

PROPOSED ADVISORY GUIDELINES ON THE PERSONAL DATA PROTECTION ACT FOR NRIC NUMBERS

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Introduction

1. On 7 November 2017, the Personal Data Protection Commission (“**PDPC**”) launched a public consultation on the Proposed Advisory Guidelines on the Personal Data Protection Act (“**PDPA**”) for NRIC Numbers (“**Proposed Advisory Guidelines**”) to seek feedback on its proposed revisions to the chapter on NRIC numbers in the Advisory Guidelines on the Personal Data Protection Act (PDPA) for Selected Topics (first issued in September 2013). These guidelines cover the application of the PDPA to the collection, use or disclosure of National Registration Identification Card (“**NRIC**”) numbers, physical NRICs or copies of the NRIC by organisations.
2. In this Client Note, we summarise the salient aspects of the case and comment on their significance to businesses in Singapore.
3. Broadly, the Proposed Advisory Guidelines cover: firstly, whether organisations can collect, use or disclose the NRIC number or copy of the NRIC; secondly, practical alternatives that organisations can use in place of the NRIC number or copy of the NRIC; thirdly, whether organisations can retain individuals’ physical NRICs; and lastly, other relevant data protection obligations in relation to the collection, use and disclosure of NRIC numbers.
4. In this update, we summarise the PDPC’s Proposed Advisory Guidelines.

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Collection, Use or Disclosure of the NRIC Number or Copy of the NRIC by Organisations

5. The PDPC has proposed that as a general rule, an organisation should not collect, use or disclose an individual’s NRIC number or a copy of the NRIC except where:

- i. Collection, use or disclosure of the NRIC number or copy of the NRIC is required under the law; or
 - ii. Collection, use or disclosure of the NRIC number or copy of the NRIC is necessary to accurately establish and verify the identity of the individual.
6. If such collection, use or disclosure is required under the law, organisations may do so without the individual's consent. Nevertheless, it is recommended that organisations notify individuals of the purpose for such collection, use or disclosure, and ensure that there are adequate security arrangements to prevent any unintended disclosure of NRIC numbers, and to protect copies of the NRIC kept by the organisation.
7. Where the law does not require the collection, use or disclosure of the NRIC number or copy of the NRIC, the PDPC has proposed that organisations should only do so where it is necessary to establish and verify the identity of individuals to a high degree of accuracy. This would include circumstances where verification is necessary to prevent a risk of significant harm or impact to the individual and/or the organisation. In these circumstances, consent is still required to collect, use or disclose the individual's NRIC number, unless an exception under the Second, Third or Fourth Schedule of the PDPA applies.
8. In this regard, the PDPC has cited the example of the collection of NRIC numbers by building management organizations for visitors' entry into secured buildings. While the PDPC considers it acceptable for building management organizations to scan the physical NRICs of visitors to accurately establish the identity of every visitor entering the building, it cautions that such building management organisations would still have to comply with the data protection obligations under the PDPA, including the obligation to make reasonable security arrangements to protect the NRIC numbers from unauthorized disclosure (the "**Protection Obligation**").

Suggested Alternatives to using NRIC numbers or Copying the NRIC as Identifiers

9. While the PDPC has not stipulated the types of identifiers that organisations should utilize instead of NRIC numbers or copies of the NRIC, it has cited organisation/user-generated ID or password, tracking number, organisation-issued QR code or monetary deposit as possible alternatives that organisations may adopt.
10. Organisations are also advised not to collect excessive personal data as an alternative to the NRIC number or copy of the NRIC.

Retention of Individuals' Physical NRICs by Organisations

11. The PDPC has also proposed that if an organisation retains an individual's physical NRIC or a copy of the NRIC, it will be deemed to have collected all the personal data on the physical NRIC for the duration the physical NRIC is in the possession or under the control of the organization. Accordingly, such organization would be subject to the Data Protection Provisions of the PDPA (e.g. the Protection Obligation) in respect of the collection for the entire duration that an individual's physical NRIC is under its possession or control. This

position would apply even where the retention is merely temporary, for example when the physical NRIC is merely retained as collateral without the organization recording any personal data contained in the NRIC.

12. The PDPC has also recommend that organisations should not retain an individual's physical NRIC, except where it is required under the law or where it is necessary to accurately establish and verify the identity of the individual.
13. In relation to the practice of issuing visitor badges to visitors entering buildings, the PDPC recommends that building management organisations refrain from retaining visitors' physical NRICs for the purpose of ensuring the return of visitor badges and may wish to consider alternative solutions for securing the return of visitor badges, such as recording the contact details of the visitors or designating a single point of exit for visitors to return the badges before exiting the premises.
14. In relation to the practice of issuing visitor badges to visitors entering buildings, the PDPC recommends that building management organisations refrain from retaining visitors' physical NRICs for the purpose of ensuring the return of visitor badges and may wish to consider alternative solutions for securing the return of visitor badges, such as recording the contact details of the visitors or designating a single point of exit for visitors to return the badges before exiting the premises.

Other Data Protection Obligations

15. The Proposed Advisory Guidelines also contain a reminder to organisations to (a) regularly review their policies and processes to ensure that security arrangements are adequate to protect NRIC numbers, physical NRIC or copies of the NRIC in their possession or control; and (b) cease to retain documents containing personal data, or remove the means by which the personal data can be associated with specific individuals, once the purpose for which the data was collected is no longer served by its retention and retention ceases to be necessary for business or legal purposes.
16. Finally, the PDPC has provided a 12-month grace period from the issuance of the Proposed Advisory Guidelines for organisations to review and effect the changes to their policies and processes on the collection, use or disclosure of NRIC numbers, physical NRIC or copies of the NRIC.

Conclusion

17. The PDPC's Proposed Advisory Guidelines signify the Singapore government's heightened awareness of the possible risks of misuse of the NRIC number or personal data on the NRIC to commit identity theft and fraud. While the Proposed Advisory Guidelines do not strictly prohibit the collection, use, or disclosure of NRIC numbers, physical NRICs (or copies thereof), organisations should consider whether they truly require such collection, use, and/or disclosure, or whether their organizational and business needs may be met by alternative solutions.

CLIENT NOTE



18. Please let us know if you have any questions relating to this update, or require any advice on complying with personal data protection law in Singapore.

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