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**EVALUATING THE
PREPAREDNESS OF
DEPARTMENT OF PERSONAL
DATA PROTECTION TO BE
THE NATIONAL PERSONAL
DATA PROTECTION
CUSTODIAN**



PRESENTATION OUTLINE

- 1. OBJECTIVES**
- 2. BACKGROUND**
- 3. CONCEPTUAL FRAMEWORK**
- 4. DATA COLLECTION APPROACH**
- 5. FINDINGS**
- 6. LIMITATION OF THE STUDY**
- 7. IMPORTANCE OF THE STUDY**
- 8. SUGGESTIONS**
- 9. CONCLUSION**



To analyse the preparedness of JPDP in administering and managing the nation citizens' personal data

Sub objectives

1. Examine the authority and power vested to JPDP by the law to administer and manage the citizens' personal data:
 - a) In the context of management, is to examine the plans and actions it has undertaken;
 - b) In the context of administration, are there policies and strategies crafted in guarding personal data.
2. Examine intra-organization knowledge and problem sharing within the JPDP and inter-organizational and other relevant agencies that are supporting / collaborating with JPDP.
3. Identify gaps of knowledge and problem sharing.
4. Provide suggestions based on examination and success stories of similar program.

TERMS

WHAT IS PREPAREDNESS?

- Refers to the ability of governments, professional response organisations, communities and individuals to anticipate and respond effectively to the impact of likely, imminent or current hazards, events or conditions.
- (<https://www.humanitarianresponse.info/en/coordination/preparedness/what-preparedness>)

WHO ARE THE STAKEHOLDERS?

- The Department of Personal Data Protection, Ministry of Communication & Multimedia, Government and Malaysian citizen.



THE DEPARTMENT OF PERSONAL DATA PROTECTION (JPDP)

ESTABLISHMENT

- In May 16, 2011 after the Parliament passed the Personal Data Protection Bill 2009.

RESPONSIBILITY

- Enforce and regulate Personal Data Protection Act 2010 (Act 709)

FOCUSES

- Focuses to ensure that the private companies who is processing of personal data in commercial transactions to follow the Act 709 and avoid of misuse of personal data



PERSONAL DATA PROTECTION ACT 2010 (ACT 709)

PURPOSE

- Passed by Parliament of Malaysia on 2010 and Enforce on November 15th, 2013.
- Applies to any person who process and any person who has control over or authorizes the processing of any personal data in respect of commercial transactions.

DEFINITION

Personal data means that it is identified or identifiable from that information or from that and other information in the possession of a data user, including any sensitive personal data and expression of opinion about the data subject.



PERSONAL DATA PROTECTION ACT 2010

OBJECTIVES

- To regulate and safeguard the handling and processing one's personal data in commercial transactions in Malaysia.

WHO SHOULD REGISTER?

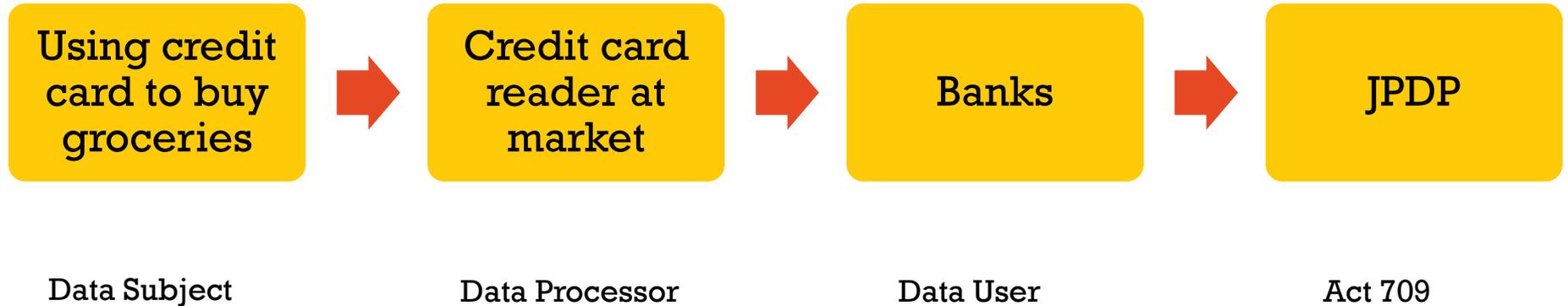
- 13 Categories of Data User that are required to register under the PDPA Act 709 prior to the commercial transactions.
- Communications, Banking and Financial Institution, Insurance, Health, Tourism and Hospitalities, Transportation, Education, Direct Selling, Services (Legal, Audit, Accountancy, Engineering, Architecture), Real Estate, Utilities, Pawnbroker and Moneylender.

