Privacy in Singapore

By Privacy International

The Singapore Constitution is based on the British system and does not contain any explicit right to privacy. The High Court has ruled that personal information may be protected from disclosure under a duty of confidences.

There is no general data protection or privacy law in Singapore. The government has been aggressive in using surveillance to promote social control and limit domestic opposition. In 1986, then-Prime Minister and founder of modern Singapore Lee Kwan Yew proudly described his stance on privacy:

"I am often accused of interfering in the private lives of citizens. Yet, if I did not, had I not done that, we wouldn’t be here today. And I say without the slightest remorse, that we wouldn’t be here, we would not have made economic progress, if we had not intervened on very personal matters who your neighbor is, how you live, the noise you make, how you spit, or what language you use. We decide what is right, never mind what the people think. That’s another problem."

In September 1998, the National Internet Advisory Board proposed an industry-based self-regulatory "E Commerce Code for the Protection of Personal Information and Communications of Consumers of Internet Commerce." The code would oblige providers to ensure the confidentiality of business records and personal information of users, including details of usage or transactions, would prohibit the disclosure of personal information, and would require providers not to intercept communications unless required by law. The code would also limit collection and prohibit disclosure of personal information without informing the consumer and giving them an option to stop the transfer, ensure accuracy of records and provide a right to correct or delete data. The Code would be enforced by an industry-run Compliance Authority. Providers that were in compliance could use a "Privacy Code Compliance Symbol." The regulatory authority for the electronic medium in Singapore is the Singapore Broadcasting Authority (SBA). SBA is a statutory board under the Ministry of Information and the Arts (MITA).

In July 1998, the Singapore government passed three major bills concerning computer networks. They are the Computer Misuse (Amendment) Act, the Electronic Transactions Act and the National Computer Board (Amendment) Act. The CMA prohibits the unauthorized interception of computer communications. The CMA also provides the Police with additional powers of investigations. Under the amended Act, it is now an offense to refuse to assist the Police in an investigation. Amendments also widened the provisions allowing the Police lawful access to data and encrypted material in their investigations of offenses under the CMA as well as other offenses disclosed in the course of their investigations. Such power of access requires the consent of the Public Prosecutor. The Electronic Transactions Act imposes a duty of confidentiality on records obtained under the act and imposes a maximum SG$10,000 fine and 12 month jail sentence for disclosing those records without authorization.
Police has broad powers to search any computer to require disclose of documents for an offence related to the act without a warrant.

Electronic surveillance of communications is governed by the Telecommunications Authority of Singapore (TAS). The government has extensive powers under the Internal Security Act and other acts to monitor anything that is considered a threat to "national security." The U.S. State Department in 1998 stated, "Divisions of the Government's law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have wide networks for gathering information. It is believed that the authorities routinely monitor citizens' telephone conversations and use of the Internet. While there were no proven allegations that they did so in 1997, it is widely believed that the authorities routinely conduct surveillance on some opposition politicians and other critics of the Government." All of the Internet Services Providers are operated by government-owned or government-controlled companies. Each person in Singapore wishing to obtain an Internet account must show their national ID card to the provider to obtain an account. ISPs reportedly provide information on users to government officials without legal requirements on a regular basis. In 1994, Technet then the only Internet provider in the country serving the academic and technical community scanned through the email of its members looking for pornographic files. According to Technet, they scanned the files without opening the mails, looking for clues like large file sizes. In September 1996, a man was fined US$43,000 for downloading sex films from the Internet. It was the first enforcement of Singapore's Internet regulation. The raid followed a tip-off from Interpol, which was investigating people exchanging pornography online.

Afterwards, the SBA assured citizens that it does not monitor e-mail messages, chat groups, what sites people access, or what they download. In 1999, the Home Affairs Ministry scanned 200,000 users of SingNet ISP at the request of the company looking for the "Back Orifice" program without telling the subscribers. The Telecommunications Authority of Singapore said that the ISP had violated no law but SingNet apologized for the scans and the National Information Technology Committee announced that it would create new guidelines.

An extensive Electronic Road Pricing system for monitoring road usage went into effect in 1998. The system collects information on an automobile's travel from smart cards plugged into transmitters in every car and in video surveillance cameras. The service claims that the data will only be kept for 24 hours and does not maintain a central accounting system. Video surveillance cameras are also commonly used for monitoring roads and preventing littering in many areas. It was proposed in Tampines in 1995 that cameras be placed in all public spaces including corridors, lifts, and open areas such as public parks, car parks and neighborhood centers and broadcast on the public cable television channel. A man was prosecuted under the Films Act in May 1999 for filming women in bathrooms.

The Banking Act prohibits disclosure of financial information without the permission of the customer. Numbered accounts can also be opened with the permission of the authority. The High Court can require disclosure of records to
investigate drug trafficking and other serious crimes. The Monetary Authority of Singapore issued new "Know your customer" guidelines to banks in May 1998 on money laundering. Banks are required to "clarify the economic background and purpose of any transactions of which the form or amount appear unusual in relation to the customer, finance company or branch office concerned, or whenever the economic purpose and the legality of the transaction are not immediately evident. Banks must report suspicious transactions to the MAS.

Source:
http://www.sfdonline.org/Link%20Pages/Link%20Folders/Human%20Rights/privacy.html, 1999