

TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS & DATA PROTECTION

An Overview of Recent Developments and Upcoming Laws Regulating the TMT Space in Malaysia

Introduction

The technology, media and telecommunications & data protection ("TMT") space in Malaysia recently witnessed a flurry of legislative developments during the recently concluded October – December 2024 parliamentary session for the lower house of the Malaysian Parliament (i.e., the House of Representatives).

Multiple bills, primarily focused on online safety and harms, were swiftly introduced and expeditiously passed by the House of Representatives.

This Update aims to provide a concise overview of these key legislative changes and upcoming developments in the TMT space in Malaysia to keep you abreast of the fast-evolving TMT regulatory landscape in Malaysia.

An Overview of Legislative Changes Introduced / Announced during the October – December 2024 Parliamentary Session

Upcoming Laws	Status / Timeline	Highlights
<ul style="list-style-type: none">Communications and Multimedia (Amendment) Bill 2024 ("CMA Amendment Bill")	<ul style="list-style-type: none">Tabled for first reading before the Malaysian Parliament on 2 December 2024 and second reading on 9 December 2024.The CMA Amendment Bill passed by the House of Representatives (Dewan Rakyat) of the Malaysian Parliament on 9 December 2024 with no amendments.	<p>The CMA Amendment Bill introduces a variety of amendments to the Communications and Multimedia Act 1998 ("CMA"). Key legislative amendments include:</p> <ul style="list-style-type: none">changes to Section 233 of the CMA which aim to add clarity to the types of prohibited content while also introducing new offences on "fraud or dishonesty against any person";

Upcoming Laws	Status / Timeline	Highlights
		<ul style="list-style-type: none"> the dispensation with the formality of registration under a class licence (e.g. an ASP(C) Licence for social media or internet messaging services) by making a declaration, and any person so declared shall be deemed to be registered under that class licence; expansion of the powers of the Minister and MCMC; and increase in penalties under the CMA, including a significant increase for certain offences (e.g. RM50,000 to RM500,000 for offences under Sections 211 or 233).
<ul style="list-style-type: none"> Malaysian Communications and Multimedia Commission (Amendment) Bill 2024 ("MCMCA Amendment Bill") 	<ul style="list-style-type: none"> Tabled for first reading before the Malaysian Parliament on 2 December 2024. The MCMCA Amendment Bill has been deferred for further scrutiny and review by select committees. 	<p>The MCMCA Amendment Bill will introduce new provisions or changes to expand the powers of the Minister and the Malaysian Communications and Multimedia Commission ("MCMC") (as applicable).</p>
<ul style="list-style-type: none"> Online Safety Bill 2024 ("Online Safety Bill") 	<ul style="list-style-type: none"> Tabled for first reading before the Malaysian Parliament on 10 December 2024 and second reading on 11 December 2024. The Online Safety Bill was passed by the House of Representatives (Dewan Rakyat) of the Malaysian Parliament on 11 December 2024 with no amendments. 	<p>The Online Safety Bill will apply to <u>licensed</u> network service providers (NSPs), applications service providers (ASPs), and content applications service providers (CASPs) under the CMA, specifically only for the provision of applications services and content applications services which utilise the internet. It will <u>not</u> extend to private messaging between users.</p> <p>The Online Safety Bill notably has extraterritorial effect, and will be under the regulatory purview of the Minister and is to be enforced by MCMC.</p>

Upcoming Laws	Status / Timeline	Highlights
<ul style="list-style-type: none"> Data Sharing Bill 2024 ("Data Sharing Bill") 	<ul style="list-style-type: none"> Tabled for first reading before the Malaysian Parliament on 10 December 2024 and second reading on 12 December 2024. The Data Sharing Bill was passed by the House of Representatives (Dewan Rakyat) of the Malaysian Parliament on 12 December 2024 with no amendments. 	<p>The Data Sharing Bill provides for the sharing of data within the control of a public sector agency with other public sector agencies, the establishment of the National Data Sharing Committee, functions and powers of the Director General of the National Digital Department in relation to data sharing and other related matters.</p>
<ul style="list-style-type: none"> Penal Code (Amendment) (No.2) Bill 2024 ("PC Amendment Bill") Criminal Procedure Code (Amendment) (No. 2) Bill 2024 ("CPC Amendment Bill") 	<ul style="list-style-type: none"> Tabled for first reading before the Malaysian Parliament on 9 December 2024, and second reading on 10 December 2024. The PC Amendment Bill and the CPC Amendment Bill were passed by the House of Representatives (Dewan Rakyat) of the Malaysian Parliament on 10 December 2024 with no amendments. 	<p>The PC Amendment Bill introduces new provisions that specifically address issues related to bullying, committed in any manner or by any means, including online.</p> <p>The bullying-related offences introduced are, among others, offences of causing harassment, distress, fear or alarm, offences that cause a person to believe that harm will be caused, and offences of publishing identity information which causes harassment, distress, fear or alarm or belief in harm.</p>
<ul style="list-style-type: none"> Malaysian Media Council Bill ("Media Council Bill") 	<ul style="list-style-type: none"> Tabled for first reading before the Malaysian Parliament on 12 December 2024. 	<p>The Media Council Bill aims to regulate Malaysia's media industry, draw up a code of conduct and dispute resolution procedure for public complaints against the media, and establish a budget for the Malaysian Media Council.</p>
<ul style="list-style-type: none"> Amendments to the Printing Presses and Publications Act 1984 ("PPPA Amendments") 	<ul style="list-style-type: none"> It was reported that the PPPA Amendments will be tabled in December 2024, but there is no official date on which the PPPA Amendments are scheduled for tabling in the Malaysian Parliament as yet. 	<p>Based on public reports, the PPPA Amendments may include reinstating the mandatory three-year media licence renewal requirement for media companies and extending the definition of "publication" to "digital and electronic content".</p>

