SECOND SCHEDULE

Section 17(1)

COLLECTION OF PERSONAL DATA WITHOUT CONSENT

1. An organisation may collect personal data about an individual without the consent of the individual or from a source other than the individual in any of the following circumstances:

(*a*) the collection is necessary for any purpose that is clearly in the interest of the individual, if consent for its collection cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(*b*) the collection is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;

(*c*) the personal data is publicly available;

(*d*) the collection is necessary in the national interest;

(*e*) the collection is necessary for any investigation or proceedings, if it is reasonable to expect that seeking the consent of the individual would compromise the availability or the accuracy of the personal data;

(*f*) the collection is necessary for evaluative purposes;

(*g*) the personal data is collected solely for artistic or literary purposes;

(*h*) subject to paragraph 2, the personal data is collected by a news organisation solely for its news activity;

(*i*) the personal data is collected for the organisation to recover a debt owed to the organisation by the individual or for the organisation to pay to the individual a debt owed by the organisation;

(*j*) the collection is necessary for the provision of legal services by the organisation to another person or for the organisation to obtain legal services;

(*k*) the personal data is collected by a credit bureau from a member of the credit bureau to create a credit report, or by a member of the credit bureau from a credit report provided by the credit bureau to that member in relation to a transaction between the member and the individual;

(*l*) the personal data is collected to confer an interest or a benefit on the individual under a private trust or a benefit plan, and to administer such trust or benefit plan, at the request of the settlor or the person establishing the benefit plan, as the case may be;

(*m*) the personal data was provided to the organisation by another individual to enable the organisation to provide a service for the personal or domestic purposes of that other individual;

(*n*) the personal data is included in a document —

(i) produced in the course, and for the purposes, of the individual's employment, business or profession; and

(ii) collected for purposes consistent with the purposes for which the document was produced;

(*o*) the personal data is collected by the individual's employer and the collection is reasonable for the purpose of managing or terminating an employment relationship between the organisation and the individual;

(*p*) subject to the conditions in paragraph 3, the personal data —

(i) is collected by an organisation, being a party or a prospective party to a business asset transaction with another organisation, from that other organisation;

(ii) is about an employee, customer, director, officer or shareholder of the other organisation; and

(iii) relates directly to the part of the other organisation or its business assets with which the business asset transaction is concerned;

(*q*) the personal data was disclosed by a public agency, and the collection is consistent with the purpose of the disclosure by the public agency; or

(*r*) the personal data —

(i) was disclosed to the organisation in accordance with section 17(3); and

(ii) is collected by the organisation for purposes consistent with the purpose of that disclosure.

2. In this paragraph and paragraph 1(*h*) —

"broadcasting service" has the same meaning as in section 2 of the Broadcasting Act (Cap. 28);

"news activity" means —

(*a*) the gathering of news, or the preparation or compilation of articles or programmes of or concerning news, observations on news, or current affairs, for the purposes of dissemination to the public or any section of the public; or

(*b*) the dissemination, to the public or any section of the public, of any article or programme of or concerning —

(i) news;

(ii) observations on news; or

(iii) current affairs;

"news organisation" means —

(*a*) any organisation —

(i) the business of which consists, in whole or in part, of news activity carried out in relation to a relevant broadcasting service, a newswire service or the publication of a newspaper; and

(ii) which, if the organisation publishes a newspaper in Singapore within the meaning of section 8(1) of the Newspaper and Printing Presses Act (Cap. 206), is required to be a newspaper company within the meaning of Part III of that Act; or

(*b*) any organisation which provides a broadcasting service in or from Singapore and holds a broadcasting licence granted under section 8 of the Broadcasting Act;

"newspaper" has the same meaning as in section 2 of the Newspaper and Printing Presses Act;

"relevant broadcasting service" means any of the following licensable broadcasting services within the meaning of the Broadcasting Act:

(*a*) Free-to-air nationwide television services;

(*b*) Free-to-air localised television services;

(*c*) Free-to-air international television services;

(*d*) Subscription nationwide television services;

(*e*) Subscription localised television services;

(*f*) Subscription international television services;

(*g*) Special interest television services;

(*h*) Free-to-air nationwide radio services;

(*i*) Free-to-air localised radio services;

(*j*) Free-to-air international radio services;

(*k*) Subscription nationwide radio services;

(*l*) Subscription localised radio services;

(*m*) Subscription international radio services;

(*n*) Special interest radio services.

3.—(1) The conditions in this paragraph shall apply if the personal data is collected under paragraph 1 (*p*).

(2) If the organisation is a prospective party to a business asset transaction —

(*a*) the personal data collected must be necessary for the organisation to determine whether to proceed with the business asset transaction; and

(*b*) the organisation and the other organisation must have entered into an agreement that requires the prospective party to use or disclose the personal data solely for purposes related to the business asset transaction.

(3) If an organisation enters into the business asset transaction with another organisation —

(*a*) the organisation shall only use or disclose the personal data collected for the same purposes for which the other organisation would have been permitted to use or disclose the data;

(*b*) if any of the personal data collected does not relate directly to the part of the other organisation or its business assets with which the business asset transaction entered into is concerned, the organisation shall destroy, or return to the other organisation, any such personal data; and

(*c*) the employees, customers, directors, officers and shareholders whose personal data is disclosed shall be notified that —

(i) the business asset transaction has taken place; and

(ii) the personal data about them has been disclosed to the organisation.

(4) If a business asset transaction does not proceed or is not completed, the organisation shall destroy, or return to the other organisation, all the personal data collected.

(5) In this paragraph and paragraph 1(*p*), "business asset transaction" has the same meaning as in paragraph 3(4) of the Fourth Schedule.

4. For the avoidance of doubt, personal data disclosed before the appointed day in the circumstances and conditions set out in the Fourth Schedule shall satisfy paragraph 1(*r*), notwithstanding that section 17 (3) was not in force at the time of the disclosure.