

Technology, Media & Telecommunications

# Keeping Organisations PDPA Compliant – Updated PDPC Guides on Data Protection

## Introduction

Personal data protection has been one of the key emerging issues for businesses and corporate entities in recent years. With the establishment of data protection obligations and the continuing development of relevant regulations and guidelines, organisations have faced various challenges in compliance amidst the shifting landscape of personal data concerns.

To assist organisations in complying with their obligations, the Personal Data Protection Commission ("PDPC") has issued a number of guides on data protection. On 14 September 2021, the PDPC announced the following guides:

- (a) New Guide to Data Protection Practices for Info-Comm Technology ("ICT") Systems;
- (b) Updated Guide to Developing a Data Protection Management Programme; and
- (c) Updated Guide to Data Protection Impact Assessments.

With the blend of legal issues and technical requirements involved in personal data protection practices, organisations would be well-served by a multi-disciplinary team that is able to address all sides of the equation. In this regard, the team at Rajah & Tann – which includes Rajah & Tann Singapore's Technology, Media and Telecommunications team as well as the team from Rajah & Tann Cybersecurity – is able to support organisations seeking to assess their data protection systems and conduct remedial efforts.

In this Update, we highlight the key changes to the PDPC guides and what organisations should be aware of.

## Data Protection Practices for ICT Systems

The PDPC has published a new Guide to Data Protection Practices for ICT Systems ("**ICT Guide**"), available [here](#). The ICT Guide is a compilation of data protection practices from past Advisory Guidelines and Guides released by the PDPC, and also incorporates lessons learnt from past data breach cases that should be adopted by organisations in their ICT policies, systems and processes to safeguard the personal data under their care.

The ICT Guide addresses the following areas of data protection practices for ICT systems:

- (a) Policies and risk management practices;



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- (b) ICT control measures; and
- (c) Standard Operating Procedures and ICT operations.

The PDPC has also published two Checklists to Guard Against Common Types of Data Breaches ("**Checklists**"), available [here](#). The Checklists compile the key relevant data protection practices from the ICT Guide to assist organisations to perform a review of whether policies, technology controls and processes applicable to their business operations have been put in place to avoid the common gaps that often result in data breaches.

- (a) The first Checklist relates to application security in the development and support phase. This Checklist addresses good practices during the application development phase and support process, coding issues that could result in application errors leading to the subsequent disclosure of personal data, and security awareness and responsibilities during coding.
- (b) The second Checklist relates to infrastructure and system security in ICT systems. This checklist addresses the review of relevant data protection practices in relation to configuration management, protection against malware/phishing, enhancing security awareness/responsibilities and strengthening account password management.

The Checklists seek to complement the Handbook on How to Guard Against Common Types of Data Breaches ("**Handbook**"), which had earlier been published by the PDPC. The Handbook highlights common gaps in ICT system management and processes, and identifies the corresponding ICT good practices that organisations should put in place to prevent data breaches. For a summary of the key issues raised in the Handbook and the corresponding recommendations from the PDPC, please see our earlier Client Update on "PDPC Handbook on How to Guard Against Common Types of Data Breaches", available [here](#).

## Developing a Data Protection Management Programme

The PDPC had earlier published the Guide to Developing a Data Protection Management Programme ("**DPMP Guide**"), which seeks to help organisations develop or improve their personal data protection policies and practices through the implementation of a Data Protection Management Programme (available [here](#)). Organisations may review and benchmark their existing personal data protection policies and practices against the framework and considerations provided in this guide.

The PDPC has now updated the DPMP Guide to incorporate best practices in accountability to support organisations' personal data protection policies and processes.

The DPMP Guide covers the following:

- (a) Governance and Risk Assessment - Establishing a governance structure to define strategic corporate values and identify risks with organisational leadership;

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- (b) Policy and Practices – Developing a data protection policy and data protection practices;
- (c) Processes – Designing processes to operationalise policy; and
- (d) Maintenance – Detailing steps to keep data protection policy and processes up to date.

## Data Protection Impact Assessments

The PDPC had earlier published the Guide to Data Protection Impact Assessments ("**DPIA Guide**"), which provides an introductory outline of key principles and considerations for organisations on conducting a DPIA for systems and processes (available [here](#)).

The DPIA Guide has now been revised to align with the new obligations under the updated Personal Data Protection Act ("**PDPA**").

A DPIA involves identifying, assessing and addressing personal data protection risks based on the organisation's functions, needs and processes. Organisations are encouraged to conduct a DPIA to decide on the policies and practices to be implemented in compliance with the PDPA. The DPIA Guide covers when to conduct a DPIA and who should be involved, and provides an overview of the various phases of the DPIA life cycle.

