
Government Personal Data Protection Policies

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The Government takes its responsibility as a custodian of data very seriously.

Data management in the public sector is governed by the Public Sector (Governance) Act (“PSGA”) and the Government Instruction Manual on IT Management (“IM on IT Management”). The Personal Data Protection Act (“PDPA”) applies to the private sector. The need for two different legal frameworks governing data management in the public and private sectors arises because the public has different expectations of the services provided by the Government and the private sector. The public expects the Government to deliver services in an integrated manner across agencies. In contrast, each private sector organisation is expected to be individually accountable for the personal data in its possession, and there is no expectation of a similarly integrated delivery of services across different private sector organisations.

Since 2001, the Government's data security policies have been set out in the IM on IT Management. The IM on IT Management sets out how the Government manages and protects data (including personal data) in its possession or control. In 2018, the PSGA was enacted to further strengthen public sector data governance. The PSGA imposes criminal penalties on public officers who recklessly or intentionally disclose data without authorisation, misuse data for a gain or re-identify anonymised data.

This document sets out the key policies in the IM on IT Management that govern how personal data is managed and protected by agencies.

These policies apply to all personal data (in electronic (structured and unstructured) and non- electronic forms) possessed or controlled by an agency, except:

- (a)** Personal data of a deceased individual¹; and
- (b)** Business contact information.

¹ However, provisions relating to the disclosure of personal data and protection of personal data shall apply in respect of the personal data of an individual who has been dead for 10 or less years.

General Rules with Respect to Protection of Personal Data

- 01 An agency shall ensure that up-to-date policies and processes that adhere to all the provisions in this policy are implemented within the agency and when transferring data to any other organisation.
- 02 An agency shall implement processes to receive and address, within a reasonable time, enquiries or feedback about the agency's policies and processes relating to the processing of personal data.
- 03 An agency shall make available information about its policies and processes with respect to the processing of personal data through a privacy statement to be displayed on its digital services.
- 04 An agency shall allow an individual to seek clarification on the agency's policies and processes relating to the processing of personal data through the agency's Quality Service Manager (or equivalent).

Collection, Use and Disclosure of Personal Data

Consent

05 Before an agency collects, uses or discloses personal data, the agency shall check whether there are any laws governing or prohibiting such collection, use or disclosure. Subject to any such laws, the agency shall not:

(a) collect or use personal data, as the case may be, unless:

i. such collection or use is for any of the purposes in Section 4 of the Public Sector (Governance) Act;

ii. such collection or use is authorised by any law or required by order of court;

iii. such collection or use is necessary in the public interest (including without limitation national interest);

iv. such collection or use is permitted without consent by the exclusions in Part I or Part II (as applicable) of Annex A and complies with all applicable legal obligations; or

v. the individual that the personal data relates to, gives, or is deemed to give, his consent to the collection or use (as applicable) of his personal data by the agency for the purposes set out in paragraph 14;

(b) disclose personal data unless:

- i.** such disclosure is for any of the purposes in Section 4 of the Public Sector (Governance) Act and to the extent required by any Ministerial Direction issued under the Act, and the disclosing agency is a Singapore public sector agency as defined in Section 2 of the Act;
- ii.** such disclosure is authorised by any other law or required by order of court;
- iii.** such disclosure is necessary in the public interest(including without limitation national interest);
- iv.** such disclosure is permitted without consent by the exclusions in Part III of Annex A, such disclosure complies with all applicable legal obligations; or
- v.** the individual that the personal data relates to, gives, or is deemed to give, his consent to the disclosure of his personal data by the agency for the purposes set out in paragraph 14.

06 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall obtain the consent at or before the time of processing. Where the agency wants to use data for a purpose not previously identified, consent to the use or collection for that purpose may be obtained after the data is collected but before use. Where the data collected may be shared with another agency for another function or purpose, the agency shall notify the individual as such at the point of collection.

- 07 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall not, as a condition of the supply of a product or service or the administration of a public programme or scheme, 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 the individual, or to administer the public programme or scheme.
- 08 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall not obtain the consent through deception or by providing misleading or incomplete information.
- 09 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, the agency shall obtain consent directly from the individual or any person validly acting on behalf of that individual.

Deemed Consent

- 10 An individual is deemed to consent to the collection, use or disclosure of personal data by an agency for a purpose if: —
 - (a) the individual, without actually giving consent, voluntarily provides the personal data to the agency for that purpose; and
 - (b) it is reasonable that the individual would voluntarily provide the data.
- 11 If an individual gives, or is deemed to have given, consent to the disclosure of personal data about the individual by one agency to another agency or a non- Government entity (NGE) 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 agency or NGE.

