



## Saving the day with soft skills

***A customer is angry because of an error that led to his name and photo being released publicly without his consent. How should the organisation's Data Protection Officer (DPO) respond?***

Such a scenario highlights an important aspect of a DPO's range of expertise, which among other things is the ability to apply soft skills to achieve a win-win outcome for everyone.

Having soft skills is an important element in handling complaints and conflict resolution, which can be stressful for all parties involved, said Ms Eunice Toh, Executive Director, Tan Tock Seng Hospital (TTSH) Community Fund and Director, Development Fund and Volunteer Management, TTSH.

"Understandably, the customer expects the organisation's DPO to be approachable, to listen actively and patiently, to show empathy, to apologise, to explain the reasons for the error and to assure him that such situations will not recur."

Citing her experience in the implementation of the PDPA framework for both the TTSH charity and volunteer management departments, Ms Toh shared that while it was easy to list the nine main obligations of the data protection provisions, she and her team needed to understand the different personas of donors, beneficiaries and volunteers

so as to be sensitive to the needs, feelings and rights of individuals.

"As we drafted the policies and communication materials, we put ourselves in the shoes of the customer and tried to empathise with how any individual, when being asked such information, would perceive the situation, as well as their expectations, she said."

For example, when reviewing the processes and forms for obtaining beneficiaries' consent for the use of their photographs or stories in the media, care was taken to ensure that they did not feel coerced into agreeing. They were also given the assurance that they could withdraw their consent at any time.

So how does the DPO navigate these challenges?

### **Applying insights and skills from the world of mediation**

Sharing her experiences from the world of mediation, Ms Linda Heng, Managing Director of Harmony Mediation Group, said it is important to unveil "interests" versus "positions" when working with the parties involved in a conflict.

"A position is the tip of the iceberg; it is very visible. It could, for example, be a demand for compensation. But below the surface, there could be many interests – the motivations and desires of the person who is trying to make that demand – and these can be very wide-ranging. It differs from person to person and from context to context."



During a complaint over a breach of personal data, the party involved could be upset by the disclosure of his personal data without his knowledge nor consent, or he could be driven by financial motivation or by principle. For example, he may not want other people to fall prey to a similar abuse of personal data and wants to make sure that the organisation gets the message. Only when the party's interest is known is it possible to arrive at an amicable solution; and the only way to discover this interest is through active listening, added Ms Heng.

It is important to allow parties to talk without interruption, said Mr Lim Tat, Managing Partner with Aequitas Law and an accredited mediator with the Singapore Mediation Centre. "Summarise what they have said with neutral words, and align the body language to let the parties know that their expressions of concerns have been heard."

Being impartial, maintaining an environment which enables the parties to feel safe and confident, and demonstrating commitment in terms of effort and time are some of the strategies that Mr Lim adopts during mediation, which can also be applied by a DPO during dispute resolution.

The need for objectivity was also highlighted by Ms Toh. "When resolving a conflict or dispute, a DPO has to be calm because the other party is very likely to be in an emotional and angry state. By

taking an objective approach, the DPO can better see the other side of the story and make a better assessment of the situation."

Having clarity of mind will also enable the DPO to find out what went wrong, what can be done and how best to do it. "Even if there is no straight forward solution because the damage is already done, damage control, service recovery and perhaps appropriate compensation will need to kick in," added Ms Toh. If the DPO can understand what is driving the person to make the complaint, he or she can be creative in arriving at a solution, said Ms Heng. For example, if the individual is driven by principle, the resolution could involve an apology and an undertaking by the organisation not to misuse any personal data in the future.

Compared to adjudicatory forms of dispute resolution, such an approach enables parties to find their own solutions, some of which may not be obtainable through litigation and arbitration, said Mr Lim.

"It allows organisations to take control of the dispute resolution process and outcome, rather than leave the process to lawyers or consultants, and the outcome to judges or arbitrators." It also enables parties to save time and money, focus on addressing underlying concerns and interests, and provides opportunities for the restoration of relationships.

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**- Ms Eunice Toh,**  
Executive Director, Tan Tock Seng  
Hospital(TTSH)

### Handling large volume of disputes

However, for organisations that handle a large volume of disputes on a daily basis, such as those engaging in global e-commerce or government agencies rendering public services to a relatively large population, human intervention may not be the most efficient method.

An emerging option for such organisations is the use of facilitation and mediation systems, which enable DPOs to engage with unhappy customers more efficiently and effectively through an online platform.

Other than cost and time savings, such systems also provide useful information such as the frequency and common types of complaints received. The analysis of this information can produce useful insights that will help the DPO to improve the organisation’s personal data protection policies and processes. The DPO can also ensure quality control by monitoring how well his team is doing in managing different types of complaints.

It is important to note, however, the organisations using such online facilitation and mediation systems have to ensure that their policies and processes comply with the PDPA. These include policies and processes relating to the collection, use, disclosure and overseas transfer of the personal data.

### Conclusion

Besides working towards a win-win outcome in a conflict scenario, soft skills are also essential for a DPO when it comes to communicating the importance of the PDPA to colleagues and galvanising the organisation to get on board personal data protection policies and processes.

“To garner buy-in from colleagues, the DPO has to be able to apply good public relations (PR) and communication skills, have patience and adopt a positive and open attitude – all these on top of a strong grasp of the PDPA to support what he or she is putting in place,” said Ms Toh. The DPO will also have to exercise emotional quotient (EQ) in framing why and how certain policies are made, such as a delay-sending rule for out-going emails containing personal data, or mandating the disposal or anonymisation of personal data that no longer serves any business or legal purpose.

According to Ms Toh, organisations are beginning to realise the importance of soft skills and the value of EQ when recruiting staff. There are also courses and talks on PR, communications, conflict management and negotiation where DPOs can pick up useful techniques and apply them to their work.

DPOs, on their part, have to constantly put these soft skills into practice, she said. It is useful to put oneself in the shoes of the other person – be it a client or colleague – and try to strike a balance between what needs to be achieved technically and how this can be done, with consideration to the target audience and the people involved.

“Sometimes this involves a longer process, but it will lead to a better outcome in terms of acceptance and cooperation, and a win-win for all.

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**- Ms Linda Heng,**  
Managing Director, Harmony Mediation  
Group

### Workshop on soft skills and mediation

- The Personal Data Protection Commission will be organising a half-day mediation workshop for DPOs in the first half of 2017. Please take a moment to indicate your interest in attending the workshop [here](#).