# PERSONAL DATA PROTECTION ACT 2010 IMPLEMENTATION PHASE :
# WHAT NEXT FOR MALAYSIA

**BY**

## DEPUTY DIRECTOR GENERAL
**DEPARTMENT OF PERSONAL DATA PROTECTION**
**MINISTRY OF COMMUNICATION AND MULTIMEDIA MALAYSIA**

# CONTENT

- Background
- Key Milestones
- Enforcement
- Conclusion

# BACKGROUND

**Received Royal Assent:** - 2 June 2010, gazette a week later on 10 June 2010;

**Compliance triggers:** - 3 months from the gazette date of enforcement;

**Applies to:** - Commercial transactions only but **does not** include a credit reporting business carried out by a **credit reporting agency**;

- Establishment or individuals in Malaysia

**Exempted upon:** - Federal and State Governments; and

**Cross reference to**: - Electronic Commerce Act 2006's

# KEY MILESTONES FOR PDP DEPT- 2013

| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 |

- Institutional structure and resource matters

- Initiate awareness workshop and launching of the Department

- Define and strengthen logistical requirements

- Establish cooperation with local and international organization
- Design and establish Data Users Registry System
- Establish registration counter

# KEY MILESTONES FOR PDP ACT- 2013

| Quarter 1 | Quarter 2 | Quarter 3 | Quarter 4 |
|---|---|---|---|
| ▪ Devise strategic impl. framework | ▪ Stakeholders consultations and meetings | ▪ Public Consultation- data users class | ▪ Designation of the Commissioner |
| ▪ Design and implement stakeholders comms. strategy | ▪ Establish first phase of Regulations | ▪ Finalisation of Regulations, rules and sub. legislations | ▪ Establish Advisory Committee |

# IMPLEMENTATION ROADMAP - PDPA

- The PDPA passed by Parliament

**2010**

- Establishment of PDP Department
- Strengthening of the department

**2011**

- Awareness programmed
- Formulation of regulations
- Data user registry system

**2012**

- Implementation of the Act
- Designation of commissioner
- Establish advisory committee
- Registration

