

CAPE

Trace Together



In 2021, it was announced that TraceTogether data can be used for **Police Investigations**



07 JUNE 2020

"Your data will only be used for COVID-19 contact tracing"

Fast forward ...



04
JAN
2021



Mr. Desmond Tan
Minister of State for Home Affairs

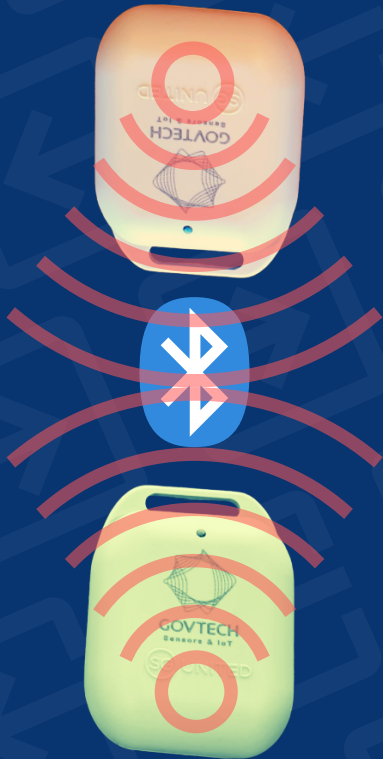
"The [Singapore Police Force] is empowered under the Criminal Procedure Code (CPC) to obtain any data, **and that includes the TraceTogether data**"

They can liddat meh??!



Concerned citizens pointed out that **this announcement seemed contrary to what the Government had said in 2020**, during which they assured citizens that TraceTogether data **would only be used for contact tracing.**

What kind of data is collected?



When two tokens/devices come together, **encrypted and anonymised** Bluetooth signals are exchanged only and not any personal identifiable information.

This data about devices near you is **stored in the token/device only** for 25 days and then, deleted. If you test positive for Covid-19, MOH will request you to upload the data onto a central server for contact tracing.



“When a person is contacted by MOH, he/she is required by law to assist in the activity mapping of their movements and interactions, and may be asked to provide any information within his/her knowledge or produce any document or record in his/her possession.

This includes location timelines and logs in physical or digital form, including data collected and stored by other popular apps in your phone.”

Gahmen Can Collect Data Liddat Meh?

Under Section 20 of the Criminal Procedure Code (CPC), the police are empowered to obtain TraceTogether data for criminal investigations.

Section 20(1), CPC: Seizing digital documents and things

When the police or an authorised person considers any document or thing desirable for an investigation, they may issue a **written order** requiring the person to provide them access to the document or thing.

This means the data from TraceTogether can be obtained by the police for investigative purposes.

Many lawyers have pointed out that the CPC applies not only to TraceTogether but other kinds of **sensitive data** protected by privacy laws such as phone or banking records.



So, what's the problem?

A Break Down of Public Trust?

Public commentators such as Prof Eugene Tan and Straits Times Editor Chua Mui Hoong suggest that...

The public outcry arises not from the government using the TraceTogether data for criminal investigations

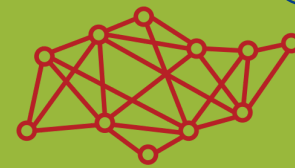


but rather the government **backtracking** on its earlier assurance that the data would only be used only for contact tracing.

Such improper communication and inconsistent messaging especially during a time of pandemic **undermines the government's trust and credibility.**

A Lesson For the People: Your Voice Matters!

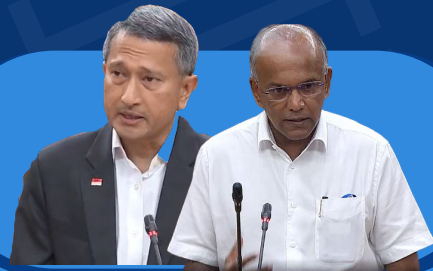
1. Offences involving the use of possession of corrosive substances or offensive/ dangerous weapons
2. Terrorism-related offences
3. Crimes against people where the victim is seriously hurt or killed
4. Drug trafficking offences
5. Escape from legal custody where there is reason to believe that the person will cause imminent harm to others
6. Kidnapping
7. Serious sexual offences such as rape and sexual assault by penetration



SMART NATION
&
DIGITAL GOVERNMENT OFFICE

07 JAN 2021

In response to the public outcry, the Government announced that it would introduce legislation setting out **seven categories** of serious **offences*** for which TraceTogether data can be used for police investigations



08 JAN 2021

Dr Balakrishnan and Minister for Law K. Shanmugam held a public consultation with members of the media, the legal fraternity, technology experts and academic to **hear their views**. These views will inform the debate on the upcoming legislation.

Moving Forward: Ensuring Privacy in a Digital Age



Data is...
a key economic asset in
the digital economy.



S Iswaran

Minister for Communications
and Information

As Singapore moves towards becoming a Smart Nation, personal data has become commoditized as an opportunity for economic development.

Why is it important for Singapore to have a strong data protection and privacy regime?

- 1 Protection of personal data = protection of fundamental rights and autonomy
- 2 Necessary for democracy as asymmetry of knowledge = asymmetry of power
- 3 Losing personal data has the potential to affect multiple facets of one's life from securing insurance coverage to finding jobs

Privacy vs The Greater Good: A False Dichotomy or A Necessary Trade-Off?

A recent survey conducted by the IPS studying Singaporeans' attitudes to the implementation of more surveillance techniques in the fight against COVID-19 suggests that:

Singaporeans are not too concerned with privacy issues

49%



were agreeable to have their cell phone data tracked without their consent

58%



agreed for CCTVs to be used to monitor people's movements during the CB period.

These results may be reflective of Singaporeans' unconcerned attitude towards privacy concerns and data protection issues.

Food For Thought

- 1 Are Singaporeans too willing to give up their privacy for greater convenience, economic growth and public health?
- 2 Is this trade-off even necessary? Or is this a false dichotomy created to expand the reach of surveillance?

References

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3. Channel News Asia "Singapore Police Force can obtain TraceTogether data for criminal investigations: Desmond Tan" by Matthew Mohan -
4. <https://www.channelnewsasia.com/news/singapore/singapore-police-force-can-obtain-tracetgether-data-covid-19-13889914>
5. TraceTogether (Data Privacy) <https://www.tracetgether.gov.sg/common/privacystatement/>
6. Trace together " Can I say no to uploading my TraceTogether data when contacted by the MOH?" - <https://support.tracetgether.gov.sg/hc/en-sg/articles/360044860414-Can-I-say-no-to-uploading-my-TraceTogether-data-when-contacted-by-the-Ministry-of-Health->
7. Straits Times "Police can use TraceTogether data for criminal investigations" by Tham Yuen C
8. CPC - <https://sso.agc.gov.sg/Act/CPC2010#legis>
9. COVID-19: Singapore police can obtain TraceTogether data for criminal investigations

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CAPE, or the Community for Advocacy & Political Education – a student organisation based in Yale-NUS College – was founded in 2017 by students from Yale-NUS College and the Law Faculty of the National University of Singapore (NUS). An independent and non-partisan community, we aim to build capacity for political literacy and constructive participation in Singapore’s civic democracy.

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