



# Proposed Advisory Guidelines on Real Estate Agency Sector

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## Summary of Major Points

Over the course of compliance and education of the PDPA since its inception to the multitude of salespersons and staff within OrangeTee, there have been a number of pressing questions/concerns raised in regards to various interpretations of the Act from interpretations of Lawyers as well as interpretations at various sessions attended with PDPC from various members of our organisation. Hence the need for greater clarity which we believe this public consultation exercise should help serve.

The following are some pressing concerns to OrangeTee as an organisation as well, as misinterpretation or non-clarity of the Act can mean serious liabilities.

- 1. Is Consent Necessary**
- 2. Company usage of Personal Data of Salespersons and Staff**
- 3. Obligations of Salespersons versus Employees Management of Personal Data**
- 4. On-Going Relationships**

## Comments

### 1. Is Consent Necessary

Eg The date is now September 2014 where the Data Protection Provisions have come into effect. John has a database of 10,000 phone numbers. He screens them through the DNC Registry. He receives 7,000 numbers that are not DNC registered. John then sends a message to these 7,000 non DNC registered numbers with the following specified message; “<ADV> We are launching Project X with 1,000 apartments available for sale. Please come down to our launch on the 10 Sept 2014. Please call 81818181 for reservations of enquiries. To <UNSUB> please reply UN. Thank you”.

Is John allowed to send such a specified message upon screening the DNC registry. We currently understand and many examples have been shown stating that numbers must be screen with the DNC registry, unless clear & unambiguous consent has been given. But many interpret that as clear & unambiguous consent for a DNC registered individual. Hence many have highlighted that the Act does not state that that applies to numbers which are non DNC, meaning that a specified message can be sent to such numbers as they are not blocked.

Could PDPC bring clarity to what must be done by a salesperson where the scenario above is described relating to non blocked DNC numbers.

### 2. Company usage of Personal Data of Salespersons and Staff

Referencing page 10 of the example given relating to usage of personal data of salespersons or staff, could the PDPC bring clarity as all along we have been advised and have interpreted that as long as personal data of working members of the organisation eg salespersons or staff are used in relation to work related scope, that this would be exempt of the PDPA. Placing an advertisement in the newspaper or any public medium is construed as part of corporate reputation or identity building, hence this would be considered work related. Could PDPC introduce guidelines to organisations in relation to the boundaries of usage of personal data of salespersons or staff curbing to the PDPA.

### 3. Obligations of Salespersons versus Employees Management of Personal Data

In relation to section titled ‘Organisations and Data Intermediaries’ (page 11). This part states that ‘salespersons’ in the context of the term used in Singapore and the industry, due to their nature as independent contractors are treated as separate organisations. As this is an area that has yet to be clearly defined in terms of what are the boundaries or limits of their obligations to furnish the organisation with personal data of their various clientele held. Salespersons may not want to divulge the contact details eg names, telephone numbers of contacts that are relative to their survival in the business or for their preference would prefer to keep them confidential. Hence, this is a challenge to OrangeTee and other

real estate organisations. Hence, could PDPC help defines the boundaries and limitations of the extent to which real estate organisations are responsible for personal data of prospects or clientele held by individual salespersons, where salespersons may not want to disclose such personal data.

#### **4. On-Going Relationships**

Could PDPC give further clarity on on-going relationships. In the various examples given, clarity is shown based on 'one off' contact situations. However, the guidelines do not define beyond the 'one off' situation. Hence, can PDPC bring clarity as to does it become an on-going relationship the moment there is a 'two off' contact or beyond?

## Conclusion

We thank the PDPC for conducting such a public consultation and urgently seek the PDPC's clarity on the above points brought up. We hope our input has been constructive as OrangeTee has from a very early stage taken steps to comply to the PDPA.

We thank you once again.

Regards,

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