

KLANGVALLEY DISCOURSE DISCUSSION
JUMAT, 22 JULI 2022 | 19.00 WIB/20.00 MYT
VIA ZOOM



MASA DEPAN PELINDUNGAN DATA PRIBADI DI INDONESIA



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1. PDP In A Nutshell
2. Why (not) PDP Law?
3. What Happen(ed): Past Present, Future?

Privacy & PDP In the Quranic Perspective



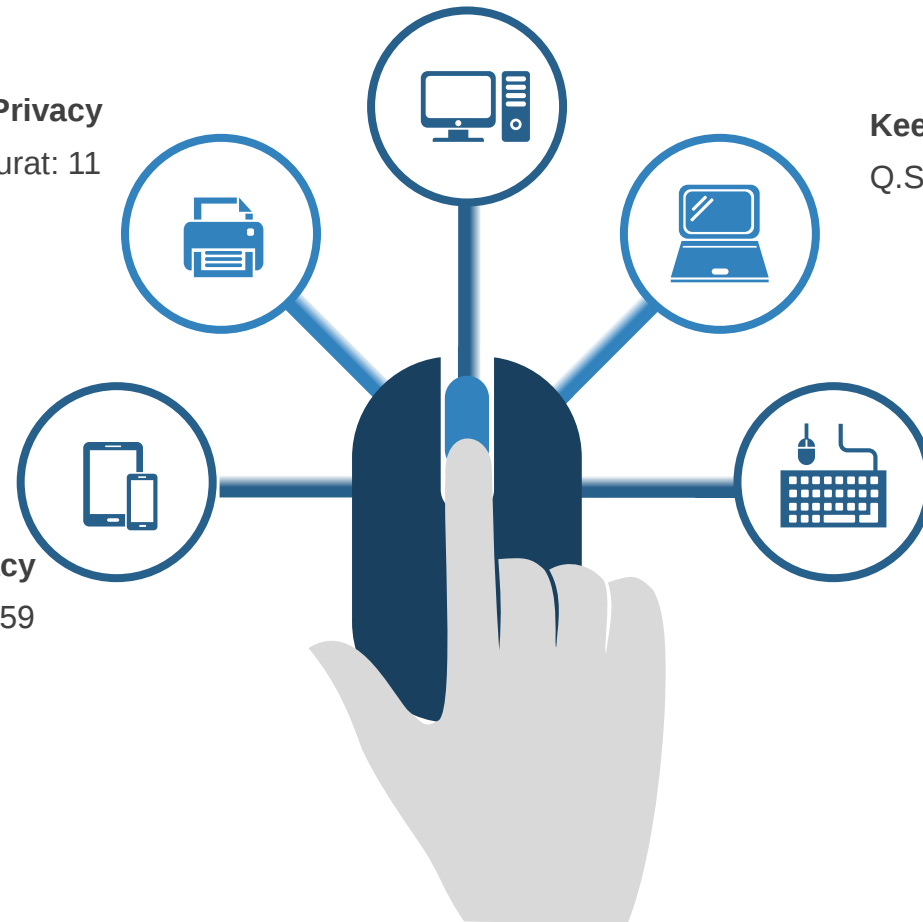
Big Data as Asset
QS. Al-Baqarah: 31; Az-Zumar: 9

Communications Privacy
Q.S. Al-Hujurat: 11

Keeping Secrets
Q.S. An-Nisa: 58

Territorial Privacy
Q.S. An-Nur: 58-59

Rule against Surveillance
Q.S. Al-Hujurat: 12



PDP In A Nutshell

Informatisation -> Digitalisation -> Datafication!



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What Google Knows

Google compiles enough data to build comprehensive portfolios of most users—who they are, where they go and what they do—and the information is all available at google.com/dashboard. Here are just a few things WSJ reporter Tom Gara found out about himself.

GOOGLE SEARCH 64,019

Google thinks Tom performs most of his searches around 8 a.m. ET, but this is probably skewed by years spent outside the U.S.

ANDROID DEVICES 3

Google knows all of Tom's synched Android phones, including the old Nexus S phone that he gave to his mom.

