



Personal Data Protection Commissioner of Malaysia

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A QUICK GUIDE TO PRIVACY NOTICE



Personal Data Protection Commissioner Malaysia



This quick guide is designed to help data users understand why Privacy Notice is important, and sets out the elements you need in order to develop a complete and accurate privacy notice. There is a sample at the end of this guide, which you can use as a reference when developing your organization's privacy notice.

Source of Power

Section 7, PDPA: Notice and Choice Principle

■ Section 7 (1), Personal Data Protection Act 2010, requires data user:

- To inform a data subject in written notice on the purpose for which personal data is being or is to be collected, used, disclosed and further processed.

Subsection (3):

- The notice shall be made in national and English languages,
- Data subject shall be provided with a clear and readily accessible means to exercise his choice.



What is a notice and why is it so important?

- Explains the types of personal data which are collected, disclosed and used by data users, and the measures taken to protect that information;
- Applies to personal data collected by the data users in connection with the services they offer; and
- A notice will inform you of your rights with regards to your personal data that has been and/ or will be, collected and processed by data users.

What's in a Privacy Notice?

■ Privacy notice is an instrument to inform clients of:

- who you are;
- what you are going to do with the information you hold;
- other parties which the information is being disclosed to or to be disclosed to;

■ In order to provide a clear view of how personal data are being controlled at your organization, a privacy notice can be as detailed as you need it to be.

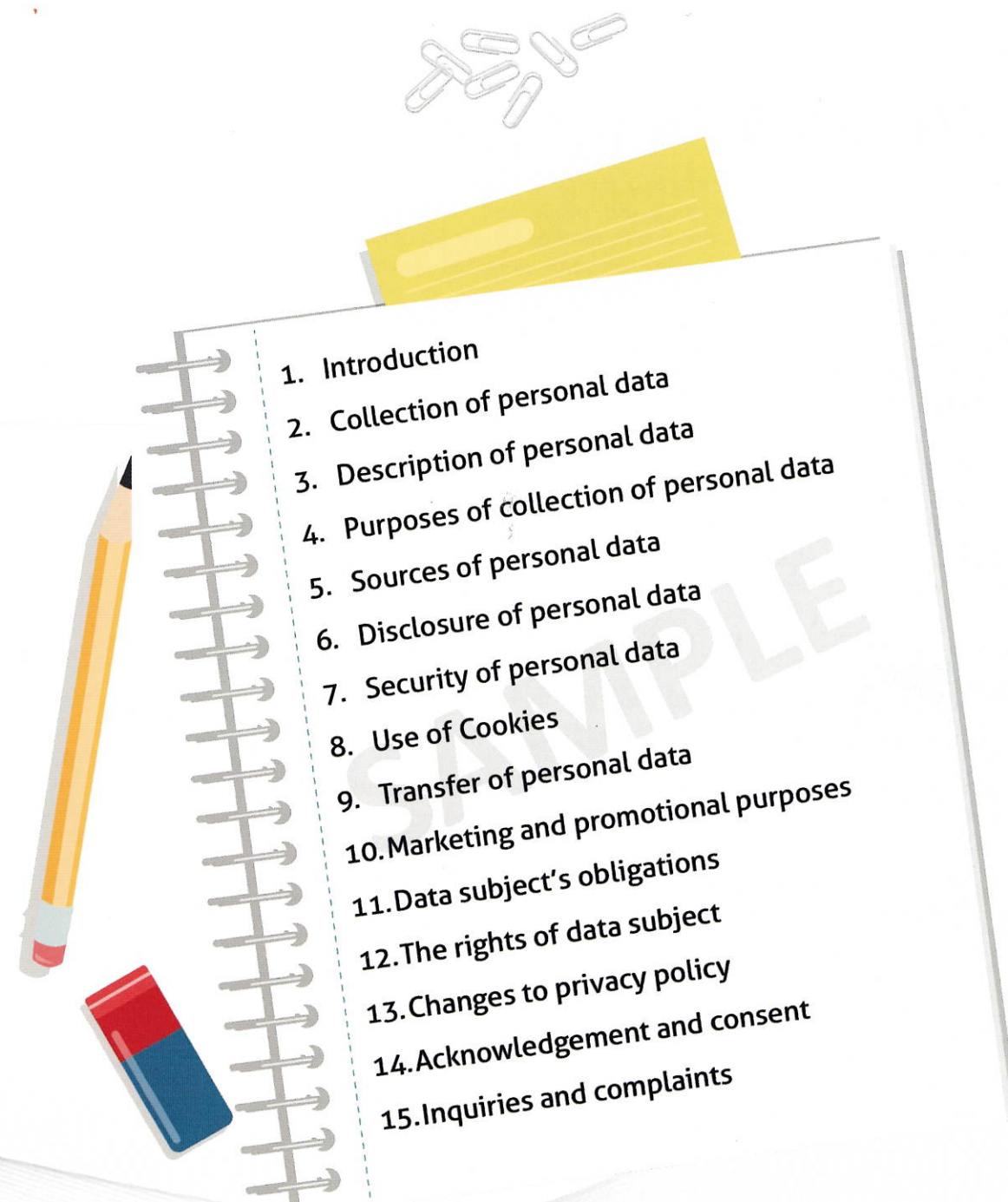
■ A privacy notice should be able to tell specific purposes of data processing considering that clients have the rights to be fully informed.

