

Catholic Welfare Services
Personal Data Protection Policy & Guidelines (VER. July 2014)
Approved by Board 18 Sept 2014

ADDENDUM G4

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A. INTRODUCTION

A.1 The Personal Data Protection Act (“PDPA”) (2012), which came into operation as of 2 July 2014, governs the collection, use and disclosure of personal data by private organisations in a way that recognises the needs of individuals to protect their personal data and organisations to collect, use or disclose personal data for purposes that a reasonable person would consider appropriate in the circumstances.

A.2 The PDPA comprises two sets of provisions: one covering Data Protection and the other Do-not-Call Registry.

A.3 What the PDPA covers and does not cover

A.3.1 Covers: Organisations engaged in data activities within Singapore

A.3.2 Does not cover (PDPA Provisions Parts III to VI):

- Any individual acting in a personal or domestic capacity;
- Any employee (includes volunteer) acting in the course of his employment with an organisation;
- Any public agency;
- An organisation in the course of acting on behalf of a public agency in relation to the collection, use or disclosure of the personal data;
- Deceased individuals (only disclosure and safeguarding rules apply). Protection is applicable for up to 10 years after death;
- Business contact information (BCI) – Individual's personal information (e.g. contact and business details in name card) not provided by the individual solely for his personal purposes.

A.3.3 The personal data protection requirements cover personal data stored electronically and non-electronically.

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B. POLICY OBJECTIVES

- To ensure that handling of personal data by CWS as an organisation complies with the PDPA;
- To put in safeguards to protect individuals' data from misuse by regulating proper management of personal data;
- To give individuals greater control over their personal data.

C. PDPA PROVISIONS PARTS III TO IV FOR COMPLIANCE

For easy reference:

“CWS” shall refer to CWS HQ, Nursing Homes, Direct Service Programmes

“Individuals” shall refer to Beneficiaries/Clients, Home Residents, Employees, Donors, Volunteers.

CWS collects and uses certain personal information of its employees, beneficiaries, donors, volunteers, and other individuals whom it has a relationship with or may need to contact.

CWS's handling of such data shall be guided by advisories from the PDP Commission, VVO templates and the following nine principles as provided under PDPA:-

C.1 Consent Obligation

I) Where consent is required:

C.1.1 CWS shall obtain consent at the point of collection of personal data.

C.1.2 Consent shall be in writing or recorded in a manner that is accessible for future reference.

C.1.3 Provision has been made in CWS's Application /Registration Forms for:

- a) Signed consent at the same time of completion of the Forms by Individuals for employment, financial assistance, scholarship assistance/loans, stay in nursing homes/ sheltered homes, by donors and volunteers;
- b) Signed consent by individuals for sharing of their data with third parties, such as other social service agencies or government authorities for purposes of managing their application/case.

C.1.4 Obtaining personal data from 3rd party sources

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CWS obtaining personal data from 3rd party sources shall exercise appropriate due diligence to check and ensure that the 3rd party source can validly give consent or has obtained consent.

C.1.5 Verbal Consent

In situations where CWS cannot conveniently obtain consent from an individual in writing, verbal consent can be accepted but must be confirmed in writing which may be in electronic or other form of evidence; or a written note made for documentary evidence.

C.1.6 Validity of Consent:

- a) Consent is valid if given, or deemed to have been given, by any person validly acting on behalf of the individual (e.g. minors) for the collection, use, disclosure of the individual's personal data.
- b) Consent is not valid if it was obtained under circumstance where false or misleading information is provided.

C.1.7 Failure to opt out is not regarded as consent in all situations.

It is therefore recommended that consent be obtained through a positive action of the individual to the collection, use and disclosure of his personal data for the stated purposes.

C.1.8 Withdrawal of consent

- a) Individuals may at any time withdraw any consent given or deemed to have given to use, collection and disclosure of their personal data.
- b) They must give reasonable notice of withdrawal.
- c) Upon receipt of notice of withdrawal, CWS shall inform individuals of consequences of withdrawing consent. Consequences could simply be that the collection, use and disclosure of the individual's personal data for the specified purpose would cease or that CWS would be unable to continue further assistance.

C.1.9 Should CWS have to obtain direct consent from the following two groups of individuals, it shall be handled as follows:-

- a) For clients lacking in mental capacity, CWS shall obtain the consent for the collection, use or disclosure of the client's personal data from his/her deputy/donee who is empowered to give such consent.
- b) For minors' giving consent on their own behalf, refer to detailed Advisory Guidelines of the PDP Commission on its PDPC

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website: www.pdpc.sg – Advisory Guidelines for Selected Topics
– Chapter 8 Data Relating to Minors (4 pages).

II) Circumstances where consent is not required (II, III, IV Schedules):

- a) During an emergency;
- b) Where data is publicly available;
- c) For purpose of contacting the next-of-kin or friend of any injured, ill or deceased individual;
- d) Managing and terminating an employment relation, but requirement to notify purpose;
- e) For evaluative purposes (e.g. employment promotion, eligibility for financial or social assistance, education grants, delivery of health services, etc.
(E.g. Consent is not required for sharing personal data of client with 3rd party for evaluative purpose for scheme administered by a public agency) (Refer Section A.3.2).

C.2 Purpose Obligation

Consent for collection, use and disclosure is limited by purpose and extent.

CWS shall collect, use or disclose personal data from an Individual:-

- for the purpose for which he/she has given consent and;
- not beyond what a reasonable person would consider appropriate in the circumstances.

