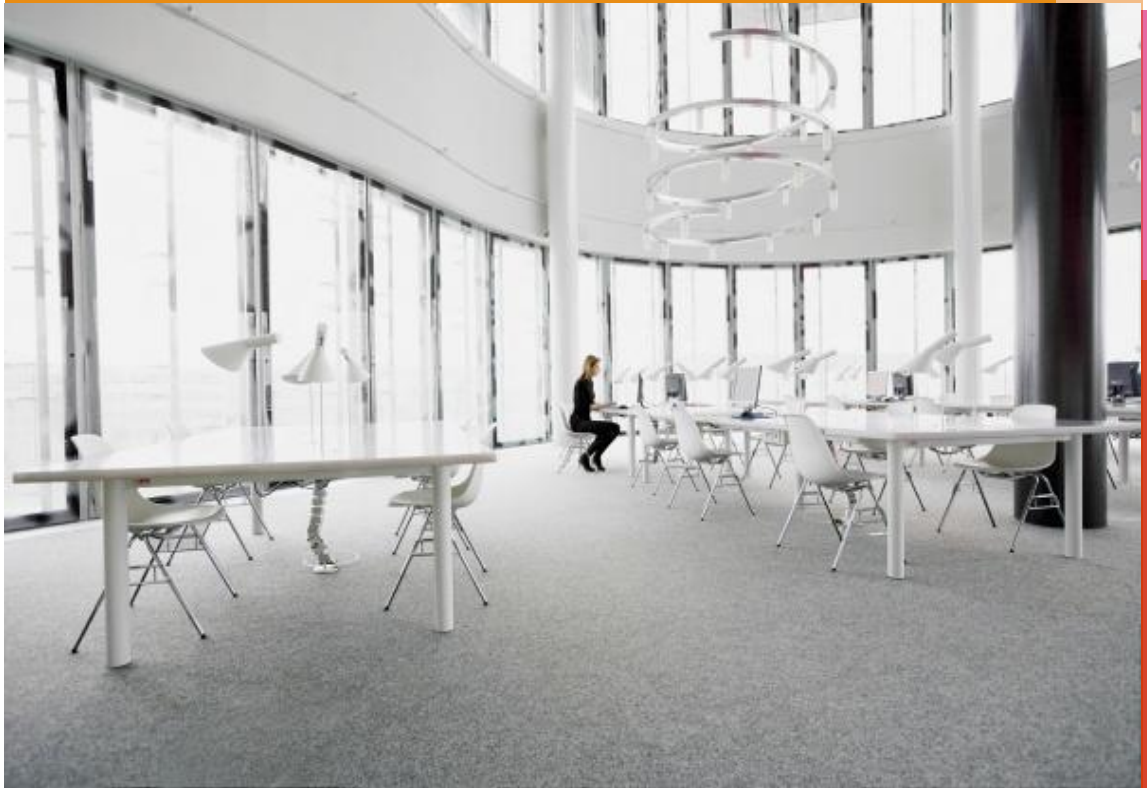


# *Data Protection: It's getting personal*

*Malaysia:  
Personal Data  
Protection Act  
(PDPA) 2010*



## *Read about these?*

***“Octopus sold customer personal data to business partners for direct marketing. The Chief Executive resigned amid intense criticisms”***

- The Standard, 2010 -

***“Personal Data for Sale”***

- The Malay Mail, 2010 -

***“Barclays bank employee fined £2,000 after she unlawfully accessed customer accounts for personal purposes”***

- Barclay Simpson, 2012 -

## *Are you ready?*



***Personal Data Protection Act  
2010 is applicable to all  
businesses in the private sector  
that processes personal data in  
respect of commercial  
transactions***

Many countries have adopted or are in the process of promulgating privacy laws aimed at protecting their citizens from abuses of their personal information.

On 15 November 2013, the Personal Data Protection Act 2010 (“PDPA”) has finally come into force with the objective to protect the personal data of individuals with respect to commercial transactions. You have 3 months to register your organization and to comply with the Act.

The penalty for non-compliance will be between RM 100k – 500k and/or imprisonment of between 1 – 3 years.

# *Your customer and employee data? Here, there, and everywhere*

*Loss of personal data leaves customers and employees at risk of fraud and personal identity theft*

