This Code of Banking Practices ("Code") clarifies the practices for banks in Singapore in respect of the PDPA and its regulations, where applicable.

As stated in The Association of Banks in Singapore ("ABS") Code of Consumer Banking Practice, it is the intention of banks to treat their customers fairly and reasonably.

Persons who provide their personal data to banks should be assured that their information will be collected, used and disclosed in accordance with the high standards set by the Monetary Authority of Singapore ("MAS") and the Personal Data Protection Commission ("PDPC").

We hope that this Code will foster a better understanding of what you as an individual can reasonably expect from your bank concerning your personal data.

Mrs Ong-Ang Ai Boon
Director
The Association of Banks in Singapore
The PDPA 2012

In brief, the PDPA governs the collection, use and disclosure of the personal data of individuals and establishes the Do Not Call (“DNC”) Registry.

The PDPA contains 2 main sets of provisions, covering:

- the DNC Registry provisions in Part IX of the PDPA (“DNC Registry Provisions”), and
- the data protection provisions in Parts III to VI of the PDPA (“DP Provisions”).

1. Purpose & Scope

a. This Code aims to provide information on how the PDPA may apply to the unique circumstances faced by the banking sector.

b. Banks in Singapore are regulated on the disclosure of customer information by the MAS through statutes, regulations, directives, and notices, and these requirements apply in conjunction with the requirements of the PDPA. Generally, if there is an inconsistency between the DP Provisions and any written law, the written law will prevail to the extent of the inconsistency.

c. In applying this Code, it should be borne in mind that Section 11(1) of the PDPA provides that "In meeting its responsibilities under this Act, an organisation shall consider what a reasonable person would consider appropriate in the circumstances." Banks are to consider what is reasonably appropriate when considering how they should meet their responsibilities under the PDPA.

d. Please note that this Code does not amount to any advice, whether legal or otherwise, and is not legally binding on ABS or its members. It does not modify or supplement in any way the legal effect or interpretation of the PDPA and any subsidiary legislation (such as rules and regulations), and should not be construed as limiting or restricting the PDPC in its interpretation, administration and enforcement of the PDPA.
2. DNC Registry Provisions

a. The DNC Registry Provisions came into effect on 2 January 2014, enabling individuals to opt out of receiving telemarketing messages or messages of a marketing nature which fall within the meaning of a ‘specified message’ in the PDPA (‘Specified Messages’¹) by registering their Singapore telephone numbers on one or more of the DNC Registers.

b. There are three separate DNC Registers in which you may register your number, namely the:

- No Voice Call Register;
- No Text Message Register; and
- No Fax Message Register.

You may still receive Specified Messages for up to 30 days from registration of your Singapore telephone number with the DNC Registry from banks that had checked the DNC Registry prior to your registration.

Example:

You register your telephone number with the No Text Message Register by SMS. Upon successful registration, you receive a confirmation message similar to the following: ‘91234567 has been added to the No Text Msg Register. You may still receive telemarketing messages within the next 30 days. For more options, SMS DNC to 78771.’

Two days later, you receive an SMS from Bank A, promoting their new high interest fixed deposit account. Bank A may not be in breach of the DNC Registry Provisions. Generally, a bank must not send a Specified Message to a Singapore telephone number, unless the bank had checked and received confirmation that the Singapore telephone number is not listed in the relevant DNC Register, within 30 days before sending the Specified Message.

c. There are some messages that are excluded from or not covered by all or part of the DNC Registry Provisions. Even after you have registered your Singapore telephone number with the DNC Registry, you may still receive these types of messages from your bank², for example:

- Specified Messages (via text or fax) to customers with an ongoing relationship with the bank;
- Specified Messages to individuals who have given clear and unambiguous consent;
- Messages of a purely administrative, servicing and non-marketing nature;

¹ Please refer to Section 37 of the PDPA for the full definition of a ‘specified message’
² This is subject to the DP Provisions, elaborated upon in section 3 below
o Messages solely to provide information you have requested for;
o Messages solely to facilitate, complete or confirm a transaction;
o Messages solely to deliver goods or services, including product updates or upgrades previously agreed;
o Messages solely to provide notification concerning a change in terms and features.

d. These excluded messages are explained in greater detail below.

Specified Messages (via text or fax) to customers with an ongoing relationship with the bank

   e. Even if your Singapore telephone number is registered with the No Text Message Register or No Fax Message Register mentioned above, a bank may send certain Specified Messages by text or fax to you, if

      o At the time of sending the message, the bank has an ongoing relationship with you, and the message is related to the subject of the ongoing relationship; and
      o You have not withdrawn consent or otherwise opted out or indicated to the bank that you no longer wish to receive such messages.

   f. Such Specified Messages must, amongst other conditions, contain a clearly displayed statement in English providing information on how you may opt out from receiving these messages in the future by sending to the bank an opt-out notice by way of a text or fax message, depending on how the message was sent to you.

