

APPENDIX A

The following Act was passed by Parliament on 15th October 2012 and assented to by the President on 20th November 2012:-

PERSONAL DATA PROTECTION ACT 2012

SECOND SCHEDULE

Section 17(1)

COLLECTION OF PERSONAL DATA WITHOUT CONSENT

1. An organisation may collect personal data about an individual without the consent of the individual or from a source other than the individual in any of the following circumstances:
 - a) The collection is necessary for any purpose that is clearly in the interest of the individual, if consent for its collection cannot be obtained in a timely way or the individual would not reasonably be expected to without consent;
 - b) The collection is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
 - c) The personal data is publicly available;
 - d) The collection is necessary in the national interest;
 - e) The collection 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;
 - f) The collection is necessary for evaluative purposes;
 - g) The personal data is collected solely for artistic or literary purposes;
 - h) Subject to paragraph 2, the personal data is collected by a news organisation solely for its news activity;
 - i) The personal data is collected for the organisation to recover a debt owed to the organisation by the individual or for the organisation to pay to the individual a debt owed by the organisation;
 - j) The collection is necessary for the provision of legal services by the organisation to another person or for the organisation to obtain legal services;
 - k) The personal data is collected by a credit bureau from a member of the credit bureau to create a credit report, or by a member of the credit bureau from a credit report provided by the credit bureau to that member in relation to a transaction between the member and the individual;
 - l) The personal data is collected to confer an interest or benefit on the individual under a private trust or benefit plan, and to administer such trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be;
 - m) The personal data was provided to the organisation by another individual to enable the organisation to provide a service for the personal or domestic purposes of that other individual;
 - n) The personal data is included in a document –
 - (i) Produced in the course, and for the purposes, of the individual's employment, business or profession; and
 - (ii) Collected for purposes consistent with the purposes for which the document was produced;

- o) The personal data is collected by the individual's employer and the collection is reasonable for the purpose of managing or terminating an employment relationship between the organisation and the individual;
- p) Subject to the conditions in Paragraph 3, the personal data –
 - (i) Is collected by an organisation, being a party or a prospective party to a business asset transaction with another organisation, from that other organisation;
 - (ii) Is about an employee, customer, director, officer or shareholder of the other organisation; and
 - (iii) Relates directly to the part of the other organisation or its business assets with the business asset transaction is concerned;
- q) The personal data was disclosed by a public agency, and the collection is consistent with the purpose of the disclosure by the public agency; or
- r) The personal data –
 - (i) Was disclosed to the organisation in accordance with section 17(3); and
 - (ii) Is collected by the organisation for purposes consistent with the purpose of that disclosure.

2. In this paragraph and paragraph 1(h) –

“Broadcasting Service” has the same meaning as in section 2 of the Broadcasting Act (Cap. 28);

“News Activity” means –

- a) The gathering of news, or the preparation or compilation of articles or programmes of or concerning news, observations on news, or current affairs, for the purposes of dissemination to the public or any section of the public; or
- b) The dissemination, to the public or any section of the public, of any article or programme of or concerning –
 - (i) News;
 - (ii) Observations on news; or
 - (iii) Current affairs;

“News Organisation” means –

- a) Any organisation –
 - (i) The business of which consists, in whole or part in part, of news activity carried out in relation to a relevant broadcasting service, a newswire service or the publication of a newspaper; and
 - (ii) Which, if the organisation publishes a newspaper in Singapore within the meaning of Section 8(1) of the Newspaper and Printing Presses Act (Cap. 206), is required to be newspaper company within the meaning of Part III of that Act; or
- b) Any organisation which provides a broadcasting service in or from Singapore and holds a broadcasting licence granted under Section 8 of the Broadcasting Act;

“Newspaper” has the same meaning as in Section 2 of the Newspaper and Printing Presses Act;

“Relevant Broadcasting Service” means any of the following licensable broadcasting services within the meaning of the Broadcasting Act:

