

INDIAN OVERSEAS BANK  
SINGAPORE BRANCH

2<sup>nd</sup> June 2014

---

PERSONAL DATA PROTECTION POLICY - SINGAPORE BRANCH

---

**PREAMBLE**

Personal Data Protection Act 2012 (PDPA) was passed in the Singapore Parliament on 15.10.2012 and assented to by the President on 20.11.2012. The purpose of the Act is to govern the collection, use and disclosure of personal data by organisations in a manner that recognises both the right of individuals to protect their personal data and the need of organisations to collect, use or disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.

The PDPA aims to safeguard consumers' personal data against misuse by regulating the proper management and processing of personal data. The provisions of the PDPA are applicable to commercial and service organisations, including banks, that collect personal information who must comply with the same.

The Ministry of Communications and Information (MCI) has set up a Personal Data Protection Commission (PDPC) and a Data Protection Advisory Committee (Advisory Committee) on 2.01.2013 to administer and advise respectively on the Personal Data Protection Act (PDPA) which will come into effect on the same day.

Provisions relating to the scope and interpretation of the Act, establishment and powers of the PDPC, the Advisory Committee, and other general provisions came into force on 02.01.2013. The Do Not Call Register will come into force from 02.01.2014. Provisions relating to the data protection rules will come into force from 02.07.2014.

In view of above, the Bank has put in place with immediate effect this Personal Data Protection Policy and designate a Data Protection Officer who will be responsible for ensuring that the Bank's compliance with the terms of the PDPA.

## PERSONAL DATA PROTECTION POLICY - SINGAPORE BRANCH

### 1. PURPOSE AND SCOPE OF THE POLICY

- 1.1 The purpose of this policy is to set out the Bank's policies on data collection, usage, disclosure and protection and the relevant laws under the PDPA which the Bank is required to comply with in relation to the collection, usage, disclosure, handling, processing, storage, transportation and destruction of personal and sensitive information.
- 1.2 Under the PDPA, the Bank is required to:
- (a) develop and implement policies and practices that are necessary for the Bank to meet its obligations under the PDPA;
  - (b) develop a process to receive and respond to complaints that may arise with respect to the application of the PDPA;
  - (c) communicate to its staff information about the Bank's policies and practices; and
  - (d) make information available upon request about the policies and practices of the Bank and the complaint process referred to in paragraph (b) above.
- 1.3 This policy must be adhered to at all times by all employees (including contractors and temporary staff) of the Bank in Singapore including employees at Remittance Centres. A copy of this policy can be found on the Bank's intranet.

### 2. DEFINITIONS

In this policy:

**"Personal Data"** refers to any data, whether true or not, about an individual who can be identified:

- (i) from that data; or
- (ii) from that data and other information to which the Bank has or is likely to have access;

and includes unique identifiers (e.g. NRIC or FIN number, passport number etc) as well as any set of data (e.g. name, age, address, photo or video image, personal email address, thumbprint, DNA profile, telephone number, occupation, etc) which when taken together would be able to identify the individual.

### **3. DATA PROTECTION PRINCIPLES**

The Bank shall at all times discharge its responsibilities in compliance with the provisions of the PDPA and the general principles contained therein. The PDPA requires that, inter alia, the Bank shall:

- (a) Obtain and process information fairly
- (b) Keep it only for one or more specified, explicit and lawful purposes
- (c) Use and disclose it only in ways compatible with these purposes
- (d) Keep it safe and secure
- (e) Keep it accurate, complete and up to date
- (f) Ensure it is adequate, relevant and not excessive
- (g) Retain for no longer than is necessary
- (h) Give a copy of personal data to the individual upon request

the Bank shall ensure that the rights of any individual providing Personal Data to the Bank under the PDPA are not adversely affected. The main principles are enclosed in **Annexure I**.

