

CROSS-BORDER PRIVACY RULES SYSTEM JOINT OVERSIGHT PANEL

**RECOMMENDATION REPORT ON APEC RECOGNITION OF INFO-
COMMUNICATIONS MEDIA DEVELOPMENT AUTHORITY**

Submitted to: Shannon Coe

Chair, Electronic Commerce Steering Group

June 24, 2019

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EXECUTIVE SUMMARY

In December 2017, Singapore formally commenced participation in the Cross Border Privacy Rules (herein ‘CBPR’) system. Pursuant to Paragraph 5 of the Protocols of the Joint Oversight Panel, Singapore was then eligible to nominate one or more Accountability Agents for APEC recognition.

On February 12, 2019, the Joint Oversight Panel (JOP) received an application from Singapore nominating the Info-communications Media Development Authority (herein ‘IMDA’) as an APEC Accountability Agent for the CBPR System.

SCOPE OF CONSULTATION PROCESS

Pursuant to Paragraph 7.2 of the *Charter of the Joint Oversight Panel*, members of the JOP¹ began a consultative process with representatives from Singapore to:

- Confirm the enforceability of an organization’s CBPR obligations once certified as CBPR compliant by IMDA;
- Confirm IMDA’s location and the relevant enforcement authority;
- Confirm that IMDA meets the recognition criteria as identified in the *Accountability Agent Application for Recognition*;
- Confirm IMDA makes use of program requirements that meet the baseline established in the CBPR system; and
- Confirm IMDA has provided the necessary signature and contact information.

The following Recommendation Report was drafted by members of the JOP.

¹ For purposes of this consultative process, members of the JOP are: Shannon Coe, Department of Commerce, United States; Shuji Tamura, Ministry of Economy, Trade and Industry, Japan; and Kerry Davis, Attorney-General’s Department, Australia. Evelyn Goh, Personal Data Protection Commission, Singapore, is a current member of the JOP but did not participate in this consultative process pursuant to paragraph 18 of the JOP Protocols of the Joint Oversight Panel with regard to the Cross Border Privacy Rules System, which provides that the DPS will designate another APEC member Economy to temporarily function as a member of the JOP when the Accountability Agent is a public (or governmental) entity.

RECOMMENDATION OF THE JOINT OVERSIGHT PANEL

Having verified Singapore is a participant in the APEC Cross Border Privacy Rules (CBPR) System and has demonstrated the enforceability of the CBPR program requirements pursuant to the information provided in Annex B of Singapore's Notice of Intent to Participate;

Having verified IMDA is in Singapore and is subject to the oversight and enforcement authority described in Annex A of Singapore's Notice of Intent to Participate and Singapore's Accountability Agent APEC Recognition Application;

Having verified with the Administrators of the APEC Cross Border Privacy Enforcement Arrangement (CPEA) that Singapore's Personal Data Protection Commission (PDPC), a Privacy Enforcement Authority in Singapore, is a participant in the APEC CPEA;

Having determined, in the opinion of the members of the Joint Oversight Panel, that IMDA has policies in place that meet the established recognition criteria and makes use of program requirements that meet those established in the CBPR System, and;

Having verified IMDA has provided the required signature and contact information;

The JOP recommends APEC member Economies consider the conditions established in 7.2 (ii) of the Charter of the Joint Oversight Panel to have been met by IMDA and to grant Singapore's request for APEC recognition of IMDA to certify organizations within Singapore and under the jurisdiction of Singapore's PDPC as compliant with the CBPR system pursuant to the established guidelines governing the operation of the CBPR system.

Submitted by the Joint Oversight Panel:

Shannon Coe
Chair, Joint Oversight Panel
U.S. Department of Commerce, United States

Kerry Davis
Temporary Member, Joint Oversight Panel
(Appointed by the Acting Chair of the DPS for this consultation process)
Attorney General's Department, Australia

Shuji Tamura
Member, Joint Oversight Panel
Ministry of Economy, Trade and Industry, Japan

REQUEST FOR CONSENSUS DETERMINATION

APEC Member Economies are asked to make a determination as to Singapore's nomination and request for recognition of IMDA as an Accountability Agent, taking into account the JOP's recommendation. Any APEC Member Economy has the right to reject the request of an applicant Accountability Agent for recognition for failure to meet any of the recognition criteria required in the *APEC Accountability Agent Recognition Application*. When making this determination, any APEC Member Economy may request additional information or clarification from Singapore or the JOP. If no objection is received within the deadline for consensus determination as established by the ECSG Chair, the request will be considered to be approved by the ECSG. Should Member Economies determine that IMDA has met the necessary criteria, APEC recognition will be limited to one year from the date of recognition, one month prior to which, IMDA may re-apply for APEC recognition if it so wishes, following the same process described herein.

