



PERSONAL DATA
PROTECTION COMMISSION
S I N G A P O R E

**SAMPLE CLAUSES FOR OBTAINING
AND WITHDRAWING CONSENT**

08 MAY 2015

INTRODUCTION

1. The purpose of this guide is to set out sample clauses for obtaining an individual's consent to collect, use or disclose his personal data for particular purposes, as well as for an individual to withdraw consent or otherwise indicate that he does not consent.
2. Organisations and individuals may wish to adapt these sample clauses to their particular circumstances. However, please note that the sample clauses provided herein are for illustrative purposes only. Organisations should evaluate their own requirements in light of their obligations under the Personal Data Protection Act 2012 ("PDPA") and customise the clauses accordingly before incorporation into their own customer forms or agreements (as appropriate). It should not be assumed that following these sample clauses would mean compliance with the PDPA or any other laws.
3. You are encouraged to read the *Advisory Guidelines on Key Concepts in the PDPA* ("Key Concepts Guidelines") and the *Advisory Guidelines on the Do Not Call Provisions* ("Do Not Call Guidelines"), as well as other sets of advisory guidelines issued by the Personal Data Protection Commission ("Commission"). The *Key Concepts Guidelines* and the *Do Not Call Guidelines* provide an elaboration on the key terms in the PDPA and explain the general issues surrounding various obligations which organisations have to comply with under the PDPA, including the Consent Obligation and Notification Obligation. In addition, each of the advisory guidelines should always be read in conjunction with any other relevant advisory guidelines that the Commission has issued, or may issue from time to time.

SAMPLE CONSENT CLAUSES

A. Sample Consent Clause for Membership Application

Set out below is a sample clause for obtaining consent from an individual for the collection, use and disclosure of his personal data in the context of a membership application.

By signing this membership application form, you agree that <organisation name> may collect, use and disclose your personal data, as provided in this application form, or (if applicable) obtained by our organisation as a result of your membership, for the following purposes in accordance with the Personal Data Protection Act 2012 and our data protection policy (available at our website <webpage URL>):

- (a) the processing of this membership application; and**
- (b) the administration of the membership with our organisation.**

Please visit our website at <webpage URL> for further details on our data protection policy, including how you may access and correct your personal data or withdraw consent to the collection, use or disclosure of your personal data.

Name:

Signature:

Date:

B. Sample Consent Clause for the Sending of Marketing Material

Set out below is a sample clause for obtaining consent from an individual to collect, use and disclose his personal data for the purpose of sending him marketing material.

You agree that <organisation name> may collect, use and disclose your personal data, which you have provided in this form, for providing marketing material that you have agreed to receive, in accordance with the Personal Data Protection Act 2012 and our data protection policy (available at our website <webpage URL>).

Please tick the relevant boxes below if you agree to receive the following:

- Our organisation’s monthly Newsletter (sent by us via email)**

- Information sent by our organisation about our organisation’s products and services, including updates on our latest promotions and new products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**

- Information sent by our organisation on selected third parties’ products and services, such as updates on their latest promotions and their new products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**

- Information sent by our business partners* on their products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**

*Please note that information will be sent directly by our business partners, and we shall disclose the relevant contact information to them for that purpose.

Please visit our website at <webpage URL> for further details on our data protection policy, including how you may access and correct your personal data or withdraw consent to the collection, use or disclosure of your personal data.

Name:

Signature:

Date:

C. Sample Consent Clause for Lucky Draws

Set out below is a sample clause for obtaining consent from an individual for the collection, use and disclosure of his personal data for the purposes of lucky draws.

By submitting this lucky draw entry form, you agree that <organisation name> may collect, use and disclose your personal data, as provided in this entry form, for the following purposes in accordance with the Personal Data Protection Act 2012 and our data protection policy (available at our website <webpage URL>):

- (a) to administer this lucky draw, including to contact you for the administration of prizes in relation to this lucky draw.**

Please visit our website at <webpage URL> for further details on our data protection policy, including how you may access and correct your personal data or withdraw consent to the collection, use or disclosure of your personal data.

Name:

Signature:

Date:

SAMPLE WITHDRAWAL OF CONSENT CLAUSE

D. Sample Clause for Withdrawal of Consent in Relation to Receiving Marketing Material

The PDPA provides that individuals may at any time withdraw any consent given for the collection, use or disclosure of their personal data for any purpose by an organisation. Set out below is a sample clause for an individual to withdraw consent to the use and disclosure of his personal data for the purpose of sending him marketing material.

