

BUKIT BATOK PRESBYTERIAN CHURCH

PERSONAL DATA PROTECTION POLICY

[June 2014]



BUKIT BATOK PRESBYTERIAN CHURCH

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PERSONAL DATA PROTECTION POLICY OF BUKIT BATOK PRESBYTERIAN CHURCH

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1. INTRODUCTION

- 1.1 Bukit Batok Presbyterian Church (“BBPC” or the “Church”) respects the right of individuals to protect their personal data. The Church is committed to protect the privacy of every individual’s personal data in accordance with its obligations under the Personal Data Protection Act 2012 (“PDPA”).
- 1.2 To comply with our obligations under the PDPA, we have produced this Personal Data Protection Policy (“**Policy**”). This Policy sets out what we must do when any personal data of an individual is collected, used or disclosed and it also seeks to provide general guidance as to how to collect, handle, store or transmit personal data that we may receive in the course of administering the affairs of the Church.
- 1.3 This Policy applies to all personnel of the Church, which includes all Pastoral Staff and Office Staff, whether employed or voluntary, and all Ministry leaders. All personnel of the Church must familiarize themselves and comply with the obligations, policies and practices set out in this Policy.
- 1.4 Compliance with the PDPA is important, because a failure to observe the obligations under the PDPA could potentially expose the Church, the Pastoral Staff, the Office Staff and Ministry Leaders to complaints, criminal charges and/or bad publicity. Any failure by a personnel of the Church to comply with the PDPA may lead to disciplinary action for serious or repeated breaches and/or a report being made to the Police, the Personal Data Protection Commission and any other relevant government authority.

OVERVIEW OF THE PDPA

2. The PDPA came into effect on 2 January 2013 with the main personal data protection provisions coming into force on 2 July 2014.
3. Purpose
 - 3.1 The PDPA is concerned with the protection of “Personal Data”, which is defined as any data, whether true or not, about an individual who can be identified from that data or from that data and other information that an organisation has access to. The PDPA seeks to balance the rights of an individual to protect his/her personal data and the need of organisations to collect, use and disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.



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4. Business Contact Information

- 4.1 The PDPA does not apply to “Business Contact Information”, such as an individual’s name, position or title, business telephone number and fax number, business address, business email address and any other similar information about the individual, which was given for commercial purposes or for a non-personal purpose.
- 4.2 However, if a person gives his Business Contact Information to the Church to receive goods or services from the Church for his personal purposes (in other words, he/she wants the Church to contact him/her at his/her office rather than his/her home), then the business contract information of that person will be personal data for the purposes of the PDPA.

THE 9 OBLIGATIONS UNDER THE PDPA

5. Consent for Collection, Use or Disclosure of Personal Data

- 5.1 We will obtain the consent of our members, regular worshippers and visitors (collectively “**Congregants**”) before we collect use or disclose their personal data. In obtaining consent, we will use reasonable efforts to ensure that the Congregant is advised of the identified purposes for which his/her personal data is being collected, used or disclosed. Purposes will be stated in a manner that can be reasonably understood by the Congregant.
- 5.2 We will seek consent to use and disclose personal data at the same time as we collect the personal data. If we intend to use or disclose the personal data for a new purpose that was not previously identified, we will seek consent to use and disclose the personal data before it is used or disclosed for the new purpose.
- 5.3 We will collect personal data directly from Congregants, but we may also collect personal data from other sources including relatives or personal references or other third parties provided they have the right to disclose such personal data.
- 5.4 We will limit the type of personal data collected to that which is necessary for the purposes that we have identified.
- 5.5 A Congregant may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. A Congregant may contact us for more information regarding the implications of withdrawing consent.
- 5.6 In certain circumstances, personal data can be collected, used or disclosed without the consent of the individual. For example:



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- (a) the collection, use or disclosure is necessary for any purpose that is clearly in the interest of the individual, if consent for its collection, use or disclosure cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent, such as when the individual is seriously ill or mentally incapacitated;
- (b) the collection, use or disclosure is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
- (c) the collection, use or disclosure is necessary for any investigation or proceedings, if it is reasonable to expect that seeking the consent of the individual would compromise the availability or the accuracy of the personal data;
- (d) the collection, use or disclosure is necessary for evaluative purposes;
- (e) the personal data was provided to the Company by another individual to enable the Company to provide a service for the personal or domestic purposes of that other individual.

6. Notification of Purpose

6.1 We will identify the purposes for which we collect, use or disclose personal data on or before we collect, use or disclose the personal data of Congregants. Upon receipt of the personal data, we will use or disclose the personal data only for the identified purpose and for purposes that a reasonable person would consider appropriate in the circumstances.

6.2 As a religious organisation, we generally collect, use and disclose personal data for the following purposes:

- (a) To identify our members and those who regular worship with us and visitors to the Church;
- (b) To carry out the ministry programmes and activities of the Church;
- (c) To manage the administration and operations of the Church;
- (d) To establish and maintain responsible relationships among Congregants; and
- (e) To meet our legal and regulatory obligations.

6.3 When personal data that has been collected is to be used or disclosed for a purpose not previously notified, the new purpose will be notified to Congregants prior to use. Unless the new purpose is permitted or required by law, consent will be required before the personal data will be used or disclosed for the new purpose.

7. Use of Existing Personal Data

7.1 Personal data collected prior to 2 July 2014, when the main provisions of the PDPA on the protection of personal data came into force, can continue to be used or disclosed but only for the purpose that the personal data was originally collected, unless a Congregant has withdrawn his/her consent for such continued use or disclosure of his/her personal data.



7.2 If there is a new purpose for the use or disclosure of existing personal data, a fresh consent has to be obtained from the Congregants for this new purpose.