- (a) Free-to-air nationwide television services;
- (b) Free-to-air localised television services;
- (c) Free-to-air international television services;
- (d) Subscription nationwide television services;
- (e) Subscription localised television services;
- (f) Subscription international television services;
- (g) Special interest television services;
- (h) Free-to-air nationwide radio services;
- (i) Free-to-air localised radio services;
- (j) Free-to-air international radio services;
- (k) Subscription nationwide radio services;
- (l) Subscription localised radio services;
- (m) Subscription international radio services;
- (n) Special interest radio services

3. (1) The conditions in this paragraph shall apply if the personal data is collected under paragraph 1(p)
- (2) If the organisation is a prospective party to a business asset transaction –
- (a) The personal data collected must be necessary for the organisation to determine whether to proceed with the business asset transaction; and
 - (b) The organisation and the other organisation must have entered into an agreement that requires the prospective party to use or disclose the personal data solely for purposes related to the business asset transaction.
- (3) If an organisation enters into the business asset transaction with another organisation –
- (a) The organisation shall only use or disclose the personal data collect for the same purposes for which the other organisation would have been permitted to use or disclose the data;
 - (b) if any of the personal data collected does not relate directly to the part of the other organisation or its business assets with which the business asset transaction entered into is concerned, the organisation shall destroy, or return to the other organisation, any such personal data; and
 - (c) The employees, customers, directors, officers and shareholders whose personal data is disclosed shall be notified that –
 - (i) The business asset transaction has taken place; and
 - (ii) The personal data about them has been disclosed to the organisation.
- (4) If a business asset transaction does not proceed or is not completed, the organisation shall destroy, or return to the other organisation, all the personal data collected.
- (5) In this paragraph and paragraph 1(p), “business asset transaction” has the same meaning as in paragraph 3(4) of the Fourth Schedule.
4. For the avoidance of doubt, personal data disclosed before the appointed day in the circumstances and conditions set out in the Fourth Schedule shall satisfy paragraph 1(r), notwithstanding that section 17(3) was not in force at the time of disclosure.

THIRD SCHEDULE

Section 17(2)

USE OF PERSONAL DATA WITHOUT CONSENT

1. An organisation may use personal data about an individual without the consent of the individual in any of the following circumstances:
 - (a) The use is necessary for any purpose which is clearly in the interests of individual, if consent for its use cannot to be obtained in a timely way or the individual would not reasonably be expected to withhold consent;
 - (b) The use is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
 - (c) The personal data is publicly available;
 - (d) The use is necessary in the national interest;
 - (e) The use is necessary for any investigation or proceedings;
 - (f) The use is necessary for evaluative purposes;
 - (g) The personal data is used for the organisation to recover a debt owed to the organisation by the individual or for the organisation to pay to the individual a debt owed by the organisation;
 - (h) The use is necessary for the provision of legal services by the organisation to another person or for the organisation to obtain legal services;
 - (i) Subject to the conditions in paragraph 2, the personal data is used for a research purpose, including historical or statistical research; or
 - (j) The data was collected by the organisation in accordance with Section 17(1), and is used by the organisation for purposes consistent with the purpose of that collection.
2. Paragraph 1(i) shall not apply unless –
 - (a) The research purpose cannot reasonably be accomplished unless the personal data is provided in an individually identifiable form;
 - (b) It is impracticable for the organisation to seek the consent of the individual for the use;
 - (c) The personal data will not be used to contact persons to ask them to participate in the research; and
 - (d) Linkage of the personal data and benefits to other information is not harmful to individuals identified by the personal data and the benefits to be derived from the linkage are clearly in the public interest.
3. For the avoidance of doubt, personal data collected before the appointed day in the circumstances and conditions set out in the Second Schedule shall satisfy paragraph 1(j) notwithstanding that section 17(1) was not in force at the time of collection.

