

Personal Data Protection (Enforcement) Regulations 2021

Table of Contents

Enacting Formula

Part 1 PRELIMINARY

1 Citation and commencement

2 Definitions

Part 2 REVIEW APPLICATIONS

3 Non-derogation from powers of investigation

4 Review application

5 Summary dismissal of review application

6 Notice of review application and response from respondent

7 Notice of response and reply from applicant

8 Withdrawal of review application

9 Suspension of conduct of review

10 Consolidation of review applications

Part 3 RECONSIDERATION APPLICATIONS

11 Reconsideration application

12 Notice of reconsideration application and response from respondent

13 Notice of response and reply from applicant

14 Withdrawal of reconsideration application

15 Consolidation of reconsideration applications

Part 4 DIRECTIONS AND DECISIONS OF COMMISSION

16 Notice of direction under section 48G(2) of Act

17 Notice of direction or decision under section 48H(2) of Act

18 Notice of direction under section 48I of Act or imposition of financial penalty under section 48J(1) of Act

19 Notice of decision under section 48N(6)(b) of Act

Part 5 EXERCISE OF POWERS OF INVESTIGATION

20 Requiring organisation to produce document or information during investigation under section 50 of Act

21 List of all things taken to be made and signed

Part 6 MISCELLANEOUS

22 Publication of voluntary undertakings

23 Service of notices or documents

24 Submission of documents or information to Commission

25 Commission's website

26 Forms

27 Time

28 Waiver

29 Revocation

30 Transitional provision

THE SCHEDULE Fees

No. S 62

PERSONAL DATA PROTECTION ACT 2012 (ACT 26 OF 2012)

PERSONAL DATA PROTECTION (ENFORCEMENT) REGULATIONS 2021

In exercise of the powers conferred by section 65 of the Personal Data Protection Act 2012, the Personal Data Protection Commission, with the approval of the Minister for Communications and Information, makes the following Regulations:

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations are the Personal Data Protection (Enforcement) Regulations 2021 and come into operation on 1 February 2021.

Definitions

2. In these Regulations, unless the context otherwise requires —

“applicant” —

- (a) in relation to a reconsideration application to the Commission to reconsider a contestable decision, means an organisation or a person (including any individual who is a complainant) aggrieved by that decision and making the reconsideration application; or
- (b) in relation to a review application, means the complainant mentioned in section 48H of the Act making the review application;

“contestable decision” means any of the following directions or decisions made by the Commission:

- (a) any direction made under section 48G(2), 48I(1) or (2) or 48L(4) of the Act;
- (b) any direction or decision made under section 48H(2) of the Act;
- (c) the imposition of a financial penalty on an organisation or a person under section 48J(1) of the Act;

“officer” —

- (a) in relation to a corporation, has the meaning given by section 52(7) of the Act;
- (b) in relation to an unincorporated association (other than a partnership), has the meaning given by section 52A(7) of the Act; or
- (c) in relation to a partnership, means a partner within the meaning given by section 52A(7) of the Act;

“reconsideration application” means an application made under section 48N(1) or (2) of the Act to the Commission for the Commission to reconsider a contestable decision;

“relevant matter” means —

- (a) a refusal to provide access to personal data or other information requested by a complainant under section 21 of the Act;
- (b) a failure to provide within a reasonable time access to personal data or other information requested by a complainant under section 21 of the Act;
- (c) a refusal to correct personal data in accordance with a request by a complainant under section 22 of the Act;
- (d) a failure to make within a reasonable time a correction of personal data in accordance with a request by a complainant under section 22 of the Act; or
- (e) a fee required from a complainant by an organisation in relation to a request by the complainant under section 21 or 22 of the Act;

“relevant request” means a request under section 21 or 22 of the Act;

“respondent” means —

- (a) in the case of a reconsideration application made by a complainant regarding a contestable decision made under section 48G(2) or 48H(2) of the Act — the organisation complained against by a complainant;
- (b) in the case of a reconsideration application made by an organisation complained against by a complainant regarding a contestable decision made under section 48G(2) or 48H(2) of the Act — the complainant;
- (c) in the case of a reconsideration application made by an individual aggrieved by a contestable decision made under section 48I(1) or (2) or 48J(1) of the Act — the organisation or person in respect of which the contestable decision was made;
- (d) in the case of a reconsideration application made by an organisation or a person aggrieved by a contestable decision made under section 48I(1) or (2) or 48J(1) of the Act — the complainant whose complaint against the organisation or person resulted in the contestable decision; or
- (e) in the case of a review application made by a complainant mentioned in section 48H of the Act — the organisation complained against by the complainant;

“review application” means an application made under section 48H of the Act to the Commission for the Commission to conduct a review;

“working day” means any day other than a Saturday, Sunday or public holiday.

PART 2

REVIEW APPLICATIONS

Non-derogation from powers of investigation

3. Nothing in this Part affects the Commission’s power to conduct an investigation under section 50(1) of the Act.

Review application

4.—(1) A review application must —

- (a) state concisely, in the English language —