8. Disclosure of Personal Data

8.1 Generally, only the Pastoral Staff, the Office Staff, members of the Session, members of the Elders and Deacons Court, and Ministry Leaders with a need to know or whose duties or services reasonably require access to personal data are granted access to personal data about the Congregants.

8.2 As a member of the Presbyterian Church in Singapore, we may, however, disclose personal data of the Congregants to the relevant Presbytery and the Synod of the Presbyterian Church in Singapore in order for each of us to fulfil our respective roles and responsibilities as constituents of the Presbyterian Church in Singapore.

9. Access to Personal Data

9.1 Upon receipt of a request from a Congregant, we will provide the Congregant with a reasonable opportunity to review the personal data that we have about the Congregant in our possession or under our control. Personal data will be provided within a reasonable time and at minimal cost to cover administrative expenses.

9.2 Upon receipt of a request from a Congregant, we will provide an account of the use and disclosure of the personal data of the Congregant. In providing an account of disclosure, we will provide a list of the organisations to which we may have disclosed personal data about the Congregant.

9.3 In certain situations we may not be able to provide access to all of the personal data we hold about a Congregant; for instance:

- (a) If doing so would likely reveal personal data about another individual or could reasonably be expected to threaten the life or security of another individual;
- (b) If doing so would reveal any confidential information;
- (c) If the information is protected by legal privilege;
- (d) If the information was generated in the course of a formal dispute resolution process; or
- (e) If the information was collected in relation to the investigation of a contravention of a law or a breach of an agreement.

9.4 In such a case, we will provide the reasons for denying access to the personal data.



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10. Accuracy and Correction of Personal Data

- 10.1 We will endeavor to ensure that the personal data collected will be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used. Ensuring that the personal data that we possess is sufficiently accurate, complete and up-to-date will help minimize the possibility that inappropriate decisions are being made based on inaccurate or incomplete or out-dated information.
- 10.2 We will promptly correct or complete any personal data found to be inaccurate or incomplete. Upon receipt of a request from a Congregant to correct or update his/her personal data, we will promptly correct or update his/her personal data.
- 10.3 Where we are not able to confirm the accuracy or completeness of a Congregant's personal data (such as those Congregants who have emigrated or who are no longer contactable), a note will be made against that Congregant's personal data of potential unresolved differences.
- 10.4 Where appropriate, we will inform third parties having access to the personal data in question of any amended personal data or the existence of any unresolved differences.
- 10.5 We will conduct an exercise periodically to update the personal data of the Congregants.

11. Transfer of Personal Data Outside of Singapore

- 11.1 We will protect personal data disclosed to third parties by contractual or other means stipulating the purposes for which it is to be used and the necessity to provide a comparable level of protection.
- 11.2 We will not transfer any personal data to any organisation located in a country or territory outside Singapore unless that other organisation is subject (whether by way of legislation or contractual arrangement) to obligations of protection of personal data that are comparable to those under the PDPA.

12. Security

- 12.1 We have the responsibility under the PDPA to make reasonable security arrangements to protect the personal data that we possess or control to prevent unauthorised access, collection, use, disclosure or similar risks.
- 12.2 We will use appropriate security measures to protect personal data against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, regardless of the format in which the personal data is held.



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12.3 We operate close circuit television (CCTV) cameras in the Church premises for security and operational purposes. Except for security purposes, we do not use these CCTV cameras to identify an individual personally.

13. Retention and Destruction

13.1 We will keep personal data only as long as it remains necessary or relevant for the identified purposes or as required by law.

13.2 Once the personal data in our possession or control is no longer necessary for administrative or legal purpose, we will destroy or erase the personal data or remove the means by which the personal data can be associated with particular individuals (such as by way of anonymising the personal data).

14. Complaints

We will attend to and investigate any complaints concerning any possible breach of this Policy. If a complaint is found to be justified, we will take appropriate measures to resolve the complaint including, if necessary, amending our policies and procedures. The complainant will be informed of the outcome of the investigation regarding his/her complaint.

15. **Church Directory**

15.1 The Church publishes the Church Directory as a record and reference of its members, regular worshippers and persons associated with the Church, such as missionaries supported by the Church. The purpose of the Church Directory is to keep such a record of such persons to enable them to familiarize themselves with those who worship in our Church or who are associated with our Church and to keep in touch with each other.

15.2 The Church Directory is intended for internal circulation only and will be distributed only to members, regular worshippers and those associated with the Church. As the Church Directory contains contact details of members, regular worshippers and those associated with the Church, the Church Directory will include a notice that the Church Directory is intended for internal circulation only and no copy of the Church Directory shall be given to any unauthorized persons and that the Church Directory must be used for personal and domestic purposes only and under no circumstances can it be used for any commercial purposes.

15.3 The Church Directory will be updated periodically to ensure that the contact details of members, regular worshippers and those associated with the Church are kept up-to-date, accurate and complete.



16. Handling of Personal Data of Church Staff

- 16.1 The personal data of Pastoral Staff and Office Staff, whether permanent or temporary, (collectively “**Church Staff**”) will be used only for purposes connected with their employment with the Church and for as long a period as is necessary following the termination of their employment.
- 16.2 We value the privacy of our Church Staff and shall process the personal data of our Church Staff in a fair and lawful manner. We will endeavour to comply with the obligations under the PDPA on the use of personal data in an employer-employee relationship.
- 16.3 From time to time, we may need to disclose some information held about Church Staff to government agencies, such as the Ministry of Manpower and the Central Provident Fund Board, and other relevant third parties, such as insurers, medical clinics and hospitals, solely for purposes connected with managing the employment of the Church Staff and providing for his/her welfare during his/her employment with the Church.