WALLET 3

Credit cards (two expired) saved in Google Wallet, plus two shipping addresses and 13 itemized purchases since June 2009.

DOCS 855

Documents Tom has created, plus the 115 he has opened that belong to other people.

EMAIL 134,966

All of Tom's emails since he first got a Gmail account in 2004. Google also stores his 6,147 chats.

CONTACTS 2,702

Google knows the people that Tom emails the most. At the top is a friend in Egypt.

YOUTUBE 9,220

Videos Tom has watched, listed in chronological order, including a series viewed in June about canoes.

GOOGLE PLAY 117

That's how many apps Tom has downloaded from Google's store.

PASSWORDS 35

Number of website passwords saved in Google's Chrome browser.

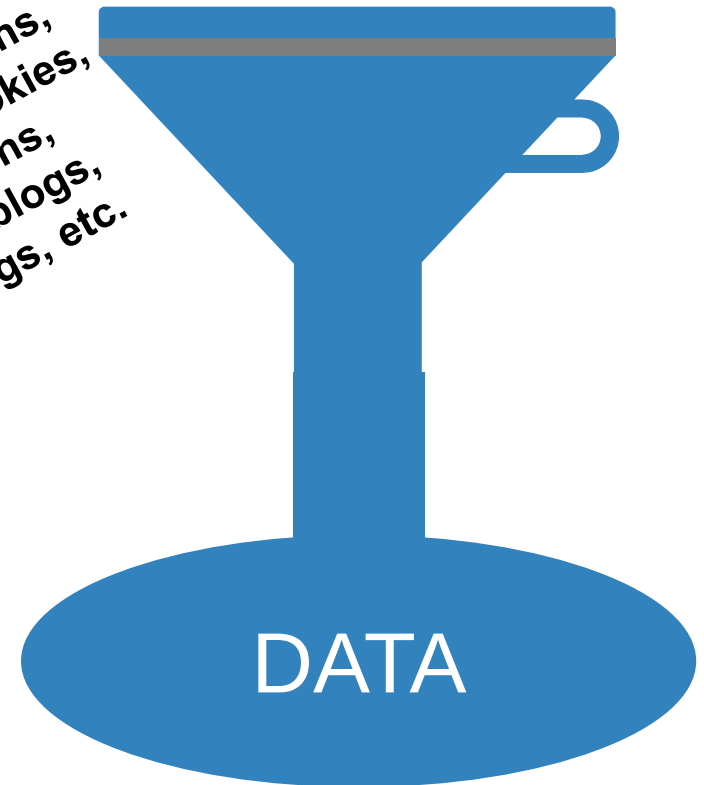
LOCATION Willunga, South Australia

Due to an unknown glitch, Google bases Tom's location from one of his old Android phones, which he gave to his mother in Australia.

Social media posts,
likes, loves,
mentions, threads,
shares, comments,
follows, subscribes,
emojicons, etc.