FOURTH SCHEDULE

Section 2, 17(3) and 21(4)

DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

1. An organisation may disclose personal data about an individual without the consent of the individual in any of the following circumstances:
 - (a) The disclosure is necessary for any purpose which is clearly in the interests of the individual, if consent for its disclosure cannot be obtained in a timely way;
 - (b) The disclosure is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;
 - (c) Subject to the conditions in paragraph 2, there are reasonable grounds to believe that the health or safety of the individual or another individual will be seriously affected and consent for the disclosure of the data cannot be obtained in a timely way;
 - (d) The personal data is publicly available;
 - (e) The disclosure is necessary in the national interest;
 - (f) The disclosure is necessary for any investigation or proceedings;
 - (g) The disclosure is to a public agency and such disclosure is necessary in the public interest;
 - (h) The disclosure is necessary for evaluation purposes;
 - (i) The disclosure is necessary for the organisation to recover debt owed by the individual to the organisation or for the organisation to pay to the individual a debt owed by the organisation;
 - (j) The disclosure is necessary for the provision of legal services by organisation to another person or for the organisation to obtain legal services;
 - (k) The personal data is disclosed by a member of a credit bureau to the credit bureau for the purpose of preparing credit reports, or in a credit report provided by a credit bureau to a member of the credit bureau in relation to a transaction between the member and the individual;
 - (l) The personal data about the current or former students of the organisation, being an education institution, is disclosed to a public agency for the purposes of policy formulation or review;
 - (m) The personal data about the current or former patients of healthcare institution licensed under the Private Hospitals and Medical Clinics Act (Cap.248) or any other prescribed healthcare body is disclosed to a public agency for the purposes of policy formulation or review;
 - (n) The personal data is disclosed to any officer of a prescribed law enforcement agency, upon production of written authorisation signed by the head or director of that law enforcement agency or a person of similar rank, certifying that the personal data is necessary for the purposes of the functions or duties of the officer;
 - (o) The disclosure is for the purpose of contacting the next-of-kin or a friend of any injured, ill or deceased individual;

- (p) Subject to the conditions in paragraph 3, the personal data –
 - (i) Is disclosed to a party or a prospective party to a business asset transaction with the organisation;
 - (ii) Is about an employee, customer, director, officer or shareholder of organisation; and
 - (iii) Relates directly to the part of organisation or its business assets with which the business asset transaction is concerned;
 - (q) Subject to the conditions in paragraph 4, the disclosure is for a research purpose, including historical or statistical research;
 - (r) The disclosure is for archival or historical purposes if a reasonable person would not consider the personal data to be too sensitive to the individual to be disclosed at the proposed time; or
 - (s) Subject to the conditions in paragraph 5, the personal data –
 - (i) Was collected by the organisation in accordance with section 17(1); and
 - (ii) Is disclosed by the organisation for purposes consistent with the purpose of that collection.
2. In the case of disclosure under paragraph 1(c), the organisation shall, as soon as may be practicable, notify the individual whose personal data is disclosed and the purposes of the disclosure.
3. – (1) The conditions in this paragraph shall apply to personal data disclosed under paragraph 1(p).
- (2) In the case of disclosure to a prospective party to a business asset transaction –
 - (a) The personal data must be necessary for the prospective party to be determine whether to proceed with the business asset transaction; and
 - (b) The organisation and prospective party must have entered into an agreement that requires the prospective party to use or disclose the personal data solely for purpose related to the business asset transaction.
- (3) If the organisation enters into the business asset transaction, the employees, customers, directors, officers and shareholders whose personal data is disclosed shall be notified that –
 - (a) The business asset transaction has taken place; and
 - (b) The personal data about them has been disclosed to the party
- (4) In this paragraph and paragraph 1(p) –
“Business Asset Transaction” means the purchase, sale, lease, merger or amalgamation or any other acquisition, disposal or financing of an organisation or a portion of an organisation or of any of the business or assets of an organisation other than the personal data to be disclosed under paragraph 1(p);
“Party” means another organisation that enters into the business asset transaction with the organisation.

4. Paragraph 1(q) shall not apply unless –
 - (a) The research purpose cannot reasonably be accomplished without the personal data being provided in an individually identifiable form;
 - (b) It is impracticable for the organisation to seek the consent of the individual for the disclosure;
 - (c) The personal data will not be used to contact persons to ask them to participate in the research;
 - (d) Linkage of the personal data to other information is not harmful to the individuals identified by the personal data and benefits to be derived from the linkage are clearly in the public interest; and
 - (e) The organisation to which the personal data is to be disclosed has signed an agreement to comply with –
 - (i) This Act;
 - (ii) The policies and procedures relating to the confidentiality of personal data of organisation that collected the personal data;
 - (iii) Security and confidentiality conditions of the organisation disclosing the personal data;
 - (iv) A requirement to remove or destroy individual identifiers at the earliest reasonable opportunity; and
 - (v) A requirement not to use the personal data for other purpose or to disclose the personal data in individually identifiable form without the express authorisation of the organisation that disclosed the personal data.

