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Data Protection

# Personal Data Protection Updates – Public Consultation Paper No. 1/2017 – Personal Data Protection (Transfer of Personal Data To Places Outside Malaysia) Order 2017

## Introduction

We wish to bring to your attention the Public Consultation Paper No. 1/2017 entitled "*Personal Data Protection (Transfer Of Personal Data To Places Outside Malaysia) Order 2017*" (the "**Proposed Order**"), which was recently published by the Personal Data Protection Commissioner (the "**Commissioner**") on its official website.

The Proposed Order is a "White List" which permits the transfer of personal data to certain jurisdictions outside Malaysia, in accordance with Section 129(1) of the Personal Data Protection Act 2010 (PDPA). The Proposed Order has been published as an exposure draft wherein the Commissioner has requested for feedback and suggestions from the public to be submitted on or before 4<sup>th</sup> May 2017.

The effect of this "White List" (once it is officially issued by the Commissioner, and comes into legal effect) is that Data Users will be permitted to transfer personal data to the jurisdictions that have been identified, and will no longer be required to fulfill the prescribed conditions under Section 129(3) prior to the transfer of personal data to the said jurisdictions (e.g. the requirement to obtain consent of the Data Subjects prior to transfer of personal data outside Malaysia; the requirement to undertake reasonable precautions and exercise due diligence to ensure that the recipient place will not process personal data in any manner which would contravene the PDPA).

The places identified by the Commissioner under the Proposed Order are as follows:

- (a) European Economic Area (EEA) member countries
- (b) United Kingdom
- (c) The United States of America
- (d) Canada
- (e) Switzerland
- (f) New Zealand
- (g) Argentina
- (h) Uruguay
- (i) Andorra
- (j) Faeroe Islands
- (k) Guernsey
- (l) Israel
- (m) Isle of Man
- (n) Jersey
- (o) Australia
- (p) Japan
- (q) Korea
- (r) China
- (s) Hong Kong

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- (t) Taiwan
- (u) Singapore
- (v) The Philippines
- (w) Dubai International Financial Centre (DIFC)

The Proposed Order is currently in the public consultation stage, and has been published as an exposure draft wherein the Commissioner has requested for feedback and suggestions from the public to be submitted on or before 4th May 2017 (Thursday).

For your ease of reference, we provide below the link to the Proposed Order (which is published at the Commissioner's official website):

<http://www.pdp.gov.my/index.php/en/pengumuman/871-public-consultation-paper-no-1-2017>.

We trust that the above provides you with a quick update in relation to the PDPA. Should you require any assistance or clarification in respect of the above or in relation to any other aspect of personal data protection, please feel free to get in touch with us at your convenience.

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### ASEAN Economic Community Portal

The launch of the ASEAN Economic Community (“AEC”) in December 2015, businesses looking to tap the opportunities presented by the integrated markets of the AEC can now get help a click away. Rajah & Tann Asia, United Overseas Bank and RSM Chio Lim Stone Forest, have teamed up to launch “Business in ASEAN”, a portal that provides companies with a single platform that helps businesses navigate the complexities of setting up operations in ASEAN.

By tapping into the professional knowledge and resources of the three organisations through this portal, small- and medium-sized enterprises across the 10-member economic grouping can equip themselves with the tools and know-how to navigate ASEAN’s business landscape. Of particular interest to businesses is the “Ask a Question” feature of the portal which enables companies to pose questions to the three organisations which have an extensive network in the region. The portal can be accessed at <http://www.businessinasean.com>.

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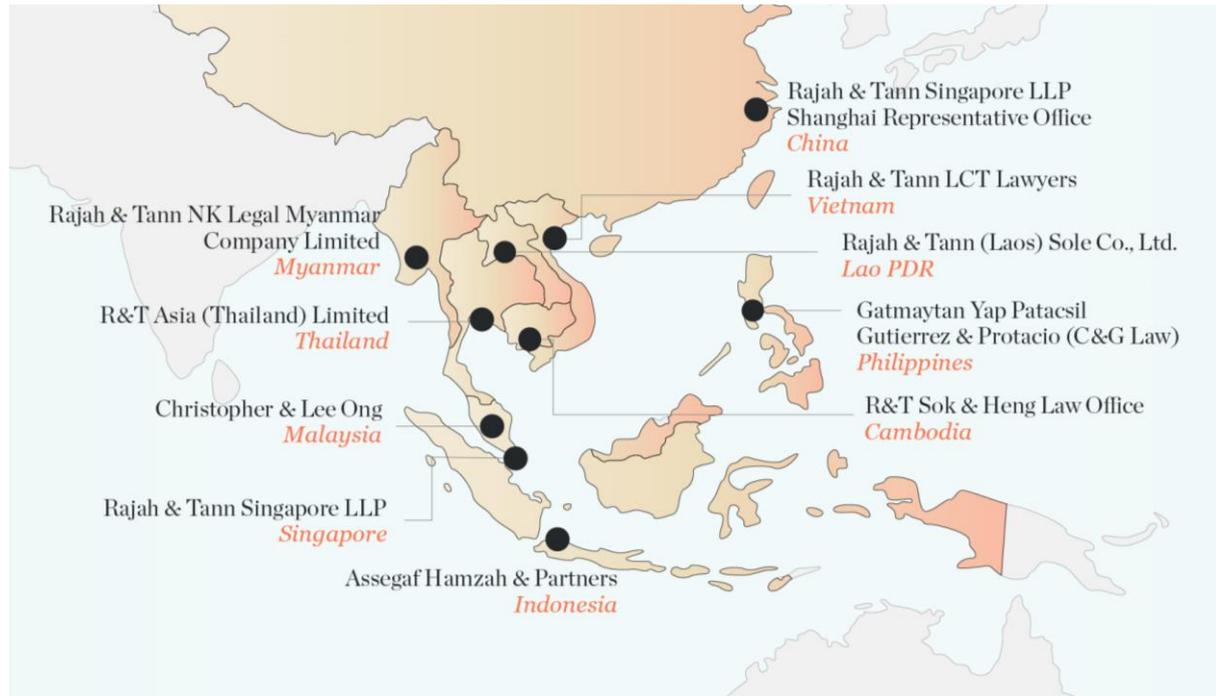
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