

**Q. If an organization wishes to make multiple copies of the certificate of registration for some departments involved should have a CTC from the Commissioner. If so, what's the way?**

**A.** Apply the Certified True Copy (CTC) from the Commissioner via online at <https://daftar.pdp.gov.my>

**Q. How many registration fees and renewal fees?**

**A.** For guidance kindly refer to the Personal Data Protection (Registration of Data User) Regulations 2013, P.U (A) 337/2013  
Sole Proprietor - RM100  
Partnership - RM200  
Private Company- RM300  
Public Company - RM400

**Q. What documents are required during registration?**

**A.** For registration, the required documents are industry licenses as stated in the Personal Data Protection Order (Class of Data User) 2013 (P.U. (A) 336/2013) and P.U.A 326/2016. Applications can be made via online at <https://daftar.pdp.gov.my/login.php>

**Q. What organizations need to register with APDP?**

**A.** Please refer to Personal Data Protection Order (Data User Group) 2013. (P.U. (A) 336/2013)

**Q. Do we need to delete guest's personal data if the guest has checked out?**

**A.** Data users are not to retain personal data longer than necessary unless there are other legal provisions which requires longer retention of the data.

**Q. If my company has registered APDP should a subsidiary under it also register?**

**A.** Subsidiary companies only need to apply for Certified True Copy with the Personal Data Protection Commissioner. Application can be done online at <https://daftar.pdp.gov.my/login.php>

**Q. If registration have expires, how much to renew?**

**A.** You can renew your certificated of registration online at <https://daftar.pdp.gov.my>. The fees will be quoted upon application.

**Q. Buyer's personal data for housing company, how long can the data be kept?**

**A.** Data users do not store personal data longer than necessary unless there are other legal provisions requiring longer record retention.

**Q. Is work contract bound by APDP?**

**A.** Yes.

**Q. Registered in November 2013, approved on 16/10/2015 and payment receipt dated 11/11/2015. When do I need to renew my registration?**

**A.** Certificate of registration to be renewed on the approved date.

**Q. Company ABC does not include between 11 entities to be registered under Act 709. In 2013, the ABC company set up a college under Act 555. Since the college has to be registered under Act 709. When will the enforcement of a fine or penalty be imposed since so far has not been registered yet?**

**A.** Processing personal data without a valid registration certificate from the Commissioner is violation of the law. As enforcement is carried out from time to time, data users are urged to register with the Commissioner to avoid being fined. As a matter of fact, maximum fine for this offence is RM 500,000 or/and imprisonment not more than 3 years.



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# FREQUENTLY ASKED QUESTIONS ON PDPA

DEPARTMENT OF PERSONAL DATA PROTECTION

NOTICE  
ALL THE QUESTIONS IN THIS FAQS ARE EXTRACTED  
AND COMPILED FROM THE Q&A SESSION AT THE  
PDPA CONFERENCE 2016

## I General Principle

**Q. If the customer refuses to fill the PDPA form. What is he categorized as? Because the data needs to be stored by our company.**

**A. In pursuant to section 7 (h), data user shall inform data subjects the consequences for failing to supply information to data user.**

**Q. Can the picture be considered as personal data and misused by certain parties?**

**A. Still images and recordings which can possibly identify an individual are part of personal data.**

**Q. The Bank offered me a lucky draw up to RM1 million for every 3 months to a lucky customer. The question is, banks have the privilege of announcing the list of winners to the general public as a marketing tool to attract other customers?**

**A. It is strongly advised that data subject read the term of conditions prior to entering any competition. In this case, the bank may disclose the list of winners to the public if consented by clients beforehand.**

**Q. Can we send a promotion such as FB to guests based on a room listing their personal data?**

**A. Yes. However, sending promotional newsletters or updates must be consented by data subjects.**

**Q. Any PDPA concerns if the insurance agent gives his or her personal assistant to process personal data on his or her behalf?**

**A. The Insurance Agent must provide a letter of authorization or contract to the party who processes personal data on behalf of the data user.**

**Q. When is it necessary to update the consent for patients at the clinic? Sometimes more than 5 years of patients are still faithful to the clinic.**