5. For the avoidance of doubt, personal data collected before the appointed day in the circumstances and conditions set out in the Second Schedule shall satisfy paragraph 1(s) notwithstanding that section 17(1) was not in force at the time of collection.

FIFTH SCHEDULE

Section 21(2)

EXCEPTIONS FROM ACCESS REQUIREMENT

1. An organisation is not required to provide information under Section 21(1) in respect of -
 - (a) Opinion data kept solely for an evaluative purpose;
 - (b) Any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
 - (c) The personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;
 - (d) Personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre;
 - (e) A document related to a prosecution if all proceedings related to the prosecution have not been completed;
 - (f) Personal data which is subject to legal privilege;
 - (g) Personal data which, if disclosed, would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the organisation;
 - (h) Personal data collected, used or disclosed without consent, under paragraph 1(e) of the Second Schedule, paragraph 1(e) of the Third Schedule or paragraph 1(f) of the Fourth Schedule, respectively, for the purposes of an investigation if the investigation and associated proceedings and appeals have not been completed;
 - (i) The personal data was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he was appointed to act -
 - (i) Under a collective agreement under the Industrial Relations Act (Cap.136) or by agreement between the parties to the mediation or arbitration;
 - (ii) Under any written law; or
 - (iii) By a court, arbitral institution or mediation centre; or
 - (j) Any request -
 - (i) That would unreasonably interfere with the operations of the organisation because of the repetitious or systematic nature of the requests;
 - (ii) If the burden or expense of providing access would be unreasonable to the organisation or disproportionate to the individual's interests;
 - (iii) For information that does not exist or cannot be found;
 - (iv) For information that is trivial; or
 - (v) That is otherwise frivolous or vexatious

SIXTH SCHEDULE

Section 22(7)

EXCEPTIONS FROM CORRECTION REQUIREMENT

1. Section 22 shall not apply in respect of –
 - (a) Opinion data kept solely for an evaluative purpose;
 - (b) Any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;
 - (c) The personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre; or
 - (d) Personal data kept by an arbitral institution or a mediation centre solely for the purposes of arbitration or mediation proceedings administered by the arbitral institution or mediation centre; or
 - (e) A document related to a prosecution if all proceedings related to the prosecution have not been completed.

APPENDIX B

EIGHTH SCHEDULE

EXCLUSION FROM MEANING OF “SPECIFIED MESSAGE”

1. For the purposes of Part IX, a specified message shall not include any of the following:
 - (a) Any message sent by a public agency under, or to promote, any programme carried out by any public agency which is not for a commercial purpose;
 - (b) Any message sent by an individual acting in a personal or domestic capacity;
 - (c) Any message which is necessary to respond to an emergency that threatens the life, health or safety of any individual;
 - (d) Any message the sole purpose of which is –
 - (i) To facilitate, complete or confirm a transaction that the recipient of the message has previously agreed to enter into with the sender;
 - (ii) To provide warranty information, product recall information or safety or security information with respect to a product or service purchased or used by the recipient of the message; or
 - (iii) To deliver goods or services, including product updates or upgrades, that the recipient of the message is entitled to receive under the terms of a transaction that the recipient has previously agreed to enter into with the sender;
 - (e) Any message the sole purpose of which is to provide –
 - (i) Notification concerning a change in the terms or features of;
 - (ii) Notification of a change in the standing or status of the recipient of the message with respect to; or
 - (iii) At regular periodic intervals, account balance information or other type of account statement with respect to, a subscription, membership, account, loan or comparable ongoing commercial relationship involving the outgoing purchase or use by the recipient of goods or services offered by the sender;
 - (f) Any message sent to an organisation other than an individual acting in personal domestic or domestic capacity, for any purpose of the receiving organisation.
2. In this Schedule, “Individual” does not include a sole proprietor registered under the Business Registration Act (Cap. 32)