

Internet Society Singapore Chapter response to PDPC's public consultation on proposed advisory guidelines on use of personal data in AI recommendation and decision systems

DRAFT August 25, 2023

About us

The Internet Society Singapore Chapter is registered in Singapore under the Societies Act, operating under a chapter agreement with the Internet Society. The chapter's object is advancing and promoting the use of the Internet and its associated technologies and applications — both as an end in itself, and as a means of enabling organisations, professions, and individuals worldwide to more effectively collaborate, cooperate, and innovate in their respective fields and interests in Singapore.

The chapter is coming out of a period of inactivity and re-implementing the requirements of a chapter of the Internet Society. Consequently we are required to make clear that we are “in rejuvenation” at present.

The Internet Society is a global nonprofit organisation empowering people to keep the Internet a force for good: open, globally connected, secure, and trustworthy. The society is a nonprofit corporation formed under the laws of the District of Columbia and headquartered in Virginia, USA.

Enquiries

Enquiries about this submission may be directed to Ankur Gupta via isocsg@gmail.com.

About this submission

{TODO: describe motivation and process}

A note on the draft published August 25 ahead of the in-person session: we've definitely not gotten as far as we had intended. The current rather minimal draft is mostly editorial nits and TODOs for thinking still in progress. We've published as promised to give a sense of where we're going. The intention is to submit a rather more developed position than what we have here.

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Summary of major points

{TODO: complete comments first, then distill this}

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Comments

4.1

|a) The Business Improvement Exception is relevant when the organisation has developed a product or has an existing product that it is enhancing.

Unclear. Presumably it also applies when planning to develop a product, and during development of a product. {TODO: provide specific improved wording}

5.3

|b) The organisations use of personal data for business improvement purpose is that which a reasonable person would consider appropriate in the circumstances.

Editorial:

- “purpose” should be “purposes” (plural)
- “organisations” (plural) should be “organisation’s” (singular possessive).

{TODO: how does the protection in the Business Improvement Purposes exception generally deal with the data subject ceasing to be a customer? If continuing use then is the protection adequate in the case of AI models? If not, then what is the expectation about unscrambling the egg for expensively-generated models?}

{TODO: are there other protections in the EDPB guidance for legitimate interests processing that are relevant? AI processing?}

5.9

|The Commission understands that generally, industry best practice is to use personal data to debias datasets used for ML model training.

This seems too strong; perhaps “frequently” instead of “generally”.

{TODO: use of synthetic data for this purpose is not mentioned at all}

7.10

|a) Whether the process of chosen anonymisation method is reversible;
Editorial: insert “the” before “chosen”.

{TODO: “ADVISORY GUIDELINES ON KEY CONCEPTS IN THE PERSONAL DATA PROTECTION ACT” reference above on impracticability of obtaining consent appears difficult to reconcile with legitimate interests completely. Why? How does this affect the approach?}

5.8

|protected characteristics, such as race or religion,

10.8

|c) ... protected characteristics, such as race or religion,

What is meant by “protected characteristics” here? The term is not defined in these Guidelines, nor in the Act. Perhaps “religion, race, descent and place of birth” specified in Singapore’s Constitution Article 12(1) with respect to laws, employment, etc.?

11.6

As part of implementing privacy-by-design, service providers are encouraged to try to build in processes

This seems a little weak, or redundant. Suggest removing “try to”. Organisations are already encouraged rather than required, further softening seems unnecessary.

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Conclusion

{TODO: complete comments first, then distill this}

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Annex

{TODO: use this for supporting information if required, or delete it}

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