Withdrawal of Consent

- 12 Where an agency needs to obtain an individual's express consent pursuant to paragraph 5, and where the individual gives reasonable notice to the agency, the agency shall allow the individual to withdraw consent at any time, subject to legal or contractual restrictions or public interest requirements. On receipt of such notice, the agency shall inform the individual of the likely consequences of withdrawing his consent.
- 13 Subject to the requirements of the retention of personal data, if the agency allows the individual to withdraw consent to the collection, use or disclosure of personal data about the individual pursuant to paragraph 12, the agency shall 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 pursuant to paragraph 5.

Purpose

- 14 An agency shall collect, use or disclose personal data about an individual only for purposes: —
 - (a) that are authorised by law or required by order of court; or
 - (b) that are necessary in the public interest (including without limitation national interest); or
 - (c) that are aligned to the purposes for which a Ministerial Direction is issued under the Public Sector (Governance) Act; or
 - (d) that are permitted without consent by the exclusions in Part I, Part II or Part III of Annex A and the collection, use or disclosure complies with all applicable legal obligations; and
 - (e) that the individual has been informed of under paragraph 15, if applicable.

Notification of Purpose

- 15 An agency 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; and
 - (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.
- 16 The requirement to inform the individual of the purposes shall not apply if: —
- (a) the individual is deemed to have consented to the collection, use or disclosure, as the case may be, for such purposes; or
 - (b) the agency collects, uses or discloses the personal data without the express consent of the individual in accordance with paragraph 5.
- 17 Notwithstanding paragraph 16, an agency shall 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 agency and that individual, inform the individual of that purpose.
- 18 An agency shall take reasonable and practical steps to keep up-to-date documentation of the purposes for which personal data is collected, used and disclosed.

Access to and Correction of Personal Data

Access to Personal Data

- 19 On request of an individual, an agency shall, as soon as reasonably possible, provide the individual with: —
- (a) personal data about the individual that the individual has earlier provided to the agency; 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 agency in the last 12 months prior to the date of the request.
- 20 Agencies shall not be required to comply with paragraph 19 if any of the exceptions in Part IV of Annex A apply.
- 21 An agency shall not provide an individual with the information about the ways in which the personal data has been or may have been used or disclosed 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.

22 Notwithstanding paragraph 20, if an agency is able to provide the individual with the individual's personal data and other information requested under paragraph 19 without providing the information excluded under paragraph 21, the agency shall do so.

Correction of Personal Data

23 An individual may request an agency to correct an error or omission in the personal data about the individual that the individual has earlier provided to the agency.

24 Unless the agency is satisfied on reasonable grounds that a correction should not be made, the agency shall —

(a) correct the personal data as soon as practicable; and

(b) send the corrected personal data to any other organisation to which the personal data was disclosed in the last 12 months prior to the date the correction was made, unless the other organisation informs the agency (or the agency is otherwise aware) that it no longer needs the data for legal or business purposes.

25 Agencies shall not be required to comply with paragraphs 23, 24 and 26 in respect to the matters specified in Part V of Annex A.

- 26 In relation to a request made under paragraph 23, if no correction is made, the agency shall annotate the personal data with the correction that was requested but not made.
- 27 When an agency is notified of a correction of personal data by another agency, the receiving agency shall correct the personal data in the agency's possession or under the agency's control unless the agency is satisfied on reasonable grounds that the correction should not be made.

Care of Personal Data

- 28 Agencies shall take reasonable and practical steps to ensure that all data, including personal data, in their possession exhibit the characteristics of quality data, as necessary for the purpose for which they are used. Quality data is:
- (a) accurate;
 - (b) consistent;
 - (c) timely;
 - (d) relevant; and
 - (e) complete.

Retention of Personal Data

- 29 Subject to paragraph 30, an agency shall retain personal data that has been used to make a decision about an individual for a long enough period to allow the individual access to the data after the decision has been made.
- 30 An agency shall retain personal data only for the period necessary for the fulfilment of the purposes for which it was collected unless there is a requirement specified in legislation or in the IM on Office Admin: Management of Public Records to retain the personal data for archival or any other purposes.

Responsibilities of Public Officers

- 31 Officers shall be mindful of the requirements of the Official Secrets Act and Statutory Bodies and Government Companies (Protection of Secrecy) Act, which prohibit unauthorised disclosure of certain information held by virtue of a person's office or position in the Government or such organisation. (These prohibitions apply regardless of whether the information was obtained directly from the public or from another agency). In addition, officers shall be mindful of their obligations set out in the Public Sector (Governance) Act, which criminalise the acts of knowing/reckless unauthorised disclosure of data, misuse of data for a gain and knowing/reckless unauthorised re-identification of anonymised data. Anyone who contravenes these laws may be guilty of an offence and may be liable on conviction to a fine and imprisonment.