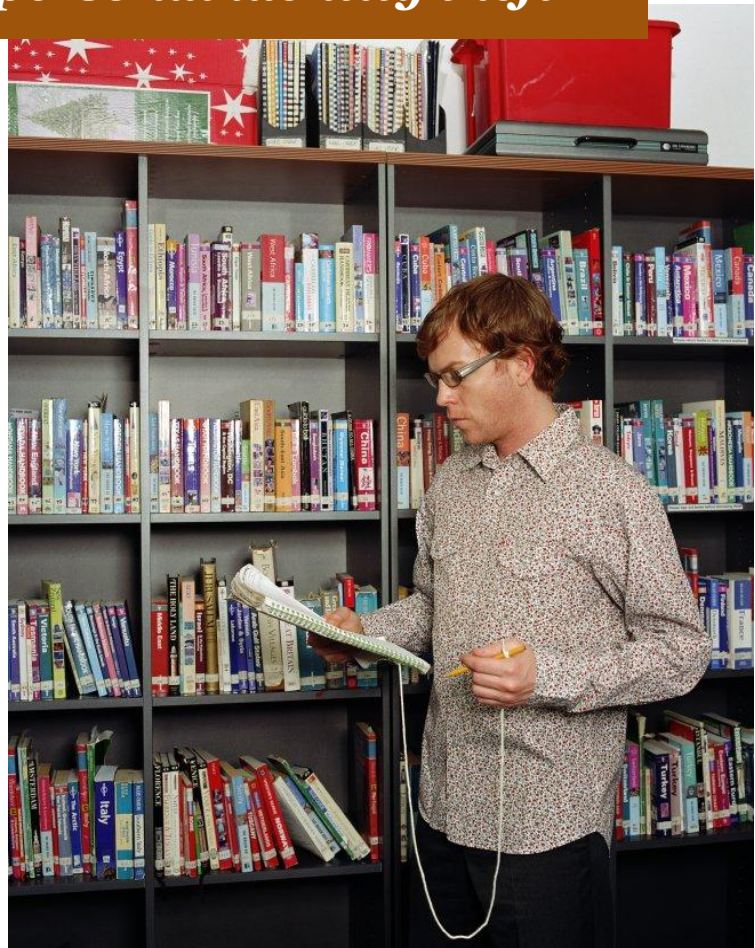
**Personal Data** means any information in respect of commercial transactions that relates directly or indirectly to an individual, who is identified or identifiable from that information alone or with other information including any sensitive personal data and expression of opinion about the individual. Example of personal data are (but not limited to):

- Name
- Address
- Gender
- Date of Birth
- Telephone Number
- Photographs
- Videos

**Sensitive Personal Data** refer to any personal data that contains any of the following attributes:

- Physical or Mental Health
- Political Opinions
- Religious Beliefs
- Commission or alleged commission of any offence or any other personal data as determined by the minister

For sensitive personal data, explicit consent has to be obtained from the individual for processing of the personal data.



## *The Value of Personal Data Protection*

*“Personal data is not just customer personal data, it includes employee and vendor personal data”*

From an organisational perspective, the Act has far reaching effects and affects the manner in which organisations interact with their employees, customers and third party service providers as well as how they store, handle and process personal data. More than just another compliance initiative, the impact from the Act will be felt throughout an organisation from its business process layers right down to the supporting functions, infrastructure and facilities.

The Act also covers personal data that has been outsourced to a third party service provider for processing.

Special attention is also required for cross border transfer of personal data.

An effective personal data protection and compliance framework will provide value in the following areas:

- Robust corporate responsibility
- Engaging customer relationship management
- Increased consumer confidence
- Strengthened corporate reputation and brand image



## *Principles of Personal Data Protection Act*

### ***General Principle***

Sets out the rights and obligations of the data user when processing personal data.

### ***Notice and Choice Principle***

A data user shall inform an individual by written notice that his personal data is being processed by or on behalf of the data user, the purposes for which the personal data is to be collected and further processed, the individual's right to request access or correction of the personal data and how to contact the data user with any inquiries or complaints regarding the personal data, class of third parties to whom personal data will be disclosed to, the choice to limit the processing, whether it is obligatory or voluntary for the individual to supply the personal data and the consequences if he fails to supply.

### ***Disclosure Principle***

The data user shall not disclose a data subject's personal data, without the consent of the data subject, unless it is for the purpose for which it was originally collected.

### ***Security Principle***

The data user shall take practical steps to safeguard the personal data from any loss, misuse, modification, unauthorized or accidental disclosure, alteration or destruction.

### ***Retention Principle***

The personal data processed for any purpose shall not be kept longer than is necessary for the fulfillment of that purpose.



### ***Data Integrity Principle***

A data user shall take responsible steps to ensure that the personal data is accurate, complete, not misleading and kept up-to-date.

### ***Access Principle***

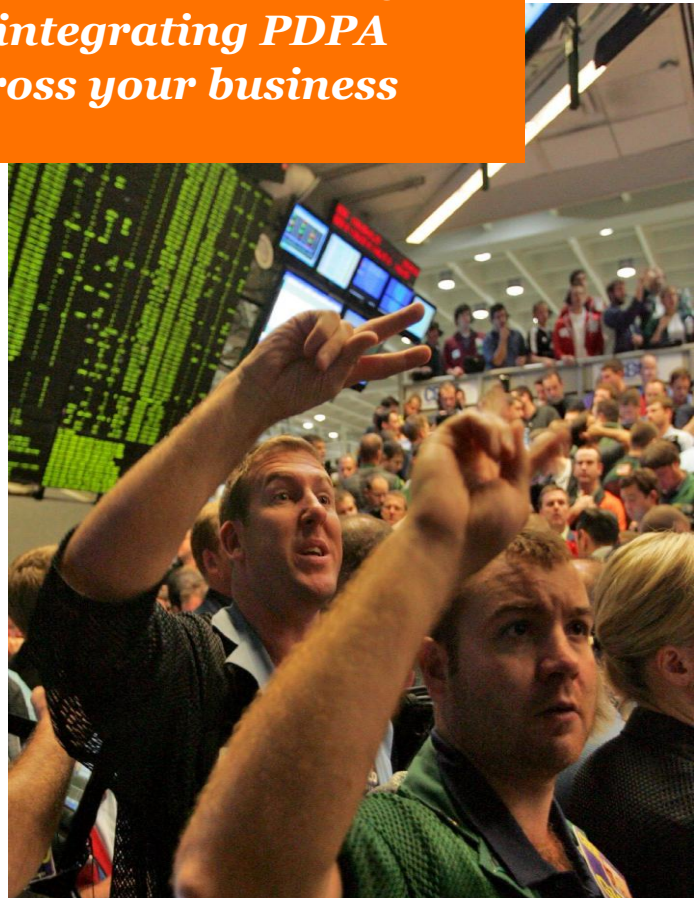
An individual shall be given access to his personal data held by a data user and be able to correct it.