APPLICATION

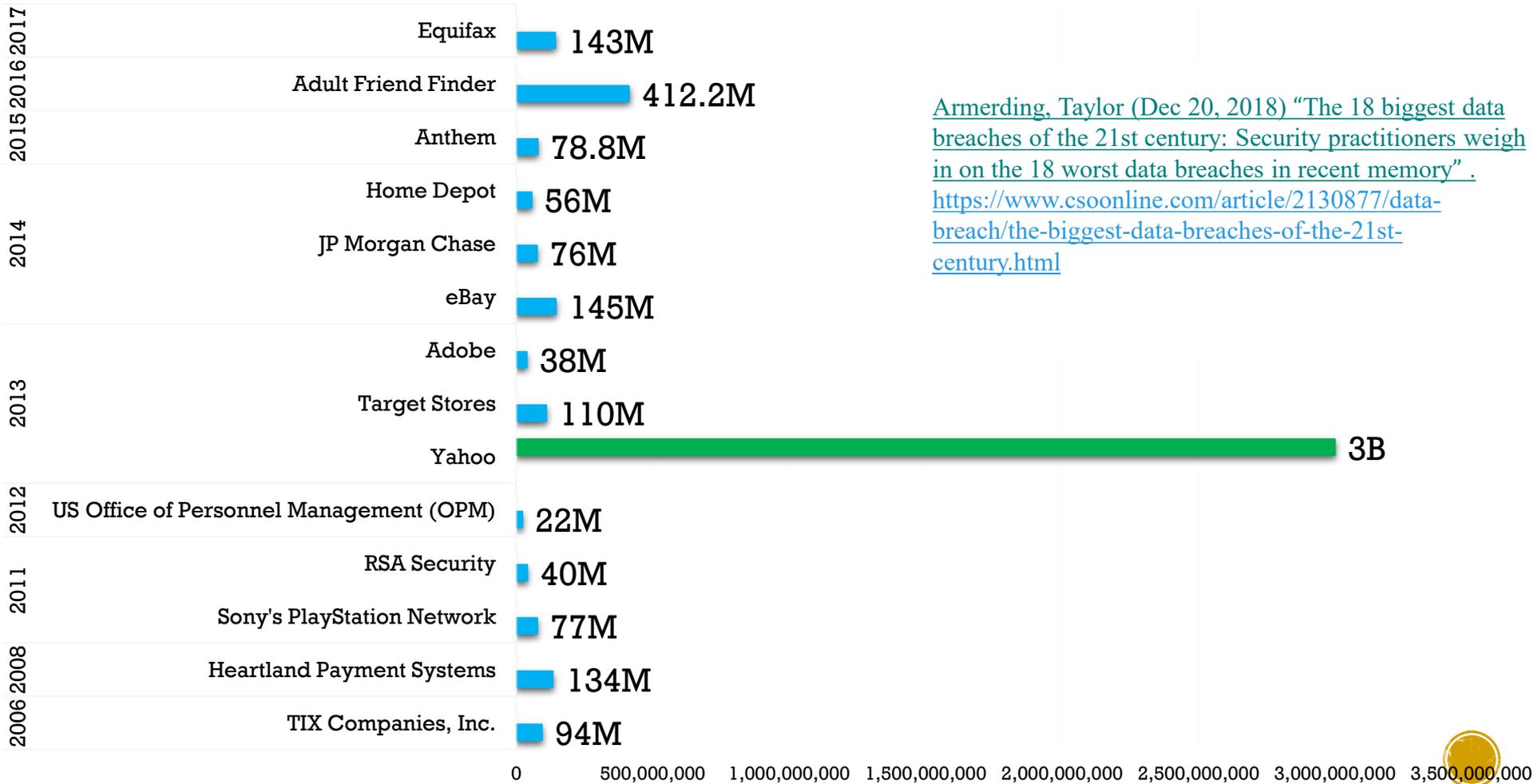
- Does not apply to the Federal Government and State Governments



