

## SINGAPORE DATA PROTECTION TRUST MARK (“DPTM”)

9 April 2019

### *Introduction*

1. On 9 January 2019, the Infocomm Media Development Authority (“**IMDA**”) and Personal Data Protection Commission (“**PDPC**”) officially launched the Data Protection Trustmark (“**DPTM**”) scheme. This marked a further step forward in the advancement of Singapore’s digital economy as a trusted data hub.
2. Currently, eight (8) organisations, including a leading local bank, a child care centre and a forensic technology firm, have been certified under the DPTM scheme.
3. In this Client Note, we highlight key aspects of the DPTM, and explore why businesses in Singapore may be interested in this certification.

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### *What is the DPTM?*

4. The DPTM is a voluntary certification scheme that seeks to recognise organisations that meet the “gold standard” in data protection. Certified organisations are entitled to use and display the DPTM logo in their business communications.
5. DPTM certification is currently only available to organisations that are formed or recognised under Singapore law, or based in Singapore. The scheme does not apply to public agencies.

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### *The DPTM certification process*

6. DPTM certification broadly involves the following stages:
  - The Applicant submits an online application and pays the Application Fee of \$535 (inclusive of GST).
  - IMDA approves the application, and provides the Applicant with the prescribed Self-Assessment Form.
  - The Applicant selects an independent Assessment Body (“**AB**”) from the pre-approved list issued by IMDA.
  - The completed Self-Assessment Form is submitted to the AB, along with the prescribed Assessment Fee (estimated to range from \$1,400 - \$10,000, depending on organisation size).

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- The AB conducts a thorough evaluation of the Applicant's data protection policies and practices. The Applicant may be given an opportunity to rectify areas of inadequacy (if any), before the AB submits an evaluation report to IMDA.
  - IMDA reviews the evaluation report, and decides whether to award the DPTM certification to the Applicant. The completed Self-Assessment Form is submitted to the AB, along with the prescribed Assessment Fee (estimated to range from \$1,400 - \$10,000, depending on organisation size).
7. The certification process is estimated to take between 2 to 5 months. Successful certification is valid for 3 years, after which an application for re-certification is necessary.
  8. Please note that if a DPTM application is withdrawn or denied, the Application Fee and a portion of the Assessment Fee will likely be forfeited. Accordingly, it is strongly advisable for organisations interested in applying for certification to first seek legal advice on their existing data protection policies and the DPTM assessment criterion.
  9. It is notable that the IMDA has **waived** the DPTM Application Fee for Small-Medium Enterprises ("**SMEs**") till 31 December 2019 and therefore, SMEs should apply during this window period if they are interested in being DPTM certified. IMDA has also partnered with Enterprise Singapore to provide additional funding support and professional consultancy services to local businesses interested in the DPTM scheme.

### ***How DPTM may benefit your business***

10. The main selling-point of DPTM certification is brand differentiation. As public awareness and emphasis on privacy grows, there is an increasing call for organisations and businesses to employ robust data protection policies and practices.
11. Being DPTM certified allows your business to stand out in the market, beyond mere talk that personal data is accorded a high level of security. This will boost corporate reputation and foster trust with existing and potential customers.
12. Unsurprisingly, the DPTM scheme is especially attractive for businesses handling a large quantity of personal data on a daily basis (such as financial institutions, hospitals, and travel agencies). In such industries, earning public trust is crucial to business success, and DPTM certification can serve as a badge of confidence while providing a valuable competitive edge.
13. In addition, undergoing the stringent DPTM assessment process allows businesses to have their internal data protection policies and practices meticulously examined for legal compliance. Accordingly, businesses undergoing assessment will be able to identify and rectify any areas of existing or potential risk, reducing the likelihood of future breaches of the Personal Data Protection Act ("**PDPA**").

14. Besides, the DPTM assessment regime utilizes the PDPA as a baseline, and further incorporates international standards and best practices, such as the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data and the APEC Privacy Framework. This allows DPTM-certified organisations to level up to international certifications such as the APEC Cross Border Privacy Rules or Privacy Recognition for Processors system certifications. This could potentially be useful if an organisation is intending to expand its business overseas.
15. The value of the DPTM scheme has been widely recognised, with 40 organisations signing up for the Pilot Program that kicked off in mid-2018. As mentioned at paragraph 2 above, the DPTM certification has, as of the date of this client note, already been awarded to 8 organisations.

### **Concluding remarks**

16. In this digital age, businesses stand to benefit by taking proactive steps to strengthen their data protection policies and practices. Obtaining DPTM certification can serve as a strong distinguishing factor on this front.
17. Please do not hesitate to contact us if you have any queries relating to DPTM certification, or require any further advice on personal data protection law in Singapore.

### **About Lee & Lee**

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