



LEGAL

By Muhamad Irfan Fadhullah

Outline

- Regulation of The Minister Of Communication And Informatics Of The Republic Of Indoneisa Number 20 Of 2006
- General Data Protection Regulation



What is about?

CONCERNING PROTECTION OF PERSONAL DATA IN THE ELECTRONIC SYSTEM

Consisting of 12 chapters and 39 articles.

Who is involved in this rule?

- The government
- Community (Owner of personal data a.k.a. Data Subject)
- Business Entity (Electronic organizer system)



Chapter 1 and 2 Of This Rules

CHAPTER 1 GENERAL PROVISIONS

- Article 1 includes an explanation of terminology or vocabulary used.
- Article 2 covers the protection of personal data in electronic systems.

CHAPTER 2 PROTECTION

Consists of 23 articles (article 3 to 25), which is classified into six parts, namely:

- General
- Acquisition and collection of personal data
- Processing and Analyzing personal data
- Storage of personal data
- Appearance, announcement, delivery, dissemination and opening access to personal data
- Destruction of personal data



Chapter 3 and 4 Of This Rules

CHAPTER 3 RIGHTS OF DATA SUBJECTS

Consists of only 1 article, article 26.

This chapter explains the rights of ownerspersonal data which includes:

- Privacy of personal data
- Complaint
- Access to updates
- Historical access
- Removal request

CHAPTER 4 OBLIGATIONS OF USERS

Consists of only one article, namely article 27.

What are the user's obligations:

- Maintain confidentiality
- Using data as needed
- Protect personal data
- Responsible for personal data



Chapter 5 Of This Rules

CHAPTER 5

OBLIGATIONS OF ELECTRONIC SYSTEM PROVIDERS

There is 1 article, namely article 28, where the obligations of electronic system providers include 9 obligations, namely:

- Conduct electronic system certification
- safeguard the truth, validity, confidentiality, accuracy, and relevance and suitability
- safeguard the truth, validity, confidentiality, accuracy, and relevance and suitability
- has internal rules regarding the protection of appropriate Personal Data
- provide audit track records
- gives the option to the owner of the personal data regarding the personal data he manages
- gives access or opportunity to the owner of personal data to change or update his personal data
- destroy Personal Data in accordance with the provisions
- provide a contact person who is easy to contact

Chapter 6 Of This Rules

CHAPTER 6 DISPUTE RESOLUTION

Consists of 5 articles

- Set the procedure for resolving disputes between the owner of personal data and electronic system organizer.
- Complaints addressed to the Minister. Reason for complaint: (1) there is no written notification to the owner of the data, (2) there is potential loss for Personal Data Owners or other electronic System Providers.
- The Minister delegates authority to the Director General.

Chapter 7 Of This Rules

CHAPTER 7

GOVERNMENT AND PUBLIC PARTICIPATION

Consists of 1 article

- The Director General provides education to the public regarding:
- Definition of Personal Data;
- The nature of personal data that is privacy;
- Definition of Agreement and its consequences;
- Understanding of the Electronic System and its mechanism;
- Personal Data Owner Rights, User obligations, and Electronic System Provider obligations;
- Provisions regarding dispute resolution if a failure occurs confidential protection of Personal Data by the Electronic System Provider.
- Other statutory provisions related to protection of Personal Data in the Electronic System.

Chapter 8 Of This Rules

CHAPTER 8 SUPERVISION

Consists of 1 article, namely article 35 which regulates supervision carried out by the Minister and / or the head of the supervisory agency and sector regulator,
Done directly or indirectly. Delegate authority to the Director General.



Chapter 9 and 10 Of This Rules

CHAPTER 9 ADMINISTRATIVE SANCTIONS

- Verbal warning
- Written warning;
- Temporary suspension of activities;and / or
- Announcements on sites in the network(online website).

CHAPTER 10 MISCELLANEOUS PROVISIONS

Regulate when people are privateincluded in the category of children, then parents(biological) representing or his guardian.



Chapter 11 and 12 Of This Rules

CHAPTER 11

Electronic System Providers that already provides, stores, and manages Personal Data prior to this Regulation of the Minister coming into effect shall keep maintaining the confidentiality of Personal Data they manage and accommodate to this Regulation of the Minister within 2 (two) years.

CHAPTER 12

This Regulation of the Minister shall come into effect from the date it is promulgated.

Issued in Jakarta on November 7, 2016

GENERAL DATA PROTECTION REGULATION



WHAT IS GDPR?

The General Data Protection Regulation (GDPR) is the toughest privacy and security law in the world. Though it was drafted and passed by the European Union (EU), it imposes obligations onto organizations anywhere, so long as they target or collect data related to people in the EU.

WHY THERE WAS A NEED FOR THE GDPR?



GDPR is important because it improves the protection of european data subjects' rights and clarifies what companies that process personal data must do to safeguard these rights.

WHEN WAS IT IMPLEMENTED?



The regulation was put into effect on

May 25, 2018

WHAT ARE THE IMPACT OF GDPR TO INDONESIA?



Indonesian companies can also be subject to the GDPR, especially those with businesses involving the internet or technology, such as online retailers, the travel and hospitality industry, or financial services. The GDPR also most likely covers large multinational companies with subsidiaries, offices or employees in the EU, and possibly small and medium businesses operating online that have customers in the EU.



REFERENCES

- <https://iykra.com>
- Guide to the General Data Protection Regulation (GDPR)
- Regulation of The Minister Of Communication And Informatics Of The Republic Of Indoneisa Number 20 Of 2006
- <https://gdpr-info.eu/>
- <https://www.ssek.com/blog/extraterritorial-scope-of-gdpr-and-its-implications-for-companies-in-indonesia>



Thank You

Contact Information

EMAIL ADDRESS

irfanfadhullah@gmail.com

For any questions or concerns