

**PUBLIC CONSULTATION ON THE PROPOSED ADVISORY GUIDELINES ON THE
APPLICATION OF THE PERSONAL DATA PROTECTION ACT TO SCENARIOS FACED
IN THE REAL ESTATE AGENCY SECTOR**

COMMENTS SUBMITTED BY: SLP INTERNATIONAL PROPERTY CONSULTANTS PTE LTD

SUBMISSION DATE: 10 FEBRUARY 2014

A. INTRODUCTION:

Established in 2001, **SLP International Property Consultants (“SLP”)** has stood at the forefront of the industry, playing a significant role in marketing industrial properties in Singapore.

Over the years, the firm continues to build on its core expertise by becoming a premier agency for both developers and private owners in primary and secondary markets.

SLP is grateful for the opportunity provided by the Personal Data Protection Commission (“Commission”) via this public consultation on the proposed advisory guidelines on the application of Personal Data Protection Act (“PDPA”) to scenarios faced in the real estate agency sector.

B. Summary of Major Points

1. SLP submits that the definition of “specified message” in the Personal Data Protection Act requires further clarification from the Commission. Specifically the SMS messages which are usually sent to agents who are associates of various Estate Agencies with regards to launch of new projects, commission structure and other terms and conditions.

2. In relation to item 1 above, SLP would like to seek clarification from the Commission on the resolution of the issue of agents moving around various estate agencies which has long been the usual norm in the industry and the issue for the organization to know of any agent who have already left a particular estate agency (organization he/she represent as a sales agent). Usually an agent would not update the organization about the status of their representing estate agency changes during such movement, as a result it makes it extremely difficult for the organization to update the database.

C. Comments

1. SLP submits that the definition of “specified message” in the Personal Data Protection Act requires further clarification from the Commission. Specifically the SMS messages which are usually sent to agents who are associates of various Estate Agencies with regards to launch of new projects, commission structure and other terms and conditions.

A. We would like to submit that SMS sent to agents who are associates of estate agencies should be exempted from the definition of “specified message” and should be considered Business-to-Business message as these are directed to the estate agencies that they represent.

B. We would be grateful if PDPC could provide a clarification on this issue this early so that SLP can implement corrective measures aiming at complying with the Act.

2. In relation to item 1 above, SLP would like to seek clarification from the Commission on the resolution of the issue of agents moving around various estate agencies, which has long been the usual norm in the industry and the issue for the organization to know of any agent who have already left a particular estate agency (organization he/she represent as a sales agent). Usually an agent would not update the organization about the status of their representing estate agency changes during such movement; as a result it makes it extremely difficult for the organization to update the database.

A. We would like to submit that a procedure must be put in place to address the issue of agents moving around various estate agencies or ex-agents who are no longer associated with any estate agencies in order to ensure that any SMS sent by the organization must be received by the rightful agents representing estate agencies.

B. Furthermore we submit that these agents or ex-agent must formally withdraw their consent or request to unsubscribe from the organization's database in order for the organization to refrain from contacting them on behalf of the estate agencies which they previously represented. Unless the agents or ex-agents who used to be associates of estate agencies formally withdraw or unsubscribe, it should be presumed that the organization may contact them on behalf of their represented estate agencies.

C. We would be grateful if PDPC could provide a clarification on this issue this early so that SLP can implement corrective measures aiming at complying with the Act.

CONCLUSION

In conclusion, it is our hope that the PDPC will be able to provide clarification on the issues set forth above. Although SLP is greatly impacted by the effect of the new Act, SLP acknowledges that the new Act will prove to be beneficial to the real estate industry moving forward. We hope that the Commission will be able to address the matters mentioned above and issue clearer guidelines to assist not just SLP but also the other companies in the real estate industry that are impacted by this new Act.

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Thank you for your time and attention.