

PDPA

IMPLEMENTATION IN UTILITIES SECTOR (WATER)

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INTRODUCTION

The Malaysia Personal Data Protection Act (PDPA) of 2010 was introduced and implemented on November 15, 2013. It sets out a complete cross-sectoral framework in order to protect individuals' personal data with regard to commercial transactions. This article is the first of three and covers an introduction to PDPA 2010 law, its underlying scope and definitions, where PDPA authority lies and the sectors that must register.

The PDPA was introduced to strengthen consumer confidence in business transactions and e-commerce, given the increasing number of credit card and identify theft frauds as well as personal data selling without the user's consent.

Before PDPA 2010 was introduced, data protection obligations were present among specific sectoral secrecy and confidentiality obligations only – personal information was protected only as 'confidential information' through civil actions or contractual obligations in regards to breach of confidence.

SCOPE AND DEFINITION

UNDER THE ACT, DATA USERS MUST BE IN COMPLIANCE WITH SEVEN PERSONAL DATA PROTECTION PRINCIPLES:

01 **GENERAL**

02 **NOTICE AND CHOICE**

03 **DISCLOSURE**

04 **SECURITY**

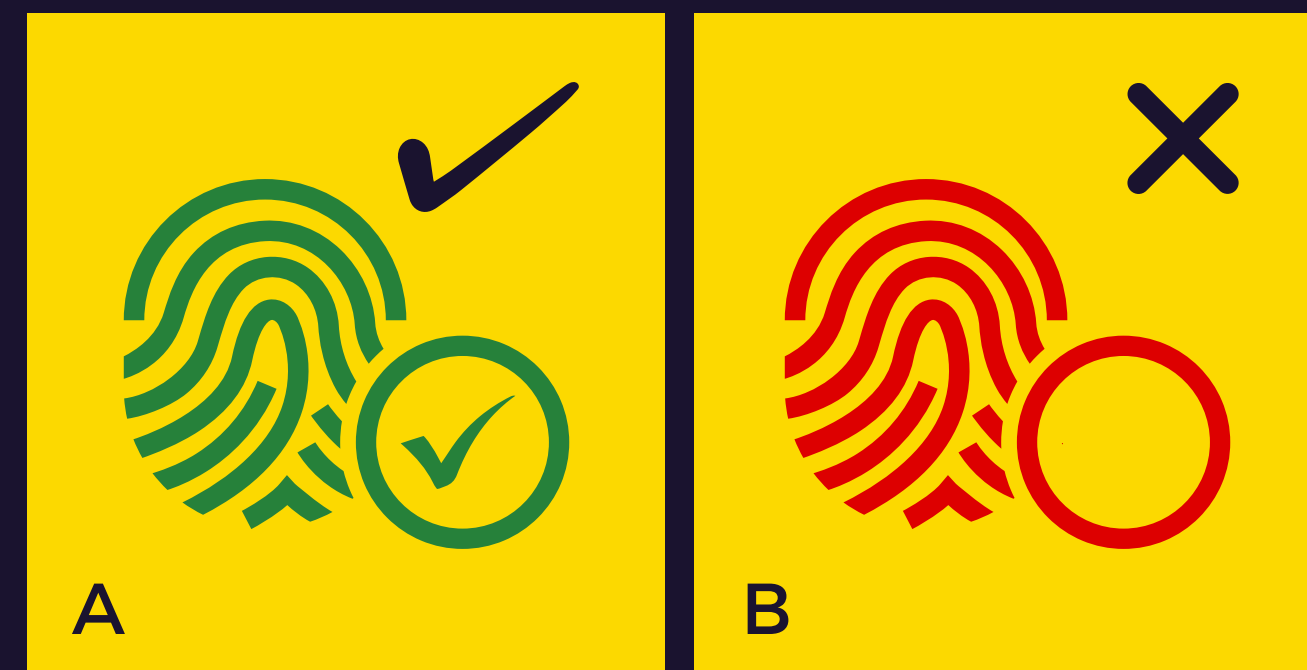
05 **RETENTION**

06 **DATA INTEGRITY**

07 **ACCESS**

01 GENERAL

Personal Data may only be processed by the explicit permission of the data subject.



