

To : PDPC

Dear Sirs,

May I, as an individual in my own capacity, submit my comments regarding your Public Consultation on Proposed Data Portability and Data Innovation Provisions.

The obligations which Data Portability will impose on ALL organisations seems to be onerous, and looks very likely to impose significant compliance costs on organisations. Further, not only compliance costs need to be incurred for resources for personnel to interpret the new provisions which Data Portability obligations will bring, but also the IT resources and costs which will need to be incurred to put in place and develop the IT systems and processes that will enable the organisation to comply with the Data Portability obligations.

Not all organisations will have these additional resources, and not all senior management of organisations have the will or commitment to add additional resources to ensure that there is enough manpower to look into, implement and ensure that these new initiatives and obligations are complied with. Organisations are also pre-occupied, and have to grapple with many issues regarding profitability and survival in the difficult economic climate/environment. Many cannot spare the costs, manpower, time and resources to comply with, implement and interpret yet another PDPA obligation. In the end, it is the junior employees that suffer the most. There is nothing they can do when their superiors refuse to read the numerous Guidelines, and also force the more junior employees to look into PDPA compliance in addition to doing all their other day to day work. Hence, the employee is looking into PDPA compliance on a part-time basis, being able to allocate maybe only one-third of their time in this. I already know of friends who are doing PDPA work and feel so overwhelmed that they wish to tender their resignation; one friend was working in a company that had many businesses, hence personal data was collected in various departments, and my friend alone had to deal with all the departments and do all he could to teach or guide them or hand hold them to the best of his ability. It does not help that the appointed DPOs in these departments claim that they do not understand how to comply. Everything seems to fall on 1 person's shoulders.

Already, I have heard feedback that some people find it hard to interpret the provisions of the PDPA, and to comply fully with all the numerous guidelines.

My suggestion is whether, that if the relevant authorities insist to impose the Data Portability obligations, can they impose it on the bigger institutions that have the manpower and other resources, such as banks and telcos. For these industries, it is also more common that customers switch between the banks and telcos. For other organisations, can the relevant authorities not impose an additional obligation and compliance burden on other organisations.

Imposing the Data Portability obligations may also add to the confusion of lay persons working in companies who are already slightly confused by the various obligations under the PDPA. Is imposing the Data Portability obligations, together with the compliance and IT costs it will inevitably involve, commensurate and proportionate to the convenience that it will give consumers? Can't the consumers just provide their names, contact numbers and addresses to the organisations that they want to get services from? Surely that is not that difficult for the consumer to do.

Further, the initial obligation imposed on organisations was that they should not disclose personal data of their customers without the customer's consent. The Data Portability obligations will impose on organisations the obligations to now disclose all historical data of the customer to other organisations, albeit with the customer's consent? Will there be questions raised as to which part of the historical data must be ported over, and which should not? This will add further confusion to those who are involved.

I humbly request that my suggestion be seriously considered, i.e. that the Data Portability obligations be imposed only on banks and telcos. Please spare the other organisations from additional compliance costs, and the interpretation of complex legal rules and guidelines which are so difficult to interpret. As mentioned, my view is that adding such additional compliance costs is not commensurate with the "benefits" which in my view is merely giving some convenience to consumers, but providing personal data to their new service providers is something consumers can easily do themselves, and I do not see them complaining that they have to do this. It also gives the consumers more control over their personal data if consumers themselves provide the personal data themselves, since most of consumers (including myself) would not remember exactly all the personal data and historical data details that an organisation has of me. Hence, if I request an organisation to port over my data to a new service provider, I myself may not remember exactly what details I had given to the first organisation, and therefore what details will be ported to the new service provider. Does that really give me more control over my personal data?