

Personal Data Protection (Appeal) Regulations 2021

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No. S 65

**PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)**

**PERSONAL DATA PROTECTION
(APPEAL) 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 (Appeal) Regulations 2021 and come into operation on 1 February 2021.

Definitions

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

“appeal” means an appeal under section 48Q(1) or (2) of the Act;

“Appeal Committee”, in relation to an appeal, means an Appeal Committee constituted in accordance with paragraph 2B of the Seventh Schedule to the Act for the purpose of hearing that appeal;

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

- (a) a direction made under section 48G(2), 48I(1) or (2) or 48L(4) of the Act;
- (b) a 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;
- (d) a decision made on reconsideration under section 48N(6)(b) of the Act;

“appellant”, in relation to an appeal, means an organisation or a person (including an individual) that brings the appeal;

“Chairman” means the Chairman of the Appeal Panel appointed by the Minister under section 48P(3) of the Act;

“complainant concerned”, in relation to an appeal, means an individual who is —

- (a) for an appeal against a decision of the Commission made on reconsideration under section 48N(6)(b) of the Act — the individual whose complaint resulted in the underlying decision reconsidered; or
- (b) for an appeal against any other appealable decision — the individual whose complaint resulted in that appealable decision;

“co-respondent”, in relation to an appeal, means the complainant concerned in the appeal or the organisation or person concerned in the appeal, not being an appellant in the appeal;

“officer”, in relation to an appellant or a co-appellant —

- (a) where the appellant or co-appellant is a corporation (including a limited liability partnership) — has the meaning given by section 52(7) of the Act;

(b) where the appellant or co-appellant is an unincorporated association (other than a partnership) — has the meaning given by section 52A(7) of the Act; or

(c) where the appellant or co-appellant is a partnership — means a partner within the meaning given by section 52A(7) of the Act;

“organisation or person concerned”, in relation to an appeal, means an organisation or a person that is —

(a) for an appeal against a decision of the Commission made on reconsideration under section 48N(6)(b) of the Act — the organisation or person complained against in the underlying decision reconsidered; or

(b) for an appeal against any other appealable decision — the organisation or person complained against in the appealable decision;

“parties”, in relation to an appeal, means the appellant in relation to the appeal and the Commission, and includes the co-respondents;

“Secretary” means the Secretary to the Appeal Panel appointed under paragraph 2A of the Seventh Schedule to the Act;

“underlying decision” means any of the following directions or decisions of the Commission that was reconsidered and affirmed, revoked or varied by the Commission under section 48N(6)(b) of the Act on reconsideration:

(a) a direction made under section 48G(2), 48I(1) or (2) or 48L(4) of the Act;

(b) a 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;

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

PART 2

BRINGING APPEAL TO APPEAL COMMITTEE

Division 1 — Bringing appeal