

Personal Data Protection (PDP) Insights

DPO appointment requirement update: What you need to know and do?



Key dates for the implementation of PDP laws and regulations in Indonesia:

- Enactment of the Indonesian PDP Law: 17 October 2022
- Circulation of Draft Government Regulation on the PDP Law Implementing Regulation for public feedback: 31 August 2023
- End of PDP Law transition period: 17 October 2024
- Constitutional Court decision on the DPO appointment requirement: 30 July 2025

What you need to know and do following the Constitutional Court's Decision No. 151/PUU-XXII/2024 on the requirement to appoint a Data Protection Officer under Personal Data Protection Law Article 53(1).

Background

Indonesia's Law No. 27 of 2022 on Personal Data Protection (PDP Law) requires organisations handling personal data to appoint a Data Protection Officer (DPO) if they meet all these conditions: they provide public services, regularly monitor large-scale personal data, and process sensitive data like criminal records or other specific personal information on a large scale.

This requirement was challenged in the Constitutional Court by Eric Cihanes and Garin Arian Reswara to Indonesia's Constitutional Court, who argued that needing all three conditions for mandatory DPO appointment weakens data protection because many organisations handling high-risk data might not meet all three at once. They contend that each condition should individually trigger the need for DPO. Essentially, they argued that the current law doesn't fully protect their constitutional right to data privacy.

The key changes

The Constitutional Court sided with the challengers in Decision No. 151/PUU-XXII/2024, changing the "and" in the DPO requirement to "and/or." This means organisations now need a DPO if they meet any of the three conditions: providing public services, conducting large-scale monitoring of personal data or processing large-scale sensitive data like criminal records. The Court's rationale underscored the inherent high-risk nature of each activity. This change broadens the rule's reach and strengthens data protection, which is a key part of everyone's right to personal security. This also brings Indonesia's rules closer to Europe's GDPR, which has a similar requirement.

What this means for your organisation

In light of this significant ruling, organisations operating in Indonesia should promptly assess their data processing activities against the DPO appointment criteria. Those providing public services, engaging in large-scale monitoring of personal data or processing large-scale sensitive data, must now appoint a DPO. Failure to appoint a DPO leaves organisations vulnerable to penalties under the PDP Law and significantly increases their risk when facing data privacy issues. Organisations are advised to seek an expert on privacy governance to ensure full compliance and safeguard their stakeholders' data privacy rights.

Proactive measures, including DPO appointment, robust data governance policies and comprehensive data protection training, demonstrate a commitment to upholding the strengthened data protection standards now in effect in Indonesia.

How PwC can help

Navigate Indonesia's evolving data protection landscape with confidence. PwC Indonesia can help you assess your DPO needs and design a tailored, efficient DPO structure, ensuring full compliance with the latest regulations. Our services include the following:

- **DPO needs assessment and structure design:** We provide a comprehensive legal assessment to determine if your organisation requires a DPO under Indonesia's updated PDP Law and offer tailored recommendations for the optimal DPO structure based on your specific needs and existing organisational/company structure.
- **Data protection and DPO policy development:** We draft or revise your organisation's data protection policies, including those specifically defining the DPO's roles, responsibilities and reporting structure, to ensure full compliance with the latest Indonesian regulations.
- **DPO support:** We offer operational support to your DPO, providing expert assistance with day-to-day data protection tasks and ongoing compliance.

Is your organisation already protecting personal data?

We have entered a new era of accountability under Indonesia's PDP Law, where organisations must demonstrate tangible, measurable compliance: from clear documentation to proactive governance and heightened employee awareness. Our experience spans diverse industries, helping businesses confidently meet these demands. Through comprehensive gap assessments, strategic remediation planning, policy development and targeted internal training, our customised approach ensures your organisation is not just compliant but also resilient against regulatory and industry challenges.



Ensuring compliance with PwC

PwC offers a diverse range of services designed to address every aspect of personal data protection and compliance. Below are the services our expert team can deliver to help you stay ahead in today's evolving regulatory landscape.

Comprehensive PDP compliance service

Comprehensive end-to-end support to assess, align and implement compliance with relevant requirement.

- Gain a holistic understanding of your current PDP practice through our comprehensive PDP gap assessment, meticulously aligned with Indonesian laws and regulations.
- Obtain a clear, actionable remediation roadmap that prioritises tasks, assigns responsibilities and establishes realistic timelines; so you always know your next steps.
- Receive tailored compliance document drafts relevant to your business, along with hands-on support to effortlessly customise and finalise them.
- Access expert advisory support every step of the way to tackle challenges and keep your project on track.

Governance framework development

Creating and implementing strong governance frameworks to ensure effective management of personal data protection responsibilities.

- Delivering essential compliance document drafts in full accordance with current laws and regulations.
- Assisting in building a robust privacy governance framework, defining clear roles, escalation processes and reporting channels.
- Leveraging our global network to ensure your compliance approach not only meets Indonesian legal requirements but also reflects international best practices and insights.

DPO support

Tailored design of DPO roles and responsibilities, complemented by hands-on operational support that acts as an extension of your internal team.

- Offering expert advice and guidance on legal and operational issues related to personal data protection and privacy.
- Reviewing privacy-related documents and recommending practical improvements to enhance compliance.
- Supporting internal discussions on privacy matters to ensure informed decision-making.
- Monitoring overall compliance progress and delivering strategic guidance to address risks and align with industry best practices.

Training and awareness

Engaging, practical training designed to strengthen internal capabilities and cultivate a robust culture of personal data protection.

- Designing and delivering tailored PDP and compliance training programmes to empower your internal teams, including legal, HR, IT and more.
- Leading engaging awareness sessions to promote best practices in personal data handling among employees.
- Supplying customisable slide decks and learning materials for seamless internal use.
- Conducting post-training quizzes, interactive Q&A sessions, and follow-ups to reinforce key concepts and ensure understanding.

For services tailored to fit the needs of your organisation, please contact the team:

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