



Hong Leong Finance Limited

Company Registration Number 196100003D.

Contact Information

[Redacted]

## Statement of Interest –

Data protection is of paramount importance as Hong Leong Finance (“HLF”) produces, collect and uses many different types of data in conducting our business.

## Summary of major points and Comments -

<b>PUBLIC CONSULTATION PAPER ISSUED BY THE MINISTRY OF COMMUNICATIONS AND INFORMATION AND THE PERSONAL DATA PROTECTION COMMISSION</b>			<b>14 MAY 2020</b>
DRAFT PERSONAL DATA PROTECTION (AMENDMENT) BILL, INCLUDING RELATED AMENDMENTS TO THE SPAM CONTROL ACT			
S/N	Part / Paragraph	Extract of Paragraph	HLF comments/ query 28 May 2020
1	PART II: STRENGTHENING ACCOUNTABILITY Para 19	Once an organisation has credible grounds to believe that a data breach has occurred, the organisation will be required to take reasonable and expeditious steps to assess whether the data breach meets the criteria for notification to the affected individuals and/or PDPC. The organisation shall document the steps taken to demonstrate that it has acted reasonably and expeditiously, and carried out the assessment in good faith. <b>Unreasonable delay in assessing or notification of data breaches will be a breach of the data breach notification requirement.</b> PDPC will have the powers to assess these matters and to take enforcement action against the organisation for any failure to do so.	We seek clarification and guidance for a reasonable period to assess and notify data breaches.
2	PART II: STRENGTHENING ACCOUNTABILITY Para 20	Upon determining that a data breach meets the criteria for notifying affected individuals, the organisation must <b>notify all affected individuals as soon as practicable.</b> Where a data breach meets the criteria for notifying PDPC, the organisation must notify PDPC as	We will like to seek clarification on what minimum information should be provided in the notification to affected individuals for a data breach.

		<p>soon as practicable, no later than three calendar days after the day the organisation determines that the data breach meets the notification criteria (e.g. if the organisation makes the determination on 9 March, it must notify PDPC by 12 March). Prescribing a cap of three calendar days provides clarity for organisations on when they must notify PDPC. As the considerations in determining how expeditiously PDPC can be notified are different from those in determining how expeditiously the affected individuals should be notified, the expectation is not for notifications to PDPC and affected individuals to be made simultaneously. However, PDPC must be notified before or at the same time as affected individuals are notified, to allow PDPC to assist affected individuals who contact PDPC once they are notified.</p>	
3	<p>PART II: STRENGTHENING ACCOUNTABILITY Para 23</p>	<p>In addition, organisations must not notify any affected individual if instructed by a prescribed law enforcement agency or directed by PDPC. This prohibition is intended to cater to circumstances where notification to affected individuals may compromise any investigations or prejudice any enforcement efforts under the law.</p>	<p>Para 20 states that “However, PDPC must be notified before or at the same time as affected individuals are notified, to allow PDPC to assist affected individuals who contact PDPC once they are notified.”</p> <p>We seek clarification on how we can avoid situations where we are not to notify affected individuals given that we are able to notify PDPC and affected individuals simultaneously.</p>
4	<p>PART III: ENABLING MEANINGFUL CONSENT Para 38</p>	<p>MCI/PDPC is enhancing the framework for the collection, use and disclosure of personal data under the PDPA to ensure meaningful consent by individuals, complemented by accountability requirements to safeguard individuals’ interests. MCI/PDPC will expand deemed consent under section 15 of the PDPA to include:</p>	<p>We seek clarification if the expanded deemed consent will apply to all new and existing customers.</p>
5	<p>PART III: ENABLING MEANINGFUL CONSENT</p>	<p>Deemed consent by notification: Consent may be deemed to be given if (i) the organisation provides appropriate notification to inform the individual of the purpose of the intended collection, use or disclosure of his/her personal data, with a reasonable period for the individual to</p>	<p>We seek clarification on what will be a reasonable period for the individual to opt-out.</p>

	Para 38b	<b>opt-out of the collection</b> , use or disclosure of his/her personal data for that purpose; and (ii) the individual did not opt-out within that period.	
6	PART IV: INCREASING CONSUMER AUTONOMY Para 45	<p>To ensure that the compliance burden is reasonable for organisations, the Data Portability Obligation will be scoped to the following:</p> <p>a) User provided data (i.e. data that is provided to the organisation, such as name, contact information, credit card details, delivery address) and user activity data (i.e. data about the individual that is created in the course of or as a result of the individual’s use of any product or service, such as transactions, data collected by wearables and sensors) held in electronic form, including business contact information;</p> <p>b) Requesting individuals who have an existing, direct relationship with the organisation; and</p> <p>c) Receiving organisations that have <b>a presence in Singapore</b>. PDPC may also extend data portability to like-minded jurisdictions with comparable protection and reciprocal arrangements.</p>	<p>i. Para 45 and footnote 17 in the consultation paper clarifies that the “receiving organisations that have a presence in Singapore” refers to organisations that are either formed or recognised under the law of Singapore, or have a place of business in Singapore. We seek clarification on how does the porting organization determine whether the receiving organization is either formed or recognised under the law of Singapore, or have a place of business in Singapore. Are ACRA searches compulsory or checks using business listings or through the Company’s website is deemed as sufficient for this purpose.</p> <p>ii. We seek clarification if the requesting individual can authorise a 3rd party to request for the porting.</p>
7	PART IV: INCREASING CONSUMER AUTONOMY Para 51	Where an organisation refuses a data porting request, the organisation must notify the individual of the reason for the refusal <b>within a reasonable time</b> . PDPC will have the power to review an organisation’s refusal to port data, failure to port data <b>within a reasonable time</b> and fees for porting data. Upon completion of its review, among others, PDPC may direct an organisation to port or confirm a refusal to port data; or confirm, reduce or disallow a fee for porting. PDPC may also direct a porting organisation not to transmit the data in certain circumstances (e.g. where porting of the data is not desirable)	We seek clarification on what constitute as a reasonable period.

**Conclusion –**

HLF sought the above clarification to ensure that we have in place adequate and proper measures to adhere to the amended regulations.