17. Consequences of Non-Compliance

- 17.1 Failure to comply with the provisions of the PDPA may expose the Church to an investigation by the Personal Data Protection Commission (the “**PDPC**”) of the non-compliance.
- 17.2 If the PDPC is satisfied that the Church is not complying with its obligations under the PDPA, the PDPC may give the Church such directions as it thinks fit in the circumstances, which may include directions to:
- stop collecting, using or disclosing personal data in contravention of the PDPA;
 - destroy personal data collected in contravention of the PDPA;
 - provide access to or correct the personal data in such manner and within such time as the PDPC may specify; or
 - pay a financial penalty of up to S\$1 million.

18. Appointment and Duties of the Data Protection Officer

- 18.1 The Church is required, as part of its compliance with the PDPA, to designate at least one person as its Data Protection Officer (“**DPO**”). Please refer to **ANNEX 1** for List of Data Protection Officer.
- 18.2 It should be noted that the designation of a DPO does not relieve the Church of its legal obligations under the PDPA.



Responsibilities of the DPO

- 18.3 The DPO is responsible for ensuring that the Church complies with the PDPA. The DPO must keep fully up to date with the requirements of the PDPA and ensure that all personnel who handle personal data are fully aware of these requirements.
- 18.4 Where appropriate, the DPO may delegate some of his responsibilities as DPO to other individuals to ensure that the Church complies with the PDPA.
- 18.5 In addition to ensuring that the Church complies with the PDPA, the DPO is also responsible for dealing with queries and requests from individuals in relation to the Church's data protection policies and practices.
- 18.6 The contact information of the DPO must be made available to the public. It may be in the form of the Church office address or a general e-mail address.

References:

1. *The Personal Data Protection Policy and Privacy Policy for use by The Presbyterian Church in Singapore and its Member Presbyterian Churches, by Elder Jonathan Kok, May 2014.*
2. *Personal Data Protection Commission website, <https://www.pdpc.gov.sg>*



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ANNEX 1: BBPC DATA PROTECTION COMMITTEE – LIST OF DATA PROTECTION OFFICER

ENGLISH CONGREGATION

Senior Minister	: Rev. Eric Chua
Congregation Administrative Assistant	: Ms Monica Lee
Web Administrator	: Mr Ng Keat Kheng
Contact No	: 6569 9030
Email	: english@bbpc.org.sg

INDONESIAN CONGREGATION

Senior Pastor	: Rev. Joseph Theo
Congregation Administrative Assistant	: Mrs Ingrid
Web Administrator	: Mr Janto Tjandra
Contact No	: 6569 4365
Email	: indonesia@bbpc.org.sg

CHURCH ADMINISTRATION

Church Manager	: Ms Grace Koh
Contact No	: 6569 9030
Email	: manager@bbpc.org.sg



ANNEX 2: PRIVACY POLICY OF BUKIT BATOK PRESBYTERIAN CHURCH

Bukit Batok Presbyterian Church (the “Church”) is committed to protecting the personal data and privacy of users of its website in accordance with the Personal Data Protection Act 2012 (“PDPA”).

This privacy policy applies only to information collected through our website and not to information collected offline. This privacy policy describes the way this website collects, uses, discloses and protects the personal data of users and outlines our obligations in respect of the personal data collected.

“Personal data” means any data, whether true or not, about an individual who can be identified from that data or from that data and other information that the Church has access to. The personal data that may be collected through this website generally consists of contact information like your name, email and physical addresses and phone numbers.

In general, you can visit our website without telling us who you are or providing any personal data about yourself. In some areas of the website, programs have been designed to perform specific functions where we may ask you to send us your comments or provide us with information that will enable us to respond to your queries or to follow up with you or to offer to you services that may be of interest to you.

Consent

By using this website, you consent to our collection, use and disclosure of your personal data as described in this privacy policy. We do strive to limit the amount of personal data we collect to that which is sufficient to support the intended purpose of the collection.

Use of Personal Data

We use the information that you provide, including your personal data, for the purposes for which it was originally collected, for example, to respond to your queries or to provide you with information on our ministries and programs. We may also use this information to better understand the interests of users of our website and to help us improve the content and functionality of our website. This information may be used to contact you in the future to tell you more about our Church, our ministries and our programs.

The information that we collect about you will not be sold, rented, lent, exchanged or used by another individual or entity unless otherwise indicated.

You further consent to the disclosure of your personal data to third parties whom we have engaged to maintain this website or to protect the security or integrity of this website and our databases. We will use commercially reasonable efforts to ensure that such third parties do not use your personal data for a purpose other than the purpose for which they were originally given to the third party.



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In the event that we disclose your personal data to a third party described above, we will ensure that the third party has agreed in writing to be bound by the terms of this privacy policy.

We, and others with whom we share your personal data, may retain your personal data on file to better serve you. Any destruction of personal data will be done in a manner consistent with the intent of this policy.

Anonymous Data

In addition to the personal data that you may provide when you use this website, the technology used to build this website may include a technical function that collects anonymous information about the use of the website. For example, we may track how many visitors access the website, the date and time of their visit, the length of their stay, and which pages they view. The technical function may also collect technical information such as your internet protocol address, your device operating system and browser type, the address of a referring website, if any, and the path you take through our website.

This technology does not identify you personally. It simply enables us to compile statistics about visitors to our website and their use of our website. We use this anonymous data and may share it with third parties for various reasons; for example, to improve the content and functionality of the website, to better understand the needs and interests of our visitors, or to improve our programs and services.

Cookies

In order to collect the anonymous data described in the preceding paragraph, we may use temporary "cookies" that collect the first level domain name of your email address. For instance, if your email address is name@domain.com, the cookie collects the "domain.com" portion of your email address and the date and time you accessed this website. Cookies by themselves cannot be used to discover your identity.

A cookie is a small piece of information that is sent to your browser and stored on your computer's hard drive. You can set your browser to notify you when you receive a cookie. This enables you to decide if you want to accept the cookie or not. Our website only uses temporary or "session" cookies, which will expire when your browser window is closed.

