



PERSONAL DATA  
PROTECTION COMMISSION  
S I N G A P O R E

# PUBLIC CONSULTATION FOR PROPOSED ADVISORY GUIDELINES ON THE PERSONAL DATA PROTECTION ACT FOR CHILDREN'S PERSONAL DATA

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Issued 19 July 2023

Supported by:



In support of:



## PART I: INTRODUCTION

### 1. Introduction

- 1.1. The Personal Data Protection Act 2012 (the “PDPA”) governs the collection, use, and disclosure of individuals’ personal data by organisations. Section 49(1) of the PDPA allows the Personal Data Protection Commission (the “PDPC”) to issue advisory guidelines<sup>1</sup> to provide guidance on the manner in which the PDPC will interpret provisions of the PDPA.
- 1.2. The PDPC is launching this public consultation to solicit views and comments on the issuance of *Advisory Guidelines on the PDPA for Children’s Personal Data*. Children today are spending increasingly more time online. While there are increasing opportunities and benefits for children to grow in the digital environment, they may not fully understand the risks and consequences of what they do, and the implications of their personal data being collected and used during these interactions.
- 1.3. Currently, PDPC’s *Advisory Guidelines on the PDPA for Selected Topics (Chapter 8)* contains the guidance on data activities relating to individuals of less than 21 years of age, including when such an individual can give valid consent on his or her own behalf, consent provided by parents and legal guardians, and data breach notification. The PDPC plans to revise this guidance and to move it into the standalone *Advisory Guidelines on the PDPA for Children’s Personal Data*.
- 1.4. These standalone Advisory Guidelines are intended to apply to organisations that offer products or services that are likely to be accessed by children, or are in fact accessed by children, even if the products or services are not targeted at children. Organisations that are data intermediaries or that retain children’s personal data are also expected to implement additional measures to protect children’s personal data.
- 1.5. The PDPC will like to solicit views and comments on the questions listed in Part II, and whether there are additional issues or common scenarios that the Advisory Guidelines should address.

## PART II: PUBLIC CONSULTATION QUESTIONS

**Question 1:** What are your views on the proposed scope of application of the Advisory Guidelines:

- a. to organisations that offer products or services that are likely to be accessed by children, or are in fact accessed by children, even if the products or services are not targeted at children; and
- b. that the requirements relating to the protection of children’s personal data within the Advisory Guidelines will apply to organisations that are data intermediaries?

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<sup>1</sup> Such advisory guidelines are advisory in nature, and are not legally binding on the PDPC or any other party. They do not modify or supplement in any way the legal effect and interpretation of any laws cited, including the PDPA and any subsidiary legislation (such as regulations and rules) issued under the PDPA. They do not constitute legal advice.

**Question 2:** Section 18 of the PDPA provides that an organisation may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances. What are examples of reasonable purposes for organisations to collect, use, or disclose children’s personal data?

**Question 3:** When communicating with children, organisations must use language that is readily understandable by children, and can use visual and audio aids to support the child’s understanding. What in your view are examples of such communication with children?

**Question 4:** How should organisations minimise the collection, use, and disclosure of children’s personal data?

- a. If an organisation were to collect personal data in order to ascertain their users’ age, what measures or best practices should an organisation be undertaking?
- b. If an organisation were to collect geolocation data, should geolocation be switched off by default so that products and services cannot automatically start collecting geolocation data when they are first used?

**Question 5:** What are examples of situations where an organisation should conduct a Data Protection Impact Assessment (DPIA) before releasing products or services likely to be accessed by children? What should an organisation consider when conducting such a DPIA?

**Question 6:** The PDPC notes that the age threshold of 13 years appears to be a significant one in relation to the protection of minors, and moving forward is considering to adopt the practical view that a child that is between 13 and 17 years of age will have sufficient understanding to be able to consent on his or her own behalf to the collection, use, or disclosure of his or her personal data, as well as withdraw such consent. What are your views of when a child can give valid consent on his or her own behalf under the PDPA?

**Question 7:** The PDPC has said that children’s personal data is of a more sensitive nature, and that organisations are required to take extra precautions and ensure higher standards of protection under the PDPA with regard to such data. The PDPC is considering making it a best practice for organisations handling children’s personal data, to implement both the Basic and Enhanced Practices listed in the Guide to Data Protection Practices for ICT systems. Are the practices listed in this Guide adequate? Are there additional measures that organisations should undertake for the protection of children’s data?

**Question 8:** The PDPC requires an organisation to notify each individual affected by a notifiable data breach in any manner that is reasonable in the circumstances. A notifiable data breach is a data breach that (a) results in, or is likely to result in, significant harm to an affected individual; or (b) is, or is likely to be, of a significant scale.

Where a notifiable data breach occurs, under what circumstances do you think it would be prudent for the organisation to inform the child’s parent or guardian of the breach, considering that this would allow the parent or guardian to take steps to mitigate the harm to the child of the breach?

## **PART III: SUBMISSION OF COMMENTS**

### **2. Administrative details**

- 2.1. Parties that wish to submit comments should organise their submission as follows:
  - a. cover page (including particulars of the organisation and contact person);
  - b. summary of major points;
  - c. comments to questions outlined in the above Part II; and
  - d. conclusion.
- 2.2. Supporting materials may be placed in an Annex. All submissions should be clearly and concisely written, and should provide a reasoned explanation for any comments or proposals.
- 2.3. All submissions should reach the PDPC by 31 August 2023. Comments should be submitted:
  - a. in soft copy (in Microsoft Word format);
  - b. to the following e-mail address: [corporate@pdpc.gov.sg](mailto:corporate@pdpc.gov.sg); and
  - c. with the email header: "PDPC's Public Consultation on the Proposed Advisory Guidelines on Children's Data".
- 2.4. The PDPC reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the submission that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If the PDPC grants confidential treatment, it will consider, but will not publicly disclose, the information. If the PDPC rejects the request for confidential treatment, it will return the information to the party that submitted it and will not consider this information as part of its review. As far as possible, parties should limit any request for confidential treatment of information submitted. The PDPC will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.

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