
Policy Title: **PERSONAL DATA PROTECTION POLICY**

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General statement of the duties of Cognita Asia Holdings Pte Ltd and its schools

The Personal Data Protection Act (Act 26 of 2012) (the 'Personal Data Protection Act') will fully come into force on 2 July 2014. The Personal Data Protection Act is concerned with the collection, use and/or disclosure of personal data, as well as the rights of individuals to gain access to their personal data held by an organisation or individual within it and the right to ensure the accuracy of data held. The terms of the Personal Data Protection Act relate to personal data held in any form and media, including written notes and records, not just to electronic data.

In Singapore, Cognita Asia Holdings Pte. Ltd. ('Cognita') is the data controller for all the schools listed in Appendix A ('the school(s)').

This policy applies to personal data held and processed by Cognita, and sets out its duties under the Personal Data Protection Act, including the duties of its staff, whether based at Cognita or its schools. It provides guidance on collecting, using, disclosing, retaining, accessing, correcting and security of all personal data held by Cognita.

Cognita is required to collect, use and/or disclose personal data regarding pupils, their parents, legal or local guardians and its staff as part of its operations, and must take all reasonable steps to do so in accordance with this Policy and the principles of the Personal Data Protection Act.

Cognita and its schools aim to have transparent systems for the collecting, use and disclosure of personal data. Processing, in relation to personal data, means the carrying out of any operation or set of operations in relation to the personal data, and includes any of the following: recording, holding, organisation, adaptation or alteration, retrieval, combination, transmission, erasure or destruction.

Any individual is entitled to request access to information relating to their personal data that is in the possession or under the control of Cognita or its schools. Personal data can be held in any format or

media (electronic, paper-based and photographic) from which the individual's personal data can be readily extracted.

In this policy, any reference to 'pupil(s)' includes current, past or prospective pupils, unless expressly stated otherwise. Any reference to 'Cognita' hereinafter includes the schools under Cognita.

The Personal Data Protection Act at the Australian International School Pte Ltd

The Australian International School Pte Ltd ("AIS"), has the responsibility to comply with the Personal Data Protection Act. The Act applies to information that constitutes 'personal data'. 'Personal data' means data, whether true or not, about an individual who can be identified from that data or from that data and other information to which the organisation has or is likely to have access. AIS may process a wide range of personal data of pupils, their parents, legal or local guardians and their staff, as part of their operations. Examples of personal data are: names and addresses; bank details; academic, disciplinary, admissions and attendance records; references; and examination scripts and marks.

In order to comply with the Personal Data Protection Act, AIS must comply with the nine (9) main obligations:

Personal Data Protection Obligations

AIS as part of best practices, will comply with the following obligations with respect to any personal data which it collects, uses and/or discloses as an organisation:

1. **Consent Obligation:** AIS is generally prohibited from collecting, using or disclosing an individual's personal data unless the individual gives, or is deemed to have given his consent for the collection, use or disclosure of his personal data;
2. **Purpose Limitation Obligation:** AIS may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances; and where applicable, a purpose that the individual has been informed of by AIS;
3. **Notification Obligation:** AIS must inform individuals of the purposes for which their personal data will be collected, used and disclosed in order to obtain their consent. AIS's collection, use and disclosure is limited to the purposes for which notification has been made to the individuals concerned;
4. **Access and Correction Obligation:** Individuals have the right to request for access to their personal data and for a correction(s) to their personal data held by AIS. AIS must accommodate such a request;
5. **Accuracy Obligation:** AIS is required to make a reasonable effort to ensure that personal data collected by or on behalf of AIS is accurate and complete, if the personal data (a) is likely to be used by AIS to make a decision that affects the individual to whom the personal data relates; or (b) is likely to be disclosed by AIS to another organisation;
6. **Protection Obligation:** AIS is required to protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks;
7. **Retention Limitation Obligation:** AIS is required to cease to retain any documents in its database containing personal data, or remove the means by which the personal data can be associated

with particular individuals, as soon as it is reasonable to assume that the purpose for which that personal data was collected is no longer being served by retention of the personal data, and retention is no longer necessary for legal or business purposes;

8. **Transfer Limitation Obligation:** AIS must not transfer any personal data to a country or territory outside Singapore except in accordance with requirements prescribed under the Personal Data Protection Act to ensure that the organisation(s) in question provide a standard of protection of personal data so transferred that is comparable to the protection under the Personal Data Protection Act; and
9. **Openness Obligation:** AIS is required to develop and implement policies and practices that are necessary for it to meet its obligations under the Personal Data Protection Act ('personal data protection policies and practices') and to make information about its data protection policies and practices available.