- 32 An agency shall ensure that all its officers are informed of their responsibilities and liabilities (i.e. that they should not access, use, disclose or retain personal data for purposes other than the performance of their duties of employment, and that failure to comply may be a criminal offence and may give rise to disciplinary action against the officer).

Annex A: Exclusions

- I. Collection of Personal Data Without Consent
- II. Use of Personal Data Without Consent
- III. Disclosure of Personal Data Without Consent
- IV. Exceptions from Access Requirements
- V. Exceptions from Correction Requirements

I. Collection of Personal Data Without Consent

01 An agency 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 withhold 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 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;

(e) the collection is necessary for evaluative purposes;

(f) the personal data is collected for the agency to recover a debt owed to the agency by the individual or for the agency to pay to the individual a debt owed by the agency;

(g) the collection is necessary for the provision of legal services by the agency to another agency or organisation or for the agency to obtain legal services;

(h) 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.

(i) the personal data is collected by the agency (as the individual's employer) and the collection is reasonable for the purpose of managing or terminating an employment relationship between the agency and the individual;

(j) the personal data is collected solely for artistic or literary purposes;

(k) the personal data is collected to confer an interest or a benefit on the individual under a private trust or a 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;

(l) the personal data was provided to the agency by another individual to enable the agency to provide a service for the personal or domestic purposes of that other individual; or

(m) the personal data —

i. was disclosed to the agency in accordance with exclusions for disclosure of personal data without consent; and

ii. is collected by the agency for purposes consistent with the purpose of that disclosure.

II. Use of Personal Data Without Consent

01 An agency 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 the individual, if consent for its use cannot 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 for any investigation or proceedings;
- (e) the use is necessary for evaluative purposes;
- (f) the personal data is used for the agency to recover a debt owed to the agency by the individual or for the agency to pay to the individual a debt owed by the agency;
- (g) the use is necessary for the provision of legal services by the agency to another agency or organisation or for the agency to obtain legal services;
- (h) subject to the conditions in paragraph 2, the personal data is used for a research purpose, including historical or statistical research; or
- (i) the data was collected by the agency in accordance with Part I of Annex A and is used by the agency for purposes consistent with the purpose of that collection.

02 The exclusion on use of personal data for research purposes specified in paragraph 1(h) above 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 agency 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 to other information is not harmful to the individuals identified by the personal data and the benefits to be derived from the linkage are in the public interest.

III. Disclosure of Personal Data Without Consent

01 An agency 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) 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; and the agency shall, as soon as may be practicable, notify the individual whose personal data is disclosed of the disclosure and the purposes of the disclosure;

(d) the personal data is publicly available;

(e) the disclosure is necessary for any investigation or proceedings;

(f) the disclosure is necessary for evaluative purposes;

(g) the disclosure is necessary for the agency to recover a debt owed by the individual to the agency or for the agency to pay to the individual a debt owed by the agency;

(h) the disclosure is necessary for the provision of legal services by the agency to another agency or organisation or for the agency to obtain legal services;

(i) 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;

(j) the personal data is disclosed to any officer of a law enforcement agency, upon production of written authorisation signed by the head or director of that law enforcement agency or a person of a similar rank, certifying that the personal data is necessary for the purposes of the functions or duties of the officer;

(k) the disclosure is for the purpose of contacting the next of kin or a friend of any injured, ill or deceased individual;

(l) subject to the conditions in paragraph 2, the disclosure is for a research purpose, including historical or statistical research;

(m) 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

(n) the personal data—

i. was collected by the agency in accordance with Part I of Annex A; and

ii. is disclosed by the agency for purposes consistent with the purpose of that collection.

02 Paragraph 1(l) 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 agency 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 the benefits to be derived from the linkage are clearly in the public interest; and
- (e)** the agency or organisation to which the personal data is to be disclosed has signed an agreement to comply with —
 - i.** IM;
 - ii.** the policies and procedures relating to the confidentiality of personal data of the agency that collected the personal data;
 - iii.** security and confidentiality conditions of the agency 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 any other purpose or to disclose the personal data in individually identifiable form without the express authorisation of the agency that disclosed the personal data.

