

PUBLIC CONSULTATION ON REVIEW OF THE PERSONAL DATA
PROTECTION ACT 2012 – PROPOSED DATA PORTABILITY AND DATA
INNOVATION PROVISIONS

SUBMISSION OF COMMENTS

Aviva Ltd

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Instruction on Submission of Comments:

Submission to: corporate@pdpc.gov.sg

Format: Word Document

Subject header: **PDPC's Public Consultation on Proposed Data Portability and Data Innovation Provisions**

Questions		Comments
Part II - Proposed Data Portability Obligation		
1	What are your views on the impact of data portability, specifically on consumers, market and economy?	Though data portability provides greater control over one's personal data, consumers may have the view to transmit only a selected personal data from one organisation to another, regardless of within or cross industry. Also, organisations should also only transmit the required information to another organisation to reduce the risk of unnecessary disclosure. Would PDPC provide further guidance on this for insurance industry?
2	What are your views on the proposed Data Portability Obligation, specifically – a) scope of organisations covered; and b) scope of data covered?	Scope of organisations: a) Would healthcare be in scope, where the data would consist of sensitive information? 1) We notice that there are no examples for the financial industry in the consultation paper. Will PDPC provide any further information e.g. for the insurance industry? 2) Can PDPC confirm that the data portability request is for individuals with a contractual agreement with the organisation? i.e. excludes individuals with information on file but not a party to the contract.

		<p>b) Scope of data, we have some concerns as follows:</p> <p>1) Some data in electronic form may not be easily identified and retrieved by individuals e.g. emails</p> <p>3) For data generated by the individual's activities in using the organisation's products or services, some transactions may involve another person's personal data e.g. spouse medical history for third party policies, we would not know if the 2 individuals are still on good terms.</p> <p>5) For personal data of third parties, this may include Insured Persons, Third party payors, various parties involved in claims process etc, it may be risky to port such data to a third party without their consent, and also difficult to justify to them why we have done so.</p> <p><u>Clarifications requested</u></p> <p>a) Are scanned documents considered electronic data as it would be time-consuming to retrieve copies of individual documents and it is unclear if it will serve the data portability purpose. Can this fall under Request for Access or other customer request instead?</p> <p>b) Can PDPC elaborate on what they mean by "generated by the individual's activities for insurance industry context?"</p> <p>c) Para 2.3.1 - PDPC takes the view that the porting of such personal data of third parties is unlikely to have any adverse impact on the third parties if the receiving organisation provides for adequate protection of the personal data. If there are any issues that arise from complaints by such third parties that they did not intend for their data to be transferred to</p>
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		<p>another party and their consent was not obtained, will PDPC provide support to organisations facing these challenges.</p> <p>d) With respect to the insurance industry, would sensitive data (such as medical information) be considered as user provided data?</p> <p>e) For joint ownership policies, need to seek further clarity as to whether it requires the consent of both owners before acceding to the data portability request.</p>
3	<p>What are your views on the proposed exceptions to the Data Portability Obligation, specifically –</p> <p>a) the proposed exception relating to commercial confidential information that could harm the competitive position of the organisation, to strike a balance between consumer interests and preserving the incentive for first movers’ business innovation; and</p> <p>b) the proposed exception for “derived data”?</p>	<p>For exclusions, no comments except please advise if the exclusion relating to organisations required by law to collect personal data of individuals for compliance purposes, refer to or include Customer Due Diligence documents</p> <p>Can we also consider to exclude:</p> <p>1) unstructured electronic data (e.g. email correspondences or data stored in electronic medium but is not in a structured manner e.g. not indexed and not easily retrieved).</p> <p>2) Personal data of third parties provided by the requesting individual or generated by the individual’s activities [notwithstanding PDPC’s clarification that the processing of personal data of third parties by the receiving organisation would only be allowed to the extent that the data is under the control of the requesting individual and used only for that individual’s own personal or domestic purposes.]. We are concerned that there may be issue with the transfer if the parties in the contract are no longer on good terms.</p>

4	What are your views on the proposed requirements for handling data portability requests?	With regard to verifying the data to be ported, PDPC to consider prescribing a timeline that the requesting individual to view and confirm the data to be ported. Also, the process is a bit cumbersome. It would be good if there are industry standards for the specific data to be ported and the parties they can be ported to.
5	What are your views on the proposed powers for PDPC to review an organisation's refusal to port data, failure to port data within a reasonable time, and fees for porting data?	The 7 calendar days timeframe is very short. It may be challenging to achieve. If the organisation feels that the porting of a data portability request poses high risks, may we seek PDPC views? The alternative is to refuse to port data and pend for PDPC review
<u>6</u>	What are your views on the proposed binding codes of practices that set out specific requirements and standards for the porting of data in specific clusters or sectors?	Please advise which are these specific sectors. Does this include the financial or insurance sectors as life insurance policies are long term contracts and there may be issues to provide data collected many years ago e.g. relationship with third party has changed, information no longer accurate. If yes, will there be separate codes for LIA/GIA ? With regard to security of data, would PDPC be prescribing in the regulation or guideline in the various acceptable means to port data from one organisation to another, such as SFTP etc.?

Part III - Proposed Data Innovation Provisions

<u>7</u>	What are your views on the proposed approach for organisations to use personal data for the specified businesses innovation purposes, without the requirement to notify and seek consent to use the personal data for these purpose?	No comment
<u>8</u>	What are your views on the proposed definition of “derived data”?	No comment
<u>9</u>	What are your views on the proposal for the Access, Correction and proposed Data Portability Obligations not to apply to derived personal data?	Agree that Access, Correction and proposed Data Portability Obligations should not to apply to derived personal data (for access and correction) and derived data (for portability obligation)