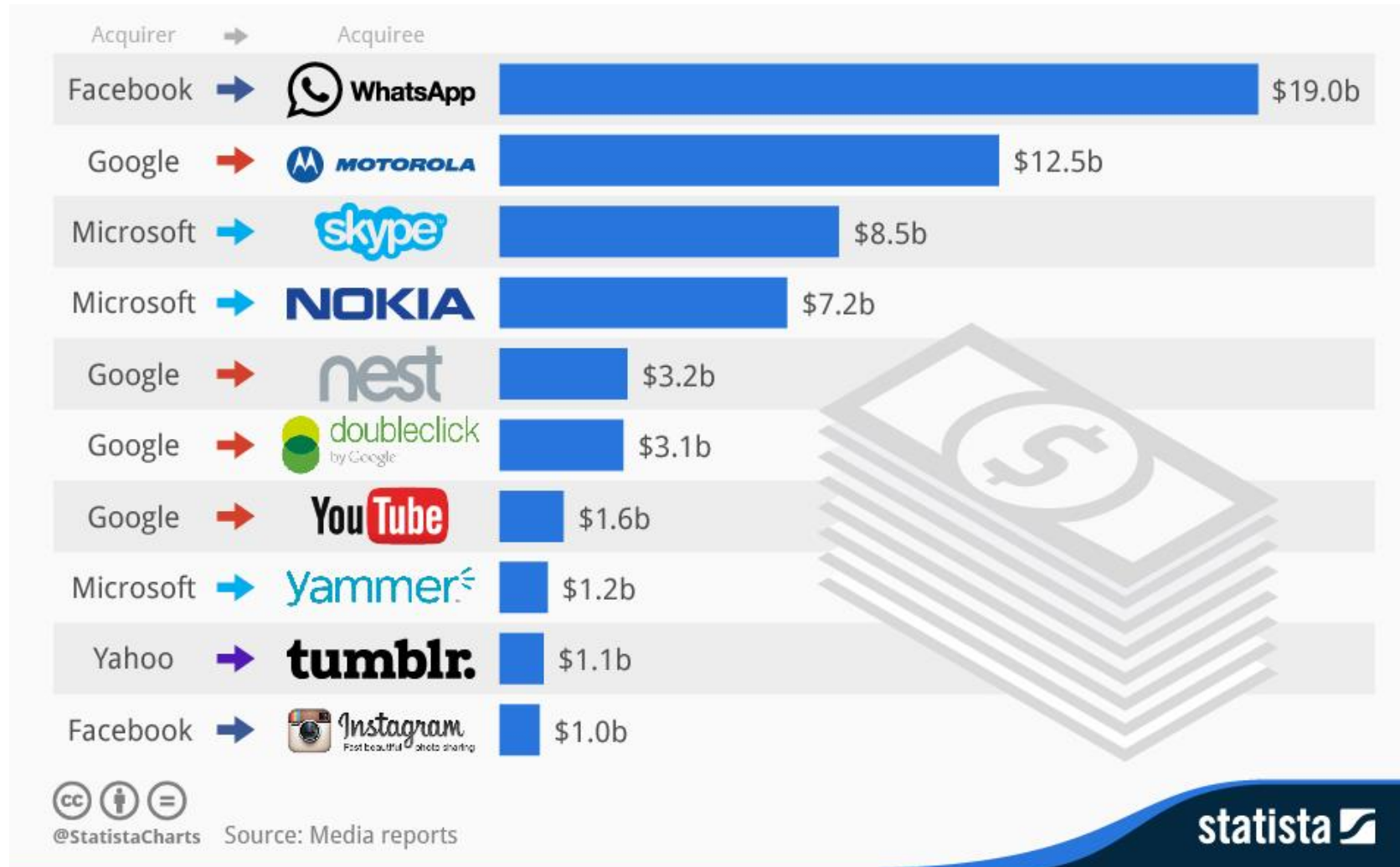
Travels, locations,
wearables, cookies,
transactions,
pictures, blogs,
vlogs, logs, etc.

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PDP In A Nutshell

Datafication → Automatisation → Commodification!



PDP In A Nutshell

Commodification -> Capitalisation -> Consumerism!

The Highest EU-based Fines (2020-2021)



PDP In A Nutshell

Commodification -> Capitalisation -> Trade War!

Trans-Atlantic Trade Issue (July 2020)

The **EU Court of Justice** decided that the **EU-USA** Privacy Shield Agreement, which allows 3000 US companies to repatriate European personal data to US, is null and void, putting trans-Atlantic trade in a halt



Sino-American Trade Issues (August 2020)

The US Government banned Chinese platforms TikTok and Wechat from operating in the US due to data security and data privacy concern.



PDP In A Nutshell

Meanwhile on the other end of the spectrum...