Obligation 1 - The Consent Obligation: AIS is generally prohibited from collecting, using or disclosing an individual's personal data unless the individual gives, or is deemed to have given, his consent for the collection, use or disclosure of his personal data.

The collection, use and disclosure of personal data is subject to scrutiny and is only 'lawful' if it meets at least one of the following criteria:

- a) With the consent of the individual; or
- b) The individual is deemed to consent to the collection, use or disclosure of personal data by AIS for a purpose pursuant to Section 15 of the Personal Data Protection Act; or,
- c) The circumstances fall under any one of the specific conditions under the Second¹, Third² or Fourth³ Schedules to the Personal Data Protection Act respectively

If consent has been withdrawn by the individual, AIS must immediately refrain from the collection, use and/or disclosure of the personal data.

1 In particular, consent of the individual is not required if the personal data is publicly available, the collection is necessary for 'evaluative purposes' or the personal data is provided to the school by another individual to enable the school to provide a service for the personal purpose of that other individual.

2 Supra note 1 above

3 In particular, consent of the individual is not required if the personal data is publicly available, the disclosure is necessary for 'evaluative purposes', or the personal data is about current or former students of the school, is disclosed to a public agency for the purposes of policy formulation or review

Obligations 2 and 3 – The Purpose Limitation Obligation: AIS may collect, use or disclose personal data about an individual only for purposes that a reasonable person would consider appropriate in the circumstances; and where applicable, that the individual has been informed of by AIS; and

The Notification Obligation: AIS must inform individuals of the purposes for which their personal data will be collected, used and disclosed in order to obtain their consent. AIS’s collection, use and disclosure is limited to the purposes for which notification has been made to the individuals concerned.

The specific purposes for the collection, use or disclosure of personal data must be reasonable in given circumstances. In addition, AIS must ensure that the specific purposes for the collection, use or disclosure of personal data have been notified to the individual. The following factors will be considered in determining whether the purpose of collection, use and/or disclosure is reasonable:

- a) Whether the purpose is stated clearly and concisely;
- b) Whether the purpose is required for AIS’s provision of products or services (as distinct from optional purposes);
- c) Whether purposes that may be of special concern to the individual have been highlighted;
- d) If the personal data will be disclosed to other organisations, how the organisations should be made known to the individuals;
- e) Whether stating the purpose to a greater degree of specificity would be a help or hindrance to the individual understanding the purpose(s) for which his personal data would be collected, used, or disclosed and
- f) What degree of specificity would be appropriate in light of AIS’s business processes

All notifications to individuals must be recorded and filed by AIS. Efforts must also be made to review personal data held on a regular basis and to delete any data which is no longer required for the purpose which they were originally obtained for.

Obligation 4 – The Access and Correction Obligation: Individuals have the right to request for access to their personal data and for a correction to their personal data held by AIS. AIS must provide access to, and correction of, the individual’s personal data in accordance with the Personal Data Protection Act.

Upon request by an individual (known as a ‘subject access request’), AIS is required to provide the individual with the following as soon as reasonably possible: (a) personal data about the individual that is in its possession or control; and (b) information about the ways in which that personal data has been or may have been used or disclosed by the organisation within a year before the date of the individual’s request. However, AIS is not required to provide information listed in the categories in the Fifth Schedule⁴ of the Personal Data Protection Act. In particular, opinion data kept solely for evaluative purposes, examination scripts and examination results prior to official release need not be provided.

⁴ Information not required to be provided pursuant to the ‘access obligation’ includes any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results, opinion data kept solely for an ‘evaluative purpose’, or personal data which, if disclosed, would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the organisation.

Upon receiving a 'subject access request' and payment of the applicable fee for access to the personal data (if any), AIS shall endeavour to ensure that the information that the individual has requested and is entitled to shall be provided to him within forty (40) working days.

Upon receiving a 'correction request' from an individual to correct an error or omission in the individual's personal data that is in the possession or under the control of the AIS, AIS shall consider whether the correction should be made. In this regard, AIS shall make reference to the Sixth Schedule⁵ of the Personal Data Protection Act.

If AIS determines that the correction should be made, it shall endeavour to ensure that the correction is made within forty (40) working days and that the corrected personal data is sent to every other organisation that has received personal data from AIS within a year before the date the correction was made (unless that organisation does not need the corrected personal data for legal or business purposes).

If AIS is satisfied upon reasonable grounds that a correction should not be made, the reasons for its decision should be recorded and the individual shall be informed of AIS's decision within forty (40) working days.

Obligation 5 – The Accuracy Obligation: AIS is required to make a reasonable effort to ensure that personal data collected by or on behalf of AIS is accurate and complete, if the personal data (a) is likely to be used by AIS to make a decision that affects the individual to whom the personal data relates; or (b) is likely to be disclosed by AIS to another organisation.

