

## Client Alert

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## Singapore's Personal Data Protection Commission issues advisory guidelines on NRICs and other national identification numbers

On 31 August 2018, the Personal Data Protection Commission ("**PDPC**") of Singapore issued advisory guidelines pertaining to Singapore National Registration Identification Cards ("**NRIC**") and other national identification numbers and documents (such as birth certificates, passports and work passes) ("**the Guidelines**").

This alert will be of particular interest to any organisation that uses national identification numbers such as the NRIC as the unique identifier for any purpose including registration, loyalty and rewards programs and surveys, as well as organisations that retain physical IDs for building security or collateral.

As the PDPC's update pertains to both NRICs and other national identification documents, we will use "**National ID**" in this alert to refer to both.

### Collection, Use and Disclosure of National ID numbers and copies of National IDs

An individual's National ID number constitutes personal data and is subject to the Personal Data Protection Act ("**the PDPA**"). The PDPC's interpretation of the PDPA gives specific guidance when dealing with National IDs.

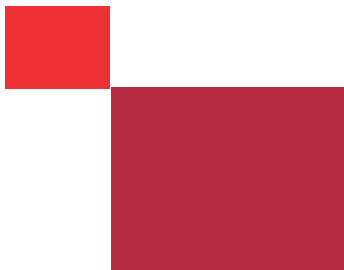
The Guidelines provide that organisations are generally not allowed to collect, use or disclose National ID numbers. Unless required by law or an exception applies, an organisation may only collect, use and disclose National IDs if a high degree of fidelity (i.e. reliability) is needed when establishing or verifying an individual's identity.

The Guidelines recognise that a high degree of fidelity is required where:

1. failure to accurately identify an individual poses a significant safety or security risk; or
2. the inability to accurately identify an individual poses significant impact or harm to the individual or the organisation.

For example, visitors entering a pre-school may be identified using National ID due to the risk of ensuring safety and security of young children. National IDs may be used for some transactions involving healthcare, financial or real estate matters if there is a risk of significant impact or harm if an individual is improperly identified.

Due to the heightened risks and impact from authorised use or disclosure of National ID numbers, organisations are also required to provide a greater level of security to protect National ID numbers in their possession or control.





However, the PDPC has stated that individuals are not prohibited from choosing to use their NRIC numbers as their preferred identifiers, for example as their membership or log-in IDs and that organisations are not expected to implement form verification code to reject NRIC numbers in online forms that allow individuals to type in free text.

### Retaining physical copies of National IDs

While the bar is raised for National ID numbers and copies of National IDs, the Guidelines take an even stricter interpretation of existing data protection laws with respect to the retention of physical IDs. An organisation is generally not allowed to retain an individual's physical National ID unless the retention of the National ID is required by law. This also applies to the retention of other IDs that contain the National ID number (e.g. driver's license or passport) as collateral.

### What can organisations do to comply?

Organisations currently collecting National IDs need to reassess whether in light of the Guidelines they should change their approach. Checks also need to be conducted of relevant outsourced activities to ensure that practices applied by data intermediaries with respect to National IDs would comply with the Guidelines. In particular, building security arrangements should be checked.

The PDPC in the Closing Note to the Public Consultation also stated that it considers that organisations which collect NRIC numbers (or copies of NRIC) must have policies and practices in place, and be able to provide justification to the individuals and/or PDPC on the basis of their collection, use or disclosure of NRIC numbers (or copies of NRIC).

Organisations can consider using other means of identifying individuals that do not use National IDs or National ID numbers such as using SMS confirmations, booking reference numbers, names and telephone numbers.

The PDPC has also taken the interpretation that the collection of partial NRIC numbers (up to the last 3 numerical digits and the checksum) will not be taken as collecting the full NRIC number. However, partial NRIC numbers would still be considered personal data if the individual can be identified from that data, or from that data and other information to which the organisation has or is likely to have access, and the organisation would still have to comply with its PDPA obligations.

You may wish to refer to the PDPC's technical guide to the Guidelines for guidance on replacing National ID numbers with other alternatives.

The PDPC has indicated that it will apply the interpretations taken in the Guidelines from 1 September 2019. Organisations should be in compliance with these guidelines before that date.

We attach a link to the Guidelines [here](#) and a link to the technical guide to the Guidelines [here](#).

Please contact us should you have any further queries regarding this matter.

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