■ You must determine what facts to be included in the privacy notice.

■ Refrain from formulating a long list of future uses of personal data as privacy notice represents the current direction of your organization.

■ If you are relying on consent:

- Give sufficient information to enable clients to make their choices; and
- Display your facts and intentions prominently in a straightforward language.



1. Introduction
2. Collection of personal data
3. Description of personal data
4. Purposes of collection of personal data
5. Sources of personal data
6. Disclosure of personal data
7. Security of personal data
8. Use of Cookies
9. Transfer of personal data
10. Marketing and promotional purposes
11. Data subject's obligations
12. The rights of data subject
13. Changes to privacy policy
14. Acknowledgement and consent
15. Inquiries and complaints

****The list can be further expanded or tailored accordingly as appropriate**



COLLECTION AND PROCESSING

- Informs and educates on collection of personal data and how they are processed including information collected offline, direct marketing campaigns, sweepstakes, contests and online through websites or third party platforms and applications.



DESCRIPTION OF PERSONAL DATA

- Information that could make and/or allow you to be identifiable such as;
 - a) Name;
 - b) Identity card/Passport no;
 - c) Gender;
 - d) Home address;
 - e) Email address;
 - f) Mobile phone no.;
 - g) IP address;
 - h) Images (still/recording);
 - i) Sensitive personal data; and
 - j) Personally Identifiable Information (PII) defined by international privacy laws or standards.



SOURCES OF PERSONAL DATA

- Information obtained directly from data subjects through various means such as campaigns, forms, business cards, purchase of products and services;
- Information collected automatically upon using data user's website through "cookies" and other technologies; and
- Information obtained from other legitimate sources such as databases and third parties.



PURPOSES OF COLLECTION OF PERSONAL DATA

- Specifically outlines the purpose of data collection :
 - To provide products and services;
 - Subscriptions of news or promotional items;
 - Internal record and marketing;
 - Legal compliance; and
 - Communications.



DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES

- Informs data subject about the parties that involve in the processing of personal data such as :
 - Service Providers (Local/International);
 - Contractors/Vendors;
 - Professional advisors;
 - Auditors, Accountants and Consultants;
 - Group of companies (Subsidiaries);
 - Regulatory bodies; and
 - Government authorities.



RIGHTS OF DATA SUBJECT

- Educates data subjects on :
 - Right to request access to personal data held by data users;
 - Right to request correction of personal data which seems to be inaccurate or misleading; and
 - Rights to limit processing of your personal data by withdrawing consent given previously.