C.3 Notification Obligation

C.3.1 CWS shall notify Individuals of the purposes for which it is intending to collect, use or disclose their personal data on or before such collection, use or disclosure of personal data. (Refer Section C.1.3).

C.3.2 It is important for notifications to be specific and clear, easily comprehensible, provide appropriate information and easily accessible.

C.3.3 New purpose will need “new” notification and consent.

C.3.4 CCTV: Notification of CCTV operating in the premises for the purpose of security shall be placed in at point of entry or prominent position.

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C.4 Openness Obligation

- C.4.1. CWS shall make known to staff its data protection policy and practices, as well as to the public if requested.
- C.4.2 Individuals with enquiries, feedback and concerns shall be advised to send them to CWS email: pdpa@catholicwelfare.org.sg.
- C.4.3 CWS's Executive Director with overall responsibility for administration of the policy and who has assigned a Data Protection Officer for HQ, shall delegate to the Nursing Homes the appointment of their own data protection personnel from among their staff or department (e.g.HR). The purpose shall be to monitor and ensure compliance at their respective Homes.

C.5 Access & Correction Obligation

- C.5.1 Upon request, CWS shall provide the personal data of an Individual in its possession and information about the ways his/her personal data may have been used or disclosed within a year of the date of the request.
- C.5.2 Should Individuals request to correct an error or omission that is in CWS's possession, CWS shall provide access as soon as reasonably possible within 30 days. If not, it shall inform the Individual in the reasonably soonest time by which it will be able to respond, within 30 days of the Individual's request.

C.5.3 Exceptions to Access & Correction Obligation

- a) Organisations are not required to correct or alter an opinion including a professional or an expert opinion kept solely for an evaluative purpose, investigation, or if request is frivolous or vexatious.

(Details in Sixth Schedule: Correction Requirement of the PDPA).

- b) Access shall not be provided if the burden or expense of providing it would be unreasonable to the Organisation or disproportionate to the individual's interest, or if the request is frivolous or vexatious.

(Details in Fifth Schedule: Access Requirement)

C.6 Transfer Obligation

CWS shall not transfer personal data outside of Singapore except in accordance with the requirements of the PDPA.

C.7 Retention

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C.7.1 CWS shall cease retention or remove personal data of individuals when it is no longer necessary for any business or legal purposes.
 The retention period shall depend:-

- on the purposes for which the personal data was collected ;
 (e.g. It can be retained for as long as one or more of the purposes for which it was collected remains valid, but not for 'just in case" for other purposes not notified.)
- Other legal or business purposes, e.g. legal action, required under other applicable laws or regulations, needed for generating reports, etc.

C.7.2 CWS's retention period of personal data shall be as follows:-

Donor forms with names, contact details, etc.	5 years for tax exempt and audit purposes before being disposed of in a proper manner.
Job application forms	For the time required for processing and assessment until outcome of the application.
Former employees/volunteers/ beneficiaries/clients/Home residents	For as long as required for business or legal purposes. (Where timeframe varies & difficult to specify, e.g. for settlement of outstanding financial matters of ex-Home residents, ex-clients/beneficiaries re-appearing after long periods, ex-employee/volunteer for future work opportunities and legal considerations.)

C.8 Protection

CWS shall protect personal data in its possession from unauthorised access, use or disclosure through administrative, physical and technical measures, such as:

- Files containing such information are accessible only to authorised personnel. They shall be kept in cabinets in safe locations;
- CWS's employees shall be bound by the confidentiality obligation set out in the code of conduct for staff and in their employment agreements. Any breach of the confidentiality agreement shall be subject to disciplinary actions;
- CWS shall ensure its computer networks are secure through appropriate security software and settings, and regular updating of computer security and IT equipment.

C.9 Accuracy

C.9.1 CWS shall ensure personal data collected by or on its behalf is reasonably accurate and complete as it may be used to make a decision that affects

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the Individual. Some ways to ensure accuracy would be verification through original documents (e.g. NRIC, payslips, etc.) or checking with third parties where necessary.

C.9.2 Individuals completing Forms are also required to declare in the Forms that information provided by them is true and accurate.

D. Treatment of Existing Data

Existing personal data (collected before enforcement of PDPA on 2 July 2014) can be used for reasonable existing uses without fresh consent. Consent must be obtained for new uses and new personal data collection, use and disclosure.

E. Other Rights, Obligations and Uses

The Data Protection Provisions will not affect any authority, right, privilege, immunity, obligation or limitation arising under the law, except that performance of a contractual obligation shall not be an excuse for contravening the PDPA. Other written laws shall prevail over the Data Protection Provisions in the event of an inconsistency between them.

F. Follow provisions of the PDPA do not apply for CWS:

F.1 Data Intermediary (DI)

A data Intermediary (DI) refers to an organisation that processes personal data on behalf of another organisation but does not include an employee of that organisation. A DI is subject to the Protection and Retention Limitation Obligations only.

CWS does not use the services of a DI. However, should CWS do so; it will have the same obligations under the PDPA in respect of the personal data processed by the DI.

F.2 Do-Not-Call (DNC) Registry

The DNC rules do not apply to CWS as it does not send marketing messages, such as offer of goods or services, supply/advertise/promote land, investment/business opportunities through SMS/MMS/Text/Voice calls or faxes. For such messages, described as "Specified Messages", the sender will be required to comply with the DNC rules.

G. Regular Review

CWS shall review regularly its processes to ensure adherence to the PDPA.

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