3 This is pursuant to the Personal Data Protection (Exemption from section 43) Order 2013 (S 817/2013) (Exemption). For more details on the Exemption and the applicable conditions, please refer to the PDPC's Do Not Call Advisory Guidelines.

4 Please see the Exemption for other applicable conditions. Please also note that the Exemption is only in relation to section 43(1) of the PDPA and does not exempt the sender from its other obligations under the PDPA.
Examples:
You hold a credit card issued by ABC Bank since May 2014. In July 2014, you registered your Singapore telephone number on the No Text Message Register, but did not separately inform the bank that you wish to stop receiving text messages related to your credit card.

Since you hold ABC Bank’s credit card, since May 2014, there is an ongoing relationship between ABC Bank and yourself.

Even if your number is registered on the No Text Message Register, ABC Bank may continue to send you Specified Messages via text for purposes related to the ongoing relationship, such as messages on credit card usage promotions, bank partner promotions, or lower interest rates for your card. Examples of such messages would include:

• ñADV> Spend a min. of S$200 on your ABC Bank Credit Card and pay over 6 or 12 months instalment. SMS Offer A to 72111 to find out more. T&Cs apply. To opt-out of receiving telemarketing text messages from ABC Bank, SMS UNSUB to 12345. www.abcbank.com.sg/contactus

• ñADV>Up to 25% off online shopping at GHI Co, DEF Co & more with your ABC Bank Credit Card. Info@ www.abcbank.com.sg/promos. To opt-out of receiving telemarketing text messages from ABC Bank, SMS UNSUB to 12345. www.abcbank.com.sg/contactus

• ñADV>Apply for Transfer of Balance at effective interest rate of 1.90% p.a. on your ABC Bank Credit Card/Instant Credit. Call 12345678 for details. T&Cs apply. To opt-out of receiving telemarketing text messages from ABC Bank, SMS UNSUB to 12345. www.abcbank.com.sg/contactus

If you do not wish to obtain telemarketing messages relating to your ongoing relationship with the bank, you must inform your bank separately, even if you have registered your number on the No Text Message Register.

You applied for and received a credit card from Bank A in September 2014. When applying for your credit card, you did not indicate whether or not you wished to receive text messages related to your credit card. The terms and conditions of Bank A’s credit card did not specify that you could be contacted for promotions related to the card.

As no consent had been obtained for the use of your personal data for marketing purposes, Bank A cannot use your personal data that you submitted in your credit card application form for marketing purposes, e.g. to send you marketing text messages, even if your number is not on the No Text Message register or the messages are on promotions related to your credit card.
Specified Messages to individuals who have given clear and unambiguous consent:

g. Even if your Singapore telephone number is registered with one or more of the DNC Registers listed above, you may still receive Specified Messages from your bank if you have provided consent in a clear and unambiguous manner in evidential form to receiving such marketing messages at your Singapore telephone number.

Examples:
You have given clear and unambiguous consent in evidential form to receive marketing messages by voice calls at your Singapore telephone number to ABC bank in April 2015. You subsequently register your number with the No Voice Call Register in May 2015.

You may still receive telemarketing calls such as: "Dear Sir, I am calling from ABC Bank with regard to a promotional deposit rate of 1.5% p.a. the bank is currently offering, would you be interested in such a product?"

You opened a fixed deposit account with ABC Bank in July 2014. In the application form, you ticked a box indicating that you would like to receive information on ABC Bank’s promotions and new products by text messages at your mobile telephone number. Subsequently, in September 2014, you register your phone number in the No Text Message Register.

You will not need to inform ABC Bank separately if you still wish to continue receiving such text messages on ABC Bank’s promotions and new products. ABC Bank can continue to send you such text messages if it has your clear and unambiguous consent to the sending of such Specified Messages to your telephone number in evidential form.

h. You may choose to receive Specified Messages from a bank, after you have already registered your number in a DNC Register by providing clear and unambiguous manner in evidential form to the bank.

Examples:
You have registered your Singapore telephone number on the No Voice Call Register in May 2015.

In June 2015, you apply for and receive a credit card from Bank A. In the application form, you opted in to receive marketing messages for certain products via voice calls by placing a tick in the check box next to a clearly printed clause seeking your consent for this purpose.

