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**Subject: MSD's response to the Public Consultation of the Draft Personal Data Protection (Amendment) Bill**

Dear Sir/Madam,

We refer to the *Public Consultation on the draft Personal Data Protection (Amendment) Bill, including related amendments to the SPAM Act* issued jointly by the Ministry of Communication and Information (MCI) and the Personal Data Protection Commission (PDPC) issued on 14 May 2020. We would like to thank MCI/PDPC for the opportunity to provide our feedback to this Consultation and we hope they are of assistance in you compiling of the final drafts to the Personal Data Protection Act.

Overall MSD believes that the Draft Personal Data Protection (Amendment) Bill (the Bill) is a sound document. That said, MSD has identified two comments – one on the Data Breach Notification provisions and the other on the financial penalties, of the Bill. We have provided our substantive comments on page 2 of this letter.

Thank you once again for the opportunity to provide our thoughts and comments to the Bill. We hope that they will be helpful.

Sincerely,

Allan Paull  
Assoc. Director Privacy APAC & EEMEA

**COMMENTS ON THE PUBLIC CONSULTATION OF THE DRAFT PERSONAL DATA PROTECTION (AMENDMENT) BILL**

Section	Page	Comment
<p><b>Part VIA Notification of Data Breaches Duty to conduct assessment of data breach, Section 26C (5)</b></p>	<p align="center">11</p>	<p>MSD believes that to better harmonize this clause with the EU General Data Protection Regulation Articles 33 and 34, that Section 26C (5) should be amended (see underlined text) as follows:</p> <p align="center"><i>(5) Without limiting subsection (4), subsection (2) does not apply to an organisation in relation to an affected individual if the organisation had implemented, prior to the occurrence of the notifiable data breach, any technological or organisational protective measures that renders it unlikely that the notifiable data breach will result in significant harm to the affected individual”.</i></p> <p>This amendment would assist multinational companies operating around the world (including in Singapore) more easily meet their obligations with respect to notification of data breaches making the “triggers” for notification more consistent.</p>
<p><b>Amendment of section 29. Clause 17(d)</b></p>	<p align="center">18</p>	<p>MSD would like to seek clarification of clause 17(d) relating to the financial penalty of 10% of the annual turn-over. MSD would like to understand whether the penalty of 10% of the annual turn-over would be applied to the specific infringing entity in Singapore and would not apply to the revenue of other group-entity affiliates also based in Singapore. For example, a multinational company may have several separate legal entities established in Singapore and the penalty would only apply to the entity who infringed.</p>