Information from Other Sources

We may receive personal data about you from other sources as well. Examples of these sources are entities that can help us correct or supplement our records, improve the quality or personalization of our website, and help prevent or detect fraud.



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Disclosure in Special Circumstances

We may disclose your personal data in special circumstances. These include situations when the disclosure is necessary to protect the safety, property, or other rights of the Church, our members, our staff, or any other relevant person, or where otherwise required by law. For instance, we may be compelled to provide your personal data in response to an order of court or a search warrant or other legally valid order issued by a government agency.

Any user personal data collected is stored securely until it is no longer required or has no use, in accordance with the PDPA.

Changes to this Privacy Policy

We may revise and update this privacy policy from time to time. If and when we make changes to this privacy policy, we will post a notice on our home page informing you that a change has been made.

Links to other Websites

This privacy policy applies only to this website which is owned and administered by Bukit Batok Presbyterian Church. This website may contain hyperlinks to other websites that are not operated by us but are given for your convenience and reference only. The provision of these hyperlinks does not imply that we endorse the contents or any of the programs and activities found on these websites. We do not control these websites and are not responsible for their personal data and privacy practices.

Queries

If you have any questions about the personal data collected, used and disclosed from this website, please contact our Data Protection Officer at the following address:

By electronic mail: English@bbpc.org.sg (or Indonesia@bbpc.org.sg)
By post: The Data Protection Officer – English (or Indonesian) Congregation
Bukit Batok Presbyterian Church
21 Bukit Batok Street 11
Singapore 659673

Governing law

This privacy policy shall be governed by and construed in accordance with the laws of the Singapore.



ANNEX 3: FREQUENTLY ASKED QUESTIONS

[The copyright in the following FAQ belongs to the Personal Data Protection Commission and is reproduced below for internal, non-commercial and informational purposes only. No part of the FAQ shall be displayed, distributed or otherwise used for any commercial purpose except with the prior written consent of the Personal Data Protection Commission.]

Collection, Use & Disclosure

1. How much personal data can an organisation collect, use or disclose?

Under the PDPA, an organisation may collect, use or disclose personal data only for purposes that a reasonable person would consider appropriate in the circumstances and that the organisation has notified to the individual unless an exception under the PDPA applies.

In addition, the organisation must obtain the consent of the individual to such collection, use or disclosure, unless any exception under the PDPA applies.

In this regard, organisations shall not, as a condition of supplying a product or service, require an individual to consent to the collection, use or disclosure of personal data beyond what is reasonable to provide the product or service. For example, an organisation selling a consumer product to an individual should not require him or her to reveal his or her annual household income as a condition of selling him or her the product, although it may still ask him or her to provide such personal data as an optional field.

If the organisation wishes to collect any additional personal data, the organisation shall provide the individual the option of whether to consent to this.

2. What can an organisation do with respect to existing personal data collected before the effective date of the data protection rules on 2 July 2014?

Generally an organisation can continue to use the personal data that was collected prior to the effective date of the data protection rules, for the reasonable purposes for which the personal data was collected.

Consent will need to be obtained if the existing data is to be used for a new purpose different from the purpose for which it was collected, or if the existing data is to be disclosed to another organisation or individual, unless any exception applies. The exceptions from the need to seek consent for collection, use or disclosure are set out in the Second, Third and Fourth Schedule of the PDPA respectively. This includes exceptions catering to certain emergency situations, investigations, publicly available data or where the personal data is used for evaluative purposes.

As an example, if a company has been using its customer's personal data to provide after-sales customer support prior to the PDPA, it can continue to do so after the PDPA comes into effect, even if it did not obtain consent previously. However, if it now intends to use the same personal data for direct marketing where it had not collected the personal data for this purpose, consent will need to be obtained for such a purpose.

3. How can an organisation obtain an individual's consent for the collection, use or disclosure of his or her personal data?



Consent can be obtained in a number of different ways. As a best practice, an organisation should obtain consent that is in writing or recorded in a manner that is accessible for future reference, for example, if the organisation is required to prove that it had obtained consent.

An organisation may also obtain consent verbally although it may correspondingly be more difficult for an organisation to prove that it had obtained consent. For such situations, it would be prudent for the organisation to document the consent in some way.

4. Is the failure to opt out a form of consent?

Deeming that an individual has given his consent through inaction on his/her part will not be regarded as consent in all situations. Whether or not a failure to opt out can be regarded as consent will depend on the actual circumstances and facts of the case. Organisations are advised to obtain consent from an individual through a positive action of the individual to consent to the collection, use and disclosure of his personal data for the stated purposes.

5. Can an organisation selling databases containing personal data to other organisations continue to do so after the PDPA comes into effect?

An organisation may use personal data collected before 2 July 2014 for the purposes for which the personal data was collected, unless consent for such use is withdrawn or the individual has indicated to the organisation that he does not consent to the use of the personal data.

If an organisation intends to disclose the personal data on or after the appointed day (other than disclosure that is necessarily part of the organisation's use of the personal data), the organisation must comply with the data protection provisions in relation to such disclosure. As the sale of databases containing personal data involves a disclosure of personal data, organisations must obtain valid consent from the relevant individuals before doing so.

Access & Correction

1. Must an organisation always provide access to an individual's personal data when a request is made?

An organisation is required to respond to an access request in respect of personal data in its possession as well as personal data that is under its control.

However, organisations are prohibited from providing an individual access if the provision of the data could reasonably be expected to:

- cause immediate or grave harm to the individual's safety or physical or mental health;
- threaten the safety or physical or mental health of another individual;
- reveal personal data about another individual;
- reveal the identity of another individual who has provided the personal data, and the individual has not consented to the disclosure of his or her identity; or
- be contrary to national interest.