HOW DATA BREACHES HAPPENED?



Biggest DATA BREACHES of the 21st century

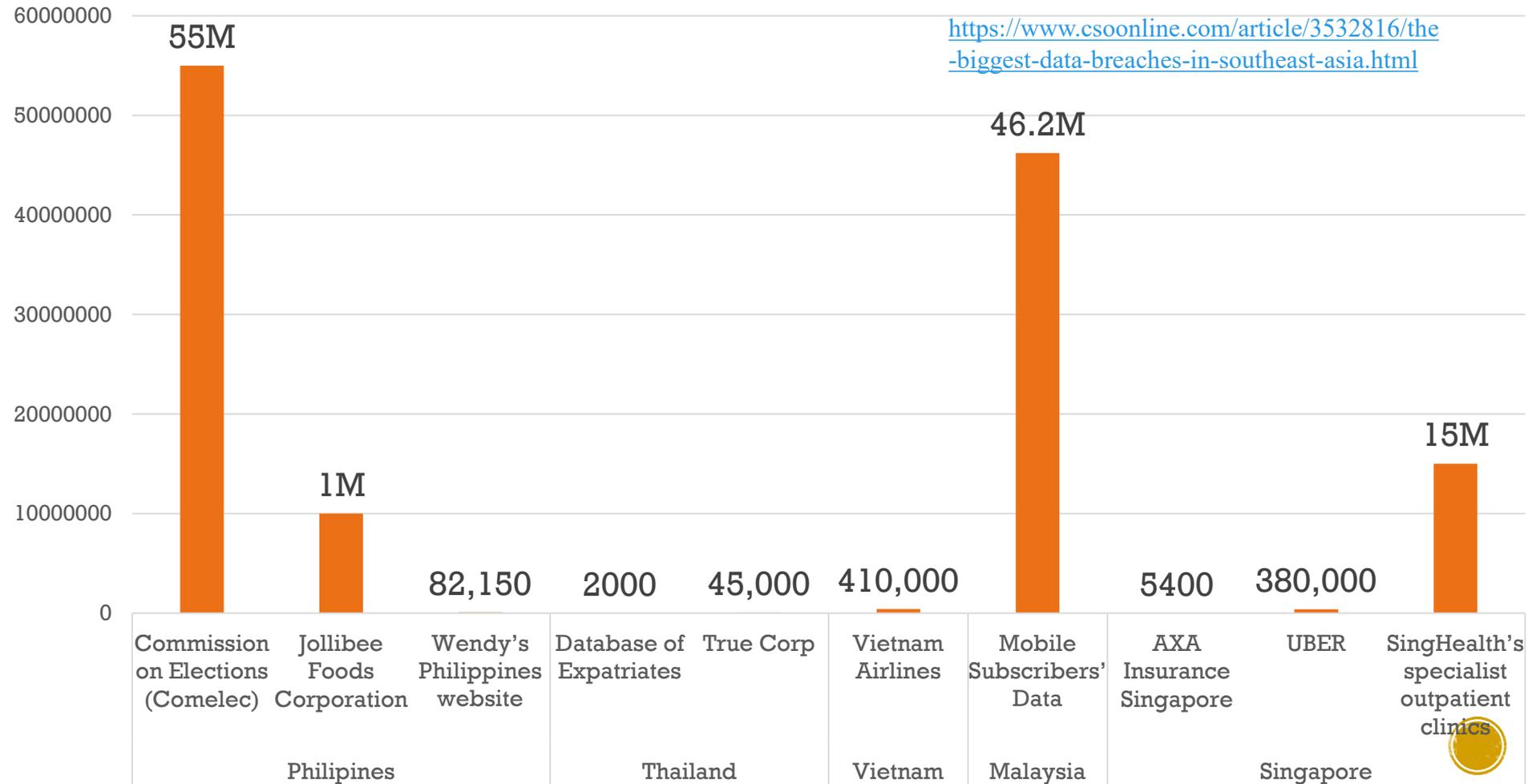


[Armerding, Taylor \(Dec 20, 2018\) "The 18 biggest data breaches of the 21st century: Security practitioners weigh in on the 18 worst data breaches in recent memory".
https://www.csoonline.com/article/2130877/data-breach/the-biggest-data-breaches-of-the-21st-century.html](https://www.csoonline.com/article/2130877/data-breach/the-biggest-data-breaches-of-the-21st-century.html)