## Why Choose PwC?

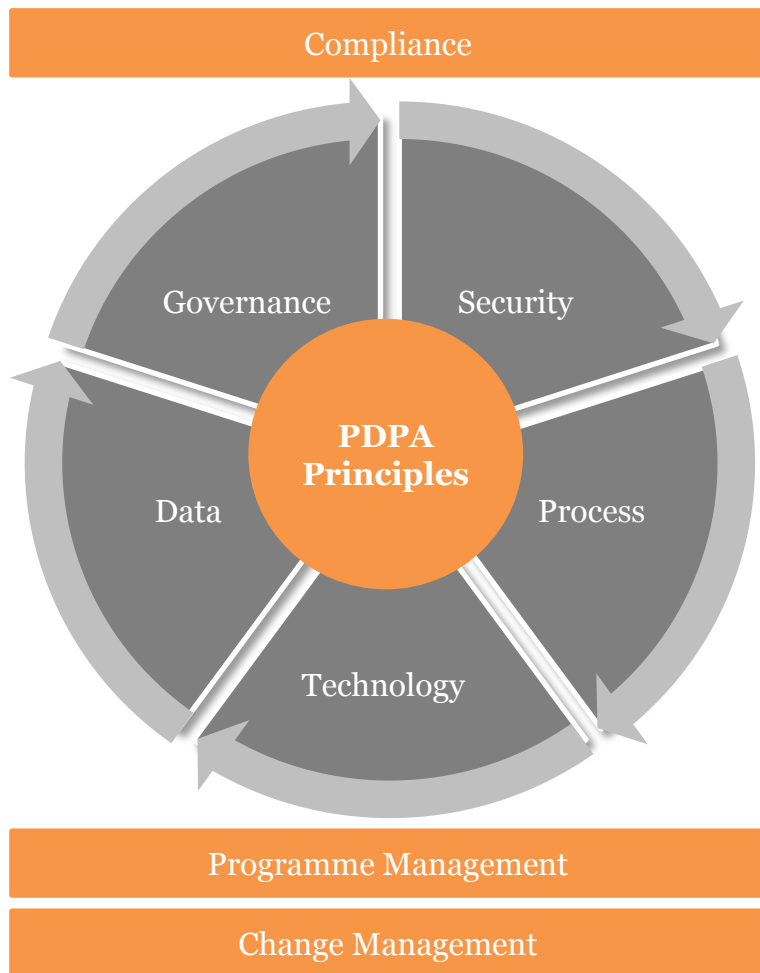
*PwC can assist your organisation to comply with the Act by providing an integrated approach and effective solution to assist you in the task of integrating PDPA Principles across your business*

PwC is dedicated to delivering effective solutions to your regulatory needs.

- We have hands-on experience in the implementation of the Malaysian Personal Data Protection Act
- We have developed a methodology to that will assist in the gap analysis and implementation to comply with the Act, which is cost effective and minimises disruption to your business
- We are a global leader in the area of personal data protection
- We are committed to quality



## Our Methodology



### **Compliance**

A holistic, integrated compliance framework and strategy is defined for the organisation.

### **Governance**

The privacy programme is steered, coordinated and controlled correctly and delivers on expected benefits.

### **Security**

Compliant security measures are implemented across the organisation and its partners in a consistent and effective manner.

### **Process**

Affected business processes are changed or adapted to comply while still remaining efficient.

### **Technology**

Technology is changed or adapted to comply with the proposed legislation.

### **Data**

The completeness, accuracy and validity of personal information is assured.

### **Programme Management**

Privacy projects are tracked, managed and efficiently run to minimise costs and maximise efficiency.

### **Change Management**

The privacy programme is complemented by appropriate interventions to ensure that any changes made stick.



## *PwC Services*

***The personal data protection services we provide include:***

***Gap Analysis and Development of Implementation Roadmap***

Identify the gaps to meet the legal requirements and industry standards. Develop a strategic roadmap to address the gaps

***Framework Development***

Develop structure, roles and responsibilities, policies and procedures

***Compliance***

Audit processes and systems to assess compliance with policies, standards and legal requirements

***Seminar and Training***

Design and present training and awareness programmes



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