

**LEGAL REVIEW ON PERSONAL DATA PROTECTION ACT  
2010: COMPARISON WITH UNITED KINGDOM AND  
EUROPEAN UNION DIRECTIVE**

By

Azmi Johariruddin bin Jusoh@Zakaria	2011857802
Fatin Zulaikha binti Abu Samah Hanis	2011861814
Haifaa binti Abdul Halim Lim	2011849318
Nurfarah Fatin binti Ismail	2011854252

Submitted in Partial Fulfilment of the Requirements for the Bachelor in  
Legal Studies (Hons)

**Universiti Teknologi MARA**  
**Faculty of Law**

December 2013

The students/authors confirm that the work submitted is their own and  
that appropriate credit has been made to the works of others

## **ACKNOWLEDGEMENT**

Alhamdulillah, with highest gratitude to Allah s.w.t, we had successfully completed our final year project paper. The success and final outcome of this project paper required a lot of guidance and assistance from many people and we are extremely fortunate to have got this all along the completion of our project work. Whatever that we had achieve is only due to such assistance and guidance and we would not forget to thank them.

We owe our most gratitude to our research supervisor Prof Madya Siti Hajar Mohd Yasin who took keen interest on our project work and guided us all along, till the completion of our project paper. Thank you for your professional guidance and valuable constructive suggestion during planning and development of this research work. Her willingness to give her time for us to consult so generously has been very much appreciated.

We would not forget Dr. Mohd Bahrin Othman for his unlisted encouragement from our starting point of the project paper. Thanks for his timely and moral support during this project work.

We wish to extend our heartfelt thanks to our parents for the moral and monetary support, especially their continuous prayers and well wishes till the completion of the project paper. We sure cannot thank them enough. Last but not least, many thanks to our institution and the faculty members, especially the teaching staff of the Faculty of Law, UiTM, Shah Alam for their continuous supports, guidance and encouragements without which this project paper would have been a distant of reality.

## ABSTRACT

This research discusses and analysed generally the Personal Data Protection Act 2010 (PDPA). The Act itself and its enforcement are compared with the Data Protection Act 1998 in United Kingdom (UK) and European Union Directive. Parliament of Malaysia has passed the PDPA with the objective to protect the personal data of individuals with respect to commercial transactions and is applicable to all businesses in the private sector in commercial transactions. The Act is still new in Malaysia and thus this is a research study to further determine the sufficiency and adequacy of the Act itself in upholding the protection of personal information in our country by comparing with the same act in UK and European Union Directive. At the end of the research, we have included few recommendations to be used for future reference.

## TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
<b>CHAPTER ONE: INTRODUCTION</b>	
1.0 Introduction	1
1.1 Research Background	1
1.2 Problem Statements	3
1.3 Research Objective	3
1.4 Conception Features	4
1.5 Methodology	5
1.6 Scope and Limitation	6
1.7 Significant Contribution	7
<b>CHAPTER TWO: PROTECTION OF PERSONAL DATA</b>	
2.0 Introduction	8
2.1 What is personal data?	8
2.2 Types of personal data	11
2.3 The Importance of having your personal data protected by law	12
2.4 Starting point of the emergence of data protection	14
2.5 Standard International Instrument of Privacy and Personal Data Protection	16
2.5.1 Organization for Economic Cooperation and Development	16
2.5.2 European Union Data Protection Directive	18
2.5.3 Council of Europe Convention	19
2.5.4 APEC Privacy Framework	20
2.5.5 Madrid Resolution 2009	20
<b>CHAPTER THREE: MALAYSIA PERSONAL DATA PROTECTION ACT 2010</b>	
3.0 Introduction	22
3.1 PDPA Journey	23
3.2 Significance of PDP A	26
3.2.1 Principles of the Personal Data Protection Act 2010	27
3.2.2 Rights under the PDPA	29
3.3 Enforcement	31
3.4 The adequacy of the Act	32
3.5 Challenges	34

# **CHAPTER 1**

## **INTRODUCTION**

### **1.0 INTRODUCTION**

This is a project paper on the topic of Personal Data Protection Act 2010 (PDPA). In Chapter 1, we provide the introduction to the research which includes the research background, objectives, methodology, the scope and limitation, and our significant contribution.

### **1.1 RESEARCH BACKGROUND**

Many countries have adopted or are in the process of promulgating privacy laws aimed at protecting their citizens from abuses of their personal information. In June 2010, the Parliament of Malaysia has passed the Personal Data Protection Act (PDPA) with the objective to protect the personal data of individuals with respect to commercial transactions. The PDPA was passed by the Malaysian Parliament in May 2010 and received Royal Assent on 2<sup>nd</sup> June 2010. It will come into operation on a date to be appointed by the Minister of Information Communications and Culture by notification in the Gazette.

The right to privacy is basically the right to be left alone and to live the private aspects of one's life without being subjected to unwarranted or undesired, publicity or public disclosure. It is also a right of an individual to seclude oneself or information about himself and thereby reveal himself selectively.

Personal Data means any information in respect of commercial transactions that relates directly or indirectly to an individual, who is identified or identifiable from that information alone or with other information including any sensitive personal data and expression of opinion about the individual. Example of personal data is, name, address,