I. ENFORCEABILITY

Is the Applicant subject to the jurisdiction of the relevant enforcement authority in a CBPR participating Economy?

Recommendation

The JOP is satisfied that IMDA is subject to oversight and enforcement in respect of its certification activities in accordance with the CBPR System requirements.

Discussion

The JOP has confirmed that IMDA is subject to oversight of the Minister for Communications and Information (“Minister”) with respect to its Accountability Agent certification activities based on the following domestic legal authorities:

- (a) The Minister for Communications and Information (“Minister”) is responsible for IMDA and data protection regulation under the Constitution of the Republic of Singapore (Responsibility of the Minister for Communications and Information) Notification 2018 (No. S352).
- (b) The appointment and removal of the Chief Executive of IMDA are subject to the Minister’s approval and prior concurrence of the Public Service Commission pursuant to the IMDA Act (No. 22 of 2016) and the Public Sector (Governance) Act (No. 5 of 2018).
- (c) The Minister may direct IMDA regarding the performance of its functions and IMDA is compelled to comply with those directions, including with regards to its Accountability Agent certification activities, pursuant to the IMDA Act (No. 22 of 2016) and the Public Sector (Governance) Act (No. 5 of 2018).² For instance, the Minister can require IMDA to furnish information and report on its work as an Accountability Agent. Failure to comply may result in removal of the Chief Executive.

The JOP confirmed that all queries and complaints relating to the performance of the appointed Accountability Agent will be directed to and handled by the Ministry of Communications and Information (MCI) through dedicated communications channels.

In Annex A of its *Notice of Intent to Participate*, Singapore described additional domestic laws and regulations which may apply to the activities of IMDA as an Accountability Agent. IMDA has registered the CBPR certification mark to be used for Singapore, and intellectual property laws may apply to IMDA’s certification activities. Under the Trade Marks Act, the registration of the mark can be revoked by the Registrar of Trade Marks or the Singapore High Court if (among others):

² The Public Service (Governance) Act (No.5 of 2018) limits the Minister’s direction if it would impede or affect the performance of IMDA’s statutory independence, and the ministerial oversight elaborated in sub-paragraph (c) above does not extend to directing a specific result in respect of particular persons. For example, it would not extend to directing whether an organization obtains CBPR certification.

- (a) the proprietor has begun to carry on a business involving the supply of goods or services of the kind certified;
 - (b) the manner in which the mark has been used by the proprietor has caused it to become liable to mislead the public as regards the character or significance of the mark;
 - (c) the proprietor has failed to observe, or to secure the observance of, the regulations governing the use of the mark; or
 - (d) the proprietor is no longer competent to certify the mark.
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II. RECOGNITION CRITERIA

The *Accountability Agent Application for Recognition* requires applicants to describe how each of the 15 Accountability Agent Recognition Criteria have been met using the Accountability Agent Recognition Criteria Checklist. Following is an overview of each listed requirement and recommendation of the sufficiency of each based on the information submitted to the JOP by Singapore.

Conflicts of Interest (Recognition Criteria 1-3)

- 1. Applicant Accountability Agent should describe how requirements 1(a) and (b) in Annex A of the Accountability Agent Application for APEC Recognition have been met and submit all applicable written policies and documentation.*
- 2. Applicant Accountability Agent should submit an overview of the internal structural and procedural safeguards to address any of the potential or actual conflicts of interest identified in 2(b) of Annex A of the Accountability Agent Application for APEC Recognition.*
- 3. Applicant Accountability Agent should describe the disclosure/withdrawal mechanisms to be used in the event of any actual conflict of interest identified.*

Recommendation

The JOP is satisfied that IMDA meets Recognition Criteria 1-3.

