

Personal Data Protection (Exemption from section 43) Order 2013

Enacting Formula

- ☐ 1 Citation and commencement
- ☐ 2 Definitions
- ☐ 3 Exemption
- ☐ 4 Conditions of exemption

No. S 817

PERSONAL DATA PROTECTION ACT 2012 ([ACT 26 OF 2012](#))

PERSONAL DATA PROTECTION (EXEMPTION FROM SECTION 43) ORDER 2013

In exercise of the powers conferred by [section 62](#) of the [Personal Data Protection Act 2012](#), the Personal Data Protection Commission, with the approval of the Minister for Communications and Information, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Personal Data Protection (Exemption from section 43) Order 2013 and shall come into operation on 2nd January 2014.

Definitions

2. In this Order, unless the context otherwise requires —

“exempt message” means a specified fax message or a specified text message addressed to a Singapore telephone number as described in [paragraph 3\(1\)](#);

“ongoing relationship” means a relationship, which is on an ongoing basis, between a sender and a subscriber or user of a Singapore telephone number, arising from the carrying on or conduct of a business or activity (commercial or otherwise) by the sender;

“specified fax message” has the same meaning as in [regulation 2](#) of the [Personal Data Protection \(Do Not Call Registry\) Regulations 2013](#) ([G.N. No. S 709/2013](#));

“specified message” has the same meaning as in [section 37](#) of [the Act](#);

“specified text message” has the same meaning as in [regulation 2](#) of the [Personal Data Protection \(Do Not Call Registry\) Regulations 2013](#).

Exemption

3.—(1) Subject to the conditions specified in [paragraph 4](#), [section 43\(1\)](#) of [the Act](#) shall not apply to a sender or his agent in respect of a specified fax message or a specified text message addressed to a Singapore telephone number if —

- (a) at the time of the transmission of the specified fax message or the specified text message to that Singapore telephone number, the sender is in an ongoing

relationship with the subscriber or user of that Singapore telephone number; and

- (b) the purpose of the specified fax message or the specified text message is related to the subject of the ongoing relationship.

(2) Sub-paragraph (1) shall not apply if at the time of the transmission of the exempt message to that Singapore telephone number, the subscriber or user —

- (a) has under section 47(1) of the Act withdrawn the consent given to the sender for the sending to that Singapore telephone number of any specified message and the prescribed period under section 47(3) of the Act has expired;
- (b) has opted out from receiving via that Singapore telephone number any exempt message from the sender by submitting to the sender an opt-out notice referred to in paragraph 4(a) and a period of 30 days after the date on which the opt-out notice was submitted has lapsed; or
- (c) has otherwise indicated to the sender that he does not consent to the sender sending to that Singapore telephone number any specified message.

Conditions of exemption

4. The exemption under paragraph 3(1) is subject to the following conditions:

- (a) an exempt message addressed to a Singapore telephone number must contain a statement, clearly displayed and in the English language, to inform the subscriber or user that he may opt out from receiving via that Singapore telephone number any exempt message from the sender in future by submitting to the sender an opt-out notice —
 - (i) where the exempt message is a specified text message, by way of a text message to a Singapore telephone number or a short number code facility stated in the exempt message; or
 - (ii) where the exempt message is a specified fax message, by way of a facsimile message to a facsimile number stated in the exempt message;
- (b) the telephone number or short number code facility referred to in sub-paragraph (a)(i) or the facsimile number referred to in sub-paragraph (a)(ii), as the case may be, must be valid and capable of receiving the opt-out notice from the subscriber or user, if any, at all times for a period of 30 days after the date on which the exempt message is transmitted by the sender or his agent; and
- (c) the use of the telephone number or short number code facility referred to in sub-paragraph (a)(i) or the facsimile number referred to in sub-paragraph (a)(ii), as the case may be, does not result in the subscriber or user incurring any cost additional to the cost normally incurred in sending a text message or a facsimile message.

Made this 24th day of December 2013.

LEONG KENG THAI
Chairman,
Personal Data Protection Commission.