### **4. GENERAL RULES WITH RESPECT TO PROTECTION OF PERSONAL DATA**

#### **4.1 Compliance with the PDPA**

- 4.1.1 In meeting its responsibilities under the PDPA, the Bank shall consider what a reasonable person would consider appropriate in the circumstances.
- 4.1.2 The Bank is responsible for personal data in its possession or under its control.
- 4.1.3 The Bank shall designate one or more individuals to be responsible for ensuring that the Bank complies with this Act. These persons shall be known as "Data Protection Officers".
- 4.1.4 Bank shall make available to the public the business contact information of at least one of the designated as the Data Protection Officers.
- 4.1.5 The designation of a Data Protection Officer by a Bank shall not relieve the Bank of any of its obligations under the PDPA.
- 4.1.6 The responsibility for ensuring compliance with the PDPA rests with the Bank. All employees and contractors of the Bank who separately collect, control or process personal data are separately responsible for their own compliance with the PDPA.

#### **4.2 Data Protection Officer**

As per the requirement of the PDPA, the Bank has designated a "**Data Protection Officer**" to be responsible for ensuring that the Bank complies with the PDPA and developing personal data policies for the Bank which shall be posted in the website of the Bank and made accessible to the public. Where the Bank deems necessary, the role of the Data Protection Officer may be outsourced.

### **4.3 Policies and Practices**

This policy shall cover process to receive and respond to complaints with respect to the application of the PDPA. The Bank shall communicate to all staff, information about the policies and practices in this regard. The Bank shall make information available on request about the policies, practices and complaints process mentioned above.

Any complaints with respect to the PDPA shall be forwarded to the Data Protection Officer for suitable action through concerned Department Head. The Department Head of the respective sections shall ensure availability of information on request about the personal data policies and practices of the Bank in consultation with the Data Protection Officer.

## **5. COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA**

### **5.1 Consent Required**

The Bank shall not, on or after the date the PDPA comes into force, collect, use or disclose Personal Data about an individual unless:

- (a) the individual gives, or is deemed to have given, his consent under the PDPA to the collection, use or disclosure, as the case may be; or
- (b) the collection, use or disclosure, as the case may be, without the consent of the individual is required or authorised under the PDPA or any other written law.

### **5.2 Provision of Consent**

- 5.2.1 An individual has not given consent to the Bank for the purposes of the PDPA for the collection, use or disclosure of Personal Data about that individual by the Bank for a purpose unless the individual has been informed of the purpose for such collection, use or disclosure and the individual has provided his consent for that purpose in accordance with the PDPA.
- 5.2.2 The Bank shall not require an individual as a condition of providing a product or service 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 that individual.
- 5.2.3 Similarly the Bank shall not obtain or attempt to obtain consent for collecting, using or disclosing Personal Data by providing false or misleading information with respect to the collection, use or disclosure of the personal data, or using deceptive or misleading practices.
- 5.2.4 Any consent given under above circumstances shall not be valid under the PDPA.
- 5.2.5 Any consent given by an individual for the collection, use or disclosure of Personal Data about the individual shall include consent given, or deemed to have been given by any person validly acting on behalf of that individual for the collection, use or disclosure of such Personal Data.

### **5.3 Deemed Consent**

- 5.3.1 An individual is deemed to consent to the collection, use or disclosure of Personal Data about the individual by the Bank for a purpose if:
- (a) the individual without actually giving consent, voluntarily provides the Personal Data to the Bank for that purpose; and
  - (b) it is reasonable that the individual would voluntarily provide the data.
- 5.3.2 If an individual gives, or is deemed to have given consent to the disclosure of Personal Data, by the Bank to another organization or vice versa, 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 organization receiving the Personal Data from the other organization.

