

4 May 2017

### First PDPA Enforcement Action

Yesterday, a company operating a private college was charged for processing personal data without a certificate of registration issued by the Personal Data Protection Commissioner (“PDP Commissioner”). This action is the very first case in Malaysia involving a breach of the Personal Data Protection Act 2010 (“PDPA”), since the PDPA came into force almost four years ago.

Since 2013, data users are required to obtain a certificate of registration from the PDP Commissioner if they belong to any of the following classes:

- (a) Banking and finance;
- (b) Communication;
- (c) Direct selling;
- (d) Education;
- (e) Health;
- (f) Insurance;
- (g) Moneylenders;
- (h) Pawnbrokers;
- (i) Real estate;
- (j) Services;
- (k) Transportation;
- (l) Tourism and hospitalities; and
- (m) Utilities.

The company concerned falls under the education sector and, if found guilty of the charge, faces a fine of up to RM500,000 and/or imprisonment for up to three years.

In the first two years of the PDPA coming into force, the focus of the PDP Commissioner was on promoting knowledge and awareness of data protection laws by conducting road shows around Malaysia. Since last year, the PDP Commissioner has hinted at enforcement action being taken, by conducting audits and issuing regulations on compounding of offences. The PDP Commissioner has also issued the codes of practice for some of the above classes of data users.

*(Past articles are available on our [website](#)).*

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*Published by the IP & TMT Practice Group*

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