

INTRODUCTION TO THE GUIDELINES

Revised 20 October 2023



1 Introduction

- 1.1 The advisory guidelines (the “Guidelines”) are issued by the Personal Data Protection Commission (the “Commission”) pursuant to section 49(1) of the Personal Data Protection Act 2012 (the “PDPA”) to provide guidance on the manner in which the Commission will interpret provisions of the PDPA. Where relevant, reference is made to the provisions of the regulations made or to be made under the PDPA (“Regulations”).
- 1.2 The PDPA establishes a new general data protection law in Singapore which governs the collection, use and disclosure of individuals’ personal data by organisations. The Commission is established under the PDPA with the key functions, amongst others, of promoting awareness of data protection in Singapore and administering and enforcing the PDPA.
- 1.3 You are encouraged to read the Advisory Guidelines on Key Concepts in the PDPA (“Key Concepts Guidelines”) and the Advisory Guidelines on the Do Not Call Provisions first, before the other sets of Guidelines. The Key Concepts Guidelines and the Advisory Guidelines on the Do Not Call Provisions provide an elaboration on the key terms in the PDPA and explain the general issues surrounding various obligations which organisations have to comply with under the PDPA. In addition, each of the Guidelines should always be read in conjunction with any other relevant Guidelines that the Commission has issued, or may issue from time to time.

2 Overview of the PDPA

- 2.1 The PDPA governs the collection, use and disclosure of individuals' personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations to collect, use and disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances. The PDPA contains two main sets of provisions, covering data protection and the Do Not Call Registry, which organisations are required to comply with.
- 2.2 The PDPA's data protection obligations are set out in Parts 3 to 6A of the PDPA (the "Data Protection Provisions").
- 2.3 The PDPA provides a number of exceptions to various Data Protection Provisions to address situations where organisations may have a legitimate need, for example, to collect, use or disclose personal data without consent or to refuse to provide an individual with access to his or her personal data.
- 2.4 The PDPA's Do Not Call Registry provisions (the "Do Not Call Provisions") are set out in Parts 9 and 9A of the PDPA. These deal with the establishment of Singapore's national Do Not Call Registry (the "Do Not Call Registry") and the obligations of organisations relating to the sending of certain marketing messages to Singapore telephone numbers.
- 2.5 Terms defined in this document have the same meaning when used in the Guidelines issued by the Commission, unless otherwise stated or the context otherwise requires.

3 Disclaimers

- 3.1 The Guidelines are advisory in nature and do not constitute legal advice. They are not legally binding on the Commission or any other party. Direct reference should be made to the PDPA and other legislation for the complete and definitive statement of the provisions of any such legislation. The Guidelines do not modify or supplement in any way the legal effect and interpretation of any laws cited including, but not limited to, the PDPA and any subsidiary legislation (such as regulations and rules) issued under the PDPA. The provisions of the PDPA and any regulations or rules issued thereunder will prevail over the Guidelines in the event of any inconsistency.
- 3.2 The Commission reserves the right to change its policies and to amend, update, delete, and/or supplement any of the information in the Guidelines at any time in its sole and absolute discretion. Nothing in the Guidelines shall be construed as granting any expectation that the Commission will take or not take any particular course of action in the future arising from or due to anything in the Guidelines. Accordingly, the Guidelines shall not be construed to limit or restrict the Commission's administration and enforcement of the PDPA.
- 3.3 The Guidelines are intended to provide general guidance only. Each organisation remains responsible for assessing the appropriate action to be taken or decision to be made in its particular circumstances. The Commission is not liable for any loss, claims, actions, costs, expenses or other damage (including but not limited to any direct, indirect, punitive, special or consequential damages, loss of income, revenue or profits) howsoever caused whether arising directly or indirectly from any decision made or action taken in reliance on the Guidelines.

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