

RESPONSE TO PUBLIC CONSULTATION PAPER

Consultation topic:	Public consultation for approaches to managing personal data in the digital economy.
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Notification of Purpose

Question 1: Should the PDPA provide for Notification of Purpose as a basis for collecting, using and disclosing personal data without consent?

Question 2: Should the proposed Notification of Purpose approach be subject to conditions? If so, what are your views on the proposed conditions (i.e., impractical to obtain consent and not expected to have any adverse impact on the individual)?

We would like to seek more guidance from PDPC as to:

- (i) What amounts to "impractical to obtain consent"?
- (ii) What does data protection impact assessment (DPIA) entail?
- (iii) What happens if an individual subsequently objects to the disclosure of personal data, even if notification of purpose has been made?

Legal or Business Purpose

Question 3: Should the PDPA provide for Legal or Business Purpose as a basis for collecting, using and disclosing personal data without consent and notification?

Question 4: Should the proposed Legal or Business Purpose approach be subject to conditions? If so, what are your views on the proposed conditions (i.e., not desirable or appropriate to obtain consent and benefits to the public clearly outweigh any adverse impact or risks to the individual)?

The proposed conditions for legal/business purposes (such as fraud detection or prevention) are reasonable grounds for disclosure of personal data without consent. We have no further comments.

Criteria for Breach Notification

Question 5: What are your views on the proposed criteria for data breach notification to affected individuals and to PDPC? Specifically, what are your views on the proposed number of affected individuals (i.e., 500 or more) for a data breach to be considered of a significant scale to be notified to PDPC?

The proposed criteria based on number of affected individuals are reasonable grounds for data breach notification.

Concurrent Application with Other Laws and Sectoral Breach Notification Regimes

Question 6: What are your views on the proposed concurrent application of PDPA's data breach notification requirements with that of other laws and sectoral regulations?

As cited in the Consultation Paper, banks are already required to notify MAS of relevant incidents as defined in MAS Notice 644. Hence, to avoid duplication of reporting, we would like to request for PDPA's data breach notification requirement to be aligned with MAS 644, by reporting such incidents to MAS.

Exceptions and Exemptions from Breach Notification

Question 7: What are your views on the proposed exceptions and exemptions from the data breach notification requirements?

- (i) Looking at the scope of exemption from data breach notification, we would like clarify if the intention of this provision is to exclude individuals from breach notification;
- (ii) "Where other written law prohibits notification, the provisions of other written laws shall prevail." - Are we referring to Singapore Laws only?

Time Frame for Breach Notification

Question 8: What are your views on the proposed time frames for data breach notifications to affected individuals and to PDPC?

The proposed time frames for notification of affected individuals (as soon as practicable) and PDPC (within 72 hours) are reasonable response time.