I withdraw my consent to the use and disclosure of my personal data for receiving marketing material as follows*:

***Please tick the relevant boxes below to indicate the categories, and corresponding medium of communication, of the marketing material for which consent is withdrawn.**

- Your organisation's monthly Newsletter (sent via email)**
- Information about your organisation's products and services, including updates on the latest promotions and new products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**
- Information sent by your organisation on third parties' products and services, such as updates on their latest promotions and their new products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**
- The use of my contact details by third parties** to send me information on their products and services, via the following channels:**
 - Email**
 - Text Message**
 - Phone Call**

**** Third parties that our organisation has disclosed your personal data to for this purpose will be informed of your withdrawal of consent and your personal data will no longer be disclosed to any third parties by the effective date of your withdrawal.**

Please visit our website at <webpage URL> for further details on our data protection policy, including any consequences arising from your withdrawal of consent and the period within which your withdrawal of consent will take effect.

Name:

Signature:

Date:

E. Sample Messages for Opting Out of or Withdrawing Consent in Relation to Receiving Telemarketing Material

Any consent given by a subscriber or user of a Singapore telephone number to a person for the purposes of the Do Not Call Provisions may be withdrawn by the user or subscriber by providing notice to the person. The Commission notes that individuals may have given consent for an organisation to send them marketing material via one medium only (e.g., sending marketing material through email only) or more than one medium (e.g., sending marketing material through voice calls, fax and text messages).

In addition, the Personal Data Protection (Exemption from section 43) Order 2013 (“Exemption Order”) allows an organisation that has an ongoing relationship with an individual to send to his Singapore telephone number text messages (including messages sent through Short Message Service (“SMS”) or other applications such as WhatsApp) or fax messages that are related to the subject of the relationship without checking the Do Not Call Registry, subject to certain conditions being met (“exempt message”). One such condition is that such an exempt message must contain a statement, clearly displayed and in the English language, to inform that the individual may opt out from receiving via that Singapore telephone number any exempt messages from the sender in future.

Where an organisation states the availability of a facility for opting-out or notifying a withdrawal of consent (e.g. “send ‘UNSUB’ to [Singapore telephone number]”), the organisation should clearly indicate the scope of such opt-out or withdrawal.

In general, where a withdrawal notice is unclear, withdrawal of consent via a particular medium would likely be considered to apply to all marketing material sent via that medium. Please refer to [Chapter 7 of the Do Not Call Guidelines](#) for more details.

Organisations are also reminded to ensure compliance with other requirements under the PDPA as well as other laws, such as the Spam Control Act (Chapter 311A), if applicable. In this connection, the Commission understands that many senders use the same unsubscribe facility for compliance with both the Spam Control Act and the Exemption Order.

Set out below are some sample statements that inform individuals of how they may withdraw consent from receiving telemarketing text messages or opt-out of receiving exempt messages.

Sample Message 1

Organisation ABC has obtained clear and unambiguous consent from an individual to send him telemarketing text messages to his mobile telephone number as well as marketing e-mails. Organisation ABC sends him the following text message to market its upcoming workshop:

"<ADV> You are invited to ABC's workshop. Call us at 12345678 for more details. If you do not wish to receive telemarketing text messages from ABC, please SMS "UNSUB" to 76543."

By sending "UNSUB", the individual would be withdrawing consent to receive further telemarketing text messages from Organisation ABC via his mobile telephone number. Organisation ABC may continue to send him marketing e-mails. To be clear, Organisation ABC must facilitate any withdrawal of consent from the individual to receive marketing e-mails.

Sample Message 2

Organisations ABC and GHI have each obtained clear and unambiguous consent from an individual to send him telemarketing text messages to his mobile telephone number as well as marketing e-mails. Organisation ABC sends him the following text message to market a joint workshop by Organisations ABC and GHI:

"<ADV> You are invited to a workshop jointly presented by ABC and GHI. Call us at 12345678 for more details. If you do not wish to receive telemarketing text messages from ABC, SMS "UNSUB" to 76543."

By sending "UNSUB", the individual would be withdrawing consent to receive further telemarketing text messages from Organisation ABC via his mobile telephone number. Organisation ABC may continue to send him marketing e-mails, and Organisation GHI may continue to send him telemarketing text messages or marketing e-mails. To be clear, Organisations ABC and GHI must facilitate any withdrawal of consent from the individual to receive such other forms of marketing messages.

Sample Message 3

Store ABC has an ongoing relationship with an individual. Store ABC sends to his mobile telephone number telemarketing text messages that are exempt messages with the following opt-out statement:

"<ADV> ABC storewide discounts of 20% for all members from 20-25 June. To opt-out of receiving telemarketing text messages from ABC, SMS "UNSUB" to 76543."

By sending "UNSUB", the individual would be opting-out from or otherwise withdrawing consent to receiving further telemarketing text messages from Store ABC to the mobile telephone number. To be clear, Store ABC must facilitate any withdrawal of consent from the individual to receive any other forms of marketing messages.

Sample Message 4

Organisation ABC has an ongoing relationship with an individual. Organisation ABC sends him exempt messages via facsimile, with the following opt-out statement:

"<ADV> ABC storewide discounts of 20% for all members from 20-25 June. To opt-out of receiving messages from ABC via fax, please inform us via fax at 12345678 or via e-mail at abc@abc.org."

END OF DOCUMENT



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