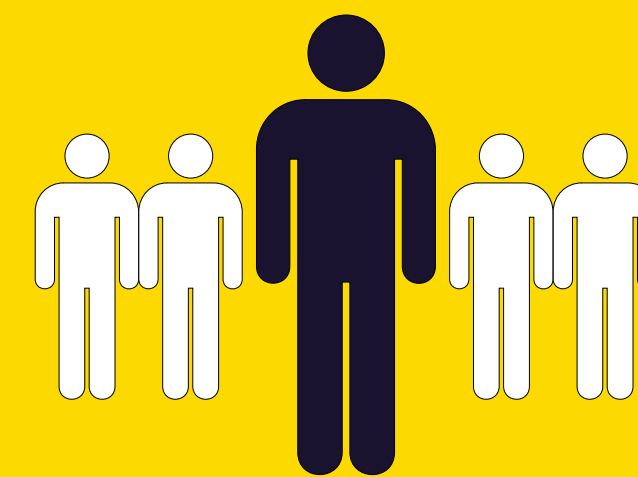
02 NOTICE AND CHOICE

Data subjects must be kept informed through written notice so as to (among other things) the type of data being processed, the purpose for processing it, the option to request access to that data and make any amendments, and the choices and means through which the data subject wishes to limit processing of all such personal data



03 DISCLOSURE

Personal data must not be disclosed for any purpose other than when it was disclosed at the time of collection; furthermore, data must only be disclosed to persons which the data subject has already agreed to or notified the data user in advance.



DISCLOSURE

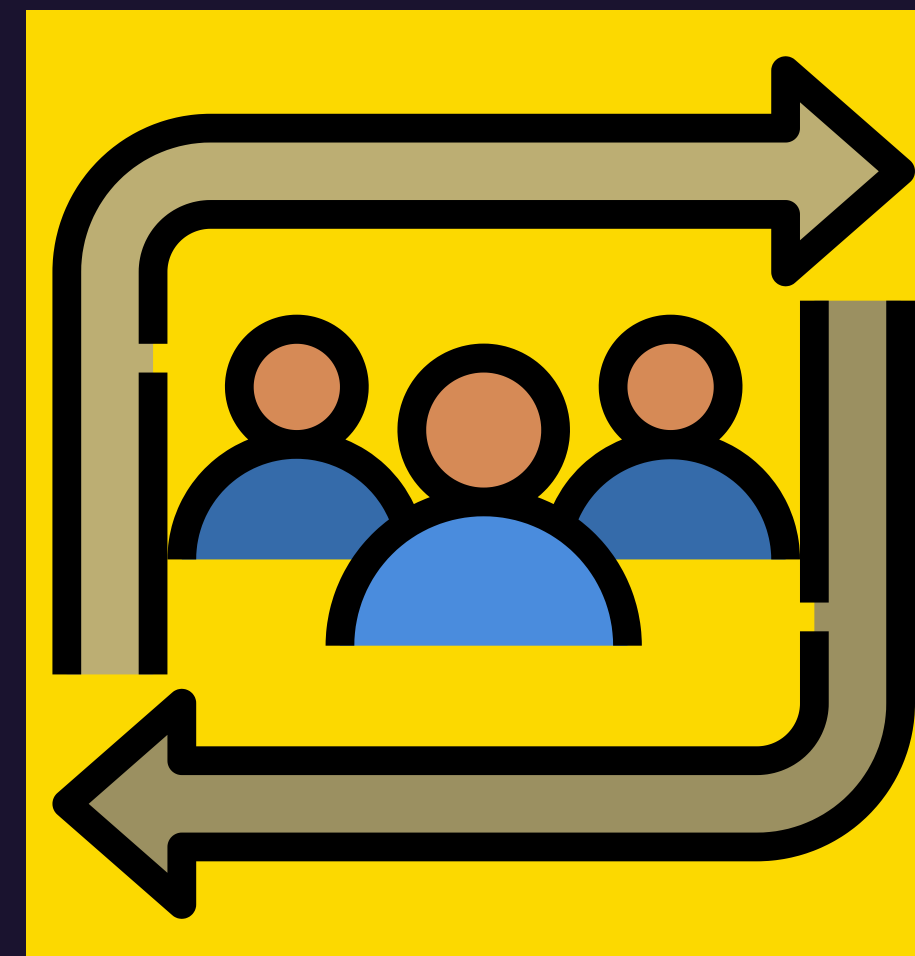
04 SECURITY

Data users must take the required steps to protect personal data from misuse, loss, manipulation or unauthorized disclosure/access, modification or destruction.