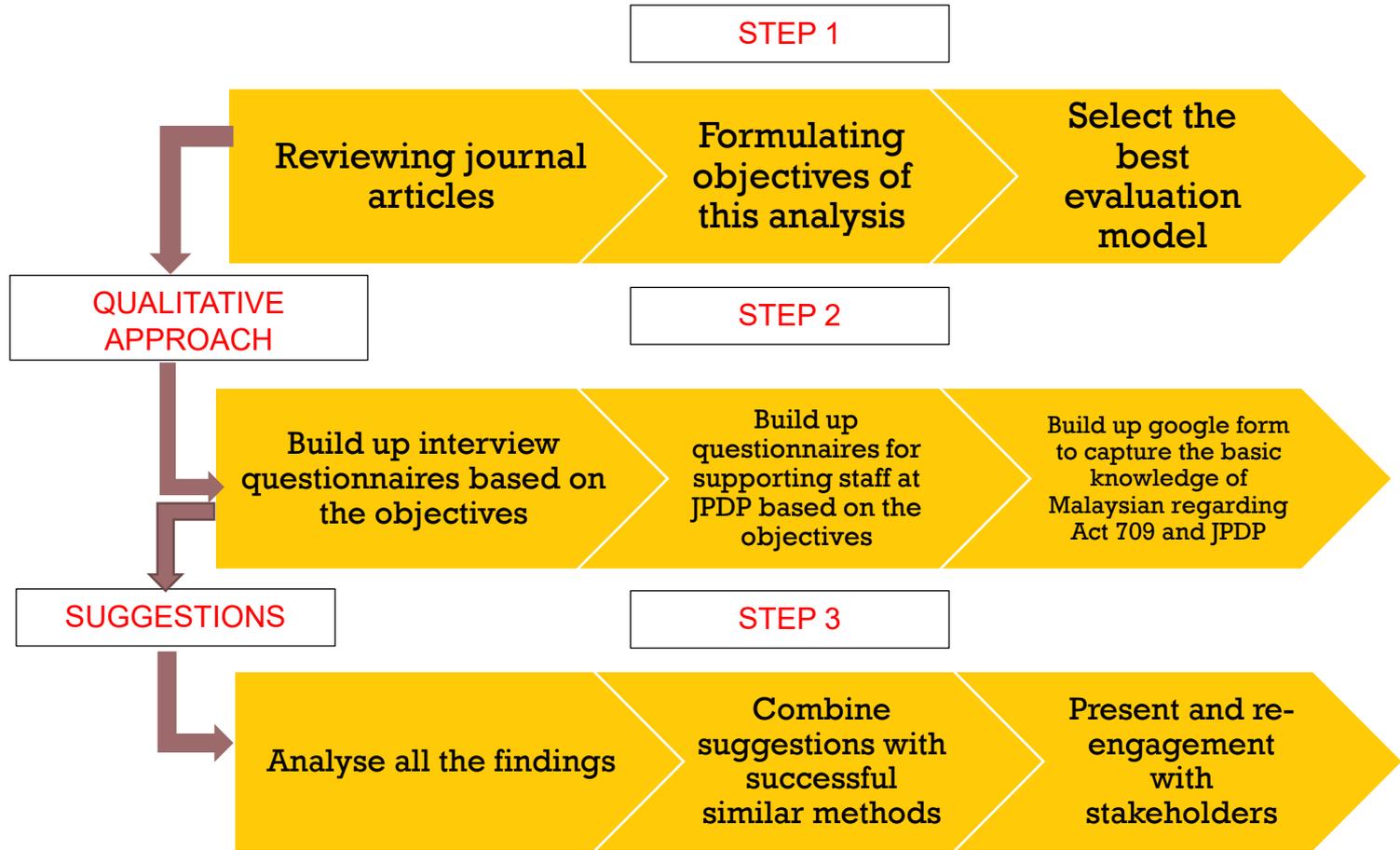


Biggest Data Breaches in Asean 2017 - 2018

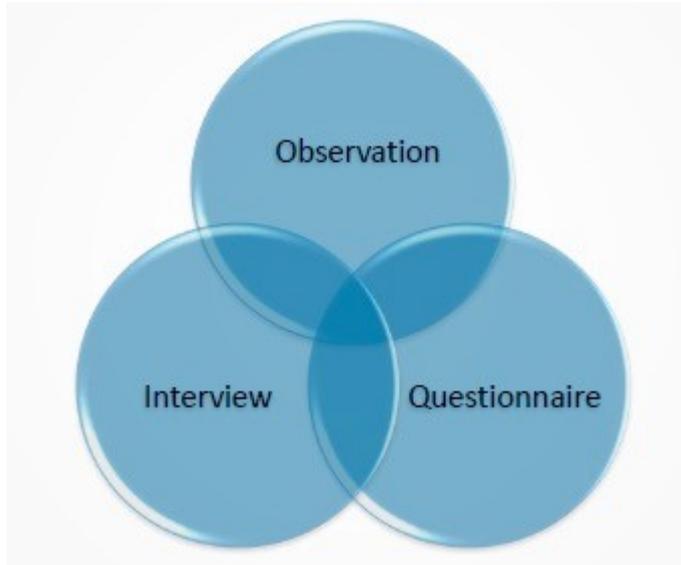
<https://www.csoonline.com/article/3532816/the-biggest-data-breaches-in-southeast-asia.html>