In addition, there are cases where organisations may deny access requests.



For example, organisations will not be required to provide access to personal data if it is subject to legal professional privilege, or if the disclosure of the information would reveal confidential commercial information that could harm the competitive position of the organisation. There are also exclusions for access to and correction in respect of any examination conducted by an education institution, examination scripts and examination results prior to their release. Organisations may also refuse access to or correction of opinion data kept solely for an evaluative purpose as defined in the PDPA.

The specific exceptions may be found in section 21 and the Fifth Schedule of the PDPA.

2. What personal data must an organisation provide when an individual submits an access request?

An organisation that receives an access request from an individual is required to provide the information requested by the individual. This may include:

- some or all of the individual's personal data (as specified in the request); and
- information about the ways the personal data has been or may have been used or disclosed by the organisation (as specified in the request).

3. Can an organisation charge a fee for access requests?

Organisations may charge an individual a minimal fee for access to personal data about the individual. The purpose of the fee is to allow organisations to recover the incremental costs of responding to the access request. There is no prescribed amount of fees imposed on organisations, to allow for greater flexibility; organisations should exercise their discretion in deriving the minimal fee they charged based on their incremental costs of providing access.

4. Must an organisation provide correction to an individual's personal data when a request is made?

Upon request, an organisation is generally required to correct an error or omission and send the corrected personal data to every other organisation to which the personal data was disclosed by the organisation within a year before the correction, unless the other organisation does not need the corrected personal data for any legal or business purpose. For example, the organisation may have disclosed a customer's name and address to a delivery company it engaged on a once-off basis to deliver a product that the customer has purchased. Since the delivery has been completed, the organisation will not be required to send the corrected personal data to the delivery company.

The corrected data may be sent only to specific organisations to which the data was disclosed by the organisation, if the individual consents to it.

An organisation need not make a correction where it is satisfied on reasonable grounds that a correction should not be made. In this case, the organisation shall annotate the personal data in its possession or under its control with the correction that is requested but not made.

An organisation is also not required to alter an opinion, including a professional or expert opinion.



Exceptions from correction requirement may be found in the Sixth Schedule of the PDPA.

5. Can an organisation charge a fee for correction requests?

Organisations are not entitled to impose a charge for the correction of personal data, as it is the organisation's obligation under the Accuracy Obligation to obtain personal data that is accurate and complete.

Care of Personal Data

1. How long can an organisation retain its customers' personal data for?

The PDPA does not prescribe the retention period. However, an organisation shall cease to retain personal data as soon as the purpose of collection is no longer served by the retention; and retention is no longer necessary for business or legal purposes.

2. What must an organisation do to ensure the personal data collected is protected?

An organisation shall make reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

3. What are the rules on cross-border transfer of personal data?

The PDPA will apply to all personal data collected, used or disclosed in Singapore. As such, organisations that collect personal data overseas and host and/or process it in Singapore will still be subject to relevant obligations under the PDPA from the point that such personal data is brought into Singapore.

For organisations that collect personal data here and transfer such data overseas, the PDPA requires that measures be put in place by the organisation here transferring the personal data, to provide a comparable standard of protection overseas. These measures include the use of contractual agreements among the organisations involved in the transfer and the conditions are documented in the Advisory Guidelines on Key Concepts in the Personal Data Protection Act.



ANNXE 4: The Personal Data Protection Act 2012

EXTRACT FROM THE PERSONAL DATA PROTECTION ACT 2012 (Part III to Part VIII (Section 11 to 35))

An Act to govern the collection, use and disclosure of personal data by organisations, and to establish the Personal Data Protection Commission and Do Not Call Register and to provide for their administration, and for matters connected therewith, and to make related and consequential amendments to various other Acts.

PART III

GENERAL RULES WITH RESPECT TO PROTECTION OF PERSONAL DATA

Compliance with Act

11. (1) In meeting its responsibilities under this Act, an organisation shall consider what a reasonable person would consider appropriate in the circumstances.
- (2) An organisation is responsible for personal data in its possession or under its control.
- (3) An organisation shall designate one or more individuals to be responsible for ensuring that the organisation complies with this Act.
- (4) An individual designated under subsection (3) may delegate to another individual the responsibility conferred by that designation.
- (5) An organisation shall make available to the public the business contact information of at least one of the individuals designated under subsection (3) or delegated under subsection (4).
- (6) The designation of an individual by an organisation under subsection (3) shall not relieve the organisation of any of its obligations under this Act.

Policies and practices

12. An organisation shall —
 - (a) develop and implement policies and practices that are necessary for the organisation to meet the obligations of the organisation under this Act;
 - (b) develop a process to receive and respond to complaints that may arise with respect to the application of this Act;
 - (c) communicate to its staff information about the organisation's policies and practices referred to in paragraph (a); and
 - (d) make information available on request about —
 - (i) the policies and practices referred to in paragraph (a); and
 - (ii) the complaint process referred to in paragraph (b)



PART IV

COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA

Division 1 — Consent

Consent required

13. An organisation shall not, on or after the appointed day, collect, use or disclose personal data about an individual unless —
- (a) The individual gives, or is deemed to have given, his consent under this Act to the collection, use or disclosure, as the case may be; or
 - (b) The collection, use or disclosure, as the case may be, without the consent of the individual is required or authorised under this Act or any other written law.

