



PUBLIC CONSULTATION PAPER

[No. 2/2012]

“CLASS OF DATA USER UNDER THE PERSONAL DATA PROTECTION ACT 2010 AND PROPOSED FEES”

Personal Data Protection Department welcomes the feedback and opinion in writing to the Department in relation to matters raised in this public consultation paper. The feedback and opinion shall be submitted before **22nd December 2012** to the address or e-mail as follows -

Personal Data Protection Department
Level 6, Kompleks KPKK
Lot 4G9, Persiaran Perdana, Presint 4
Pusat Pentadbiran Kerajaan Persekutuan
62100 Putrajaya
Email: pcpdp@kpkk.gov.my
Faks: 03 8911 7959

Contact person –

Noreen Iszani binti Yusak (Tel: 03 8911 7925)
Ahmad Syazwan bin Mohd Ghazali (Tel: 03 8911 7920)

The Consultation Paper seeks to obtain feedback and opinion on the proposal of the Personal Data Protection Department (the Department) to classify the data user in fulfilling the requirements under section 14(1) of the Personal Data Protection Act 2010 (Act 709). Based on the feedback received by the Department as regards to the Consultation Paper No. 1/2012, the detailed classification of data users according to their respective sectors are as follows –

1. Communications

- i. All individual and class licensees under the Communications and Multimedia Act 1998
- ii. All relevant Statutory Bodies

2. Banking and Financial Institutions

- i. All licensees under the Bank and Financial Institutions Act 1989 and Islamic Banking Act 1983
- ii. All relevant Statutory Bodies

3. Insurance and Takaful

- i. All licensees under the Insurance Act 1996 and Takaful Act 1984
- ii. All relevant Statutory Bodies

4. Health

- i. All healthcare facilities registered under the Private Healthcare Facilities and Services Act 1998

- ii. All relevant Statutory Bodies

5. Tourism and Hospitalities

- i. All tourist accommodation premises and spas, travel agencies and tourism training institutes (licensees or registered with the Ministry of Tourism (under the Tourism Industry Act 1992)
- ii. All relevant Statutory Bodies

6. Transportation

- i. Transportation service providers/operators
- ii. All relevant Statutory Bodies

7. Education

- i. Private education institutions, pre-school, primary school and secondary school
- ii. All relevant Statutory Bodies

8. Direct Selling and Direct Marketing

- i. All licensees under the Direct Sales and Anti Pyramid Scheme Act 1993
- ii. All relevant Statutory Bodies

9. Services

- i. Professional Services (e.g. Lawyers, Auditors, Accountants, Engineers etc.)

- ii. Wholesale and Retail (e.g. Aeon, Tesco, Giant etc.)
- iii. Business and Support Services (e.g. Employment Agencies, Logistics Companies, Publication Houses, Security Services, Cleaning Services, Event Organizers etc.)
- iv. All relevant Statutory Bodies

10. Real Estate

- i. Registered Valuer Firms, Estate Agencies, Property Management Companies
- ii. Property Developers
- iii. All relevant Statutory Bodies

11. Utilities

- i. Utilities companies [electricity, water (supply, treatment and sourcing) and sewerage]
- ii. All relevant Statutory Bodies

All the data users belonging to the class of data user as mentioned above will be required to register as a data user together with a prescribed fee under Section 15(2) of the Act 709. If a data user is involved in two or more sectors, the data user need to submit a separate application for each class of data user. The Department proposed registration fees to be imposed under the Act as follows –

| TYPE OF BUSINESS | AMOUNT (RM) |
|-----------------------------|-----------------------|
| Sole Proprietor/Partnership | 200 every application |
| Private Company | 300 every application |
| Public Company | 400 every application |
| Statutory Bodies | 400 every application |

Table 1: Registration Fees

As regards to other related types of fees, the Department proposed the following –

| TYPE OF FEES | AMOUNT (RM) |
|--|--------------------|
| Renewal of certificate of registration (section 17) | As per Table 1 |
| Replacement of certificate of registration | 100 |
| Change of particulars in the certificate of registration | 5 |
| Inspection of the Register of Data User (section 128) | 10 |

| TYPE OF FEES | AMOUNT (RM) |
|--|--------------------|
| Make a copy of or take extracts from an entry in the Register of Data User (section 128) | 5 per page |
| Record of Decision of Commissioner (section 94) | 300 per copy |
| Certified True Copy (CTC) (section 143) | 5 per page |

Table 2: Other Related Fees

Below are the fees that will be imposed by the data users on data subject in respect of the following matters –

| TYPE OF FEES | AMOUNT (RM) |
|--|-----------------------------------|
| Request for access to personal data by a data subject (section 30) | (if necessary) not exceeding 2 |
| Request for access to sensitive personal data by a data subject (section 30) | (if necessary) not exceeding 5 |
| Request for access and make copy by a data subject (section 30) | not exceeding 10 |

| TYPE OF FEES | AMOUNT (RM) |
|--------------|--|
| | not exceeding 30 for sensitive personal data |

Table 3: Access Fees

The detailed classification of the data user and the proposed fees mentioned above represent initial suggestions of the Department. The Department would therefore like to welcome any feedback and opinion on the above proposed matters.