You will continue to receive voice calls relating to the products that you consented to receiving such marketing messages in your credit card application form. If you wish to withdraw consent subsequently, you may do so by giving
notice to your bank.

In July 2014, you registered your mobile telephone number in the No Voice Call Register. In September 2014, you notice an advertisement by Bank A for an investment product. You approach Bank A for more information and a banker explains that this product may not be suitable for you. Impressed by the banker’s analysis of your financial needs, you sign a form consenting to receiving further voice calls at your mobile telephone number from Bank A on its promotions and new products.

Even though your mobile telephone number remains in the No Voice Call Register, Bank A may call you on its promotions and new products at such number, once it has your clear and unambiguous consent to do so in evidential form.

i. Clear and unambiguous consent for the purpose of receiving marketing messages may be requested from you in the following ways:

- Through written forms with appropriate means of recording opt-in consent, for example, via a tick-box;
- Through opt-in mechanisms on the bank’s website or the bank’s mobile application (e.g. by asking you to click on an icon or pop-up to indicate agreement);
- Through opt-in mechanisms on the bank’s ATM machine (e.g. by asking you to tap on an on-screen “agree” button); and
- By asking you to reply to e-mails or text messages.

Messages of a purely administrative, servicing and non-marketing nature:

j. If your Singapore telephone number is registered with the DNC Registry, you may still be able to receive messages from your bank that are of a purely administrative, servicing, and non-marketing nature. You do not need to inform your bank separately that you wish to continue receiving such messages.

k. Examples of such messages would include messages sent solely for the following purposes and that do not have any marketing element:

- To request that you update your personal data with the bank;
- An alert or notice relating to your accounts, products and other banking services provided to you;
- To remind you to pay a bill;
- To conduct market research or market survey; or
- To obtain service feedback.
Examples:
There is a first transaction activity on your ABC Bank Credit Card ending with 1234 on 1-1-2014 for SGD 200.00.

As part of our annual review of customers’ credit limit, we would like a copy of your latest payslip.

This is a reminder that your ABC Bank Credit Card bill is due on 1-1-2014. Do arrange payment as soon as you can to avoid late payment penalties.

Thank you for calling our customer service hotline. For training and service quality improvement purposes, we would like to invite you to participate in a 1 minute customer feedback survey.

Messages solely to provide information you have requested for:

I. A bank may also contact you solely for the purpose of providing information that you requested for. Such a message would not be considered a specified message.

Example:
Thank you for your query with ABC Bank. We are investigating the matter. For reference you may call ABC Bank at 12345678 & provide ref no. QUERY123.

Messages solely to facilitate, complete or confirm a transaction:

m. A message sent solely to facilitate, complete or confirm a transaction that you have agreed to enter into with the bank would not be considered a Specified Message.

Example:
Your six digit One Time PIN is 123456. Please enter this to proceed with your secure transaction.

Messages solely to deliver goods or services, including product updates or upgrades previously agreed:

n. A message sent solely to deliver goods or services, including product updates or upgrades, that you are entitled to receive under the terms of a transaction you have previously agreed to enter into with the bank would not be considered a Specified Message.
Examples:
You have signed up for wealth and product management solutions and services of the bank. These solutions and services that you have engaged the bank for includes:

a. Financial portfolio discussions;
b. Product upgrades and updates;
c. Wealth planning solutions;
d. Trust and insurance solutions;
e. Product replacement; and/or
f. Product segment advice.

You may then be contacted by the bank at your Singapore telephone number to discuss about your financial portfolio or provide you with product segment advice or other of the product and portfolio solutions and services that you have engaged the bank for.

Messages solely to provide notification concerning a change in terms and features

o. Messages sent solely to provide notification concerning a change in the terms and features of a subscription, membership, account, loan or comparable ongoing commercial relationship involving your ongoing purchase or use of goods or services offered by the bank would not be considered a Specified Message.

Examples:
Please note your ABC Bank Transport Plus program will be revised with effect from 30 Dec 14. More details @ www.abcbank.com.sg/transport+new

From June 2015 - bonus miles earned on all spend with your ABC Bank AIRCHAMP Card will increase from 25% to 40%. More details @ www.abcbank.com.sg/airchamp_bonus.

Withdrawing Consent for Specified Messages

p. You may withdraw your consent to be contacted by banks for telemarketing purposes as prescribed under the PDPA. If you wish to withdraw your consent, you must give notice to the bank of such withdrawal. You should follow such procedures and time frames on the withdrawal of consent that the bank may have in place in accordance with the PDPA. The bank may take up to 30 days to process and effect your withdrawal\(^5\).