Provision of consent

14. (1) An individual has not given consent under this Act for the collection, use or disclosure of personal data about the individual by an organisation for a purpose unless —
- (a) the individual has been provided with the information required under section 20; and
 - (b) the individual provided his consent for that purpose in accordance with this Act.
- (2) An organisation shall not —
- (a) as a condition of providing a product or service, require an individual to consent to the collection, use or disclosure of personal data about the individual beyond what is reasonable to provide the product or service to that individual; or
 - (b) obtain or attempt to obtain consent for collecting, using or disclosing personal data by providing false or misleading information with respect to the collection, use or disclosure of the personal data, or using deceptive or misleading practices.
- (3) Any consent given in any of the circumstances in subsection (2) is not validly given for the purposes of this Act.
- (4) In this Act, references to consent given, or deemed to have been given, by an individual for the collection, use or disclosure of personal data about the individual shall include consent given, or deemed to have been given, by any person validly acting on behalf of that individual for the collection, use or disclosure of such personal data.

Deemed consent

15. (1) An individual is deemed to consent to the collection, use or disclosure of personal data about the individual by an organisation for a purpose if —



(a) the individual, without actually giving consent referred to in section 14, voluntarily provides the personal data to the organisation for that purpose; and

(b) it is reasonable that the individual would voluntarily provide the data.

- (2) If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one organisation to another organisation for a particular purpose, the individual is deemed to consent to the collection, use or disclosure of the personal data for that particular purpose by that other organisation.

Withdrawal of consent

16. (1) On giving reasonable notice to the organisation, an individual may at any time withdraw any consent given, or deemed to have been given under this Act, in respect of the collection, use or disclosure by that organisation of personal data about the individual for any purpose.
- (2) On receipt of the notice referred to in subsection (1), the organisation concerned shall inform the individual of the likely consequences of withdrawing his consent.
- (3) An organisation shall not prohibit an individual from withdrawing his consent to the collection, use or disclosure of personal data about the individual, but this section shall not affect any legal consequences arising from such withdrawal.
- (4) Subject to section 25, if an individual withdraws consent to the collection, use or disclosure of personal data about the individual by an organisation for any purpose, the organisation shall cease (and cause its data intermediaries and agents to cease) collecting, using or disclosing the personal data, as the case may be, unless such collection, use or disclosure, as the case may be, without the consent of the individual is required or authorised under this Act or other written law.

Collection, use and disclosure without consent

17. (1) An organisation may collect personal data about an individual, without consent or from a source other than the individual, only in the circumstances and subject to any condition in the Second Schedule.
- (2) An organisation may use personal data about an individual, without the consent of the individual, only in the circumstances and subject to any condition in the Third Schedule.
- (3) An organisation may disclose personal data about an individual, without the consent of the individual, only in the circumstances and subject to any condition in the Fourth Schedule.



Division 2 — Purpose

Limitation of purpose and extent

18. An organisation may collect, use or disclose personal data about an individual only for purposes —
- (a) that a reasonable person would consider appropriate in the circumstances; and
 - (b) that the individual has been informed of under section 20, if applicable.

Personal data collected before appointed day

19. Notwithstanding the other provisions in this Part, an organisation may use personal data about an individual collected before the appointed day for the purposes for which the personal data was collected unless —
- (a) consent for such use is withdrawn in accordance with section 16; or
 - (b) the individual, whether before, on or after the appointed day, has otherwise indicated to the organisation that he does not consent to the use of the personal data.

Notification of purpose

20. (1) For the purposes of sections 14(1)(a) and 18(b), an organisation shall inform the individual of —
- (a) the purposes for the collection, use or disclosure of the personal data, as the case may be, on or before collecting the personal data;
 - (b) any other purpose of the use or disclosure of the personal data of which the individual has not been informed under paragraph (a), before the use or disclosure of the personal data for that purpose; and
 - (c) on request by the individual, the business contact information of a person who is able to answer on behalf of the organisation the individual's questions about the collection, use or disclosure of the personal data.
- (2) An organisation, on or before collecting personal data about an individual from another organisation without the consent of the individual, shall provide the other organisation with sufficient information regarding the purpose of the collection to allow that other organisation to determine whether the disclosure would be in accordance with this Act.
- (3) Subsection (1) shall not apply if —
- (a) the individual is deemed to have consented to the collection, use or disclosure, as the case may be, under section 15; or
 - (b) the organisation collects, uses or discloses the personal data without the consent of the individual in accordance with section 17.
- (4) Notwithstanding subsection (3), an organisation, on or before collecting, using or disclosing the personal data about an individual for the purpose of managing or terminating an



employment relationship between the organisation and that individual, shall inform the individual of —

- (a) that purpose; and
- (b) on request by the individual, the business contact information of a person who is able to answer the individual's questions about that collection, use or disclosure on behalf of the organisation.

PART V

ACCESS TO AND CORRECTION OF PERSONAL DATA

Access to personal data

21. (1) Subject to subsections (2), (3) and (4), on request of an individual, an organisation shall, as soon as reasonably possible, provide the individual with —

- (a) personal data about the individual that is in the possession or under the control of the organisation; and
- (b) information about the ways in which the personal data referred to in paragraph (a) has been or may have been used or disclosed by the organisation within a year before the date of the request.

(2) An organisation is not required to provide an individual with the individual's personal data or other information under subsection (1) in respect of the matters specified in the Fifth Schedule.

(3) An organisation shall not provide an individual with the individual's personal data or other information under subsection (1) if the provision of that personal data or other information, as the case may be, could reasonably be expected to —

- (a) threaten the safety or physical or mental health of an individual other than the individual who made the request;
- (b) cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
- (c) reveal personal data about another individual;
- (d) reveal the identity of an individual who has provided personal data about another individual and the individual providing the personal

data does not consent to the disclosure of his identity; or

(e) be contrary to the national interest.

(4) An organisation shall not inform any individual under subsection (1) that it has disclosed personal data to a prescribed law enforcement agency if the disclosure was made without the consent of the individual pursuant to paragraph 1() or (n) of the Fourth Schedule or under any other written law.



- (5) If an organisation is able to provide the individual with the individual's personal data and other information requested under subsection (1) without the personal data or other information excluded under subsections (2), (3) and (4), the organisation shall provide the individual with access to the personal data and other information without the personal data or other information excluded under subsections (2), (3) and (4).