### **5.4 Withdrawal of Consent**

- 5.4.1 An individual may at anytime withdraw any consent already given, or deemed to have been given under the PDPA, in respect of the collection, use or disclosure by the Bank of Personal Data about the individual for any purpose on giving reasonable notice to the Bank.
- 5.4.2 On receipt of such notice, the Bank shall inform the individual of the likely consequences of withdrawing his consent. The Bank shall not prohibit an individual from withdrawing his consent to the collection, use or disclosure of Personal Data about the individual but this shall not affect any legal consequences arising from such withdrawal.
- 5.4.3 On withdrawal of consent, the Bank shall cease (and cause its data intermediaries and agents to 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 required or authorized under the PDPA or other written law.

### **5.5 Limitation of purpose and extent**

The Bank may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances and that the individual has been informed of such purposes, if applicable.

### **5.6 Purpose of processing Personal Data**

The Bank may only process Personal Data for the specific purposes notified to the individual from whom and when the Personal Data was first collected or for any other purposes specifically permitted by the PDPA. Personal Data collected by the Bank for a specific purpose must not be used for any other purpose. If it becomes necessary to change the purpose for which the Personal Data is processed, the individual whose Personal Data is being processed must be informed of the new purpose and must consent to the same before any processing occurs for the new purpose. Any Personal

Data of employees collected by the Bank shall be used for the purposes of the employee's employment with the Bank and the Bank's ordinary human resource purposes. Where there is a need to use the Personal Data of an employee for any other purpose, the Bank shall notify the employee accordingly and where it is appropriate will obtain the employee's consent to such use.

#### **5.7 Personal Data collected before the coming into force of the PDPA**

Notwithstanding the other provisions in PDPA, Bank may use personal data about an individual collected before the appointed day for the purposes for which the personal data was collected unless consent for such use is withdrawn in accordance with the PDPA or the individual has otherwise indicated to the Bank, whether before, on or after the coming into force of the PDPA, that he does not consent to the use of the Personal Data.

#### **5.8 Notification of Purpose**

5.8.1 The Bank 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;
- (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; and
- (c) on request by the individual, the business contact information of the Data Protection Officer of the Bank.

5.8.2 The above requirements do not apply if the individual is deemed to have consented to the collection, use or disclosure, as the case may be under Clause 5.3 above or the Bank collects, uses or discloses the Personal Data without the consent of the individual in accordance with the provisions of Clause 6 below.

5.8.3 The Bank, 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 Bank and that individual, shall inform the individual of —

- (a) that purpose; and
- (b) on request by the individual, the business contact information of the Data Protection Officer.

5.8.4 The Bank should only collect Personal Data to the extent that it is required for the specific purpose for which it is collected and which has been notified to the individual from whom the Personal Data is collected. The Bank shall not collect any Personal Data which is not reasonably necessary for the purpose for which it is collected.

## **5.9 Data Collection, Use and Disclosure by Bank**

5.9.1 Any collection, use or disclosure of Personal Data of customers shall be subject to the prior approval of head of respective section who may give his approval in consultation with Data Protection Officer.

5.9.2 The Bank, on or before collecting personal data about an individual from another organization without the consent of the individual, shall provide the other organization with sufficient information regarding the purpose of the collection to allow that other organization to determine whether the disclosure would be in accordance with the PDPA.

5.9.3 The Bank shall not disclose an individual's Personal Data except:

- (a) where the Bank has obtained the individual's express consent to do so, or in circumstances as agreed between the Bank and an individual, and in accordance with the Banks' terms and conditions;
- (b) where necessary, to the Bank's service providers, agents, regulatory bodies and auditors in the ordinary course of business of the Bank and subject to any restrictions imposed by the applicable law;
- (c) where the Banks are required or permitted to do so by law.

Notification shall be given to client of any significant or material changes to the way in which data is collected, processed, stored or disclosed by the Banks.