## Concluding Words

The guides provided by the PDPC provide vital guidance for organisations to ensure that their systems, policies and practices are in compliance with the relevant requirements under the PDPA. These guides set out a helpful roadmap that organisations may follow in terms of assessment, review and – if necessary – remediation efforts.

To facilitate the journey along the path to compliance, the team at Rajah & Tann may assist organisations seeking to utilise the PDPC guides in regard to their own systems and practices. In particular, for the ICT Guide, the Rajah & Tann Cybersecurity team can help to assess organisations against the two new Checklists to determine whether the organisation is compliant with the requirements contained therein, and if compliance is found to be lacking, to propose appropriate remediation steps.

With regard to the DPIA Guide, the Rajah & Tann Cybersecurity team can also help to conduct a DPIA, to assess whether there are reasonable security measures to address the relevant protection risks, and to propose remediation steps where necessary.

Rajah & Tann is in a unique position where Rajah & Tann Singapore's Technology, Media and Telecommunications team is able to directly work together with Rajah & Tann Cybersecurity on the DPIA exercise to provide a multi-disciplinary solution. From a compliance management standpoint, failure to consider such issues from a multi-disciplinary approach may result in a deficient DPIA or DPMP. In this regard, the Rajah & Tann team's joint efforts will ensure that:

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- (a) organisations' legal and technical teams are fully appraised of and have access to the DPIA process and results;
- (b) the risk assessment of the results of the DPIA exercise satisfies adequacy requirements from both a technical and legal risk management standpoint; and
- (c) organisations are compliant with both the letter and the spirit of the PDPA.

For further queries, please feel free to contact our team below.

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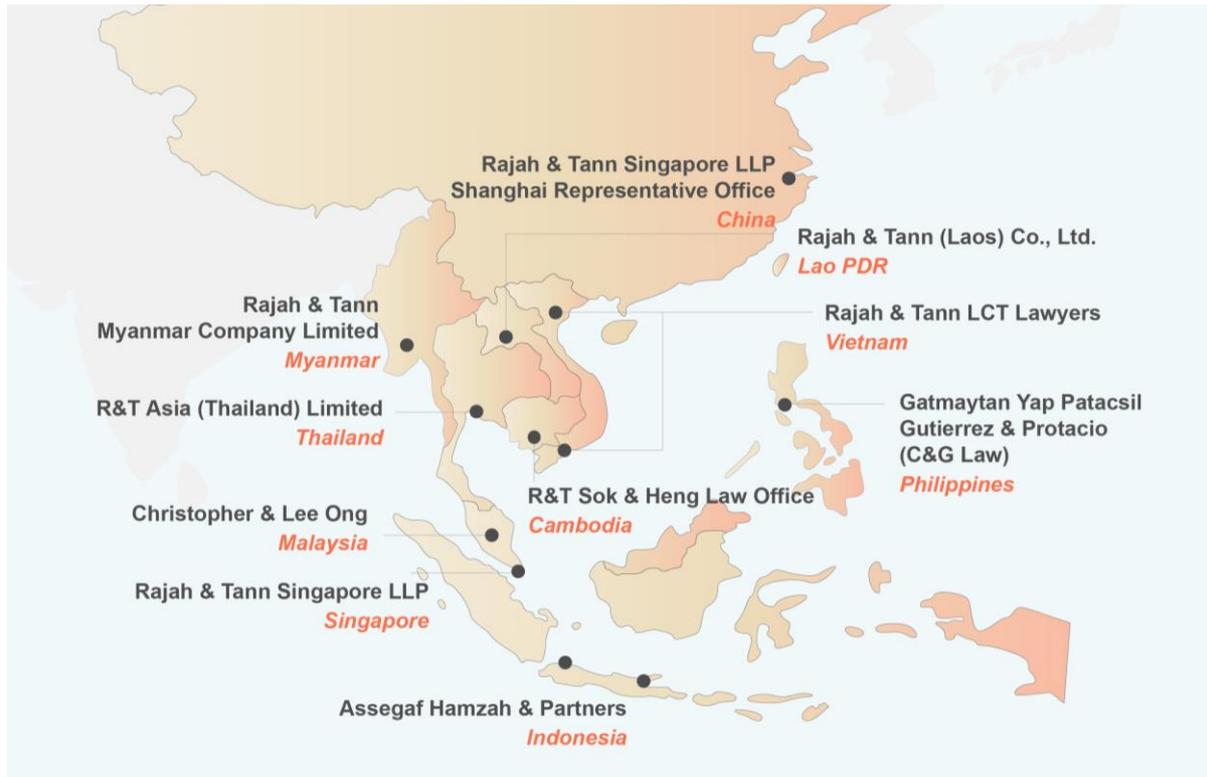
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