Concluding Remarks

Overall, we expect that the developments in relation to the abovementioned laws will be fast-paced and substantial given the speed at which these proposed laws have been moving through the Parliamentary process. This is an indication of the Malaysian government's prioritisation of issues relating to online harms and crimes, as well as new technologies.

Bearing in mind Malaysia's upcoming chairmanship of ASEAN in 2025, it has been stated that Malaysia may seek to further discuss regional efforts to be carried out to curb online harms throughout ASEAN. As such, platforms affected by the online content laws as discussed above should also be aware that there is a possibility of similar laws being adopted by one or more of members of ASEAN.

We hope that the interim update above assists you to obtain a quick overview of the many legislative streams impacting the TMT space in Malaysia, and we shall provide you with further updates including specific insights into the main developments under the CMA Amendment Bill and the Online Safety Bill, in due course. Should you require any assistance or clarification in relation to the above, or any matter relating to technology, media and telecommunications, & data protection, feel free to contact us at your convenience.

Contacts

TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS & DATA PROTECTION

Deepak Pillai

HEAD

D +60 3 2275 2675

F +60 3 2273 8310

deepak.pillai@christopherleeong.com

Intan Haryati Binti Mohd Zulkifli

PARTNER

D +60 3 2675 2674

F +60 3 2273 8310

intan.haryati@christopherleeong.com

Yong Shih Han

PARTNER

D +60 3 2273 1919

F +60 3 2273 8310

shih.han.yong@christopherleeong.com

Kuok Yew Chen

PARTNER

D +60 3 2675 2674

F +60 3 2273 8310

yew.chen.kuok@christopherleeong.com

Anissa Maria Anis

PARTNER

D +60 3 2267 2750

F +60 3 2273 8310

anissa.anis@christopherleeong.com

Sri Richgopinath Salvam

PARTNER

D +60 3 2267 2750

F +60 3 2273 8310

Sri.richgopinath@christopherleeong.com

Contribution Note

This Legal Update is contributed by the Contact Partners listed above, with the assistance of **Lee Suke Mune** (Senior Associate, Christopher & Lee Ong).

Please feel free to also contact Knowledge Management at RTApublications@rajahtann.com.

Regional Contacts

Cambodia

Rajah & Tann Sok & Heng Law Office

T +855 23 963 112 / 113
kh.rajahtannasia.com

China

Rajah & Tann Singapore LLP Shanghai & Shenzhen Representative Offices

T +86 21 6120 8818
F +86 21 6120 8820
cn.rajahtannasia.com

Indonesia

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800
F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550
F +62 31 5116 4560
www.ahp.co.id

Lao PDR

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239
F +856 21 285 261
la.rajahtannasia.com

Malaysia

Christopher & Lee Ong

T +603 2273 1919
F +603 2273 8310
www.christopherleeong.com

Myanmar

Rajah & Tann Myanmar Company Limited

T +951 9253750
mm.rajahtannasia.com

Philippines

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8248 5250
www.cagatlaw.com

Singapore

Rajah & Tann Singapore LLP

T +65 6535 3600
sg.rajahtannasia.com

Thailand

Rajah & Tann (Thailand) Limited

T +66 2656 1991
F +66 2656 0833
th.rajahtannasia.com

Vietnam

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382
F +84 28 3520 8206

Hanoi Office

T +84 24 3267 6127
F +84 24 3267 6128
vn.rajahtannasia.com

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