



## **PrivacyRules Country Overview: Privacy and Data Protection in Singapore**

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**Expert presentation:**

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*Her practice involves international transactions and clients who are from the medical technology industry, the blockchain industry, software companies and businesses that rely heavily on big-data analysis. Due to the international element of her practice, she regularly assists clients in navigating both international and local privacy and data protection laws.*

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**Q: Are privacy and data protection recognised by the Constitution / Fundamental Rights Bill?**

**A: No. Singapore's constitution has a right to life and personal liberty, but Singapore's common law has not interpreted it to provide a right to privacy and/or data protection and the courts have historically interpreted it narrowly.**

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**Q: Is there primary legislation on privacy, data protection, cybersecurity, cybercrime, cyberterrorism?**

**A: Yes.**

**Personal Data Protection Act 2012 (Adopted in 2012) ("PDPA")**

**Cybersecurity Act 2018 (Adopted in 2018)**

**Computer Misuse Act (Rev Ed 2007) (First adopted in 1993)**

**Spam Control Act (Rev Ed 2008) (Adopted in 2007)**

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**Q: What are the fields of law closely related to privacy and data protection that are regulated in the Singapore jurisdiction? (e.g. e-commerce, telecommunications, media, intellectual property, etc.).**

**A: Intellectual property, media, law of confidentiality, e-commerce, telecommunications, contract law.**



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**Q: What are the key definitions in the field of data protection (e.g. Personal Data, Sensitive Data, Data Processing, Data Controller, Data Subject, Pseudonymised Data, Anonymised Data, Processing or any other definition)?**

**A: Personal Data means data, whether true or not, about an individual who can be identified (a) from that data; or (b) from that data and other information to which the organisation has or is likely to have access.**

**Data Intermediary means an organisation which processes personal data on behalf of another organisation but does not include an employee of that other organisation (editor's note: similar to Data Processor in other jurisdictions).**

**Data Controllers are known as Data Processors in Singapore. There is no formal definition of Data Processors but there is a definition for Processing of personal data.**

**Processing in relation to personal data, means the carrying out of any operation or set of operations in relation to the personal data, and includes any of the following: (a) recording, (b) holding, (c) organisation, adaption or alteration, (d) retrieval, (e) combination, (f) transmission, (g) erasure or destruction).**

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**Q: In particular, is there a distinction between identifiable, pseudonymised and anonymised data and if so, how are they regulated?**

**A: Yes. The PDPA only regulates identifiable data and not anonymised data.**

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**Q: Is there a national Data Protection Authority?**

**A: Yes, the Personal Data Protection Commission ("PDPC")**

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**Q: Which national judicial authorities are competent on privacy and data protection related matters?**



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*A: Personal Data Protection Commission.*

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*Q: Is there a one-stop-shop mechanism in place?*

*A: In terms of within Singapore, a one-stop-shop mechanism is not necessary.*

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*Q: What are the main enforcement measures?*

*A: Fines.*

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*Q: What are the actual main sanctions?*

*A: Offences under the PDPA may be subject to fines and/or imprisonment (for certain offences). However, to date, no one has been imprisoned for offences under the PDPA.*

*Q: Is there a supra-national applicable legal framework? If the answer is positive, is it binding and to what extent?*

*A: No.*

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*Q: Does any foreign authority have jurisdiction on privacy and data protection matters for citizens of Singapore? If the answer is positive, do they have executive or advisory authority?*

*A: No.*

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*Q: Are there e-discovery or disclosure duties pursuant to a request from a foreign Law Enforcement Agency?*

*A: No.*



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**Q: Are privacy-by-design and privacy-by-default mandatory?**

**A: No, but it is encouraged and may be a mitigating factor if any breaches occur.**

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**Q: Are data protection officers (DPOs) foreseen by law and if so, to what extent?**

**A: DPOs are mandatory in Singapore but will not bear any personal liability in the event of any breaches or lapses.**

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**Q: Are data protection impact assessments (DPIAs) mandatory and if so, to what extent?**

**A: They are not expressly mandated, but are recommended by the PDPC for organisations to ensure they comply with their processing obligations under the PDPA.**

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**Q: Is there any obligation to register databases and if so, to what extent?**

**A: No.**

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**Q: Are definitions like controller, processor, regulator clearly defined and identifiable within the Singapore regulatory framework?**

**A: Yes, definitions are shared in an earlier question.**

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**Q: Are there obligations to adopt reasonable technical, physical and organizational measures to protect the security of sensitive personal information and if so, to what extent?**

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*A: The PDPC does not expressly contain provisions relating to sensitive personal data, but the PDPC has in practice recognised that sensitive personal data should be afforded more attention and stronger protective measures.*

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*Q: Are there security breach notification requirements and if so, to what extent?*

*A: Currently, no. However, the PDPC has indicated that they intend to introduce mandatory security breach notifications as soon as early 2020.*

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*Q: Can authorities access large amounts of data and/or specific data without a court or prosecutor's order?*

*A: In certain circumstances, yes (e.g. pursuant to the Cybersecurity Act where there is breach of a critical information infrastructure).*

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*Q: Are there specific kinds of data covered by stronger provisions on legal protection (e.g. children data, etc.)?*

*A: No.*

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*Q: Is there a specific regulation for the collection of data?*

*A: Yes, the PDPA.*

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*Q: Is it possible to use personal data for electronic marketing purposes and if so, to what extent?*

*A: Yes, but only with the data subject's specific consent to it being used for electronic marketing purposes.*

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*Q: Is transfer of data outside the Singapore jurisdiction regulated?*

*A: Yes, data controllers may only transfer data out of Singapore jurisdiction if they can ensure that the personal data will be afforded the same level of protection as required under the PDPA.*

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*Q: Can individuals access their data and request their correction or deletion?*

*A: Yes.*

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*Q: How can individuals exercise their privacy rights?*

*A: Individuals may have a right of private action to obtain an injunction or damages, or they may file a complaint with the PDPC.*

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*Q: Are there associations entitled to advocate privacy and data protection rights?*

*A: No.*

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*Q: Is access to data regulated according to specific and detailed legal acts stating legal requirements to exercise the right to access, e.g. timeframe, identity and categories of legitimate applicant, templates for various forms of request, obligations of the requested entity etc.?*

*A: No, but the PDPC has released several detailed guidelines and recommendations on how data should be accessed and consent obtained.*

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*Miscellaneous: Any other information particularly important in the Singapore jurisdiction [ if necessary, please explain why this additional information is provided and which is its relevance ].*



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*A: Singapore participates in the APEC cross border privacy rules (“CBPR”) and privacy recognition for processors (“PRP”) system.*

*The APEC CBPR and PRP systems are no legally binding frameworks, but are multilateral certification mechanisms that establish a harmonised set of data protection standards across the participating economics and will certify organisations that comply with the standards.*

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