

# Public Consultation on Proposed Amendment Bill to the Personal Data Protection Act

The Ministry of Communications and Information (“MCI”) and the Personal Data Protection Commission (“PDPC”) have just announced a public consultation on a proposed amendment bill to the Personal Data Protection Act (“PDPA”). The consultation period will end on 28 May 2020.

The proposed amendments to the PDPA will be extensive and will address amendments to take into account technological advances, new business models and global developments in data protection legislation, including:

## (a) Accountability of organisations

### *Mandatory data breach notification requirement*

Organisations will be required to notify PDPC of a data breach that results in, or is likely to result in, significant harm to the individuals to whom any personal data affected by a data breach relates to (“affected individuals”); or is of a significant scale. Organisations will also be required to notify the affected individuals if the data breach is likely to result in significant harm to them.

## (b) Meaningful consent

### *Expanded concept of deemed consent*

To facilitate the use and processing of personal data for reasonable business purposes, the concept of ‘deemed consent’ will be expanded to cover circumstances where: i) the collection, use or disclosure of personal data is reasonably necessary to conclude or perform a contract or transaction; or ii) individuals have been notified of the purpose of the intended collection, use or disclosure of personal data, given a reasonable opportunity to opt-out, and have not opted out.

### *New exceptions for legitimate interests and business improvement*

To cater to situations where there are larger public or systemic benefits where obtaining individuals’ consent may not be appropriate, organisations will be able to collect, use or disclose personal data for legitimate interests. MCI/PDPC will also make it clearer that organisations can use personal data properly collected for business improvement purposes.

## (c) Consumer autonomy

### *Data portability*

With the new Data Portability Obligation, individuals will be able to request for a copy of their personal data to be transmitted to another organisation. This will enable consumers to switch to new service providers more easily. It will also support the development of new and innovative services/applications as organisations can have more access to data.

### *Expanded protection from unsolicited messages*

Sending of unsolicited messages to telephone numbers through the use of dictionary attacks and address harvesting software will be prohibited under the PDPA's "Do Not Call" Provisions. The Spam Control Act will also be amended to cover commercial text messages sent to Instant Messaging accounts and in bulk.

### **(d) Effectiveness of PDPC's enforcement**

#### *Enhanced enforcement powers*

To serve as a stronger deterrent, financial penalties for data breaches will be increased to (a) up to 10% of an organisation's annual gross turnover in Singapore or (b) S\$1 million, whichever is higher.

The proposed changes will be far reaching, and if implemented, may require significant changes to how an organisation handles personal data, as well as updates to its policies and documentation relating to personal data.

If you would like information or assistance on the above or any other area of law, you may wish to contact the Partner at WongPartnership whom you normally work with or any of the following Partners:



**LAM Chung Nian**

Head – Intellectual Property,  
Technology and Media,  
Telecommunications and  
Data Protection

**d:** +65 6416 8271

**e:** [chungnian.lam](mailto:chungnian.lam@wongpartnership.com)

[@wongpartnership.com](mailto:chungnian.lam@wongpartnership.com)

Click [here](#) to view Chung Nian's CV.



**Kylie PEH**

Partner – Intellectual Property,  
Technology and Media,  
Telecommunications and  
Data Protection

**d:** +65 6416 8259

**e:** [kylie.peh](mailto:kylie.peh@wongpartnership.com)

[@wongpartnership.com](mailto:kylie.peh@wongpartnership.com)

Click [here](#) to view Kylie's CV.

# WPG MEMBERS AND OFFICES

- [contactus@wongpartnership.com](mailto:contactus@wongpartnership.com)

## SINGAPORE

-

WongPartnership LLP  
12 Marina Boulevard Level 28  
Marina Bay Financial Centre Tower 3  
Singapore 018982  
t +65 6416 8000  
f +65 6532 5711/5722

## CHINA

-

WongPartnership LLP  
Beijing Representative Office  
Unit 3111 China World Office 2  
1 Jianguomenwai Avenue, Chaoyang District  
Beijing 100004, PRC  
t +86 10 6505 6900  
f +86 10 6505 2562

-

WongPartnership LLP  
Shanghai Representative Office  
Unit 1015 Corporate Avenue 1  
222 Hubin Road  
Shanghai 200021, PRC  
t +86 21 6340 3131  
f +86 21 6340 3315

## MYANMAR

-

WongPartnership Myanmar Ltd.  
Junction City Tower, #09-03  
Bogyoke Aung San Road  
Pabedan Township, Yangon  
Myanmar  
t +95 1 925 3737  
f +95 1 925 3742

## INDONESIA

-

Makes & Partners Law Firm  
Menara Batavia, 7th Floor  
Jl. KH. Mas Mansyur Kav. 126  
Jakarta 10220, Indonesia  
t +62 21 574 7181  
f +62 21 574 7180  
w [makeslaw.com](http://makeslaw.com)

[wongpartnership.com](http://wongpartnership.com)

## MALAYSIA

-

Foong & Partners  
Advocates & Solicitors  
13-1, Menara 1MK, Kompleks 1 Mont' Kiara  
No 1 Jalan Kiara, Mont' Kiara  
50480 Kuala Lumpur, Malaysia  
t +60 3 6419 0822  
f +60 3 6419 0823  
w [foongpartners.com](http://foongpartners.com)

## MIDDLE EAST

-

Al Aidarous International Legal Practice  
Abdullah Al Mulla Building, Mezzanine Suite  
02  
39 Hameem Street (side street of Al Murroor  
Street)  
Al Nahyan Camp Area  
P.O. Box No. 71284  
Abu Dhabi, UAE  
t +971 2 6439 222  
f +971 2 6349 229  
w [aidarous.com](http://aidarous.com)

-

Al Aidarous International Legal Practice  
Zalfa Building, Suite 101 - 102  
Sh. Rashid Road  
Garhoud  
P.O. Box No. 33299  
Dubai, UAE  
t +971 4 2828 000  
f +971 4 2828 011

## PHILIPPINES

-

ZGLaw  
27/F 88 Corporate Center  
141 Sedeño Street, Salcedo Village  
Makati City 1227, Philippines  
t +63 2 889 6060  
f +63 2 889 6066  
w [zglaw.com/~zglaw](http://zglaw.com/~zglaw)