Correction of personal data

22. (1) An individual may request an organisation to correct an error or omission in the personal data about the individual that is in the possession or under the control of the organisation.
- (2) Unless the organisation is satisfied on reasonable grounds that a correction should not be made, the organisation shall —
- (a) correct the personal data as soon as practicable; and
 - (b) subject to subsection (3), send the corrected personal data to every other organisation to which the personal data was disclosed by the organisation within a year before the date the correction was made, unless that other organisation does not need the corrected personal data for any legal or business purpose.
- (3) An organisation (not being a credit bureau) may, if the individual consents, send the corrected personal data only to specific organisations to which the personal data was disclosed by the organisation within a year before the date the correction was made.
- (4) When an organisation is notified under subsection (2)(b) or (3) of a correction of personal data, the organisation shall correct the personal data in its possession or under its control unless the organisation is satisfied on reasonable grounds that the correction should not be made.
- (5) If no correction is made under subsection (2)(a) or (4), the organisation shall annotate the personal data in its possession or under its control with the correction that was requested but not made.
- (6) Nothing in this section shall require an organisation to correct or otherwise alter an opinion, including a professional or an expert opinion.
- (7) An organisation is not required to comply with this section in respect of the matters specified in the Sixth Schedule.



PART VI CARE OF PERSONAL DATA

Accuracy of personal data

23. An organisation shall make a reasonable effort to ensure that personal data collected by or on behalf of the organisation is accurate and complete, if the personal data —
- (a) is likely to be used by the organisation to make a decision that affects the individual to whom the personal data relates; or
 - (b) is likely to be disclosed by the organisation to another organisation.

Protection of personal data

24. An organisation shall protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

Retention of personal data

25. An organisation shall cease to retain its documents containing personal data, or remove the means by which the personal data can be associated with particular individuals, as soon as it is reasonable to assume that —
- (a) the purpose for which that personal data was collected is no longer being served by retention of the personal data; and
 - (b) retention is no longer necessary for legal or business purposes.

Transfer of personal data outside Singapore

26. (1) An organisation shall not transfer any personal data to a country or territory outside Singapore except in accordance with requirements prescribed under this Act to ensure that organisations provide a standard of protection to personal data so transferred that is comparable to the protection under this Act.
- (2) The Commission may, on the application of any organisation, by notice in writing exempt the organisation from any requirement prescribed pursuant to subsection (1) in respect of any transfer of personal data by that organisation.
- (3) An exemption under subsection (2) —
- (a) may be granted subject to such conditions as the Commission may specify in writing; and
 - (b) need not be published in the *Gazette* and may be revoked at any time by the Commission.
- (4) The Commission may at any time add to, vary or revoke any condition imposed under this section.



PART VII ENFORCEMENT OF PARTS III TO VI

Alternative dispute resolution

27. (1) If the Commission is of the opinion that any complaint by an individual against an organisation may more appropriately be resolved by mediation, the Commission may, with the consent of the complainant and the organisation, refer the matter for mediation.
- (2) Subject to subsection (1), the Commission may, with or without the consent of the complainant and the organisation, direct a complainant or the organisation or both to attempt to resolve the complaint of the individual in the way directed by the Commission.

Power to review

28. (1) On the application of a complainant, the Commission may review —
- (a) a refusal to provide access to personal data requested by the complainant under section 21, or a failure to provide such access within a reasonable time;
 - (b) a fee required from the complainant by an organisation in relation to a request by the complainant under section 21 or 22; or
 - (c) a refusal to correct personal data in accordance with a request by the complainant under section 22, or a failure to make such correction within a reasonable time.
- (2) Upon completion of its review under subsection (1), the Commission may
- (a) confirm the refusal to provide access to the personal data, or direct the organisation to provide access to the personal data, within such time as the Commission may specify;
 - (b) confirm, reduce or disallow a fee, or direct the organisation to make a refund to the complainant; or
 - (c) confirm the refusal to correct the personal data, or direct the organisation to correct the personal data, in such manner and within such time as the Commission may specify.

Power to give directions

29. (1) The Commission may, if it is satisfied that an organisation is not complying with any provision in Parts III to VI, give the organisation such directions as the Commission thinks fit in the circumstances to ensure compliance with that provision.
- (2) Without prejudice to the generality of subsection (1), the Commission may, if it thinks fit in the circumstances to ensure compliance with Parts III to VI, give the organisation all or any of the following directions:
- (a) to stop collecting, using or disclosing personal data in contravention of this Act;
 - (b) to destroy personal data collected in contravention of this Act;



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- (c) to comply with any direction of the Commission under section 28(2);
 - (d) to pay a financial penalty of such amount not exceeding \$1 million as the Commission thinks fit.
- (3) Subsection (2)(d) shall not apply in relation to any failure to comply with a provision of this Act, the breach of which is an offence under this Act.
- (4) The Commission shall, in any direction requiring the payment of a financial penalty, specify the date before which the financial penalty is to be paid, being a date not earlier than the end of the period within which an application for reconsideration of the direction, or an appeal against the direction, may be brought under section 31 or 34, respectively.
- (5) The interest payable on the outstanding amount of any financial penalty imposed under subsection (2)(d) and for payment by instalment (as may be directed by the Commission in its discretion) of any financial penalty imposed under subsection (2)(d) shall be at such rate as the Commission may direct, which shall not exceed the rate prescribed in the Rules of Court in respect of judgment debts.
- (6) Any interest ordered to be paid under subsection (5) shall form part of the penalty payable and be enforced in accordance with section 30.

