3.3 Data Subject Consent

Note: General

This provides template clauses that organisations may refer to in relation to their contractual arrangements for data partnership. The template clauses should be adapted to suit organisations’ particular circumstances and needs and incorporated into a complete and effective contract. Use of these clauses does not mean that organisations will be in compliance with any laws or regulations. Organisations should seek professional legal advice on their legal position or obligations or to put in place contractual arrangements, including where using these template clauses.

Note: Data Subject Consent

Declaration of consents are used by organisations to obtain consent from a Data Subject for the processing of his or her personal data. This declaration set outs key information an organisation must provide to the individual when requesting consent.

The specific consents required and the particulars of those consents would depend on the personal data protection laws of each jurisdiction. For example, in Singapore, consent must be obtained from an individual prior to the collection, use or disclosure of the individual’s personal data.

I consent to [name of organisation], incorporated and registered in [jurisdiction of incorporation] with company number [number] whose registered office is at [address] (the “Organisation”), processing my personal data (by itself or with the assistance of a data intermediary) specified in Section 1 for the purposes described in Section 2 of this declaration.

1. Personal Data

Note: Personal Data

All data that constitutes personal data in the relevant jurisdiction that would be processed by the organisation or by an intermediary on behalf of the organisation should be listed.

Types of personal data would typically include an individual’s name, identification number, passport number, mobile number, facial image (e.g. photograph), voice, fingerprint, iris image and DNA profile.

* 1. The following types of personal data may be processed by the Organisation:
     1. [ ]; [and]
     2. [ ].

1. Purposes of Processing

Note: Purposes of Processing

This ensures that the individual has been notified of the purposes for which his or her personal data will be processed (for example, to derive marketing insights), and has provided his or her consent for those purposes.

In certain jurisdictions, any consent given by the individual may not be valid if an organisation fails to inform the individual of the purposes for which his or her personal data will be processed.

Organisations should generally not require an individual to consent to the processing of his or her personal data beyond what is reasonable to provide the product or service to the individual.

* 1. The Organisation may process my personal data for the following purposes:
     1. [ ]; [and]
     2. [ ].

1. Processing of Data Overseas
   * 1. Note: [ ]; [and]
     2. [ ].

Processing of Data Overseas

Certain jurisdictions have strict data localisation regulations which restrict the transfer of personal data overseas.

Consent to cross border transfers of personal data may be required. The specific consents required may vary depending on the destination jurisdiction and whether the standard of data protection is deemed adequate.

* 1. I agree that my personal data may be processed and transferred outside of [the Republic of Singapore] to any overseas recipient which is bound by legally enforceable obligations to protect my personal data to a standard comparable to the data protection laws of [the Republic of Singapore].

1. Withdrawal of Consent
   * 1. Note: [ ]; [and]
     2. [ ].
2. Processing of Data Overseas
   * 1. Note: [ ]; [and]
     2. [ ].

Processing of Data Overseas

Certain jurisdictions have strict data localisation regulations which restrict the transfer of personal data overseas.

Consent to cross border transfers of personal data may be required. The specific consents required may vary depending on the destination jurisdiction and whether the standard of data protection is deemed adequate.

* 1. I agree that my personal data may be processed and transferred outside of [the Republic of Singapore] to any overseas recipient which is bound by legally enforceable obligations to protect my personal data to a standard comparable to the data protection laws of [the Republic of Singapore].

Withdrawal of Consent

Individuals should be informed of their right to withdraw their consent and organisations typically must not prohibit an individual’s withdrawal of consent.

In determining whether an individual has given reasonable notice, organisations should take into account the amount of time needed to give effect to the withdrawal of consent and the manner in which notice was given.

The prescribed form of notice and specific requirements (eg, express opt-in) may vary depending on the jurisdiction.

* 1. The consent to processing of my personal data and the provision of the above-mentioned data are voluntary and I may, on giving reasonable notice to the Organisation, withdraw any consent given, or deemed to have been given.
  2. On receipt of any notice of withdrawal, the Organisation shall inform me of the likely consequences of withdrawing my consent and shall cease (and cause its data intermediaries and agents to cease) processing my personal data.
  3. I acknowledge that my withdrawal of consent does not affect the lawfulness of the processing of the personal data before its withdrawal.

1. Declaration

Note: Declaration

An individual’s consent to this declaration should be documented and be easily accessible for future reference, for example, as an opt-in checkbox with a hyperlink to the full declaration wording.

* 1. I have read and understood this declaration of consent and its provisions and consent to the processing of my personal data listed in Section 1 for the purposes listed in Section 2 and in accordance with the remainder of this declaration of consent.

*If you have any questions with regard to this declaration of consent and/or the processing of your personal data by [Organisation], please contact [name and contact of data protection officer].*

*Further information on the processing of your personal data by [Organisation] can be found in the privacy policy available at [website].*