## **5.10 Disclosure of Personal Data over the telephone**

Any employee of the Bank dealing with telephone enquiries should exercise due care when disclosing any Personal Data held by the Bank, over the phone. In particular, the employee shall take the following steps before revealing any Personal Data over the telephone:

- (a) check and verify the identity of the caller to ensure that information is only given to a person who is entitled to such information;
- (b) where the identity of the caller cannot be verified or where the employee has any doubts regarding the identity of the caller, suggest that the caller put their request in writing;
- (c) refer the request to the Department Head / Data Protection Officer for assistance in difficult situations;
- (d) record the telephone calls in order to confirm verbal instructions.

## **5.11 Availability of Data**

The Bank shall only allow authorised users to access any Personal Data in the possession of the Bank and to the extent that such Personal Data is required for authorised purposes. In particular, the Bank shall ensure only authorised persons have access to an employee's personnel file and any other personal or sensitive data held by the Bank. Such authorized employees shall maintain the confidentiality of any data to which they have access to.

## **6. COLLECTION, USE AND DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT**

### **6.1 Collection of Personal Data without consent**

In accordance with Section 17 (1) of the PDPA, the Bank may collect Personal Data about an individual, without consent of the individual or from a source other than that individual, only under 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 in the national interest;
- (e) 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;
- (f) the collection is necessary for evaluative purposes;
- (g) the Personal Data is collected by the Bank to recover a debt owed to the Bank by the individual or for the Bank to pay to the individual a debt owed by the Bank;
- (h) the collection is necessary for the provision of legal services by the Bank to another person or for the Bank to obtain legal services;
- (i) the Personal Data was provided to the Bank by another individual to enable the Bank to provide a service for the personal or domestic purposes of that other individual;
- (j) 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;
- (k) the Personal Data is collected by the Bank as employer and the collection is reasonable for the purpose of managing or terminating an employment relationship between the Bank and the individual;
- (l) the Personal Data was disclosed by a public agency, and the collection is consistent with the purpose of the disclosure by the public agency; or
- (m) the Personal Data —
  - (i) was disclosed to the Bank in accordance with section 17(3) of the PDPA; and
  - (ii) is collected by the Bank for purposes consistent with the purpose of that disclosure.

## **6.2 Use of Personal Data without consent**

In accordance with Section 17 (2) of the PDPA, the Bank may use Personal Data about an individual, without the consent of the individual, only under 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 in the national interest;
- (e) the use is necessary for any investigation or proceedings;
- (f) the use is necessary for evaluative purposes;
- (g) the Personal Data is used for the Bank to recover a debt owed to the Bank by the individual or for the Bank to pay to the individual a debt owed by the Bank;
- (h) the data was collected by the Bank in accordance with section 17(1), and is used by the Bank for purposes consistent with the purpose of that collection.

## **6.3 Disclosure of Personal Data without consent**

In accordance with Section 17(3) of the PDPA, the Bank may disclose Personal Data about an individual, without the consent of the individual, only under 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) subject to the conditions in paragraph 2, 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;
- (d) the Personal Data is publicly available;
- (e) the disclosure is necessary in the national interest;
- (f) the disclosure is necessary for any investigation or proceedings;
- (g) the disclosure is to a public agency and such disclosure is necessary in the public interest;
- (h) the disclosure is necessary for evaluative purposes;
- (i) the disclosure is necessary for the Bank to recover a debt owed by the individual to the Bank or for the Bank to pay to the individual a debt owed by the Bank;
- (j) the Personal Data is disclosed to any officer of a prescribed law enforcement agency, upon production of written authorization 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 Personal Data —
  - (i) was collected by the Bank in accordance with section 17(1) of the PDPA; and
  - (ii) is disclosed by the Bank for purposes consistent with the purpose of that collection.

## **7 ACCESS TO AND CORRECTION OF PERSONAL DATA**

### **7.1 Access to Personal Data by the Individual**

- 7.1.1 The Bank shall, on request of an individual, as soon as reasonably possible, provide the individual with:
- (a) Personal Data about the individual that is in the possession or under the control of the Bank; and
  - (b) information about the ways in which the Personal Data referred to above has been or may have been used or disclosed by the Bank within a year before the date of the request.

