

CLIENT NOTE: ADVISORY GUIDELINES ON THE PERSONAL DATA PROTECTION ACT FOR NRIC NUMBERS

10 September 2018

Introduction

For any queries relating to this article, please contact:

- Further to our article on the Proposed Advisory Guidelines on the Personal Data Protection Act for NRIC Numbers (<https://www.leenlee.com.sg/wp-content/uploads/2018/04/Proposed-Advisory-Guidelines-on-the-Personal-Data-Protection-Act-for-NRIC-Numbers.pdf>), we update that the Singapore Personal Data Protection Commission (“**PDPC**”) has officially issued the following:
 - Advisory Guidelines on the Personal Data Protection Act for NRIC and other National Identification Numbers (“**Guidelines**”), which is to take effect from 1 September 2019; and
 - accompanying Technical Guide to Advisory Guidelines On The Personal Data Protection Act For NRIC And Other National Identification Numbers (“**Technical Guide**”).
- Whilst the Guidelines and Technical Guide do not technically introduce any new laws, they do clarify the ambit of an organisation’s data protection obligations under the Personal Data Protection Act 2012 (“**PDPA**”) regarding the collection, use and/or disclosure of NRICs and other national identification numbers such as Birth Certificate numbers, Foreign Identification Numbers (“**FIN**”) and Work Permit numbers.
- This client note summarizes the salient points of the Guidelines and highlights the steps an organization would need to take to comply with the Guidelines.

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When can my organization collect NRIC numbers (or copies of NRIC)?

- The Guidelines prohibit the collection, use and/or disclosure of NRIC numbers (or copies of NRIC) unless:
 - required under the law;
 - an exception under the PDPA applies; or
 - it is necessary to accurately establish or verify the identities of individuals to a high degree of fidelity.

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Required under the law

- Where the law mandates the collection, use and/or disclosure of NRIC numbers (or copies of NRIC numbers), organisations may collect, use or disclose an individual’s NRIC number (or copy of NRIC) without his or her consent.

6. An example of such a legal requirement is Regulation 27(1) of the Hotels Licensing Regulations, which mandates that every hotel must require a hotel guest to furnish the full name and identification number in his/her NRIC, passport or other travel or personal identification document.
7. However, the PDPC has cautioned that it is still good practice for organisations to notify the individual of the purposes for the collection, use and/or disclosure of his/her NRIC number (or copy of NRIC) even where the collection, use and/or disclosure was with the individual's consent.

An exception under the PDPA applies

8. Organisations may also continue to collect, use or disclose an individual's NRIC number (or copy of NRIC) without his or her consent in cases where an exception to the organisation's obligation to obtain consent under the PDPA applies.
9. The exception includes emergency situations such as where an individual is unconscious and has to be admitted to hospital.

Necessary to accurately establish or verify the identities of the individuals to a high degree of fidelity

10. The Guidelines also clarify that organisations may collect, use and/or disclose NRIC numbers where it is necessary to accurately establish or verify the identity of the individual to a high degree of fidelity.
11. The situations in which such a necessity would arise include the following:
 - (a) where the failure to accurately identify the individual to a high degree of fidelity may pose a *significant safety or security risk* (for instance, visitor entry to preschools where ensuring the safety and security of young children is an overriding concern); and
 - (b) where the inability to accurately identify an individual to a high degree of fidelity may pose a *risk of significant impact or harm to an individual* (reputational, financial, personal or proprietary damage) *and/or the organization* (e.g. fraudulent claims), especially where transactions relating to healthcare, financial or real estate matters (such as property transactions, insurance applications and claims, applications and disbursements of substantial financial aid, background credit checks with credit bureau, and medical check-ups and reports) are concerned.
12. Organisations that intend to rely on this exception must be able to provide justification upon request by the individual or the PDPC as to why the collection, use or disclosure of the NRIC number (or copy of NRIC) is necessary to accurately establish or verify the identity of the individual to a high degree of fidelity.

Can my organization retain physical NRICs?

13. The Guidelines stipulate that organisations should not retain an individual's physical NRIC unless required under law.
14. This clarification is particularly relevant to organisations that collect physical NRICs of customers or visitors to ensure compliance with return policies, as they will now have to find alternative forms of collateral (such as a monetary deposit), unless such collection is required under law.

Alternatives to NRIC

15. The PDPC does not prescribe the alternatives an organization should use in place of NRIC numbers.
16. However, it has clarified that if an organization collects partial NRIC numbers up to the last 3 numerical digits and check of the NRIC number (e.g. "567A" from the full NRIC number of S1234567A"), it would not be deemed to be collecting the individual's full NRIC number and would therefore not be subject to the treatment of NRIC numbers set out in the Guidelines.
17. We stress also that as mentioned in Paragraph 2 above, the Guidelines are intended to apply to the collection, use and/or disclosure of other national identifiers. Therefore, the collection of passport numbers, for instance, would not be a viable alternative to the collection of NRIC numbers.

Higher standards

18. Please note that organisations which are permitted to collect NRIC numbers of individuals because they fall within one of the exceptions set out in Paragraph 4 above are likely be held to higher standards in their data protection obligations regarding the NRIC numbers.
19. In particular, they are expected to provide a greater level of security to protect the NRIC numbers. This is because of the risks and potential impact of any unauthorised use or disclosure of personal data associated with the individual's NRIC number.

Implementing Changes

20. In order to help organisations implement the Guidelines, the PDPC has published an accompanying Technical Guide to provide some tips on the replacement of NRICs as a way to identify individuals. If your organization manages club memberships, loyalty programs, event management, online shopping, in-store retail membership and/or shopping mall car park redemption, the PDPC strongly advises such organisations to look for alternatives to the use of NRICs as the means to identify individuals.
21. The alternatives include the introduction of a "Replacement Identifier" such as email addresses, phone numbers or user selected "user name" so that the "Primary Key" which serves as the unique identifier is replaced.
22. Organisations will likely turn to barcode scanners as a convenient way to capture and verify information on the NRIC. However, such organisations should be careful not to permanently store the complete NRIC number to the system but instead convert the scanned NRIC number to a final format that includes only partial NRIC numbers or hashing such that the NRIC number is converted immediately to another string of text that cannot be converted back to the NRIC number.

Conclusion

23. The 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.

24. In light of the prescriptions in the new Guidelines and given the widespread collection, use and disclosure of NRIC numbers, we would recommend all organisations to review their existing policies regarding the collection of NRIC numbers (or copies of NRIC), consider alternatives to the collection, use and disclosure of NRIC numbers, and implement rigorous safeguards for the protection of any NRIC numbers (or copies of NRIC) they may collect and retain.
25. 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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