Industrialisation – Urbanisation – Human Rights – Privacy – Data Privacy



Right to Life, to Enjoy Life with Dignity



"Leave me Alone" – Right to Solitude



Right to be Anonymous, under no Scrutiny



Informational Privacy: Identity, Communications, lifestyle, etc



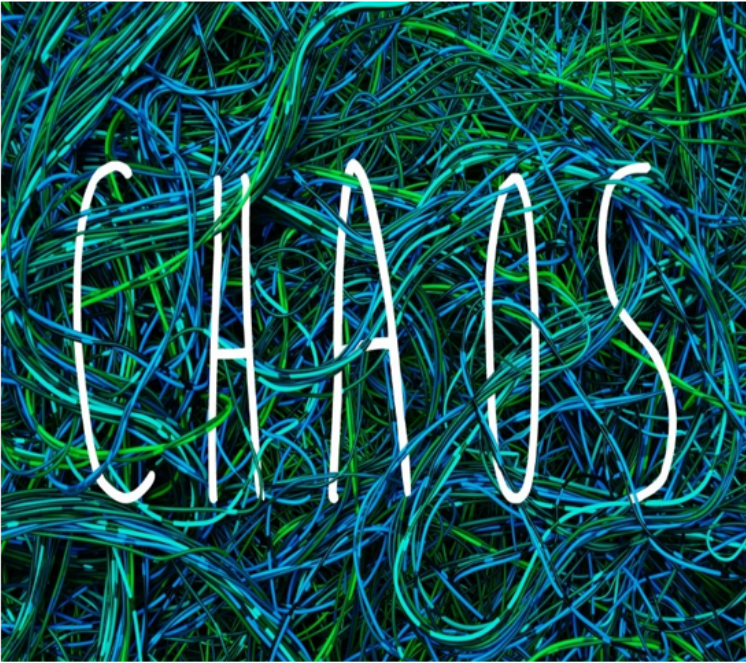
84%

of the global consumers care about privacy, care for their own data, care about the data of other members of society, and they want more control over how their data is being used.

Cisco Consumer Privacy Survey 2019

Why (Not) PDP Law?

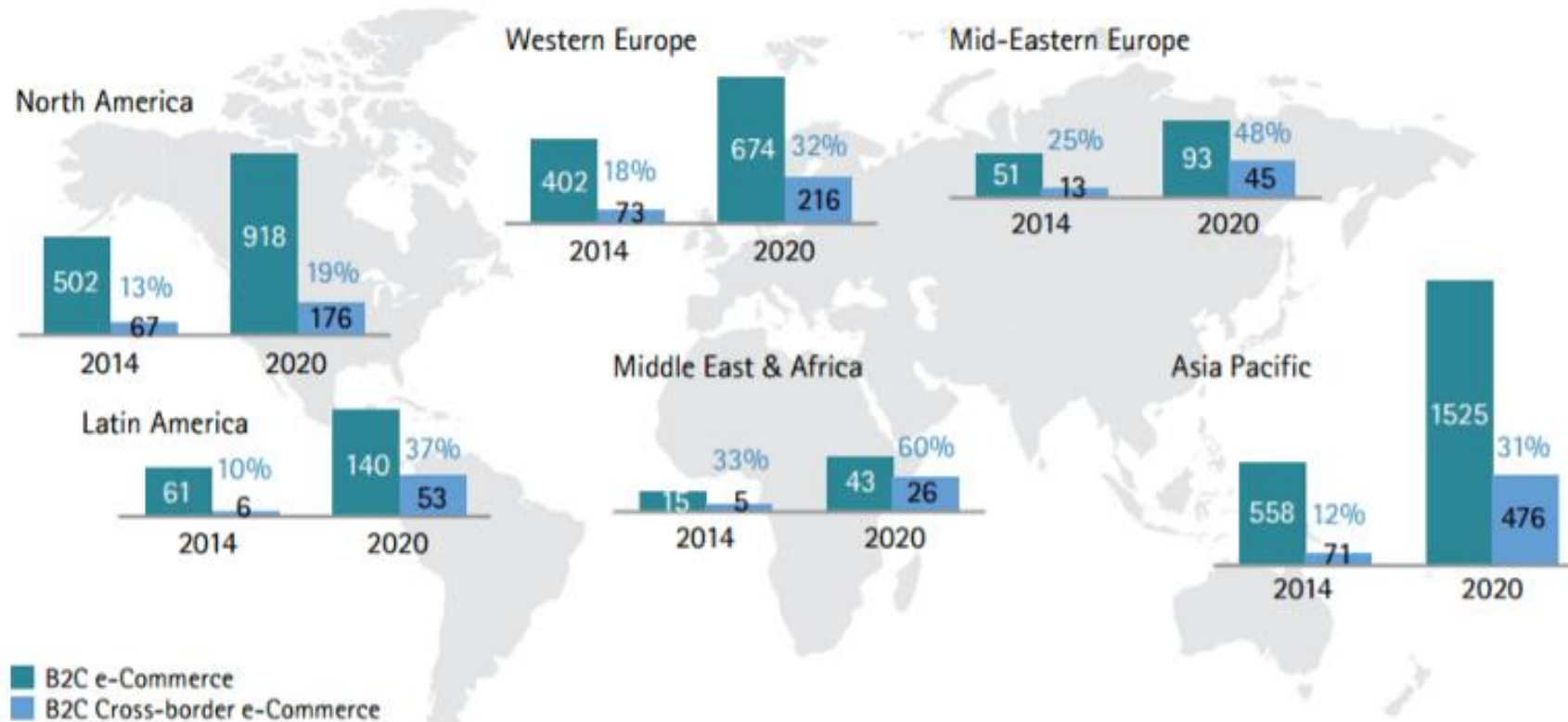
WHEN PDP LAW IS ABSENT...