\(^5\) A person who receives notice of withdrawal of consent shall cease and cause its agents to cease sending any Specified Message to which the notice relates, after the expiry of 30 days after the date on which the person received the notice (see Regulation 17 of the Personal Data Protection (Do Not Call Registry) Regulations 2013).

a. Amongst other things, these DP Provisions cover: (i) the collection, use and disclosure of your personal data by the bank; (ii) your access to and the correction of your personal data in the possession or under the control of the bank; and (iii) the bank’s retention and protection of your personal data.

b. The DP Provisions came into effect on 2 July 2014, and operate in conjunction with the DNC Provisions.

The Consent and Notification Obligation:

c. Banks must notify you of the purposes for collecting your personal data, how it will be used, and to whom the personal data may be disclosed. To achieve this, banks will notify you through appropriate means (e.g. may be through a statement or undertaking on a product application form and/or via their privacy statements/policies on their website), depending on the circumstances.

d. When specifying its purposes relating to personal data, banks are not required to specify every activity which it may undertake, but its objectives or reasons relating to personal data. If you have questions about the bank’s collection, use or disclosure of your personal data, you may request that the bank provides you with the business contact information of a person who is able to answer your questions on behalf of the bank.

**Example:**

Bank ABC wishes to conduct a customer satisfaction survey. The bank may specify that it would like to collect, use and disclose your personal data as necessary for the purpose of conducting and administering the survey (e.g. to contact you to participate in the survey).

The bank need not specify activities relating to exactly how the personal data will be collected and stored by the bank for the purposes of the survey for example, that survey responses will first be recorded by hand on physical forms by employees of the bank and then subsequently transferred to an electronic database, etc.

e. Banks must obtain your consent on or before the collection, use and disclosure of your personal data for any purpose. Banks will do so in accordance with the PDPA, applicable written law and according to each bank’s existing processes.

Examples of the types of personal data which banks may collect from you for the purpose of providing you banking products and/or services include but are not limited to:

- Your name, NRIC and/or passport number;
- Contact information such as telephone number and mailing address;
- Employment information;
Financial information;
Investment portfolios; and
Personal data of any family members, or beneficiaries relevant to the provision of banking products and services to you.

f. Banks may not, as a condition of providing a product or service, require you to consent to the collection, use or disclosure of your personal data beyond what is reasonable to provide the product or service to you.

Example:
You purchase a cashier’s order from Bank ABC. ABC cannot require you to provide consent to receiving marketing materials by email as a condition of providing the cashier’s order, as it is beyond what is reasonable for the provision of the service.

Exclusions and exceptions under the DP Provisions

g. The DP Provisions do not apply to Business Contact Information (BCI). This includes your name, job title, office telephone number, office mailing address, and any other similar information about you, not provided by you solely for personal purposes.

Example:
You, a sole proprietor, gave your business card to your bank so that they can contact you about their corporate banking services.

The bank may use the contact information contained in the business card (including for example, your handphone number if it is listed on the business card as a business contact) without your consent as it falls within the definition of BCI.

h. The DP Provisions contain an exception for personal data that is publicly available. Banks may collect, use or disclose publicly available personal data without consent. "Publicly available" is defined in the PDPA to mean personal data that is generally available to the public, including personal data that can be observed by reasonably expected means at a location or an event at which the individual appears and that is open to the public.

Example:
You participate in a game held at a bank’s promotional road show outside an MRT station. The bank’s camera and film crew captures your image in photographs and film footage.

6 The full definition of BCI is set out in Section 2(1) of the PDPA.
The bank may use the photograph and film footage obtained from the road show without your consent since the personal data was publicly available at the point of collection.

As good practice, the bank should put up a notice at the roadshow stating that photographs and film footage will be taken, and may be used and disclosed in the bank’s publicity materials.

i. The DP Provisions do not apply to non-targeted marketing activities where no personal data is used. Examples include generic advertisements not targeted at specific individuals which are placed at the bank’s internet banking website, mobile banking site, telephony systems, self-service machines, and the stationery or receipts of the bank concerned.

