

Dear PDPC

We are writing on behalf of Aviva Asia Digital Pte Ltd (“AADPL”), a subsidiary of the Aviva Group, which drives the digital strategy of Aviva in Asia including Singapore. AADPL intends to, subject to appropriate regulatory approval, distribute financial products digitally.

We refer to your consultation on the approaches to managing personal data in the digital economy. Our feedback is appended below for your kind consideration please:

1. We appreciate PDPC’s consultation to de-couple the need for (i) notification and (ii) consent to be given for the collection, use and disclosure of personal data when exceptional conditions are fulfilled such that (i) notification alone without consent suffices.

However we will suggest the legislative changes to the PDPA and guidance on the changes elaborate and be definitive on what are considered “impractical for the organisation to obtain consent” as proposed in paragraph 3.8(a) given that normally entails the disproportionality of (high) business cost, or unavailability of technology - which is normally subjective.

2. We have reservations with PDPC’s proposal to (a) notify individuals and PDPC where personal data breach pose any impact or harm to affected individuals, as well as (b) notify PDPC where there is no impact or harm but where it affects 500 or more individual.

We recommend dispensing with the need to notify PDPC given there are already stringent expectations from the MAS to notify. The MAS regulates financial institutions and had in place requirements to notify where there are IT security breaches. We propose that the different governmental agencies streamline notification requirements and minimise duplicative contact points – the “notification fatigue” as described in paragraph 6.1 of the consultation.

In the digital economy where cookies can (subjectively) be regarded as personal data, PDPC should also re-consider whether notifications to individuals can be carried out given that the traceability of the individuals based only on cookies is very difficult, if not impossible. We suggest that PDPC consider incorporating this expectation in the guidelines instead of the legislations or subsidiary legislations.

Thank you very much for the consultation.

If further clarifications are needed, please do not hesitate to contact.

Kind regards
Lawrence

Lawrence Ong
Head of Governance, Asia
Email: Lawrence_ong@Aviva-asia.com
DID: +65 6829 1819



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