- ✓ **Uninterrupted exploitation:** Businesses continue monetize unfairly, leaving the gap of economy widens.
- ✓ **Threat to civil society:** Governments handle citizens' data without legal check and balance to the rights of individuals.
- ✓ **Individuals** subject to a lost privacy, exploited resources, threat to safety, harassment, constant surveillance and reduced quality of life.
- ✓ **Distrust over digital platforms**, hence the threat to national economy.
- ✓ **Country loses international credibility** – thus creates a reputation as a safe-heaven for data criminals and hostile trade country.

Why (Not) PDP Law?

Global cross-border B2C e-Commerce transaction value (US\$ billion)



Source: <<https://ecommerce-platforms.com/articles/cross-border-ecommerce-future-ecommerce>>

“Pergaulan internasional Indonesia turut menuntut adanya perlindungan atas Data Pribadi.

Pelindungan tersebut dapat memperlancar perdagangan, industri, investasi yang bersifat transnasional.”

*Rancangan Penjelasan RUU
Pelindungan Data Pribadi*

Why (Not) PDP Law?

G-20 Summit 2019: Osaka Track on Data Free Flow with Trust (DFFT)



G-20 Summit 2022

“Ini adalah sebuah kepercayaan dan kehormatan bagi Indonesia menerima **Presidensi G20**.”