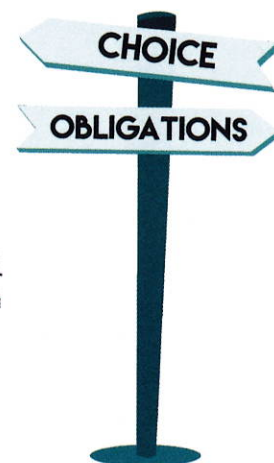


SECURITY OF PERSONAL DATA

- Outlines the security measures taken in protecting clients' personal data including security of transfer of personal data outside Malaysia, if applicable.

DATA SUBJECT'S OBLIGATIONS

- Advises clients on the necessity to collect and retain personal data, in which it is obligatory to supply the information in order perform contract or render services to clients; and
- States the consequences for failing to supply personal data.



INQUIRIES AND COMPLAINTS

- Provides contact numbers of the relevant department/unit to facilitate clients' inquiries and complaints.



Mode of serving the Privacy Notice

- The means of communication to serve the notice is to be determined by data users which can be done by any means deemed effective.

General Public

- Website/Application
- Email
- Mail
- Service Counters / Kiosks

For new customers / prospective employees

- Service application form
- Employment form

For existing customers / employees

- Portal
- Email blast
- Mail





NOTICE

This template is intended to provide general information and guidance on developing Privacy Notice.

Privacy Notice is not limited to this template only. It is recommended that organization constructs its privacy notice according to the business nature and the evolving environment.

On a serious note, Privacy Notice shall be in line with the provisions under Section 7(1) of Personal Data Protection Act 2010.

CONTENTS OF PRIVACY NOTICE

1. Introduction
2. Collection of personal data
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4. Purposes of collection of personal data
5. Sources of personal data
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12. The rights of data subject
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14. Acknowledgement and consent
15. Inquiries and complaints

NAME OF ORGANIZATION

PRIVACY NOTICE

1. Introduction

In compliance with the Personal Data Protection Act 2010 ("the Act") and its regulations, this notice is issued to all our valued clients and/ or prospective clients. This Notice will inform you of your rights with regards to your personal data that has been and/ or will be, collected and processed by us.

2. Collection of personal data

We have collected and will collect your personal data to be processed by us and/ or on your behalf in the course of your present or future dealings with [Name of the Company], its subsidiary (ies), its associated company (ies) ("we", "our", "us" or "Company"). Your personal data enables us to achieve the "Purpose" herein that is in connection with our business.

3. Description of personal data

- a) Name;
- b) Identity Card no;
- c) Gender;
- d) Email address;
- e) Mobile phone no.;
- f) Passport no;
- g) IP address;
- h) Images (still/recording)
- i) Sensitive personal data; and any
- j) Personally Identifiable Information (PII) defined by international privacy laws or standards

4. Purposes for collection of personal data

[Name of the Company] will use clients' personal data for the following purposes including but not limited to: (state the purposes)

5. Sources of personal data

[Name of the Company] may obtain clients' personal data from the following sources including but not limited to: (state the sources for obtaining information i.e. application forms, website, business cards)

6. Disclosure of personal data

We may disclose client's personal data to other subsidiaries within our group. These subsidiaries will treat client's personal data as confidential, in accordance with this Privacy Policy and with all applicable Data Protection legislation and will process such personal data only for the Purposes and within the terms set out herein. We are responsible for the personal data under our control, including personal data disclosed by us to a Vendor (often referred to as the "data processor"). We take every measure to provide a comparable level of protection for personal data should the information be processed by a Vendor. [Name of the Company] is committed to complying with the Personal Data Protection Act 2010, in particular, its policies as well as corresponding guidelines and orders.

7. Security of personal data

[Name of the Company] uses strict procedures and security features to prevent unauthorised access wherever possible. Personal data provided to [Name of the Company] via our website or via any Applications, online credit card transactions are protected during transit using encryption such as Transport Layer Security (TLS). When personal data is stored by [Name of the

Company], we use computer systems with limited access housed in facilities using physical security measures. Data stored in cloud services is in encrypted form including when we utilize third-party storage. The level of security of personal data which kept in a non-electronic environment are also treated with strict procedures and means.

