

DEPARTMENT OF PERSONAL DATA PROTECTION ISSUES PUBLIC CONSULTATION PAPERS

21 August 2024



The Department of Personal Data Protection (“JPDP”) issued three public consultation papers (“PCP”) on 19 August 2024 to seek feedback from the public in developing the relevant subsidiary legislation and guidelines, pursuant to the new provisions introduced under the Personal Data Protection (Amendment) Bill 2024.

The subsidiary legislation and guidelines will provide additional guidance on the interpretation and implementation of the following new provisions i.e. data breach notification (“DBN”), appointment of data protection officer (“DPO”) and right to data portability.

The PCP (which are published in bilingual format with the Bahasa Malaysia version preceding the English language version) are as follows:

a. PCP No. 1/2024: Implementation of DBN

This PCP seeks to gather views and feedback from the public regarding aspects that should be addressed in the proposed Personal Data Protection (Personal Data Breach Notification) Regulations and DBN Guideline.

The proposed requirements that will be addressed include the notification thresholds, manner and form, and timeframe for DBN to both the Personal Data Protection Commissioner and the affected data subjects, the applicable exemptions, data processors’ obligation to comply with the DBN requirements, concurrent application of the PDPA’s DBN regime with other sectoral laws.

b. PCP No. 2/2024: Appointment of DPO

This PCP seeks to gather views and feedback from the public regarding aspects that should be addressed in the proposed Personal Data Protection (Data Protection Officer) Regulations and DPO Guideline.

The proposed requirements that will be addressed include the threshold requirement for mandatory appointment of DPO, whether DPOs are allowed to carry out additional job functions aside from their roles as DPOs, the minimum responsibilities of a DPO, as well as the minimum expertise, qualifications and certification of DPO.

c. PCP No. 3/2024: Right to Data Portability

This PCP seeks to gather views and feedback from the public regarding aspects that should be addressed in the proposed Personal Data Protection (Right to Data Portability) Regulations and Data Portability Guideline.

The proposed requirements that will be addressed include the readiness or technical feasibility for the right to data portability, the types of personal data that will be subject to this right, the timeline to comply with data portability requests, as well as the charging of a fee for responding to these requests.

Interested parties and members of the public may submit their views and feedback on the PCP to JPDP via this [link](#) by 6 September 2024.

Alert by:

JILLIAN CHIA YAN PING
Partner
Personal Data Protection Practice

T: +603 2081 3882
E: jc@skrine.com



NATALIE LIM
Partner
Personal Data Protection Practice

T +603 2081 3894
E natalie.lim@skrine.com



CHARMAYNE ONG POH YIN
Partner
Personal Data Protection Practice

T +603 2081 3736
E co@skrine.com



BEATRICE YEW
Senior Associate
Personal Data Protection Practice

T +603 2081 3898
E beatrice.yew@skrine.com



A proud member of international legal network, **LexMundi**
World Ready

PRACTICE AREAS

- Banking and Finance
- Construction and Engineering
- Corporate
- Corporate Structures and Secretarial Services
- Employment
- Fraud and Asset Recovery
- Intellectual Property and TMT
- Litigation and Arbitration
- Real Estate
- Regulatory Compliance
- Restructuring and Insolvency
- Tax and Revenue

INDUSTRIES

- Aviation
- Financial Institutions
- Healthcare, Biotechnology and Pharmaceuticals
- Industrial and Manufacturing
- Insurance and Reinsurance
- Maritime and Shipping
- Oil & Gas, and Energy
- Projects and Infrastructure
- Real Estate
- Technology, Media and Telecommunications

CONTACT US

Level 8, Wisma UOA Damansara
50 Jalan Dungun, Damansara Heights, 50490 Kuala Lumpur, Malaysia

T +603 2081 3999
F +603 2094 3211
E skrine@skrine.com



www.skrine.com

Welcome to **Skrine**, where legal excellence meets unwavering dedication. We are a homegrown Malaysian firm known locally and internationally as a beacon of trust and proficiency in the ever-evolving landscape of jurisprudence. Founded on the principles of **wisdom**, **fortitude** and **ingenuity** over 60 years ago, we navigate the complexities of the law with precision and insight.

Through our wide range of practice groups managed by lawyers with extensive experience, we work with our clients to achieve the results they aspire. While keeping pace with rapid development on all fronts, Skrine has remained steadfast in our commitment to champion your cause with diligence, skill, and a relentless pursuit of justice.

OUR APPROACH

While fostering a one-to-one lawyer-client relationship is of significant importance, in instances where cases do not fit neatly into one area of law, we take advantage of the various practice groups and combine the skills of our lawyers to ensure that all relevant legal issues are addressed.

ONE-STOP CENTRE WITH DEDICATED FOREIGN DESKS

We are a One-Stop Centre for all your business legal needs to help you set up in Malaysia and hit the ground running. Beyond our borders, we understand the significance of dedicated foreign desks and currently serve five major markets including **China**, **Turkiye**, **Korean**, **Indian (South Asia)** and **Europe**. A key benefit is the seamless and efficient delivery of our services to multilingual nations where our lawyers are proficient in Mandarin, Turkish, Hindi and Korean.

VALUE ADDED SERVICES

We recognise that from the perspective of our clients, the day-to-day management of internal legal matters does not stop at specific cases that require external legal counsel or representation. We therefore offer a number of value-added services to keep abreast with updates in the law and ensure internal compliance. This includes our e-alerts, newsletters, in-house trainings, workshops and seminars on industry-related legal topics.

FIRM AWARDS

As a testament to the high standards we uphold, Skrine has garnered some of the top local and international awards for both legal firms and individual lawyers (a full list can be viewed at our website). We are honoured to have received some of the following:

- Chambers Asia-Pacific Leading Firm Year 2024
- Legal 500 Asia Pacific: Top Tier Firm Year 2024
- Chambers Asia-Pacific and Greater China Region Awards 2024: Malaysia Law Firm of the Year
- asialaw: Malaysia Law Firm of the Year 2023
- Global Arbitration Review (GAR): Ranked in Top 100 International Arbitration Practice 2012-2023
- IFLR 1000 2019-2022: Tier 1 Firm for Corporate/Mergers & Acquisitions, Energy, Infrastructure and Oil & Gas
- Asian Legal Business: Regional Litigation Law Firm of the Year 2022