

## **1. COMMENTS**

### **Section 4.8 - The Notification Obligation**

From time to time BSP is subject to ad-hoc requests from the Petroleum Authority of Brunei Darussalam, the Ministry of Energy, the Anti-Corruption Bureau and the Royal Brunei Police Force for the disclosure of personal data of our employees. For the latter two "public agencies", such requests are usually made pursuant to an investigation and therefore are arguably justified as being made by a law enforcement agency and therefore necessary and in the public interest.

However, this is arguably not usually the case with regards to requests made by the former two "public agencies". Whilst all of these agencies may not be subject to the PDPO themselves BSP understands that, in the absence of any existing legislation or regulations that would require such requests are treated confidentially, it may still be under an obligation to notify individuals if their personal data has been requested, in particular with respect to requests made by the Petroleum Authority of Brunei Darussalam and the Ministry of Energy which are not associated with any investigation.

It is currently unclear to BSP whether the intent of the PDPO as proposed would be for private sector organisations to disclose to individuals that such requests had been made or that a broader public agency exemption might be of use so as not to impose a duty on private sector organisations to notify and they are kept confidential. We are unable to make any drafting suggestions in this regard.

### **Section 9 - Do Not Call ("DNC") Regime**

BSP suggests that all individuals in Brunei Darussalam should be added to the DNC list by default, unless an exception or exclusion applies or individuals have given express consent directly to the sender that they may receive unsolicited marketing communications.

## **2. CONCLUSION**

BSP believes that it is generally already able to meet the broad intent and requirements of the proposed PDPO. We maintain existing Information Management ("IM") policies, processes and standards which set out similar intent and requirements for the protection and management of data within our organization.

We also collect only such personal data as relevant in with consent (express or deemed) for the purposes of managing our human resources and providing medical and educational/training services at our facilities.

We also endeavor to ensure this data remains accurate or is updated accordingly, and that it is protected in line with BSP's own IM policies and standards. Personal data is not transferred outside of Brunei except in very limited, reasonable circumstances and always with appropriate legal and technical controls in place.

We welcome the introduction of such legislation to Brunei Darussalam as well as the two year "sunrise period" in which private sector organisations will be able to develop compliance measures or improve their existing practices in order to comply with the Order once gazetted.