Enforcement of directions of Commission in District Court

30. (1) For the purposes of enforcement of any direction made by the Commission under section 28(2) or 29, the Commission may apply for the direction to be registered in a District Court in accordance with the Rules of Court and the District Court shall register the direction in accordance with the Rules of Court.
- (2) From the date of registration of any direction under subsection (1), the direction shall be of the same force and effect, and all proceedings may be taken on the direction, for the purposes of enforcement as if it had been an order originally obtained in the District Court which shall have power to enforce it accordingly.
- (3) A District Court shall have jurisdiction to enforce any direction in accordance with subsection (2) regardless of the monetary amount involved and may, for the purpose of enforcing such direction, make any order —
- (a) to secure compliance with the direction; or
 - (b) to require any person to do anything to remedy, mitigate or eliminate any effects arising from —
 - (i) anything done which ought not, under the direction, to have been done; or
 - (ii) anything not done which ought, under the direction, to have been done, which would not have occurred had the direction been complied with.



Reconsideration of directions or decisions

31. (1) An organisation or individual aggrieved by —
- (a) any direction made by the Commission under section 27(2) or section 29(1) or (2); or
 - (b) any direction or decision made under section 28(2), may, within 28 days after the issue of the direction or decision concerned, make a written application to the Commission to reconsider the direction or decision.
- (2) Unless the Commission decides otherwise in any particular case, an application for reconsideration shall not suspend the effect of the direction or decision to be reconsidered except in the case of an application for reconsideration of a direction to pay a financial penalty or of the amount thereof.
- (3) The application for reconsideration shall be made in such form and manner as the Commission may require and shall set out the grounds on which the applicant is requesting the reconsideration.
- (4) If any application for reconsideration is made in accordance with this section, the Commission shall —
- (a) reconsider the direction or decision;
 - (b) affirm, revoke or vary the direction or decision as the Commission thinks fit; and
 - (c) notify the applicant in writing of the result of the reconsideration.
- (5) There shall be no application for reconsideration of a decision made under subsection (4)(b).

Right of private action

32. (1) Any person who suffers loss or damage directly as a result of a contravention of any provision in Part IV, V or VI by an organisation shall have a right of action for relief in civil proceedings in a court.
- (2) If the Commission has made a decision under this Act in respect of a contravention specified in subsection (1), no action accruing under subsection (1) may be brought in respect of that contravention until after the decision has become final as a result of there being no further right of appeal.
- (3) The court may grant to the plaintiff in an action under subsection (1) all or any of the following:
- (a) relief by way of injunction or declaration;
 - (b) damages;
 - (c) such other relief as the court thinks fit.



PART VIII

APPEALS TO DATA PROTECTION APPEAL COMMITTEE, HIGH COURT AND COURT OF APPEAL

Data Protection Appeal Panel and Data Protection Appeal Committees

33. (1) There shall be established a Data Protection Appeal Panel.
- (2) The Minister shall appoint the members of the Appeal Panel.
 - (3) The Chairman of the Appeal Panel shall be appointed by the Minister from among the members of the Appeal Panel.
 - (4) For the purpose of hearing any appeal under section 34, the Chairman of the Appeal Panel may nominate a Data Protection Appeal Committee comprising 3 or more members of the Appeal Panel.
 - (5) The Seventh Schedule shall have effect with respect to the Appeal Panel, Appeal Committees and their members and the proceedings of Appeal Committees, as the case may be.

Appeal from direction or decision of Commission

34. (1) Any organisation or individual aggrieved by —
- (a) any direction made by the Commission under section 27(2) or section 29(1) or (2);
 - (b) any direction or decision made by the Commission under section 28(2); or
 - (c) any decision made by the Commission under section 31(4)(b), may, within 28 days after the issue of the direction or decision concerned, appeal to the Chairman of the Appeal Panel against that direction or decision.
- (2) Where any application for reconsideration has been made under section 31, every appeal in respect of the same direction or decision which is the subject of the application for reconsideration shall be deemed to be withdrawn.
- (3) Unless the Appeal Committee decides otherwise in any particular case, the making of an appeal under this section shall not suspend the effect of the direction or decision to which the appeal relates except in the case of an appeal against the imposition of a financial penalty or the amount thereof.
- (4) An Appeal Committee hearing an appeal may confirm, vary or set aside the direction or decision which is the subject of the appeal, and, in particular, may —
- (a) remit the matter to the Commission;
 - (b) impose or revoke, or vary the amount of, a financial penalty;
 - (c) give such direction, or take such other step, as the Commission could itself have given or taken; or
 - (d) make any other direction or decision which the Commission could itself have made.



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- (5) Any direction or decision of an Appeal Committee on an appeal has the same effect, and may be enforced in the same manner, as a direction or decision of the Commission, except that there shall be no application for further reconsideration under section 31 and no further appeal under this section from any direction or decision of the Appeal Committee.
- (6) If an Appeal Committee confirms the direction or decision which is the subject of the appeal, it may nevertheless set aside any finding of fact on which the direction or decision was based.

Appeals to High Court and Court of Appeal

35. (1) An appeal against, or with respect to, a direction or decision of an Appeal Committee shall lie to the High Court —
 - (a) on a point of law arising from a direction or decision of the Appeal ' Committee; or
 - (b) from any direction of the Appeal Committee as to the amount of a financial penalty.
- (2) An appeal under this section may be made only at the instance of —
 - (a) the organisation aggrieved by the direction or decision of the Appeal Committee;
 - (b) if the decision relates to a complaint, the complainant; or
 - (c) the Commission.
- (3) The High Court shall hear and determine any such appeal and may —
 - (a) confirm, modify or reverse the direction or decision of the Appeal Committee; and
 - (b) make such further or other order on such appeal, whether as to costs or otherwise, as the Court may think fit.
- (4) There shall be such further right of appeal from decisions of the High Court under this section as exists in the case of decisions made by that Court in the exercise of its original civil jurisdiction.