Withdrawal of Consent under the DP Provisions:

j. You may withdraw your consent for the collection, use or disclosure of personal data by giving reasonable notice to the bank of the withdrawal in accordance with the bank’s procedure. The Bank may take up to 30 days from the date of receipt of your notice to process and effect the withdrawal, depending on the circumstances.

k. After you have withdrawn consent, the bank, its agents and data intermediaries will cease to collect, use or disclose your personal data, as the case may be except as required or authorised by written law. The bank will inform you of the likely consequences of withdrawing consent, if any, when it receives your notice of withdrawal of consent.

l. There may be legal consequences arising from your withdrawal of consent. For example, if you withdraw consent for the use of your personal data such that it is impossible for the bank to continue to provide services to you, may result in the termination of the bank-customer relationship in relation to such services.

m. However, banks are not required to delete your personal data upon receipt of your withdrawal of consent. The bank may still retain your personal data if it is needed for legal or business purposes. Personal data will not be retained for marketing purposes unless consent has been obtained. The PDPA does not prescribe a specific time period for which organisations can retain personal data. Concurrently, banks may retain your personal data to comply with record retention requirements under various written laws.

Access and Correction:

n. You may request for access to your personal data and information about the ways the personal data may have been used or disclosed in the past year. You may also request for correction of an error or omission in your personal data.
o. Banks may charge you a reasonable service fee for providing access, which may vary from bank to bank. In cases where you will be charged such a fee, the bank must provide a written estimate of the fee to you.

p. Before processing your access or correction request, banks will verify your identity. For example, the bank may ask to see relevant identification documents. To protect your personal data, your request will be denied if the bank is unable to verify your identity.

q. In certain situations prescribed under the PDPA or other written law, banks need not provide access to or correction of your personal data. For example, under the PDPA, banks need not provide you access to opinion data kept solely for an evaluative purpose, or personal data, which if disclosed, would reveal confidential commercial information that could harm the competitive position of the bank in the opinion of a reasonable person. As another example, banks need not provide you with access to personal data if the burden or expense of providing access would be unreasonable to the bank or disproportionate to the individual’s interest.

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7 For more details, you may wish to refer to section 21 and the Fifth Schedule of the PDPA for the access obligation and section 22 and the Sixth Schedule of the PDPA for the correction obligation.
Examples:

A bank receives a request from an individual to view all CCTV footage of him recorded by the bank over the past year. In this scenario, reviewing all CCTV footage from the past year to find records of the individual making the request would require considerable time and effort.

To the extent that the burden of providing access would be unreasonable to the bank and disproportionate to the individual’s interests as the individual is making a general request for all CCTV footage, the bank is unlikely to have to provide the requested personal data under the Access Obligation. However, the bank must provide James access to his personal data if the individual is able to be more specific in his/her request and no other exception or prohibition under the PDPA applies.

A bank receives a request from an individual to view a photograph of him taken by the official photographer at a private event held recently that the individual was invited to.

The individual provides the bank with sufficient information to determine when the event was held. The provision of access in this case would be reasonable and the bank should provide the photo which the individual requested.

A bank receives a request from a customer with an active account to update his residential address on 15th June 2015. The bank should proceed to correct the residential address in its database.

The bank should send the updated address to every other organisation to which the personal data was disclosed by the organisation within a year before the date the correction request was made, i.e. between 15th June 2014 to 14th June 2015, unless that other organisation does not need the corrected personal data for any legal or business purpose.

Your request for access to CCTV footage within a bank’s premises may be denied if the provision of the personal data in the CCTV footage could reasonably be expected to threaten the safety of another individual. In areas without public access, banks may install security cameras provided that employees, contract staff and other persons whose personal data will be captured by such security cameras are notified of the purposes for collection, use and disclosure of their personal data and the individuals give consent or are deemed to have given consent. Even if the bank’s security cameras are capturing publicly available personal data or the bank is seeking to rely on deemed consent, banks should generally notify of the presence of security cameras (for example via signage, service contracts or the bank’s IT security policy, as appropriate in the circumstances).
4. Data Protection Policy / Privacy Notice and Care of Personal Data

a. Please refer to the relevant bank’s data protection policy or privacy notice for more information on how the bank meets its obligations under the PDPA. Amongst other things, the document will include information on how long your personal data will be retained and if applicable, the situations where it would be transferred out of Singapore.

b. Personal data is disclosed by the bank to third party vendors and/or its group/regional office in accordance with the bank’s notice relating to the PDPA. This personal data is transferred strictly in accordance with your consent or law.

c. Banks will not transfer personal data outside of Singapore unless the transfer complies with MAS requirements and the PDPA and its regulations.

d. Please note that banks may sign agreements with affiliates outside of Singapore, or develop corporate rules which bind foreign branches when transferring personal data offshore as necessary in order to ensure that the personal data so transferred is afforded protection comparable to the protection under Singapore law.

5. Data Protection Officer

a. For further information on a particular bank’s data privacy policy and processes, please contact the relevant bank’s data protection officer (or such other officer who may be delegated with the responsibility) whose contact details are available on each bank’s website.