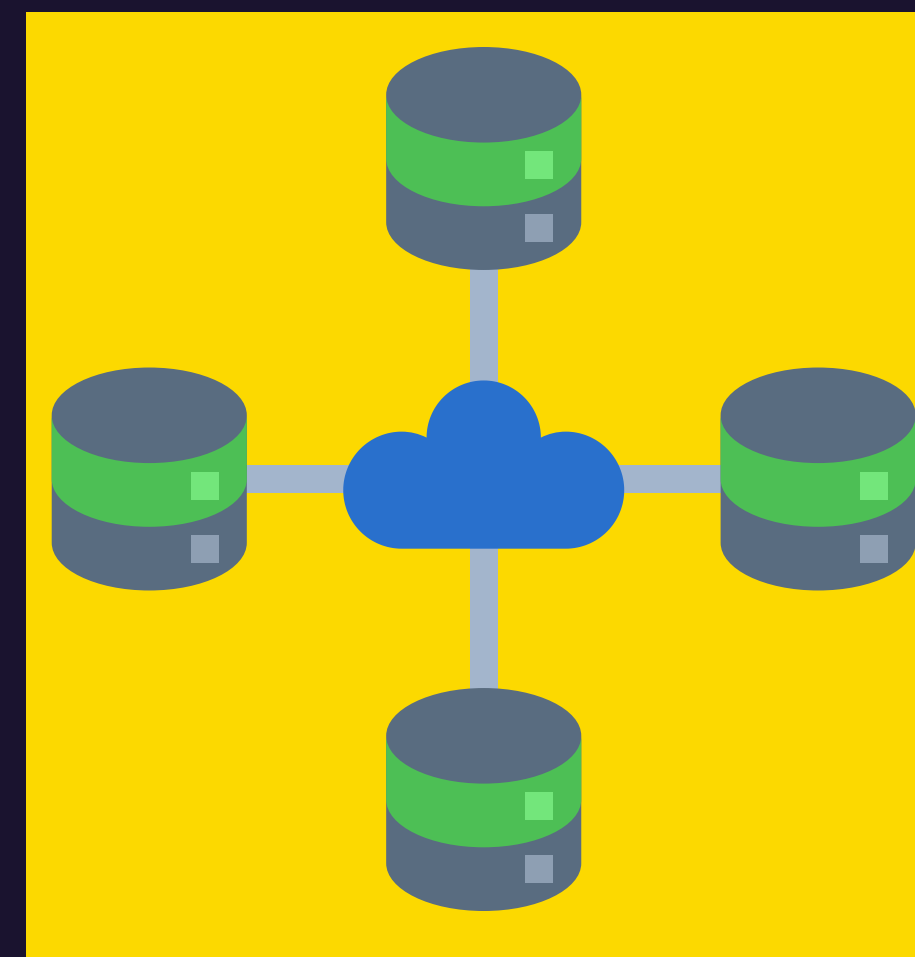
05 RETENTION

Personal data may not be stored for a duration longer than the one necessary for fulfillment of the underlying purpose.