Discussion

Noting that the IMDA and the Personal Data Protection Commission (PDPC) are both within the Ministry of Communications and Information (MCI), the JOP has confirmed that IMDA is separate and independent from the PDPC and that there is no conflict of interest between IMDA as the Accountability Agent and PDPC as the enforcement authority. First, the statutes governing each of the IMDA and the PDPC demonstrate that each entity has its own distinct functions, branding, name, and staff to carry out their responsibilities. Further, PDPC's legal authority to investigate and enforce Singapore's Personal Data Protection Act (which underpins CBPR program requirements in Singapore) must be administered and issued by the PDPC Commissioner or Deputy Commissioner and cannot be delegated, establishing independence of PDPC enforcement activities.

The JOP has confirmed that IMDA has structural and procedural safeguards to address potential and actual conflicts of interest at each level of its organization and its certification activities. At the Board level, the Code of Corporate Governance on Conflict of Interest (Board Code) requires IMDA Board members to declare any financial or other interest in matters relating to IMDA, including CBPR certifications, upon appointment and on an ongoing basis as a Board member becomes aware of any such interests. The Board Code requires the Board member to disclose any actual or potential conflict to the Board as soon as practicable and to recuse him/herself from participating in discussions pertaining to topics that may present a conflict. The Board Code further provides that a Board member's fundamental duties are to avoid situations where they are placed in positions where there is an actual or potential conflict between their personal,

professional or business interests and their fiduciary duties.

IMDA's Corporate Policy for Conflict of Interest for Employees (Employee Code) requires IMDA employees and officers authorized to carry out any work related to APEC CBPR certifications to make full and prompt disclosures of any actual, potential or perceived conflict of interest. Whenever an employee or officer encounters a conflict of interest situation, the employee or officer must not, without express written permission of the CEO or designate, take part in any discussion, evaluation or other transactions involving IMDA and a APEC CBPR applicant organization. Any failure to abide by the IMDA Code of Conduct will result in disciplinary actions taken against the officer, and/or potential dismissal.

Further, all work related to CBPR certifications will be handled by the Trustmark Office within IMDA. IMDA's Trustmark Office does not provide consulting services that could impair its objectivity and fairness in performing the duties of an APEC Accountability Agent, and its functions are restricted to administering the APEC CBPR certifications and relevant outreach and promotional activities. The JOP has confirmed that IMDA has policies requiring the application of its certification standards in an impartial manner and that the IMDA CBPR Trustmark may not be used in connection with any product or services that is not within the scope of the CBPR certification. The service mark should only be used upon the granting or extending of a CBPR certification.

Finally, IMDA will authorize third party assessment bodies (ABs) to carry out the assessment of application organizations and requires those ABs to be impartial and independent in processing CBPR certifications. First, IMDA will require all authorized ABs working on CBPR certifications to be accredited with International Standard ISO/IEC 17021-1 (Conformity Assessment – Requirements for bodies providing audit and certification of management systems), which requires that they provide certification services in an impartial manner. Further, any authorized AB will be contractually bound to maintain impartiality and independence as a CBPR certification body, including that it shall:

- not enter into any professional, legal or other commitment which would potentially conflict with or prevent it from performing its obligations under the agreement it enters into with the Accountability Agent;
- not provide or offer to provide any services to any party where doing so would give rise to potential or actual conflicts of interest with its role as the AB; and
- have in place a proper structure, and internal procedures and controls to identify and address, promptly and appropriately, any potential and/or actual conflicts of interest.

In the event of a conflict of interest that can be cured by the existence of a safeguard, the existence of such affiliations would be disclosed to the JOP by IMDA (TM Office). This would include an explanation of the safeguards in place to ensure that such affiliations do not compromise the Accountability Agent's ability to render a fair decision with respect to such an Applicant organization or Participant organization.

Information about all APEC CBPR certified organisations will be published on the IMDA website (www.imda.gov.sg) and the APEC CBPR website compliance directory at (www.cbprs.org). This information may include, but is not limited to, the name of organisation, business address, business contact information, type of APEC certification obtained (e.g. CBPR or PRP), and the start and end

date of the APEC certification. The IMDA website will also contain information relating to the APEC CBPR application process, certification standards, contact information of the assessment bodies and associated certification fees.

IMDA has grant programs that are handled in a separate office from the Trustmark Office which handles CBPR certifications, and the Trustmark Office processes every CBPR application without regard to whether the applicant organization is a former or current recipient of an IMDA grant or based on former or current interactions with IMDA.

