual and/or to document an agreement between us and the individual(s) in order for us to be able to provide goods and/or services to the individual(s) effectively and securely. The NRIC numbers are used to establish and verify the individual’s identity. Examples of such instances include (but are not limited) to the following:
- Entering into contract(s) with individuals for us to provide goods and/or services to such individual(s);
 - Employment contracts, including hiring of temporary staff or part-time employees;
 - Consent forms, release and indemnity forms, letters of waiver and/or authorisation, to be signed by individuals in order to participate in our events, programmes or other activities;
 - Prize redemption forms for collection of prizes.
- 3.6 We would like to clarify that the collection of NRIC numbers for the above instances can fall under the criteria to “accurately establish and verify the identity of the individual”.
- 3.7 In addition, we believe that the collection of NRIC numbers should be permissible for all contracts and not just “high value” contracts. We would also like to suggest that PDPC remove the reference to “high value” contracts.

4. RETAINING INDIVIDUAL’S NRIC

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?

- 4.1 We are supportive of PDPA’s effort to limit the retention of individuals’ physical NRICs. However, we feel that organizations should be allowed to exchange NRICs for visitor badges if the organisation’s premises houses sensitive and/or critical infrastructure such as, in the case of Mediacorp, our broadcast systems.
- 4.2 Section 1.24 of the public consultation states that “...even if XYZ had collected the visitors’ NRIC numbers as part of establishing their identity (see example at paragraph 1.15), XYZ should not retain visitors’ physical NRICs for the purpose of ensuring the return of the visitor badges.”

- 4.3 Badges are issued to track and monitor visitors into the organization's premises. The badges enables on-site security personnel to distinguish between legitimate visitors and intruders and act as a critical component of a layered physical defence strategy.
- 4.4 Proper accountability and tracking of the badges is essential in maintaining the physical security of the organization's premises. Badges that are not returned upon the conclusion of the visit pose a grave security risk (e.g. intruders with ill intent can pick up discarded badges and use it to gain illegal entry into the organization's premises or such person could use a discarded badge to gain knowledge of our security systems and create duplicates for illegal access).
- 4.5 Unauthorised access to the organization's premises could lead to devastating consequences, for example:
- intruders could gain access to sensitive and/or critical infrastructure and carry out cyber-attacks or cyber-espionage, impacting our broadcasting capabilities which is considered a national essential service;
 - intruders could gain access and sabotage building systems (e.g. gas, electrical, lifts etc.);
 - intruders could cause physical harm to employees.
- 4.6 The exchange process emphasizes to visitors the importance of retaining and returning the badge. Visitors are incentivised to return the badges in order to collect back their NRIC. As part of standard operating procedure, visitors are notified and made aware of the need to exchange their NRICs in order to gain access and are generally agreeable to do so. Visitors who have reservations have the right to refuse and decline to enter our premises.
- 4.7 The exchange process also allows the organization to track with certainty when a visitor has entered or exited the organization's premises. Once the visitor badge has been returned, the organization is confident that the visitor has left the premises.
- 4.8 While the public consultation suggested taking down the contact details of the visitors as an alternative, operationally the organization cannot be certain if the visitor is telling the truth if he/she replies that he/she have left the organization's premises. There will also be a vulnerable exposure window from the point when a visitor leaves the organization's premises to the point when the badge is returned, during which the visitor badge could be duplicated, hacked or used to gain illegal access. In addition, the absence of a collateral means that a visitor who forgets to return the badge is less likely to specially make the trip back to return the badge.
- 4.9 Given the grave risk of impact to life and provisioning of critical essential services, we strongly urge PDPC to consider providing an exception for organization's premises that house sensitive and/or critical infrastructure to be able to retain the individual's NRIC in exchange for the visitor's badge.

5. OTHER SCENARIOS OR ADDITIONAL ISSUES

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

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?

Publishing NRIC numbers for purposes such as to publish the results of lucky draws

- 5.1 We would also like to seek clarification from PDPC on publishing NRIC numbers for the purposes of publishing the results of lotteries/lucky draws.
- 5.2 Specifically, we refer to lotteries/lucky draws that are conducted under the Common Gaming Houses (Exemption) Notification 1997 or Remote Gambling (Exempt Persons) Order 2015 where contest organizers are required to publish the results of the lottery (see Appendix A for an extract of the relevant clauses).
- 5.3 In the Advisory Guidelines on PDPA for Selected Topics dated 28 Mar 2017, organizations are advised as good practice to reveal only a portion of the NRIC number such as the last 3 digits and the letter.
- 5.4 We would be grateful if PDPC could therefore clarify whether organizations should follow the abovementioned advisory guideline and reveal a portion of the NRIC numbers when publishing the results of the lottery.

