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## **Credit Bureau (Singapore) Pte Ltd**

**[2018] SGPDPC 14**

Yeong Zee Kin, Deputy Commissioner — Case No DP-1707-B0946

Data Protection – Accuracy obligation – Requirement to ensure personal data disclosed to another organisation is accurate and complete

Data Protection – Retention limitation obligation – Reasonable to assume purpose for which the personal data was collected is no longer served by retaining the data and retention is no longer necessary for legal or business purposes

14 May 2018.

### **Background**

1 This complaint concerns the accuracy and retention of the Complainant's personal data by Credit Bureau (Singapore) Pte Ltd (“the **Organisation**”). The Organisation is a consumer credit bureau. It aggregates credit-related information from its participating members. The risk profiles of individuals are presented in its Enhanced Consumer Credit Report (“**ECCR**”).

2 The complainant had a bankruptcy application taken out against him in June 2012. The bankruptcy application was withdrawn by the creditor in July 2012. The Complainant was given a “HX” risk grade in this ECCR. A “HX” risk grading meant that there could be a past or existing bankruptcy record associated with the Complainant. The Complainant felt that a “HX” risk grading

was inaccurate as he thought that it implied that he had an outstanding bankruptcy record or was not creditworthy. He therefore requested the Organisation to amend his risk grading.

3 Organisation informed the Complainant that it was its practice to display bankruptcy-related data for 5 years. The Complainant then lodged a complaint against the Organisation to the Personal Data Protection Commission on 24 May 2017. The complaint was that the Organisation had retained his personal data when it was no longer necessary for legal or business purposes.

### **Findings and Basis for Determination**

4 This case concerns the accuracy and retention obligations under the Personal Data Protection Act (“**PDPA**”), with respect to the bankruptcy information in the ECCR. In particular, the issues are:

- (a) Whether the Organisation had made a reasonable effort to ensure that the personal data it had collected was accurate and complete pursuant to section 23(b); and
- (b) Whether the Organisation had retained the Complainant’s personal data when it was no longer necessary for legal or business purposes pursuant to section 25 of the PDPA.

#### *Did the Organisation breach Section 23(b) of the PDPA?*

5 Section 23(b) of the PDPA requires an organisation to make a reasonable effort to ensure that the personal data collected by or on behalf of the organisation is accurate and complete if the personal data is likely to be disclosed by the organisation to another organisation.

6 In this case, the Organisation had explained that a “HX” rating merely meant that there was a past or existing bankruptcy record associated with the individual concerned. A “HX” rating did not represent that the individual was a bankrupt. The Organisation had also cautioned creditors against upfront rejection of credit applications of applicants with “HX” ratings. This buttresses the Organisation’s position that “HX” rating alone does not determine creditworthiness.

7 According to the Association of Banks in Singapore (“**ABS**”), financial institutions (“**FIs**”) consider information from several sources when making lending decisions. Apart from searches with credit bureaux, FIs also conduct public registry searches<sup>1</sup>. Records from the Insolvency & Public Trustee Office (“**IPTO**”) also showed that he was not a bankrupt. FIs would have been able to obtain the same information on the Complainant when conducting their own due diligence. Generally, FIs’ creditworthiness assessment vary according to their risk appetite, internal assessment policies, portfolio delinquency and loss experience.

*Did the Organisation breach section 25 of the PDPA?*

8 Section 25 of the PDPA requires an organisation to cease retaining 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 served by retention of the personal data; and retention is no longer necessary for legal or business purposes.

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<sup>1</sup> Including publicly available litigation and bankruptcy information.

9 The Organisation displays bankruptcy-related information for 5 years in its ECCR.<sup>2</sup> This aligns with the display period of the publicly available Insolvency Search maintained by the Insolvency & Public Trustee Office. The 5-year retention policy gives FIs useful credit history of potential borrowers. Along with other information sources, this facilitates FIs' lending decisions.

10 I do not think that a 5-year display period for bankruptcy-related information is unreasonable. The Organisation provides credit reporting services and the retention of bankruptcy-related information in order to deliver its services is a valid business purpose.

### **Conclusion**

11 For the reasons set out above, I do not think that the Organisation has breached section 23(b) or 25 of the PDPA.

**YEONG ZEE KIN**  
**DEPUTY COMMISSIONER**  
**PERSONAL DATA PROTECTION**

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<sup>2</sup> Including "HX" ratings.