

**SUBMISSION OF COMMENTS RELATING TO THE  
PDPC CONSULTATION PAPER DATED 5 FEBRUARY 2013  
ON PROPOSED REGULATIONS ON DATA PROTECTION IN SINGAPORE**

Submitted by:

Singapore Management University

Office of Legal and General Affairs

81 Victoria Street

Singapore 188065

Contact persons: Ms France Ng (franceng@smu.edu.sg)

Mr Yeo Lih Wei (lwyeo@smu.edu.sg)

### **Summary of Major Points**

- 1) Our submissions deal primarily with Part IV of the Public Consultation dated 5 February 2013, in particular Question 2.
- 2) As a university, one of the main activities we carry out which involves the collection, disclosure and usage of student personal data is the matriculation process. Matriculation refers to the process by which enrollees are registered with SMU and officially become SMU students.
- 3) While most of the matriculating students will probably be above 18 years of age, there will be a minority, in particular international students, who will be below 18 years of age.
- 4) Under Section 9.1 of the Public Consultation, the position with regard to minors below 18 years of age is such that a minor less than 18 years of age but above 14 years of age can exercise any right or power conferred by the PDPA if the minor:-

*“understands the nature of the right or power and the consequences of exercising the right or power”*

- 5) It is as yet not clear when, or under what circumstances, a minor below 18 but above 14 years of age is deemed to have demonstrated that he has understood the nature of the right or power and the consequences of exercising the right or power conferred by the PDPA.
- 6) We suggest that a properly worded Consent Provision and Explanatory Note (see below) in the students’ matriculation form would be sufficient to ensure that all matriculating students, regardless of age, can be deemed to have understood the nature of the right or power and the consequences of exercising the right or power conferred by the PDPA.
- 7) Apart from the collection of personal information as part of our matriculation exercise, SMU may also collect personal information from members of the public through online media. This gives rise to the question as to how to ascertain the age of the consentor so as to ensure that consent is properly given and obtained.

### **Comments**

#### **Blanket consent provision for students**

- 8) Over the course of a student’s term of study with SMU, the student’s information may be used in a myriad number of ways (for example, for administration, education services, career placements, scholarship applications etc.).
- 9) It is hoped that, rather than obtain fresh consent each and every time student information needs to be collected, used and/or disclosed for routine purposes during a students’ term of study at SMU, students’ one-time blanket consent for such routine purposes can be obtained during matriculation. This would facilitate administrative ease and raise awareness of the existence of the PDPA and its functions at the start of the students’ term of study at SMU.

- 10) The Consent Provision aims to obtain Students' informed consent by explaining in a simple and accessible format the ways in which, and reasons why, their data will be used. It also aims to give students an outlet and opportunity to address and/or clarify their concerns.
- 11) It is our view that such a measure would be sufficient in ensuring that any student minors below 18, let alone those above 18, would have a sufficient understanding of their rights or powers under the PDPA such their consent could be properly and validly given.
- 12) Our suggested Consent Provision is as follows:-

*I understand and agree that:*

- a) *all personal information which I provide to SMU during matriculation and throughout the course of my study at SMU will be used by SMU in accordance with the Personal Data Protection Act (PDPA) and in a number of ways, including for example:*
  - *for University administration*
  - *for the provision of education and other related services to me*
  - *for internship and career placements*
  - *for student exchanges, overseas study missions and related activities*
  - *for consideration of grant of awards, scholarships, bursaries and similar benefits*
  - *for consideration of grant of financial assistance and insurance payments*
  - *for purposes and activities related to my enrolment in SMU*
- b) *My personal information may be shared with other offices, centres, institutes, units and schools within or associated with SMU and disclosed to external third parties for, or in connection with, the above purposes, or where required by law. SMU may also share my information with Government agencies which may require or request such information for official reasons.*
- c) *SMU may retain my personal information indefinitely and may contact me to keep me informed about SMU and its events.*

*Additional note to students:*

*The PDPA governs the collection, use and disclosure of personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations like SMU to collect, use or disclose personal data that would be reasonable and appropriate in the circumstances.*

*If, for any reason whatsoever and at any time during your period of study with SMU, you are uncomfortable with the manner or extent of collection, use and/or disclosure of your personal data, you are advised to inform your Dean so that a reasonable and mutually acceptable solution to your concerns can be found.*

*Online collection of personal information*

- 13) Increasingly, organisations such as SMU are choosing to interact with members of the public through online channels such as social media networking sites (e.g. facebook). For instance,

research surveys may be conducted through such channels and the personal information of survey participants would therefore be collected online. Where the organization and the participants interact only through such online media, how should the organization ascertain the participant's age so as to ensure that the participant's consent has been properly given and obtained? Is it sufficient to rely on a participant's declaration that he/she is of age and is therefore capable of consenting to the collection, use and disclosure of his/her personal information?

### **Conclusion**

- 14) As it is currently unclear what is required for a minor above 14 but below 18 years of age to be deemed to understand the nature of his or her rights or powers conferred under the Act, it would be useful for further guidance in this aspect.
- 15) It is suggested that where it can be shown that clear and sufficient explanation (for example, in the form of SMU's proposed Consent Provision) has been properly communicated to a minor between the ages of 14 and 18, the minor can be properly deemed to understand the nature and/or consequences of the exercise of a right or power under the Act.
- 16) Guidance as to the manner in which age should be ascertained in an online setting would also be useful to ensure compliance with the Act.