7.1.2 The Bank shall not be required to provide any information to an individual in respect of:

- (a) opinion data kept solely for an evaluative purpose;
- (b) a document related to a prosecution if all proceedings related to the prosecution have not been completed;
- (c) Personal Data which is subject to legal privilege;
- (d) Personal Data which, if disclosed, would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the Bank;
- (e) Personal Data collected, used or disclosed without consent for the purposes of an investigation if the investigation and associated proceedings and appeals have not been completed;
- (f) any request —
  - (i) that would unreasonably interfere with the operations of the Bank because of the repetitious or systematic nature of the requests;
  - (ii) if the burden or expense of providing access would be unreasonable to the Bank 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.

7.1.3 The Bank shall not provide an individual with the individual's Personal Data or other information requested if the provision of that Personal Data or other information 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.

7.1.4 The Bank shall not inform any individual that it has disclosed Personal Data to a prescribed law enforcement agency if the disclosure was made without the consent of the individual pursuant to the PDPA or under any other written law.

7.1.5 If the Bank is able to provide the individual with the individual's Personal Data and other information requested under clause 7.1.1 without the Personal Data or other information excluded under clause 7.1.2, 7.1.3 and 7.1.4, the Bank shall provide the individual with access to the Personal Data and other information without the Personal Data or other information excluded under clause 7.1.2, 7.1.3 and 7.1.4.

## **7.2 Correction of Personal Data**

7.2.1 An individual may request the Bank to correct an error or omission in the Personal Data about the individual that is in the possession or under the control of the Bank.

7.2.2 Unless the Bank is satisfied on reasonable grounds that a correction should not be made, the Bank shall:

- (a) correct the Personal Data as soon as practicable; and
- (b) subject to clause 7.2.3, send the corrected Personal Data to every other organization to which the Personal Data was disclosed by the Bank within a year before the date the correction was made, unless that other organization does not need the corrected Personal Data for any legal or business purpose.

7.2.3 The Bank may, if the individual consents, send the corrected Personal Data only to specific organizations to which the Personal Data was disclosed by the Bank within a year before the date the correction was made.

7.2.4 When the Bank is notified by any other organization of a correction of Personal Data provided by that other organization, the Bank shall correct the Personal Data in its possession or under its control unless the Bank is satisfied on reasonable grounds that the correction should not be made.

7.2.5 If no correction is made under clause 7.2.2(a) or 7.4, the Bank shall annotate the Personal Data in its possession or under its control with the correction that was requested but not made.

7.2.6 The Bank is not required to comply with the requirements of this clause 7.2 in respect of:

- (a) opinion data kept solely for an evaluative purpose;
- (b) the Personal Data of the beneficiaries of a private trust kept solely for the purpose of administering the trust;

- (c) a document related to a prosecution if all proceedings related to the prosecution have not been completed.

## **8. CARE OF PERSONAL DATA**

### **8.1 Accuracy of Personal Data**

The Bank shall make a reasonable effort to ensure that Personal Data collected by or on behalf of the Bank is accurate and complete, if the Personal Data:

- (a) is likely to be used by the Bank to make a decision that affects the individual to whom the Personal Data relates; or
- (b) is likely to be disclosed by the Bank to another organization.

### **8.2 Protection of Personal Data**

8.2.1 The Bank shall protect Personal Data in possession or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification, disposal or similar risks.

8.2.2 All Personal Data shall be securely stored in manual or electronic form in accordance with the PDPA.

8.2.3 The Bank shall ensure that appropriate security measures are taken:

- (a) to prevent unlawful or unauthorised processing of Personal Data, and to protect the Personal Data from accidental loss of, or damage.
- (b) to put in place procedures and technology to maintain the security of all Personal Data. Personal Data shall only be transferred to a third-party data processor if the third party has agreed to comply with those procedures and policies or has adequate security measures in place.