Program Requirements (Recognition Criterion 4)

Applicant Accountability Agent should indicate whether it intends to use the relevant template documentation developed by APEC or make use of Annex C of the Accountability Agent Application for APEC Recognition to map its existing intake procedures program requirements.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criterion 4.

Discussion

The JOP has confirmed that IMDA meets this requirement and will use Annex C to demonstrate compliance with the Assessment Criteria and intake documents approved by APEC. In addition, IMDA will publish the CBPR template documentation on the IMDA website (www.imda.gov.sg), and IMDA will also provide the URL of the official APEC CBPR website as a reference.

Certification Process (Recognition Criterion 5)

Applicant Accountability Agent should submit a description of how the requirements as identified in 5 (a) – (d) of Annex A of the Accountability Agent Application for APEC Recognition have been met.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criterion 5.

Discussion

The JOP has confirmed that IMDA has selected three third party assessment bodies (ABs) to carry out the assessment of application organizations with the CBPR system requirements as follows:

- 1) IMDA will process any application for CBPR certification to assess that the organization meets qualifying criteria, such as that organization is formed or recognized under the laws of Singapore;

- 2) Upon acceptance, the applicant organization will select an AB which will review the applicant organization's self-assessment of its data protection/privacy policies and practices against the APEC CBPR certification requirement;
- 3) The AB will request clarification regarding the processes and equipment used;
- 4) Also, the AB can request any supplemental documentation required from the applicant;
- 5) Once the AB evaluates that the applicant organization is ready, it will conduct an onsite assessment that will evaluate the applicant organization's implementation, including effectiveness and conformance of its data protection/privacy policies and practices to the APEC CBPR program requirements;
- 6) The AB will issue a report to the applicant organization detailing its findings as to whether the organization is in compliance with program requirements. The AB will also convey to the applicant organization the areas that do not meet the program requirements, share possible best practices and allow the applicant organization a reasonable timeframe to rectify the non-compliance identified;
- 7) Once the applicant organization takes corrective actions to eliminate any detected non-compliance within the timeframe identified by the AB, the AB shall review and verify the effectiveness of the corrective actions by the applicant organization to ensure that program requirements are met;
- 8) Once all the requirements are met, the AB will complete the assessment report with all the assessment findings, signed off by the applicant and submit to IMDA; and
- 9) IMDA will evaluate the assessment report and determine whether or not the applicant organization is in compliance with the program requirements and should be awarded a certification and listed in the CBPR Compliance Directory with the required information at www.cbprs.org.

On-going Monitoring and Compliance Review Processes (Recognition Criteria 6, 7)

Applicant Accountability Agent should submit a description of the written procedures to ensure the integrity of the certification process and to monitor the participant's compliance with the program requirements described in 5 (a)-(d) in the Accountability Agent Application for APEC Recognition.

Applicant Accountability Agent should describe the review process to be used in the event of a suspected breach of the program requirements described in 5(a)-(d) in the Accountability Agent Application for APEC Recognition.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criteria 6, 7.

Discussion

The JOP has confirmed that IMDA has internal procedures to ensure integrity of its certification processes, which provide multiple avenues for monitoring compliance, authorities to investigate reports of noncompliance and to require rectification, and which describe when the PDPC may undertake an enforcement action and when a certified organization's certification may be suspended or terminated.

As IMDA explains in the application documents, it has established monitoring mechanisms, which include but are not limited to:

- 1) IMDA's website lists how to file consumer complaints via email or hotline;
- 2) IMDA will review media coverage in established broadsheets on the actions of applicant organizations that may cause it to breach the program requirements;
- 3) IMDA requires notification by the participant of a significant change as stipulated in the contractual agreement between IMDA and the applicant organization which may affect the ability of the participant to comply with the program requirements;
- 4) IMDA will monitor public disclosure of non-compliance/enforcement cases by PDPC; and
- 5) IMDA proactively scan the internet to check for misuse of marks.

If a complaint is filed or in the event of a suspected breach, IMDA may conduct a review in which the certified organization will be required to render full assistance including:

- 1) To produce to IMDA all documents or information as may be specified in the notice, which IMDA considers relate to the certified organization's state of compliance with program requirements;
- 2) Facilitate interviews with its employees; and
- 3) Allow IMDA to access the certified organization's premises to conduct audits to verify organization's compliance.

