PUBLIC CONSULTATION FOR THE PRIVATE DATA PROTECTION (AMENDMENT) BILL 2020

A. **AUTHOR AND CONTACT DETAILS**

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B. **SUMMARY OF MAIN POINTS**

a. ***No right to erasure of data for individuals***

The draft Bill and the current authoritative version of PDPA still do not permit individuals to request or demand organisations to erase or delete personal data about themselves, and there is no indication in PDPA or the draft Bill that the organisation is required to delete in a reasonably fast time the personal data that an individual has asked the organisation to delete. **I suggest additional provisions be introduced as amendments to section 16, or in a new section 16A detailing how individuals and organisations can submit and process, respectively, requests to erase, expunge or delete personal data.**

b. ***No penalties for retention of personal data beyond permitted duration***

There is no stated penalty for the retention of personal data for longer than reasonable, permitted, or necessary. **I suggest MCI and PDPC or its advisors should consider this issue and where appropriate, introduce additional provisions and penalties in amendments to section 25 or the introduction of a new section 25A.**

c. ***No definition of what constitutes or is enough to qualify as "national interest"***

"National interest," which is mentioned as a basis for exceptions under the proposed new Schedules in the draft Bill, is not well defined in terms of its nature as well as the appropriate extent that the proposed collection, use, or disclosure of personal data must minimally contribute in order for this collection, use, or disclosure of personal data to be legitimate. **I suggest that a simple statement to define "national interest" or to create a legal test for what constitutes or is sufficient to be considered "national interest" be introduced in the Bill. MCI, PDPC, or their advisors may consult the European Union General Data Protection Regulation, Article 23, section (1) for examples of what would be appropriately considered "national interest".**

d. ***No requirement to consider public information and how these might be recombined with weakly anonymised, published personal data to enable re-identification of individuals.***

Organisations should be required to consider what information is already in the public domain, such that if the organisations were to publish insufficiently or weakly anonymised and aggregated data, other persons or organisations may be able to combine such information to reverse engineer and reidentify individuals. An important example of a context where this matters is news reportage, where it may be possible that news readers and audiences may take publicly available information found through Facebook or Google searches, and combine it with personal details found in newspapers, news videos, or news reports, and find it possible to identify the face or residential address of the person, or associate a person's identity with embarrassing information about them published elsewhere, even if the embarrassing information was attributed to anonymous sources.

This requirement is, to the author's understanding, currently a statutory requirement in United States federal law concerning the federal government and its agencies. It may be contained in the Confidential Information Protection and Statistical Efficiency Act.

C. **STATEMENT OF INTEREST**

The author has no interest to declare; the author is not employed by any organisation with interest in this proposed law.

D. **COMMENTS**

None.

E. **CONCLUSION**

The author appreciates the efforts to incorporate certain parts or concepts from the EU GDPR in improving the PDPA, but believes that the Bill can be further improved if the points I raised in the Summary above are addressed, responded to, and these responses be further incorporated in the final iteration of the Bill.