8.2.4 Security procedures which the Bank shall implement include:

- (a) storing Personal Data in desks and cupboards which can be locked securely and which should be kept locked if they hold personal or confidential information of any kind;
- (b) dispose of paper documents by shredding them and floppy disks and CD-ROMs should be physically destroyed when they are no longer required;
- (c) employees with access to Personal Data shall ensure that their individual computer monitors do not show confidential information to passers-by and that they log off from their computers when it is left unattended;
- (d) training procedures are in place for all employees of the Banks to ensure high standards in relation to Personal Data protection are maintained.

### **8.3 Retention of Personal Data**

The Bank shall cease to retain its documents containing Personal Data, or remove the means by which the Personal Data can be associated with particular individuals, as soon as it is reasonable to assume that:

- (a) the purpose for which the Personal Data was collected is no longer being served by retention of the Personal Data; and
- (b) retention is no longer necessary for legal or business purposes.

### **8.4 Transfer of Personal Data outside Singapore**

The Bank shall not transfer any Personal Data to a country or territory outside Singapore except in accordance with requirements prescribed under the PDPA to ensure that the Bank provide a standard of protection to Personal Data so transferred that is comparable to the protection under the PDPA.

## **9. ENFORCEMENT**

The Personal Data Protection Commission (PDPC) is vested with powers to review the complaints, resolve disputes by mediation and to give directions to the organization as it thinks fit to ensure compliance with the provisions of the PDPA. Failure to comply with a provision of the PDPA is an offence under the PDPA

## **10. APPEALS TO DATA PROTECTION APPEAL COMMITTEE, HIGH COURT AND COURT OF APPEAL**

The aggrieved party may, within 28 days after the issue of the direction, appeal to the Chairman of the Data Protection Appeal Panel (DPAP) against the direction or decision of the PDPC. The direction or decision of an Appeal Committee has the same effect as a direction of the PDPC. An appeal against a direction or decision of the DPAP can be made in the High Court on a point of law arising from a direction or decision of the DPAP or from any direction of the DPAP as to the amount of a financial penalty.

## **11. DO NOT CALL REGISTRY**

The PDPC maintains registers of Singapore telephone numbers known as Do Not Call Register (DNCR). The Commission may authorize another person to maintain register on its behalf. The DNCR contains three separate Registers of Singapore telephone numbers for voice calls, text messages (SMS/MMS/text) and faxes, which the Bank has a duty to check before sending any specified message under the PDPA.

A specified message is a message where, having regard to —

- (i) the content of the message;
- (ii) the presentational aspects of the message;
- (iii) the content that can be obtained using the numbers, URLs or contact information (if any) mentioned in the message; and

- (iv) if the telephone number from which the message is made is disclosed to the recipient (whether by calling line identity or otherwise), the content (if any) that can be obtained by calling that number,

it would be concluded that the purpose, or one of the purposes, of the message is —

- (i) to offer to supply goods or services;
- (ii) to advertise or promote goods or services;
- (iii) to advertise or promote a supplier, or prospective supplier, of goods or services;
- (vi) to offer to provide a business opportunity or an investment opportunity;
- (v) to advertise or promote a business opportunity or an investment opportunity;
- (iv) any other prescribed purpose related to obtaining or providing information.

A subscriber may apply to the PDPC to add his Singapore telephone number to a register or remove from a register.

### **11.1 Application of DNCR Provisions**

The PDPA shall apply to any specified message as defined in the PDPA addressed to a Singapore telephone number where:

- (i) the sender is present in Singapore when the specified message is sent; or
- (ii) the recipient of the specified message is present in Singapore when the specified message is accessed.

The DNCR provisions applies to marketing messages which have been outsourced.

SMS/MMS, Telephone calls and fax messages are within the scope of the DNCR. However, Emails and mails delivered by post are not included within the scope of the DNCR provisions.

### **11.2 Duty to Check Register**

The Bank shall not send a specified message to any person unless such person has given to the Bank clear and unambiguous consent to the sending of the specified message and the consent is evidenced in written or other form for subsequent reference.