Sunrise period

- 5.5 We foresee that significant changes will have to be made to existing practices and processes including changes to software systems. Time is needed to test and effect changes to software systems, conduct operational and security testing, train employees in the new work flows. The proposed period of one year will likely not be sufficient. We would like to propose that the sunrise period be extended to 18 or 24 months.

6. CONCLUSION

- 6.1 We are grateful for the opportunity to respond to the public consultation, and hope that the PDPC will take our concerns into consideration.

Appendix A: Extracted from the “NOTIFICATION TO CONDUCT LUCKY DRAW UNDER THE COMMON GAMING HOUSES (EXEMPTION) NOTIFICATION 1997 OR REMOTE GAMBLING (EXEMPT PERSONS) ORDDER 2015” found at the website <https://www.police.gov.sg/e-services/apply/licenses-and-permits/donation-and-lucky-draw>.

Paras 5 and 7 of the Common Gaming Houses (Exemption) Notification 1997

5(1) For the purposes of paragraph 3, the additional conditions are —

- (a) the lottery shall be conducted by the organisation and its officers;
- (b) subject to sub-paragraphs (c), the draw shall be conducted in public;
- (c) any draw by means of a computerised system which is not conducted in public shall be witnessed and audited by a public accountant who is not in the employment of the organisation;
- (d) all winners shall be notified in writing by ordinary post;
- (e) where the total value of prizes exceeds \$10,000, the results of the lottery shall be published in a newspaper within 7 days following the determination of all the winners;
- (f) where lucky draws are conducted through the telecommunication system, participants shall not be required to pay more than 20 cents per call;
- (g) the lottery does not involve the use of any game, method, device, scheme or competition declared by the Minister under section 2(3) of the Act;
- (h) the lottery does not involve the use of any instrument or appliance for gaming declared by the Minister under section 2(4) of the Act;
- (i) all prizes which are not won or remain unclaimed after 2 months of the announcement of the winners, or their equivalent value shall, unless the Minister directs otherwise, be donated to the Community Chest or to such other charity as may be approved by the Minister; and
- (j) an audited statement of accounts shall, together with the results of the lottery, be sent by AR registered post to the Head, Specialised Crime Policy Branch, Criminal Investigation Department, within 3 months of the termination of the lottery.

Para 6 of the Remote Gambling Act (Exempt Persons) Order 2015

6(1) The standard conditions applicable to a remote gambling service that is to be provided for individuals to participate by the use of remote communication in a customer lottery, or a non-commercial organisation lottery, are as follows:

(a) that at least 4 weeks before any advertisement giving publicity to, or otherwise promoting or that is intended to promote, that remote gambling service is published, Head SCPB CID is given the details of how any prize which is not won, or which is left unclaimed after 2 months of the announcement of the winners, is to be disposed of by the organisation providing that service;

(b) every draw of that lottery —

- (i) is done in a manner where members of the public or a section of the public may attend the draw; or
- (ii) if using a computerised system to determine the winner or winners, is done in the manner in sub-paragraph (i) or in a manner where a public accountant not employed by the organisation providing the remote gambling service may witness and audit;

(c) where any draw of that lottery is done using the telecommunication system, no participant of the lottery is to be required to pay more than 20 cents per telephone call;

(d) every winner must be notified of the prize won —

- (i) by ordinary post or by electronic mail at an electronic mailing address provided by the winner; or
- (ii) by telephone at a telephone number provided by the winner, unless the prize is already given upon acquiring the right in respect of membership of the class among whom prizes in that lottery are to be allocated;

(e) if the total value of prizes exceeds \$10,000, the results of the lottery are published, within 7 days after the last draw of the lottery —

- (i) in a newspaper; or
- (ii) on an online location which is accessible to the individuals conferred any right in respect of membership of the class among whom prizes in that lottery are to be allocated; and

(f) before the start of any draw of the lottery, the organisation concerned gives to Head SCPB CID a written undertaking to give an audited statement of accounts, together with the results of the lottery and the description and value of the prizes, to Head SCPB CID no later than 3 months after the last draw of the lottery.