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PERSONAL DATA PROTECTION ACT 2012
(ACT 26 OF 2012)

PERSONAL DATA PROTECTION
(APPEAL)
REGULATIONS 2015

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In exercise of the powers conferred by section 65 of the Personal Data Protection Act 2012, the Minister for Communications and Information hereby makes the following Regulations:

PART 1**PRELIMINARY****Citation and commencement**

1. These Regulations may be cited as the Personal Data Protection (Appeal) Regulations 2015 and shall come into operation on 23 January 2015.

Definitions

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

“appeal” means an appeal under section 34(1) of the Act;

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

(a) a direction made under section 27(2) of the Act;

(b) a direction or decision made under section 28(2) of the Act;

(c) a direction made under section 29(1) or (2) of the Act;

(d) a decision made on reconsideration under section 31(4)(b) 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;

“appellant”, in relation to an appeal, means an individual who or organisation which brings the appeal under section 34 of the Act;

“Chairman” means the Chairman of the Appeal Panel appointed by the Minister under section 33(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 31(4)(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 concerned in the appeal, not being an appellant in the appeal;

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

- (a) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of a body corporate that is the appellant or co-respondent;
- (b) a partner of a partnership that is the appellant or co-respondent; or
- (c) the president, the secretary or any member of the governing body of an unincorporated association that is the appellant or co-respondent, and includes any person holding a position analogous to that of president, secretary or member of the governing body;

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

- (a) for an appeal against a decision of the Commission made on reconsideration under section 31(4)(b) of the Act, the organisation complained against in the underlying decision reconsidered; or
- (b) for an appeal against any other appealable decision, the organisation 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 —

- (a) any direction of the Commission made under section 27(2) of the Act;
- (b) any decision of the Commission made under section 28(2) of the Act; or
- (c) any direction of the Commission made under section 29(1) or (2) of the Act,

that was reconsidered and affirmed, revoked or varied by the Commission under section 31(4)(b) of the Act on reconsideration;

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

PART 2

BRINGING AN APPEAL

Notice of Appeal

3.—(1) To appeal against an appealable decision, the Notice of Appeal, and its accompanying documents referred to in paragraph (2)(d) must be filed, with the Secretary within the time delimited by section 34(1) of the Act and in accordance with this regulation.

(2) A Notice of Appeal must —

(a) state the name and address of the appellant and an address in Singapore for the service of documents;

(b) state concisely —

(i) the grounds of the appeal and the arguments of fact or law supporting those grounds; and

(ii) the facts and the issues of the appeal, including the circumstances under which the appeal arises;

(c) be signed and dated —

(i) where the appellant is an individual, by that individual;
or

(ii) where the appellant is an organisation other than an individual, by a duly authorised officer of that organisation; and

(d) be accompanied by —

(i) a copy of the appealable decision appealed against;