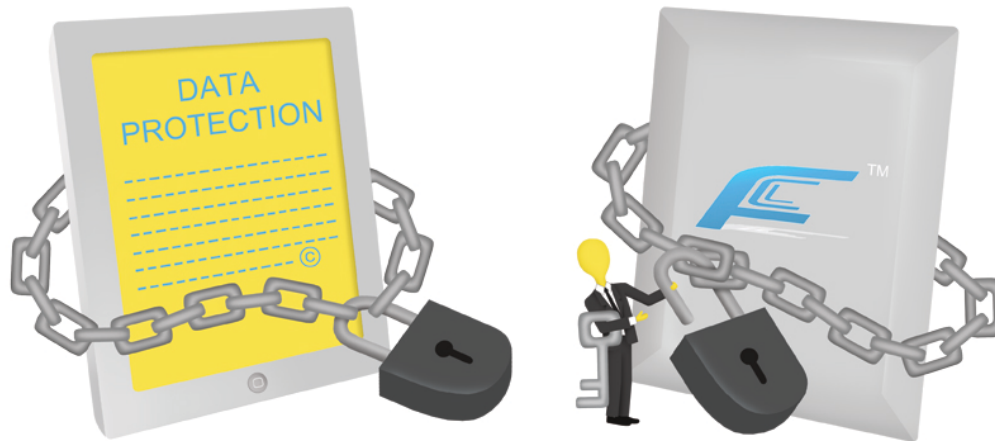


Reflections from Malaysia: Peering inside and out - implications for international organisations

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Agenda

- Current Status
- Implications on international organisations

Current Status

- Enforcement?
- Regulations
 - Data User Registration
 - Access

AKTA PERLINDUNGAN DATA PERIBADI 2010

**PERATURAN- PERATURAN PERLINDUNGAN DATA PERIBADI
(PENDAFTARAN PENGGUNA DATA) 2013**

PERMOHONAN PENDAFTARAN PENGGUNA DATA

B Tujuan

Sila nyatakan secara umum mengenai tujuan perniagaan, perdagangan atau profesion dan apa--apa tujuan tambahan yang membolehkan anda memproses data peribadi.

C Jenis

Data Peribadi Secara ringkas senaraikan jenis-jenis data peribadi (contohnya nama, alamat nombor kad pengenalan, tarikh lahir, e--mel) yang diproses bagi tujuan seperti di Bahagian B di atas.

AKTA PERLINDUNGAN DATA PERIBADI 2010

**PERATURAN- PERATURAN PERLINDUNGAN DATA PERIBADI
(PENDAFTARAN PENGGUNA DATA) 2013**

PERMOHONAN PENDAFTARAN PENGGUNA DATA

D Penzahiran

Senaraikan kepada siapa (individu/organisasi) data peribadi yang diproses dizahirkan.

E Pemindahan Data Peribadi ke tempat di luar Malaysia

Senaraikan negara-negara di mana data peribadi dipindahkan, atau berniat untuk dipindahkan, serta jenis data peribadi yang akan dipindahkan dan tujuan pemindahan data peribadi tersebut.

Implications

Transfer of Personal Data overseas (s. 129)

- General prohibition
 - RM300,000 or Imprisonment of 2 years or to both
- Exceptions / Overcome
 - Place specified by Minister
 - Consent
 - Necessary for performance of a contract

Implications

Transfer of Personal Data overseas (s. 129)

- Exceptions / Overcome
 - Anonymity
 - Local servers

Question:

Personal data stored in a web-based software installed in a server in Malaysia. If a person access the data outside Malaysia through a web browser, would the Act apply? Bear in mind that personal data will be downloaded into the user's computer when he view such data.

Transfer of Data Overseas

- the data user has taken **all reasonable precautions and exercised all due diligence** to ensure that the personal data will not in that place be processed in any manner which, if that place is Malaysia, would be a contravention of the Act (s. 129(3)(f))

Transfer of Data Overseas

- Provision identical to s. 33 of HK Personal (Privacy) Data Ordinance
- Fact Sheet No. 1, April 1997 – agreement between data user and recipient
- Model Contracts Clauses

Thank you

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Further reading: <http://foongchingleong.com/2011/05/personal-data-protection-act-2010/>

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