

Fact Sheet

FOR IMMEDIATE RELEASE

PUBLIC CONSULTATION ON PROPOSED DATA PORTABILITY AND DATA INNOVATION PROVISIONS

The Personal Data Protection Commission (PDPC) today launched a public consultation to seek views on proposals to introduce data portability and data innovation provisions in the Personal Data Protection Act (PDPA) as part of its ongoing review. These proposals will provide a balanced regulatory approach to support innovation in a Digital Economy, while giving consumers choice and control over their data.

The data portability provisions would allow consumers to request for their data to be moved across organisations, which would facilitate data flows and support greater data sharing both within and across sectors. The data portability provisions will avoid dampening innovation for first movers. They would also be complemented with data innovation provisions to encourage appropriate business innovation.

Data portability addresses the challenges faced by industries in accessing more diverse data or larger datasets for use in emerging technologies – such as Artificial Intelligence or Internet of Things solutions – in order to generate better personalised products, services and insights, while creating incentives for competitive services and lowering barriers to entry for new entrants.

Allowing individuals to request for the movement of their data across organisations would empower consumers with greater choice and control over the use of their data, and potentially reduce the costs for consumers to switch service providers. For instance, it could enable consumers to move records and important histories that affect how services are offered to them – such as transactional data of customers' loan or credit repayments or purchase histories.

With organisations increasingly using data analytics to make business decisions, organisations may apply business-specific rules (such as AI algorithms) to derive new insights from the data they hold. PDPC recognises that data derived using an organisation's business-specific considerations may involve commercial sensitivities. At the same time, PDPC has received feedback on the need for greater regulatory clarity to reduce uncertainty over whether individuals' consent is needed to use personal data for certain business purposes.

As such, the PDPC is proposing to provide for Data Innovation Provisions in the PDPA to clarify that organisations can use personal data for specific, defined business purposes without consent. This will encourage organisations to use such data to improve and develop innovative products and services offerings.

Key consultation areas

The public consultation builds on the Discussion Paper launched in February 2019, which discussed the issues of data portability from the lens of personal data protection, competition and data flows to support innovation in the Digital Economy. The paper also examined how strong consumer safeguards can engender trust in new technologies.

Data Portability Provisions

PDPC is inviting views on key areas including:

- The impact of data portability, specifically on consumers, market and the economy;
- The scope of organisations covered as well as the conditions under which the data portability provisions would apply;
- The scope of data covered and the proposed exceptions to the data portability provisions, specifically the exception relating to commercial confidential information that could harm the competitive position of an organisation, and "derived data";
- The proposed requirements for handling data portability requests;
- The proposed powers for PDPC to review an organisation's refusal to port data, failure to port data within a reasonable time, or fees for porting data; and

- The proposal for binding codes of practice that set out specific requirements and standards for the porting of data in specific clusters/sectors.

Data Innovation Provisions

PDPC is inviting views on key areas, including:

- Defining a category of data as “derived data” which will be excluded from the Access, Correction and proposed Data Portability provisions under the PDPA; and
- Making clear when organisations may use personal data without consent for appropriate business purposes.

The public consultation will be open for six weeks starting today, 22 May 2019, and will close on 3 July 2019. This is the third round of public consultation as part of the ongoing review of the PDPA¹. The review of the PDPA aims to strengthen consumer trust, while updating the PDPA to stay ahead of changing technologies and enable data innovation to support the growth of the Digital Economy. For full details of the public consultation, please visit: <http://www.pdpc.gov.sg/Legislation-and-Guidelines/Public-Consultations>

ISSUED BY THE PERSONAL DATA PROTECTION COMMISSION

About Personal Data Protection Commission

The PDPC administers the Personal Data Protection Act 2012 (PDPA) in Singapore, which aims to safeguard individuals’ personal data against misuse and promote proper management of personal data in organisations. The PDPA enhances Singapore’s competitiveness and strengthens our position as a trusted business hub, putting Singapore on par with the growing list of countries with data protection laws. For more information, please visit www.pdpc.gov.sg.

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¹ PDPC conducted two rounds of public consultation on proposed key amendments to the PDPA in 2017 and 2018



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