

PROTECTION OF PERSONAL DATA AGAINST IDENTITY FRAUD IN MALAYSIA

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

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ABSTRACT OF THE RESEARCH

This research is to analyze the protection of personal information available under Personal Data Protection Act 2010 against identity fraud in Malaysia. Data are being collected through library-based research, distribution of questionnaires and also interview with the respective personnel. From the data collected, it is found that, Malaysia is still lack of protection in terms of its enforcement. Recommendations are made for the improvement of the enforcement mechanism, to combat the foreseeable crime in the future, specifically focusing on identity fraud.

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CHAPTER 1

BACKGROUND OF RESEARCH

1.0 INTRODUCTION

Personal data is defined as data which relate to a living individual who can be identified from those data or from those data and other information in possession of, or likely to come into possession of the data controller and includes any expression of opinion about individual: Section 1 (1) of the Personal Data Protection Act 1998. Identity in accordance of Oxford Dictionary is who or what somebody or something is. Fraud at common law defined by dictionary of law, LB Curzon is intentional deceit. A false representation by the defendant of an existing fact, made knowingly, or without belief in its truth or recklessly, careless whether it be true or false, with the intention that the claimant should act on it, and which, results in damage to the claimant.

Identity theft occurs when someone else uses your personal identifying information without your knowledge or permission, to obtain credit cards, get wireless or phone products and services, obtain loans and mortgages, get a job, and commit other types of fraudulent or even criminal acts, in your name and leaving you responsible for the consequences. The identity thief uses key pieces of your information such as Social Security and driver's license numbers to obtain credit, merchandise, and services in your name.

The governing law generally cover this matter in Malaysia consists of Personal Data Protection Act 2010 and Computer Crime Act 1997. In section 4 of Personal Data Protection Act 2010, "personal data" means any information in respect of commercial transactions, which:-

(a) is being processed wholly or partly by means of equipment operating automatically