In the event the inspection or audit reveals non-compliance of the program requirements, IMDA will require the certified organization to rectify the non-compliance issues within a reasonable timeframe. The certified organization may retain the certification only if the rectification is done within the stipulated timeframe; otherwise, the certification may be terminated immediately.

The PDPC may investigate and initiate an enforcement action under the PDPA, which may also result in termination of the certification.

Re-Certification and Annual Attestation (Recognition Criterion 8)

Applicant Accountability Agent should describe their re-certification and review process as identified in 8 (a)-(d) in the Accountability Agent Application for APEC Recognition.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criterion 8.

Discussion

The JOP has confirmed that IMDA requires an annual re-certification which requires the participant organization to undergo the entire certification review process described above. In addition, IMDA will initiate a review process outside of the annual re-certification cycle if the applicant notifies IMDA of a change, IMDA receives a complaint or otherwise learns of credible information which indicates non-compliance.

Dispute Resolution Process (Recognition Criteria 9, 10)

Applicant Accountability Agent should describe the mechanism to receive and investigate complaints and describe the mechanism for cooperation with other APEC recognized Accountability Agents that may be used when appropriate.

Applicant Accountability Agent should describe how the dispute resolution process meets the requirements identified in 10 (a) – (h) of Annex A, whether supplied directly by itself or by a third party under contract (and identify the third party supplier of such services if applicable and how it meets the conflict of interest requirements identified in sections 1-3 of Annex A) as well as its process to submit the required information in Annexes D and E.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criteria 9, 10.

Discussion

The JOP has confirmed that IMDA has an existing customer dispute resolution program to receive and investigate complaints about participants and to resolve disputes between complainants and participants. Following is an overview of IMDA's dispute resolution process:

- 1) IMDA processes all complaints in-house via the Trustmark (TM) Office;
- 2) Once a complaint filed against a certified organization either to the organization directly or to the TM Office, an investigation will be initiated at the receipt of a complaint or as a result of IMDA's monitoring, news report, or proactive scanning. IMDA will review the complaint to determine its validity and credibility. This generally takes up to 5 business days;
- 3) The TM Office will investigate all complaints to determine their validity and to ascertain

any non-compliance of the APEC CBPR program requirements. Clarifications from the certified organization and complainant may be sought during the investigation, and consent will be obtained from the complainant before his/her personal data is shared;

- 4) The certified organization and complainant will be notified via email by IMDA of the outcome of the investigations;
- 5) When there is any non-compliance of the program requirements, the TM Office requires the certified organization to rectify issues of non-compliance within a reasonable timeframe;
- 6) Once rectification is done within the stipulated timeframe, the certified organization will be reviewed again (TM Office may conduct the review itself or appoint the AB to do so) to verify compliance with the program requirements.

IMDA confirms that it will provide information on the number and outcomes of such complaints and release case notes on a selection of resolved complaints annually on its website.

Mechanism for Enforcing Program Requirements (Recognition Criteria 11-15)

Applicant Accountability Agent should provide an explanation of its authority to enforce its program requirements against participants.

Applicant Accountability Agent should describe the policies and procedures for notifying a participant of non-compliance with Applicant's program requirements and provide a description of the processes in place to ensure the participant remedy the non-compliance.

Applicant Accountability Agent should describe the policies and procedures to impose any of the penalties identified in 13 (a) – (e) of Annex A.

Applicant Accountability Agent should describe its policies and procedures for referring matters to the appropriate public authority or enforcement agency for review and possible law enforcement action. [NOTE: immediate notification of violations may be appropriate in some instances].

Applicant Accountability Agent should describe its policies and procedures to respond to requests from enforcement entities in APEC Economies where possible.

Recommendation

The JOP is satisfied that IMDA meets Recognition Criteria 11-15.

Discussion

The JOP has confirmed that IMDA enforces the program requirements through contract with the applicant organization. In the event of a breach, the organization may be required to:

- 1) Produce to IMDA all documents or information as may be specified in the notice, which

IMDA considers to relate to the certified organization's state of compliance with program requirements;

- 2) Facilitate interviews with its employees; and
- 3) Allow IMDA to access the certified organization's premises to conduct an audit to determine whether to terminate an organization's certification.

IMDA can also revoke a license to use its certification mark for CBPR certification based on contract. Further, IMDA has a process in place for notifying a participant organization immediately of non-compliance as described above in response to Recognition Criteria 6 and 7.