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DATA COLLECTION APPROACH

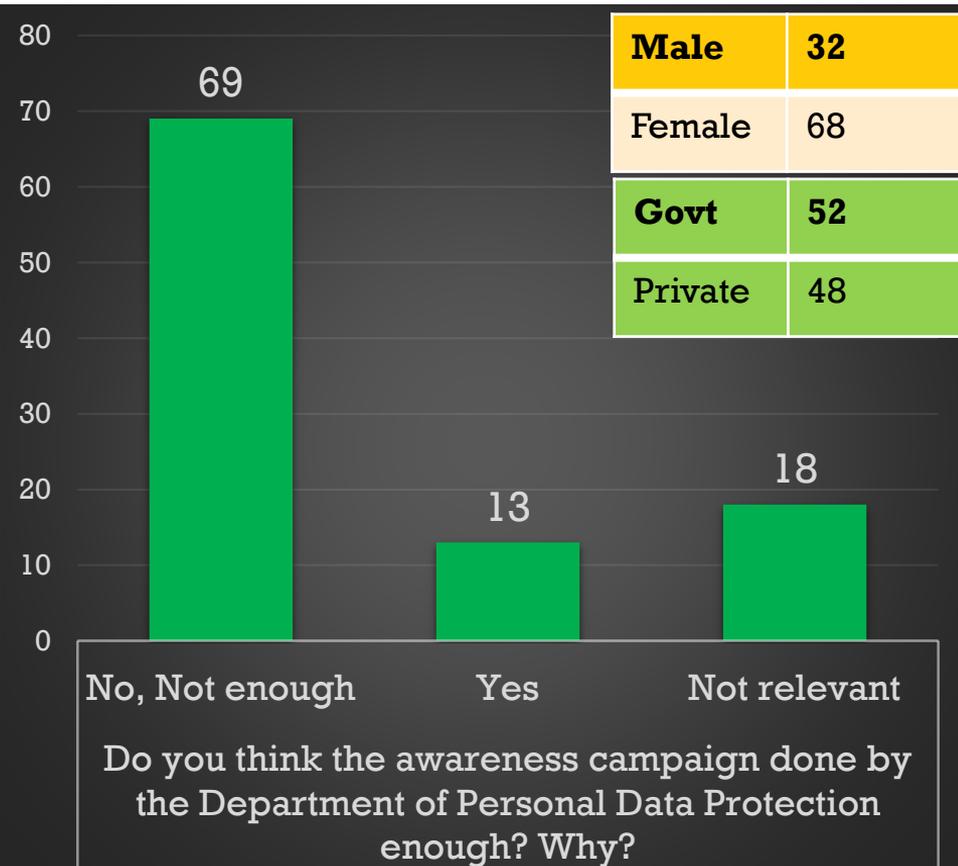
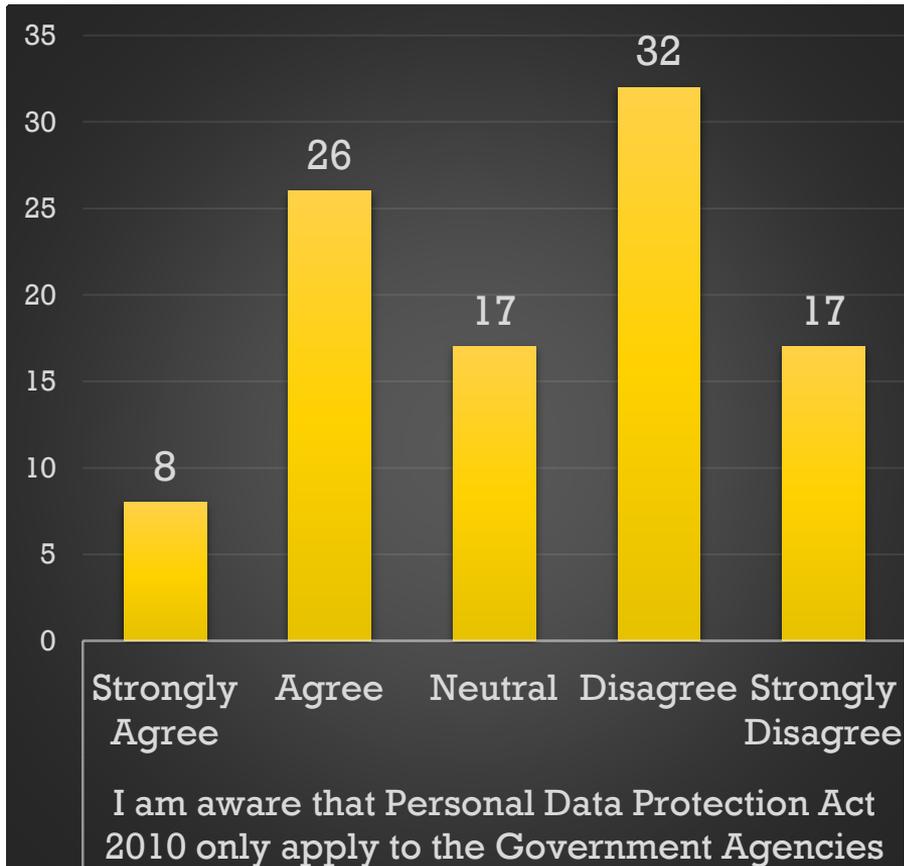


- A triangulation approach method developed by Denzin, 1970
- Primary Sources:
 1. Semi structured Qs: 12 Officers out of 15.
 2. Structured Qs : 22 supporting staff.
- Qualitative approach : Purposive sampling techniques was used. 24 questions guided by the SWOT model and objectives of this study.
- Secondary Information Sources:
 1. Journal articles
 2. Public Offices
 3. Media outlets (Yearly reports, various presentations, university lectures, laws and rules)



BASIC KNOWLEDGE OF PERSONAL DATA PROTECTION ACT 2010 IN MALAYSIA

The Knowledge, Awareness and Practice of the PDPA 2010: A Survey among the General Public, the Public and Private Sector Employees in Klang Valley", by Siti Dinar Othman, 2018.