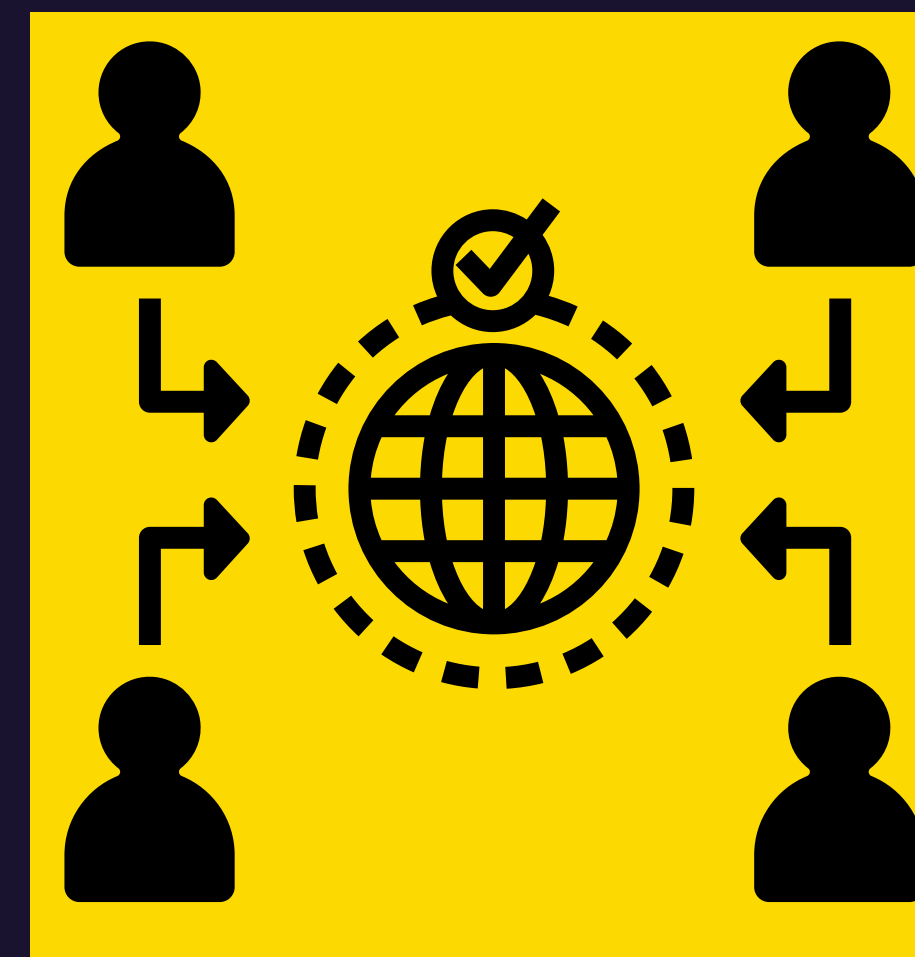
06 DATA INTEGRITY

Data users need to take the appropriate steps to ensure that their personal data is up to date, accurate, complete and not misleading in any way



07 ACCESS

Data subjects must be allowed access to their personal data in case they want to update/correct inaccurate, incomplete or misleading data.





PDPA IN SYARIKAT AIR NEGERI SEMBILAN (SAINS)

From our research, they are only three of seven PDPA principles applies in SAINS.
Among them are :

01 **GENERAL**

02 **DISCLOSURE**

03 **ACCESS**

01 GENERAL

Under the Act, we, Syarikat Air Negeri Sembilan Sdn Bhd ("SAINS") are required to serve you as our customer a notice pertaining to your rights in respect of your personal data that is being processed or that is to be collected and further processed by us and the purposes for the data processing.



02 DISCLOSURE

We may disclose your personal data for the purposes as described above to the related parties as follows:

- (a) agents, contractors and service providers (including those in overseas) who provide services relating to the purposes for which personal data is provided;
- (b) third parties (including those in overseas) who supply data processing services;
- (c) lawyers, debt collection agencies and credit reporting agencies appointed by SAINS, in the event of default in payment of water supply service charges imposed by SAINS; and
- (d) any person who is under a duty of confidentiality who has undertaken to keep the data confidential.