### **11.3 Contact Information**

The Bank shall not send specified message addressed to a Singapore telephone number unless:

- (i) the specified message includes clear and accurate information identifying the individual who authorized the sending of the message;
- (ii) the specified message includes clear and accurate information about how the recipient can readily contact the Bank;
- (iii) the specified message includes such information and complies with such conditions as specified in the regulations;

- (iv) the information included in the specified message is reasonably likely to be valid for at least 30 days after the message is sent.

#### **11.4 Calling Line Identity not to be concealed**

The Bank shall not conceal or withhold from the recipient the calling line identity of the Bank while making voice call containing a specified message or authorizes the making of a voice call containing a specified message.

#### **11.5 Consent**

The Bank shall not, as a condition for services rendered, require a person or user of a Singapore telephone number to give consent for sending message to that number or any other Singapore telephone number beyond what is reasonable to provide the services to that person. Consent obtained by providing false or misleading information or by using deceptive or misleading practices is not a valid consent.

#### **11.6 Withdrawal of Consent**

The Customer may at anytime withdraw any consent given for sending specified message to that Singapore telephone number. Withdrawing of consent shall not be prohibited. On receipt of notice withdrawing consent for sending message, the Bank shall cease sending any message to that Singapore telephone number after the expiry of the prescribed period.

#### **11.7 Defence for Employee**

In the proceedings for an offence under the PDPA against an employee of the Bank, the employee has to prove that he did the act or engaged in the conduct in good faith –

- (i) in the normal course of his employment; and
- (ii) in accordance with instructions given to him by the employer in the course of his employment.

The above does not apply to an employee who was an officer and it is proved that the act was done with the consent or connivance of that officer or the act done was attributable to any neglect on the part of that officer.

## **12. GENERAL**

**Guidelines:** Advisory guidelines issued by PDPC from time to time will indicate the manner in which it will interpret the provisions of the PDPA shall be complied with by the Bank and its employees.

**Powers of Investigation:** The PDPC has the power to conduct an investigation as and when it deems fit to determine whether the Bank is complying with the PDPA.

**Offences:** A person shall be guilty of an offence under the PDPA if he makes a request to obtain access or to change the personal data about another individual without the authority of that individual.



The following also constitute offences under the PDPA:

- (i) evading, requesting, disposing of, altering, falsifying, concealing or destroying, or directing another person to dispose of, alter, falsify, conceal or destroy, a record containing personal data or information about the collection, use or disclosure of personal data.
- (ii) obstructing the PDPC or an authorized officer in the exercise of their powers under the PDPA.
- (iii) knowingly making a false statement to the PDPC or misleading the PDPC in the course of the performance of the duties of the PDPC under the PDPA.

Where the offence under the PDPA committed by the Bank is proved to have been committed with the consent or connivance of an officer or to be attributable to any neglect on his part, the officer as well as the Bank shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.


**Liability of employers for acts of employees:** Any act done or conduct engaged in by an employee in the course of his employment shall be treated for the purposes of the PDPA as done or engaged in by his employer as well as by him, whether or not it was done or engaged in with the employer's knowledge or approval. In any proceedings for an offence under the PDPA, it is a defence for the Bank to prove that it took such steps as were practicable to prevent the employee from doing the act in the course of his employment.

## REVIEW

This Policy has been prepared after taking into consideration the relevant portions of the PDPA applicable to the Bank and its employees. This Policy shall be subject to periodic reviewed and may be amended to take considering legislative or other developments, as appropriate. The Bank will continue to review the effectiveness of this policy to ensure that it is achieving its stated objectives on an annual basis or more frequently, if required, taking into account changes in the law or security changes.

  
(RM Arunachalam)  
Internal Auditor

  
Mohammad Mothilal  
Chief Manager - Systems

  
(S K Patodia)  
Chief Manager - Compliance