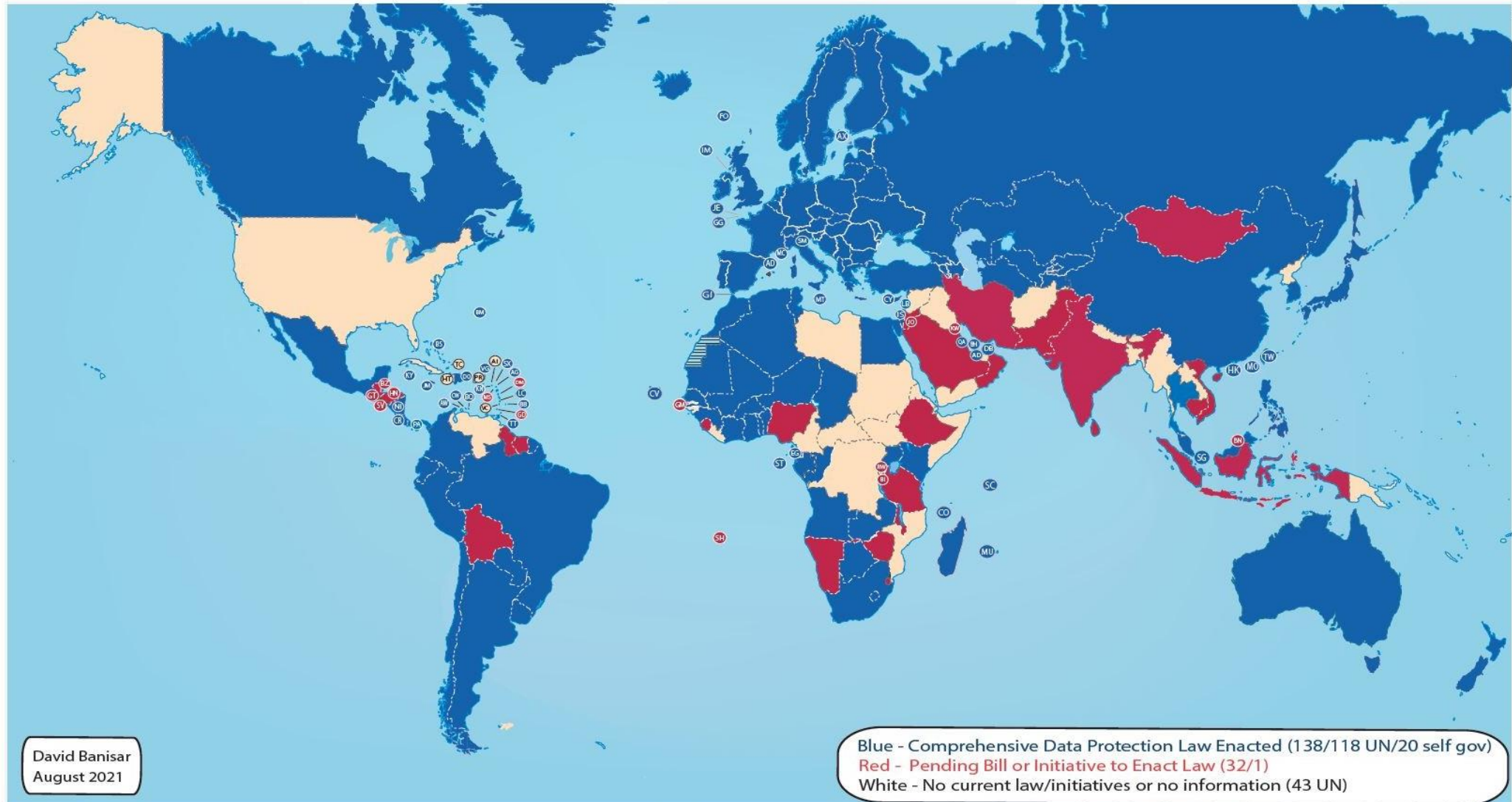


“Dan dalam Presidensi G20 Indonesia akan fokus untuk mengerjakan tiga hal: Pertama, penanganan kesehatan yang inklusif. Kedua, **transformasi berbasis digital**. Ketiga, transisi menuju energi berkelanjutan.”

G-20 Summit 2022: What will the Host say about Data Protection?

Why (Not) PDP Law?

National Comprehensive Data Protection/Privacy Laws and Bills 2021



David Banisar
August 2021

Past, Present & Future?

Data Breach Incidents – in the past two years*



<https://nasional.kompas.com/read/2021/09/03/18445501/deretan-kasus-kebocoran-data-pribadi-dalam-dua-tahun-terakhir>



- ❖ Internationally accepted benchmark?
- ❖ 3C: Clarity, Comprehensive, Concerted Law?
- ❖ Regulate = Balance between carrot & stick?
- ❖ Effective Mechanism of Enforcement?

Past

Present

Future

Data Pribadi Dijual Bebas

Data pribadi dijual bebas untuk kepentingan pemasaran pribadi periklanan. "Entah siapa yang akan membeli data pribadi ini, apakah itu akan dijual ke pihak lain, atau akan digunakan untuk kepentingan lain."

ABRIANTO, MANAGER - Jakarta
Data pribadi adalah aset berharga yang harus dilindungi. Namun, data pribadi sering kali dijual bebas untuk kepentingan pemasaran pribadi periklanan. "Entah siapa yang akan membeli data pribadi ini, apakah itu akan dijual ke pihak lain, atau akan digunakan untuk kepentingan lain."



- ✓ Digital Sovereignty
- ✓ Transparency (Good Governance)
- ✓ Sustainable Business
- ✓ Sustainable Innovation



“THANK YOU”

Feedback :
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