

Singapore: Relevant legislation

We have identified the following key pieces of legislation which are applicable to employee IT monitoring in Singapore. Note that there is other legislation which is applicable which we have not included in this document.

There is no statutory or constitutional right to privacy in Singapore.

Personal Data Protection Act 2012 (PDPA)

- Consent is required for the collection, use and disclosure of personal data by employers;
- Consent **is not** required to collect personal data for evaluative purposes (which could include determining the suitability or eligibility of an individual for employment, continuing employment or a promotion);
- Consent is **not** required to collect personal data in relation to managing and terminating an employment relationship (if the collection is reasonable). Monitoring employees' use of networks is likely to be an example of this (but employees **should** be notified).
- Documents containing their personal data should be removed when an employee leaves an organisation, unless there is a clearly defined purpose for retaining it.



Principles deduced from case law

There has been no case law in relation to employee monitoring in the workplace. However, as a common law jurisdiction, UK case law is often relied upon by the Singapore courts.

Legislation seeks to balance protection for individuals with the needs of organisations to process personal data as is reasonable and appropriate to the circumstances.

Employers should safeguard personal data with reasonable security arrangements to prevent unauthorised access and other risks to the data.

There are few legal barriers to employee IT monitoring, ultimately whether the monitoring can be carried out is likely to come down to the contractual agreement between the employer and its employees.



The future

GDPR: Singapore is not currently recognised as providing adequate protection of personal data as defined by GDPR. This means that additional safeguards may need to be in place in order for organisations to transmit personal data from Singapore to the EU. Singaporean companies that collect personal data from EU citizens and companies with established operations in the EU should consider whether their operations fall within the scope of the GDPR and, if so, the steps that need to be taken to achieve compliance with its requirements.

The PDPA is relatively new, so we are not aware of any plans for future legislation in this area.

Organisations must be aware that legal considerations for employee monitoring will vary from organisation to organisation and specific issues will arise depending on the nature of the organisation undertaking monitoring and the risks it is trying to mitigate. Dentons UK and Middle East LLP (Dentons) prepared a report for CPNI on Employee IT Monitoring in March 2018 (the Report), to serve as a legal resource only, it is not a substitute for professional advice. This document provides a snapshot of some of the information contained in the Report and must not be read in isolation. Neither the Report nor this document are designed to provide legal or other advice and you should not take, or refrain from taking, action based on their content. The Report and this document are not a comprehensive report of all the information or materials that are relevant to this area of law, and do not address any particular concerns, interests, value drivers or specific issues you may have. This is a complex area of law that is changing rapidly. If you require assistance with a specific issue, you should seek legal advice from an appropriately qualified professional. Organisations planning to implement or review existing employee monitoring should seek their own professional advice. The Report (and therefore the information contained in this document) was current as of the date of the Report publication (being March 2018). Neither CPNI nor Dentons owe any duty to you to update the content of the Report or this document at any time for any reason. Please note the Report and this document do not represent the views of CPNI or Dentons. Neither CPNI nor Dentons UK and Middle East LLP accept any responsibility for any loss which may arise from reliance on the Report and/or this document.