

Client Alert

October 2017

Enforcement of the Personal Data Protection Act 2010 (PDPA)

The Personal Data Protection Department is now actively enforcing the PDPA.

Companies in the hotel and education sector, as well as an employment agency have been fine up to RM 20,000 for breach of the PDPA.

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Data users should therefore ensure that there is full compliance with all the requirements under the PDPA and its subsidiary legislation, including the Personal Data Protection Regulation and the Personal Data Protection Standards.

The details of the offence and penalty are set out below:

No.	Entity	Offence	Penalty
1.	Hotel Judgement date: 20/9/2017	<u>Section 16(4)</u> Processing personal data without certification of registration <u>Section 5(2)</u> Processing data subject's personal data without consent	Either: <ul style="list-style-type: none">• A total fine of RM 20,000 (RM 10,000 for each offence); or• 8 months imprisonment
2.	Private Higher Education Institution Judgement date: 14/8/2017	<u>Section 16(4)</u> Processing personal data without certificate of registration	Either: <ul style="list-style-type: none">• A total fine of RM 10,000; or• 3 months imprisonment
3.	Employment Agency Judgement date: 27/9/2017	<u>Section 16(4)</u> Processing personal data without certificate of registration	A fine of RM 10,000

Imprisonment may be applicable to any director or officer of the body corporate, unless such individual manages to prove:

1. the offence was committed without his/her knowledge, consent or connivance, and
2. he/she had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.