**A. If the personal data is still active, it is not necessary to obtain the data subject's new consent, except for other purposes such as marketing.**

## Access Principle

**Q. We hold student's personal data and if the student wishes to access his or her personal data we store. Can we charge for processing the student's application?**

**A. Yes. Do refer to the Personal Data Protection (Fees) Regulations 2013, First Schedule (Regulation 2), P.U.A 338/2013.**

## I Disclosure Principal

**Q. Can banks provide data to lawyers to make agreements?**

**A. In order to render services to the clients, banks may need to disclose information of the clients to any third parties that act on behalf of the banks. This is in line with Section 8 of PDPA which states that no disclosure of personal data without the consent of a client to any third party other than those listed by the data users in the Disclosure List as required by P.U.(A) 335/2013.**

**Q. What are the best details that can be given if other employers seek reference checking?**

**A. Data user shall lay out the policy on reference checking. It is best not to disclose any personally identifiable information such as home address, national identification number, telephone number, date of birth and such.**

**Q. Should it be granted if Immigration request company's EPF data?**

**A. As Immigration is a federal department, it is not bound to the PDPA. Additionally, pursuant to Section 39; the disclosure of personal data to authority can be granted such as for the prevention and detection of crime, and for investigation purposes. However, a data user should have a procedure in place to verify the authenticity of the request.**

## I Notice & Choice Principal

**Q. Is it mandatory for a small organization to display a Privacy Policy in an office space if it does not have a website?**

**A. Privacy notice may be displayed at any location which deemed strategic and accessible to data subject.**

**Q. We are from a housing developer, we need to give personal data protection notice to every home buyer. Is the notice we have to make for ourselves or a special standard for housing developers?**

**A. There is no privacy notice specifically tailored to housing developer. A privacy notice explains the types of personal data which are collected, disclosed and used by data users and the measures taken to protect the information.**

**Q. As a data processor for cloud computing services, would there be a need to inform clients via a privacy notice of our services? Would a general privacy notice be sufficient? Do we need to obtain a specific consent for the transfer of data oversea?**

**A. A Privacy Notice which must be in line with all the provisions under Section 7, PDPA must be served by a data user to his/her customer upon processing customers' personal data. In addition, consent for the transfer of personal data oversea must also be obtained by a data user. Nevertheless, as a data processor; you are accountable to ensure the security of transfer.**

## I Retention Principle

**Q. Where is the place most suitable for data storage such as student and worker data?**

**A. If the data is non-automated, it should be kept in a locked cabinet at a secure area. For automated data, you can store them in a server or any technology deemed fit and secure for data retention. Please refer to the Personal Data Protection 2015 for more information.**

**Q. PDPA Standard: Collection of personal data must be destroyed not exceeding 14 days. Included to all forms? While the form is still needed?**

**A. Data users shall not store personal data longer than necessary unless there are other legal provisions requiring longer record retention. In this case, the form can be retained longer after the initial purpose has been fulfilled. However, data user needs to lay out a solid justification for the said action.**

## I Registration of Data Users

**Q. What to do after a company has registered under the PDPA?**

**A. Once a company has registered as a Data User under the PDPA, the company may start to comply with the provisions of the Act.**

**Q. What is the timeframe to renew or no need to renew?**

**A. Certificate of registration must be renewed not later than 90 days before the expiration date.**

**Q. Are housewives selling cakes or services through social media such as FB are also subject to this PDPA?**

**A. For now, online businesses are not yet required to be registered under this Act. In such case compliance with Act 709 is mandatory if commercial transaction occurs regardless of nature of the business.**

**Q. If the organization or company has been registered under the company there are two colleges. Is this registration applicable to both colleges?**

**A. In a situation where both colleges hold the same brand under one license by the Ministry of Education; the principal college will need to register and apply for CTC from the PDP Commissioner for all of its branches in Malaysia. However, if both colleges hold a separate license; then registration is applicable to both.**

**Q. Do insurance and takaful representatives have to re-register under this act where insurance and takaful companies have their own deeds?**

**A. Only the Parent Company is required to register with the Personal Data Protection Commissioner. However, the company needs to apply the Certified True Copy (CTC) from the Commissioner for all of its branches.**