IV. Exceptions from Access Requirements

01 An agency is not required to comply with paragraph 19 in any of the following circumstances

(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) a document related to a prosecution if all proceedings related to the prosecution have not been completed;

(d) personal data which is subject to legal privilege;

(e) the personal data or other information should not be disclosed for public interest, legal, security, or commercial proprietary reasons;

(f) personal data collected, used or disclosed without consent, under the exclusions related to investigation or proceedings (Part I-(d), Part II-(d) and Part III-(e) of Annex A) if the investigation and associated proceedings and appeals have not been completed;

(g) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;

(h) 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;

(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 agency because of the repetitious or systematic nature of the requests;

ii. if the burden or expense of providing access would be unreasonable to the agency 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.

V. Exceptions from Correction Requirements

01 An agency is not required to comply with paragraphs 23, 24 and 26 in any of the following circumstances:

(a) data which will not cause any adverse consequences to the individual if not corrected, such as school records of students that are frozen from the point the student left the school;

(b) opinion data kept solely for an evaluative purpose;

(c) any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results;

(d) a document related to a prosecution if all proceedings related to the prosecution have not been completed;

(e) the personal data of the beneficiaries of a private trust kept solely for the purpose of administering the trust; or

(f) 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.

02 An agency is not required to transmit corrected personal data to any other organisation under paragraph 24(b) if it is not reasonably practicable or it involves a disproportionate effort for the agency to do so e.g. public records shared under open access (with or without a fee).

Glossary of Terms

- 01 Benefit plan An insurance policy, a pension plan, an annuity, a provident fund plan or other similar plan
- 02 Business Includes the activity of any organisation, whether or not carried out for the purposes of gain, or conducted on a regular, repetitive or continuous basis, but does not include an individual acting in his personal or domestic capacity
- 03 Business contact information An individual's name, position name or title, business telephone number, business address, business electronic mail address or business fax number and any other similar information about the individual, not provided by the individual solely for his personal purposes
- 04 Domestic Related to home or family
- 05 Education institution Any organisation that provides education, including instruction, training or teaching, whether by itself or in association or collaboration with or by affiliation with any other person

06 Evaluative purpose

Evaluative purpose means:

(a) for the purpose of determining the suitability, eligibility or qualifications of the individual to whom the data relates

- i.** for employment or for appointment to office;
- ii.** for promotion in employment or office or for continuance in employment or office;
- iii.** for removal from employment or office;
- iv.** for admission to an education institution;
- v.** for the awarding of contracts, awards, bursaries, scholarships, honours or other similar benefits;
- vi.** for selection for an athletic or artistic purpose; or
- vii.** grant of financial or social assistance, or the delivery of appropriate health services, under any scheme administered by an agency; or

(b) for the purpose of determining whether any contract, award, bursary, scholarship, honour or other similar benefit should be continued, modified or cancelled;

(c) for the purpose of deciding whether to insure any individual or property or to continue or renew the insurance of any individual or property; or

(d) for such other purposes for which a data-sharing direction is issued under Section 4 of the Public Sector (Governance) Act 2018.

07 Individual

A natural person, whether living or deceased

08 Investigation

An investigation relating to:

(a) a breach of an agreement;

(b) a contravention of any written law, or any rule of professional conduct or other requirement imposed by any regulatory authority in exercise of its powers under any written law; or

(c) a circumstance or conduct that may result in a remedy or relief being available under any law.

09 National interest

Includes national defence, national security, public security, the maintenance of essential services and the conduct of international affairs

- 10 Non-Government entity Refers to a person other than a Government agency
- 11 Organisation Any individual, company, association or body of persons, corporate or unincorporated, whether or not —

(a) formed or recognised under the law of Singapore; or

(b) resident, or having an office or a place of business, in Singapore.
- 12 Personal data Data, whether true or not, about an individual who can be identified —

(a) from the data, or

(b) from that data and other information to which the agency has or is likely to have access.
- 13 Private trust A trust for the benefit of one or more designated individuals who are friends, or members of the family, of the settlor

14 Proceedings

Any civil, criminal or administrative proceedings by or before a court, tribunal or regulatory authority that is related to the allegation of —

(a) a breach of an agreement;

(b) a contravention of any written law or any rule of professional conduct or other requirement imposed by any regulatory authority in exercise of its powers under any written law; or

(c) a wrong or a breach of a duty for which a remedy is claimed under any law.

15 Processing

Refers to the carrying out of any operation or set of operations in relation to the personal data, and includes any of the following:

(a) collection;

(b) compilation;

(c) recording;

(d) holding;

(e) organisation, adaptation or alteration;

(f) storage;

(g) retrieval;

(h) combination;

(i) transmission; or

(j) erasure or destruction.

16 Publicly available

In relation to personal data about an individual, means personal data that is generally available to the public, and includes personal data which can be observed by reasonably expected means at a location or an event —

(a) at which the individual appears; and

(b) that is open to the public.