CASE STUDY

SINGAPORE: New Privacy Legislation Takes Balanced Approach by Avoiding Other's Missteps

Singapore is a late entrant to privacy regulation, having passed its Personal Data Protection Act 2012 in October. But that timing has helped the country develop a regulatory framework that picks and chooses from the best parts of the European Union and Asia-Pacific Economic Cooperation approaches to privacy regulation and avoids much of the excessive legalese and administrative complexity found in other country's laws.

The law sets out a progressive, light-touch regime for protecting personal information in a modern information society. As noted in its "objective," the Singapore law attempts to strike a balanced approach:

> The purpose of this Act is to govern the collection, use, and disclosure of personal data by organizations in a manner that recognizes both the right of individuals to protect their personal data and the need of organizations to collect, use, or disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.

To accomplish that goal, Singapore has adopted a broad, principles-based approach to privacy protection. The law contains short sections on notice, consent, security, access, correction, and data retention — all of which are based on familiar international standards.

As it relates to the transfer of personal data outside Singapore, the law allows breathing room for technological evolution by anticipating that more detailed regulations may be developed in the future. It avoids onerous registration requirements or prescriptive administrative burdens, even as it balances the need for compliance by requiring organizations to delegate a responsible individual.

The law establishes an independent Personal Data Protection Commission for monitoring and enforcement. The initial approach will be based on investigations and mediation, although regulators will have powers to direct compliance, complemented by strong sanctions. All parties to complaints or directions are provided with several layers of appeal rights.