

23<sup>rd</sup> August 2017

Personal Data Protection Commission Singapore (PDPC)  
**(By Email)**

**Re: Public Consultation for Approaches to Managing Personal Data in the Digital Economy**

NCC Group is a global expert in cyber security, privacy and risk mitigation, working with businesses to protect their brand, value and reputation against the ever-evolving threat landscape. Headquartered in the United Kingdom, with over 35 offices across the world, including in Singapore, NCC Group employs more than 2,000 people and is a trusted advisor to over 15,000 clients worldwide.

NCC Group has a twenty-year proven track record of providing penetration testing, incident response, IT forensic services, risk management and governance services on a global scale to hundreds of clients. Our background, expertise, and skills have been major factors in our continued success. NCC Group performs more than 80,000 days of security assurance work and more than 20,000 days of security risk management and governance work annually. With a client portfolio that includes governments, financial institutions and a variety of other industries around the world, NCC Group's experience is second to none.

Using this knowledge and experience, NCC Group has prepared the following response to the Public Consultation for Approaches to Managing Personal Data in the Digital Economy for the Personal Data Protection Commission's (PDPC's) consideration. In line with Part IV of the consultation document, requesting the format of the responses come in 3 parts - a cover page, comments and conclusion - on the following page you will find NCC Group's response and conclusion.

NCC Group would welcome any discussion that you would like to have on any of the comments or on any other aspects of the PDPA, including future developments. NCC Group are committed to being a trusted partner to the PDPC and improving the overall data protection landscape in Singapore.

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## **Comments**

The points below are NCC Group's response to your request for comments on the approaches to managing personal data in the digital economy.

- **Part II, Section 2.3.** NCC Group has found that mandating a requirement on organisations to provide a clear and concise summary of the prevailing points of terms and conditions (including consent for data collection, processing and sharing) can both prevent 'consent fatigue' and ensure that organisations are adequately informing individuals with the information they need to make an informed decision.
- **Question 1.** In jurisdictions where it is mandatory to obtain consent but it is impractical to obtain consent for collecting, using and disclosing personal data, NCC Group has found that the best solution is to attempt to obtain aggregated or anonymised data (from which no individual can be identified) in order to achieve the desired outcome. A Notification of Purpose could be a last resort, but NCC Group recommend very specific, detailed and clear requirements need to be given for these circumstances.
- **Question 2.** As per above, the conditions should be more stringent than "impractical to obtain consent" as it's important to avoid a culture among organisations where it is simply the most convenient method of collecting, using or disclosing personal data that gets used.
- **Questions 3 and 4.** The proposed statements seem reasonable given the context.
- **Question 5.** NCC Group support a mandatory breach notification and have seen the positive effects it can have in other jurisdictions. However, in NCC Group's experience, providing numbers can be a risky as organisations potentially won't give as much care to data sets containing less than 500 individuals or even game the numbers. It is suggested that very specific examples are used instead. For example, the loss of two social services reports on vulnerable children would be something that must be reported.
- **Questions 6, 7 and 8.** All these questions seem very reasonable and nicely align with other prominent data protection standards.

## **Summary**

It is important to ensure that any changes to the personal data protection law that seeks to enable personal data to be more easily used by organisations for innovation and growth must not be to the detriment of the rights and freedoms of individuals.

There are also considerations around the compliance with different laws and regulations for international organisations based or conducting business in Singapore. Aligning regulations more closely with say, EU GDPR, will mean these organisations won't have to treat different sets of personal data differently, which may otherwise cause unnecessary effort.

NCC Group fully support the development of the PDPA to align with an evolving landscape and international regulatory changes. It is great to see the PDPC taking a measured and comprehensive approach to changing the regulatory environment, the first step being input from the public.