

**THE EFFECTIVENESS OF THE EXISTING LAW IN PROTECTING THE  
PERSONAL INFORMATION; A STUDY ON MYKAD**

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## Abstract

Personal data is an asset to an individual and is at the stake of being misuse by other person especially on personal information that is stored in Mykad. It is clear that this personal information need some kind of protection from being misuse. The most effective protection commonly is the legal protection. Unfortunately, this concept is new to Malaysian and currently, there's no direct and effective laws governing this matter. "The first data protection law is said to have been enacted in the German state of Hesse in 1970 although Sweden was probably the first country to enact a national data protection law in 1973".<sup>1</sup> In Malaysia, the closest that we can get is the Personal Data Protection Bill that was brought forward in 2001. However, the bill is not yet being tabled until today.

This research paper is examining the effectiveness of existing laws in Malaysia in governing the protection on personal data in Mykad. The functions and features of Mykad would be examined in this research. There are quite a number of existing laws that indirectly protects the personal information stored in Mykad; however these laws are not specifically governing the personal information stored in Mykad. This research paper would examine critically the existing laws and examine the effectiveness of it on governing the personal information stored in Mykad. The proposed Personal Data Protection Bill will also be analyzed in this research. This research hopefully would show the importance of having specific laws governing this matter and to speed up the enforcement of the long awaited Personal Data Protection Law.

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<sup>1</sup> Thomas, M. "Is Malaysia's MyKad the 'One Card to Rule Them All'? The Urgent Need to Develop a Proper Legal Framework for the Protection of Personal Information in Malaysia" available at <<http://www.austlii.edu.au/au/journals/MULR/2004/15.html>> 2 March 2009

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# **CHAPTER ONE:**

## **INTRODUCTION**

### **1.0 Introduction**

Mykad is one of the latest and leading technologies used in Malaysia for this purpose nowadays. Personal data's are collected and stored in the smart chip on the card. Data can be retrieved by just a click away. There is a database which stores all the required data's. This technology had been one of the most efficient methods of data storage and retrieving. However, the only concern seems to be the safety of the data stored in the database.

National Registration Act (NRA) it is the primary legislation governing the MyKad but it does not provide for control over the collection of personal information and the purpose for which that information may be used by 'authorised' users. There was actually a proposed bill of personal data protection back in 2000. However, it still is not being tabled until now.

Hence, as there are various issues that need proper attention, we still don't have a specific relevant law governing Personal Data Protection in Malaysia, specifically on Mykad. The regulation that we currently have does not point specifically towards this matter. The effectiveness of these existing laws on personal data protection should be looked in a deeper perspective.