SWOT ANALYSIS

	STRENGTH	WEAKNESSES
I N T E R N A L	<ol style="list-style-type: none">1. Top down communication2. Opportunity to grow and gain knowledge3. Open for consultation and advisory4. Act 709 gives power to investigate, confiscate and monitor the industries5. Director General can produce guidelines for the industry to abide the Act 7096. Personal Data Protection Fund is audited	<ol style="list-style-type: none">1. Not clear with the roles of JPDP2. Manpower constraint3. Takes time to master the Act 7094. No legal unit in the JPDP5. Bottom up communication6. Weak leadership at every level7. No clear delegation of task8. Recruitment process is loose
E X T E R N A L	<p>OPPORTUNITIES</p> <ol style="list-style-type: none">1. Collaborate with other agencies2. JPDP can institute on the crafting of the digital law3. Transfer of knowledge with other ICO4. Expand the Personal Data Protection Fund from industries5. Pioneers in data related fields	<p>THREATS</p> <ol style="list-style-type: none">1. Other organisation performing the same roles2. The unknown data breaches3. The rapid changes of digital technology4. The lagging development of digital law5. The lagging development of digital technology6. The issues of MSC



OBJECTIVES:

ANALYSIS

1) Examine the authority and power vested to JPDP by the law to administer and manage the citizens' personal data:

a) In the context of management, is to examine the plans and actions it has undertaken

Yes.

- All action based on provision of Act 709.
- Awareness of the Act 709 to the targeted groups.

b) In the context of administration, are there policies and strategies crafted in guarding personal data

Yes.

They follows the 7 principles, The Standard 2015 and Code of Practice.-

2) Examine intra-organisation knowledge and problem sharing within the JPDP and inter-organisational effective knowledge sharing between the organisation and other relevant agencies that are supporting / collaborating with JPDP

-Generic and functional courses implemented.

-All the information from top management to the staff being discussed in monthly meeting.

-All the problems being discussed based on need, but not enough.
-Meeting with related agencies and ministries when needed.

3) Identify gaps of knowledge and problem sharing

-Burden of existing staff.

-Frequent exchanges of employees.

-Takes time to mastered and understand the Act 709.

-No partnership with private companies.



Limitation of the study

- Obtain cooperation from the middle management of JPDP
- Touched on Government policy

Importance of the study

- Effective guardian of the Act 709
- Areas to be improve



SUGGESTIONS

Human Resource Management

- Talent Management-linking business strategy/vision/mission/goals
- Use employee self assessment profile module.
- 1. Work experience
- 2. Career interests and aspirations
- 3. Unique abilities
- 4. Ability to move
- (Glenn, 2012)

Awareness Campaign

- Use a prototype model to measuring information security awareness.
- Use knowledge + attitude + behavior + theory reasoned action.
- Group discussion. Two way communication.
- (Khan et al, 2011)

Inter-organisational matters

- Public Private Partnership
- Sharing technical information
- Informal partnership –in advance technology in cybersecurity
- Initiate among themselves to address cybersecurity threats without initiated by the Government.
- (Eichensehr, 2017)



CONCLUSION

JPDP as an organisation is prepared because it has a powerful Act that supported its functions. However, running a hi-tech organisation needs manpower that are skillful, alert and effective. JPDP does not have this pool of manpower because it has no power to hire and retain its trained and skill staff. Hiring of staff is managed by PSD which JPDP has no authority to control. In making JPDP more effective, it has to be given the power to recruit and manage its own staff. With this power JPDP will be able to plan staff time and duties to the mandate stipulated by the Act.