**2013**

- Designing forum
- Enforcement
- Appeal Tribunal

**2014**
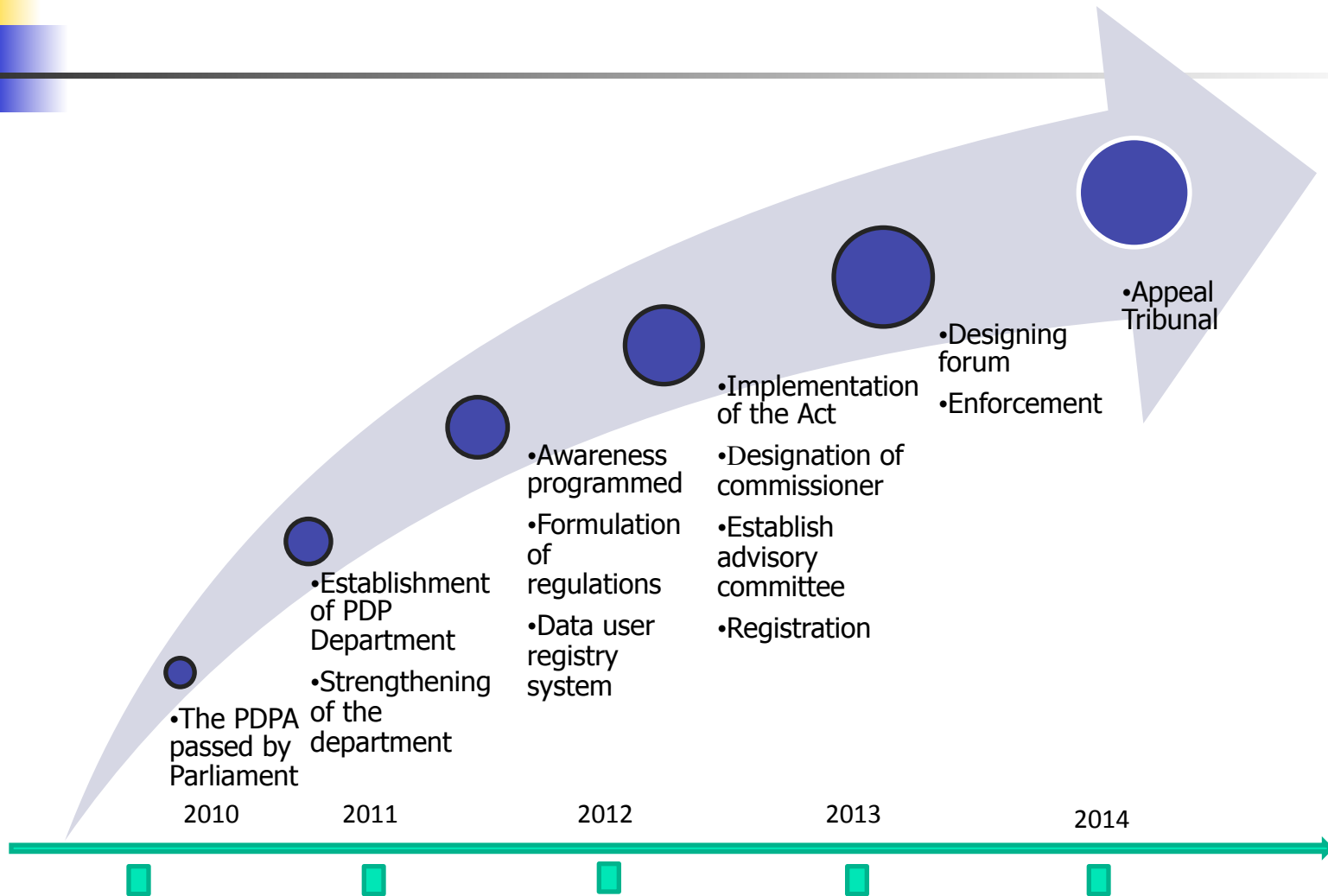
# ENFORCEMENT  OF PDP ACT

# LEGISLATIVE POWERS AND PROCEDURES

**MINISTER**
Exercise a range of powers conferred by the Act

**COMMISSIONER**
Specific directions by the Minister in the performance of its functions

**APPOINMENT**
- Commissioner
- Advisory Committee
- Appeal Tribunal
- Funding

**REGULATIONS**
-Introduce
-Review

**REGISTRATION**
-Terms and conditions
- Exemptions

**REGISTRATION**
-Code of practice
-Forums

**INVESTIGATION**
-Consultation
-Reporting
-Information gathering

**GENERAL**
-Appoint experts
-Enter into contract
-Resources planning

# ENFORCEMENT APPROACH

**1.Compliance**       **-** Registration Of data users
                      (section 13-20)

**2.Risk-Based**       **-** Measures to mitigate risks
                      (section 9(2) and 101 )

**3.Co-Regulatory**   **-** Industry's code of practices

                      (section 21-29)

# COMPLIANCE APPROACH

**Registration** - processing of personal data without registration ( RM 500K /3yrs)

**Investigation** - contravention cause or likely to cause damage/distress to data

**Enforc. Notice** - direct data users to take remedy measures or cease the processing of personal data  ( fine RM 200K/2yrs)

**Appeal Tribunal-** enforcement notice, code practices, data access /correction requests, investigations
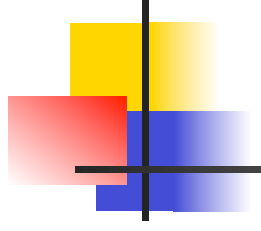
# RISK-BASED APPROACH

**Measures**
- identify, define and enhance protection on sensitive data
- establish risk management policies and procedures
- align policies procedures and business processes
- Raising awareness among employees
- Strengthen security at all levels i.e. human, organisation and technical standards

# CO-REGULATORY APPROACH

**Steps Involve in designating Data Users Forum**

- **-** designate existing or new data users forum for specific class
- - registration
- - code of practices with registration requirement
- - compliance is mandatory –liable to fine not exceeding RM 100K or one year imprisonment

THANK
YOU