We may also disclose your personal data if so required by law in good faith, if such action is necessary to (i) comply with the requirements of any regulatory body, law enforcement agency, court order or legal process; or (ii) protect and defend the rights or property of SAINS and its personnel

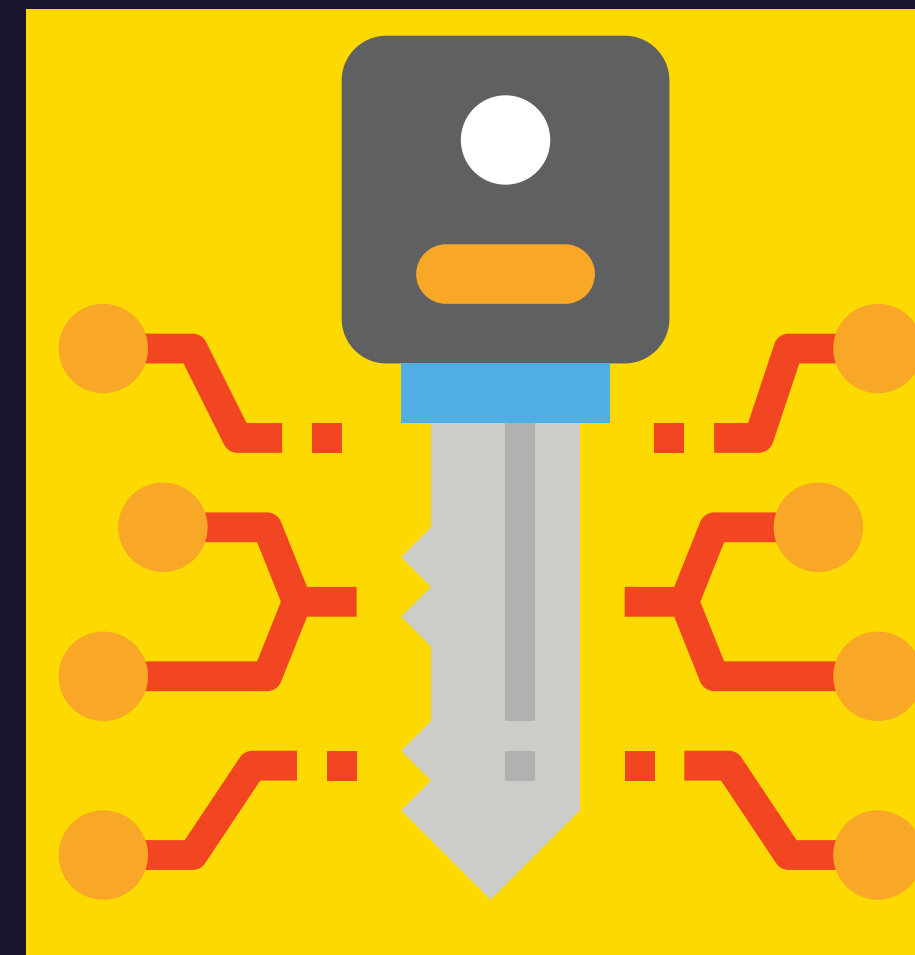


03 ACCESS, CORRECTIONS AND COMPLAINTS

If you would like to make any enquiries or complaints or request access or correction of your Personal Data, you may contact our Personal Data Protection Officer from our Legal Department at our Head Office by calling them at 06-6033500 or faxing 06-6017513 from 9.00 am to 5.00 pm or you can email us at zabidin@sainswater.com. Any request to access or correct the Personal Data may be subject to a fee and also to requirements under the Personal Data Protection Act 2010.

Where you elect to limit our rights to process your Personal Data, you may also contact the above mentioned Personal Data Protection Officer, in writing.

In the event of any inconsistency or conflict between the English version and the Bahasa Malaysia version of this Personal Data Protection Notice to customer, the English version shall prevail.



CONCLUSION

It can be concluded that through the comparison between the Personal Data Protection Act principles and its implementation in the water utility sector, a total of 3 principles has been implemented. Although a complete implementation of principles should include a total of 7 principles, the water utilities sector has enforced a part of the PDPA in its implementation, thus achieving consumer's confidence towards their service.

REFERENCE

1. <https://www.sainswater.com/index.php/ms-MY/personal-data-protection-notice>
2. <https://www.lexology.com/library/detail.aspx?g=ec5c2b84-c3aa-44d1-a61e-df0f35092c63>
3. https://www.sainswater.com/3s/privacy_policy.html



THANK YOU