When IMDA investigates and finds that a participant has not complied with the APEC CBPR program requirements, IMDA will require the certified organisation to rectify issues of non-compliance within a reasonable timeframe. The AB will be called in to validate whether the certified organisation has addressed all non-compliance issues identified, and the AB will then submit a recommendation report to IMDA. If IMDA confirms that non-compliance has not been rectified satisfactorily, the certified organisation will be terminated from the APEC certification programme with immediate effect. The status of certification will be updated and reflected on the IMDA website and the PDPC will be duly informed. IMDA will also require the certified organisation to remove all association with the APEC CBPR program and cease referring itself as being APEC CBPR certified.

Under the contractual agreement between IMDA and a certified organisation, IMDA may suspend or terminate the appointment of the organisation as a certified organisation, and accordingly its right to use the seal, where:

- 1) the certified organisation commits a breach of its obligations under the contractual agreement with IMDA and does not remedy the breach within fourteen (14) days of receiving a written notice from IMDA;
- 2) the certified organisation commits an irremediable breach of the contractual agreement with IMDA; or
- 3) the certified organisation provides IMDA with any false or misleading information, or makes any misrepresentation during the term of its agreement with IMDA (which would include the period of certification), in connection with the certification, assessment and/or any subsequent review necessitated by a significant change.

If a certified organisation is suspended or terminated from the CBPR program, it will have its certification status disclosed publicly on the IMDA website, and any non-compliance or breach findings in relation to the CBPR program as determined by the PDPC will be published on the PDPC website. IMDA will refer any complaint to the PDPC where there are reasonable grounds to believe that the Personal Data Protection Act 2012 is not complied with.

Where possible, when there are requests from enforcement entities in APEC Economies that reasonably relate to that Economy and to the CBPR- related activities of the Accountability Agent,

IMDA will cooperate and furnish the necessary information. The entities can send their requests to IMDA via email (which will be stated on the IMDA website). Where appropriate, IMDA may refer the request to the PDPC, on a need-to basis. Consent would be sought from affected individuals before any personal data pertaining to the case is shared with the enforcement entity making the request for information.

III. CASE NOTES AND STATISTICS

Will the Applicant provide relevant information on case notes and statistics as outlined in Annexes D and E of the Accountability Agent Application for APEC Recognition?

Recommendation

The JOP is satisfied that IMDA meets the Case Notes and Statistics requirements as stipulated in Annexes D and E of the *Accountability Agent Application for APEC Recognition*.

Discussion

The Accountability Agent Recognition Criteria 10 (g) & (h) require Accountability Agents to have a process for making publicly available statistics on the types of complaints and the outcomes of such complaints (see Annex E), and a process for releasing, in anonymized form, case notes on a selection of resolved complaints illustrating typical or significant interpretations and notable outcomes (see Annex D). The JOP has confirmed that IMDA will collate and provide information on the number of complaints and outcomes of such complaints and release case notes on a selection of resolved complaints illustrating typical or significant interpretations and notable outcomes yearly in its website. IMDA has agreed to make use of the templates in Annexes D and E of the *Accountability Agent Application for APEC Recognition* to annually send this information to APEC member Economies as a condition of their recognition.

SIGNATURE AND CONTACT INFORMATION

By signing this document, the signing party agrees to the findings of the Joint Oversight Panel contained herein and attests to the truth of the information provided to the Joint Oversight Panel pursuant to the Application for APEC Recognition.



[Signature of person who has authority to commit party to the agreement]

[Typed name]: Yeong Zee Kin (Mr.)

[Date]: 24 June 2019

[Typed title]: Assistant Chief Executive (Data Innovation and Protection)

[Typed name of organization]: Info-communications Media Development Authority

[Address of organization]: 10 Pasir Panjang Road #03-01 Mapletree Business City
Singapore 117438

[Email address]: yeong_zee_kin@imda.gov.sg

[Telephone number]: +65-65087377

APEC recognition is limited to one year from the date of recognition. Each year one month prior to the anniversary of the date of recognition, the Accountability Agent must resubmit this form and any associated documentation to the appropriate government agency or public authority or as soon as practicable in the event of a material change (e.g. ownership, structure, policies).

NOTE: Failure to comply with any of the requirements outlined in this document may result in appropriate sanctions under applicable domestic law.