8. Use of Cookies

The cookies used by the Website are solely associated to anonymous users and their computers and do not provide personal data on users. Some cookies are used by third parties to provide [Name of the Company] with data on the effectiveness of its engagements and promotions. The cookies used by the Website not in any way collect personal data that could be used to identify a specific user. In addition, cookies are of a temporary nature, used solely to improve the efficiency of the last transmission. Users may configure their browser to notify them of the reception of cookies and to prevent their installation on their computer.

9. Transfer of Personal Data

We are very serious about providing a comparable level of protection for personal data should the information be processed or used outside Malaysia by our vendors or experts.

10. Marketing and promotional purposes

Upon subscribing to our services, you will be receiving marketing and/or promotional emails or calls from us, which includes monthly promotions and information on future events. If you do not wish to receive any promotional news or calls please click the "unsubscribe" link at the bottom of the email and you will be excluded from our newsletters and contacts.

11. Data subject's obligations

It is necessary for [Name of the Company] to collect and to retain clients' personal data. Therefore, it is also obligatory for clients to supply personal data to us in the most accurate manner. If clients do not provide us with personal

data, [Name of the Company] are unable to, process personal data on clients' behalf, for the Purpose stated in clause 4 herein, or effectively render our services to clients, and all relationships created or to be created between us shall then be terminated and ceased to be in effect immediately.

12. The rights of data subject

a) To request access to personal data

Clients have the right to request for access to personal data processed by us on with reasonable notice. Access, requests can be made through online by filling up the Data Access Request Form or you can walk in to our stores.

b) To request correction of personal data

Clients have the rights to request for correction and/or update of your personal data that is inaccurate, incomplete or outdated. Correction requests can be made through online by filling up the Data Correction Request Form or you can walk in to our stores.

c) To limit processing of your personal data

Clients are entitled to limit our processing of personal data by expressly withdrawing the consent given previously, in each case, including for direct marketing purposes subject to any applicable legal restrictions, contractual conditions and within a reasonable time period.

13. Changes to Privacy Policy

We reserve the right to amend this Privacy Policy from time to time without prior notice. We advise that you check our website for this Privacy Policy on a regular basis. Kindly view our privacy notice on the website, www.[Name of the Company].com

14. Acknowledgement and Consent**

(**Select the option which suits your preference)

**Option 1

I have read this Privacy Notice and understand the reasons for the collection of my personal data and the ways in which the data may be used and disclosed. I have been provided with a copy of the Privacy Notice and/or have been informed of the matters therein.

I am also aware that I can access and correct my personal data on request and if necessary. However, I understand that if, in exceptional circumstances, access is denied for legitimate purposes, that the reasons for this and possible remedies will be made available to me.

I have read the above information and by signing and returning a copy of this Notice, I expressly agree and consent to the use, processing, disclosure and transfer of my personal data by the [Name of the Company] as described in this Notice. Should there be a need to retract my consent on processing personal data, I shall write a notice to [Name of the Company] to cease the processing of the personal data.

please tick as appropriate

I ☐ agree / ☐ disagree to receive communication on marketing and promotion via email ☐ /phone calls ☐ /text messages ☐ and/or newsletters ☐.

Signature :

Name :

Date :

OR

****Option 2**

By communicating, engaging with [Name of the Company] or use the Company's products and services, you acknowledge that you have read and understood this Notice and agree and consent to the use, processing, disclosure and transfer of your personal data by the [Name of the Company] as described in this Notice. Any email [Name of the Company] sends to you will contain an automated unsubscribe link so that you can opt-out of the mailing list. You can also withdraw your consent by written notice or fill in the form on the website.

15. Inquiries and complaints

Should you require further information about the personal data we hold or the way in which your information is being collected or used which are not answered by this Privacy Notice please contact or write to us at:

Contact Number :

Email :

Address :



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