AIS will have in place a system in place to review personal data for accuracy and to ensure that it is up to date. Procedures must be in place to make any amendments requested by an individual, or a record of the request is to be kept if the amendment is not considered appropriate.

Obligation 6 – Retention Obligation: AIS is required to cease to retain its documents containing personal data, or remove the means by which the personal data can be associated with particular individuals, as soon as it is reasonable to assume that the purpose for which that personal data was collected is no longer being served by retention of the personal data, and retention is no longer necessary for legal or business purposes.

AIS must indicate the length of time that personal data is to be in use and archived for any given purpose. This time period must be seen as justifiable for the particular purpose and in line with the applicable laws of Singapore. Without legal or business reasons for doing so, AIS cannot retain personal data in perpetuity.

Information should not be kept any longer than the time period required for legal or business purposes. AIS must regularly review data held in order to assess whether information is still required to be retained.

⁵ Information not required to be provided pursuant to the 'correction obligation' includes any examination conducted by an education institution, examination scripts and, prior to the release of examination results, examination results and opinion data kept solely for an 'evaluative purpose'.

AIS has a retention policy in place to which all staff can refer when they need to dispose of personal information. A disposal record will assist AIS in responding to enquiries made under the Personal Data Protection Act.

Before disposing of any data, AIS will consider the following key points:

- a) Any business and legal requirements (e.g. possible negligence action commenced by parents for injuries to their child at school).
- b) The length of any appeals procedure relating to the information.
- c) The number of times in the last two or three years that a particular type of record has been accessed.

Obligation 7 – Protection Obligation: AIS is required to protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

Under the Protection Obligation, AIS will adopt arrangements that are reasonable and appropriate in the circumstances and take into consideration the nature of the personal data, the form in which the personal data has been collected (e.g. physical or electronic) and the possible impact to the individual concerned if an unauthorised person is able to obtain, modify or dispose of the personal data.

AIS must guard against unauthorised and unlawful processing of the personal data in its possession, e.g. access, alteration, disclosure or disposal. Appropriate security records must be kept in order to provide an audit trail. Personal data will, so far as possible, be:

- a) Kept in a locked filing cabinet; or
- b) In a locked drawer; or
- c) If it is computerised, be password protected; or
- d) Kept only on media which itself is kept securely
- e) Please also be aware that AIS and its schools have an acceptable use security policy for IT, mobile devices and social networking. Such policy should be adhered to at all times. See school Intranet for copy.

When personal data is to be destroyed, paper or microfilm records will be disposed of by shredding or incineration; computer hard disks or other digital / electronic media will be reformatted, over-written or degaussed.

Obligation 8 – Transfer Limitation Obligation: AIS must not transfer any personal data to a country or territory outside Singapore except in accordance with requirements prescribed under the Personal Data Protection Act to ensure that the organisations in question provide a standard of protection to personal data so transferred that is comparable to the protection under the Personal Data Protection Act.

If the personal data is to be transferred to a country or territory that does not have at least the same level protection afforded under the Personal Data Protection Act then at least one of the following conditions must be met:

- a) There are appropriate contractual arrangements; or
- b) Binding corporate rules to govern the transfer of personal data

Obligation 9 – Openness Obligation - AIS is required to develop and implement policies and practices that are necessary for it to meet its obligations under the Personal Data Protection Act ('personal data protection policies and practices') and to make information about its personal data protection policies and practices available.

AIS has appointed a Personal Data Protection Officer to be overall responsible for its compliance with the Personal Data Protection Act and to answer questions relating to certain of its personal data protection policies and practices.

Further to ensure that AIS has the necessary safeguards / infrastructure in place to govern the collection, use and disclosure of personal data in compliance with the Personal Data Protection Act, a working committee ('Working Committee') and a data processing sub-committee (who will work in conjunction with the Working Committee) shall be established to discharge AIS's responsibilities under the Personal Data Protection Act.

Each school will also have an appointed Personal Data Protection Co-ordinator who shall be responsible for that school's compliance with the Personal Data Protection Act and with any directions and instructions from the Personal Data Protection Officer and/or Working Committee.

All staff of AIS are required to attend in-house training workshops and seminars to communicate AIS's policies and practices regarding the treatment of personal data.

AIS will have a process for receiving and responding to internal and external complaints that may arise with respect to the application of the Personal Data Protection Act. In this regard, such complaints may be provided on a no-names basis to the Personal Data Protection Co-ordinator at each school, who will follow-up on the same and take the appropriate action as may be necessary.

