

# THE MALAYSIAN IMMIGRATION SYSTEM AND IT'S DATA PROTECTION: ROLES AND CHALLENGES

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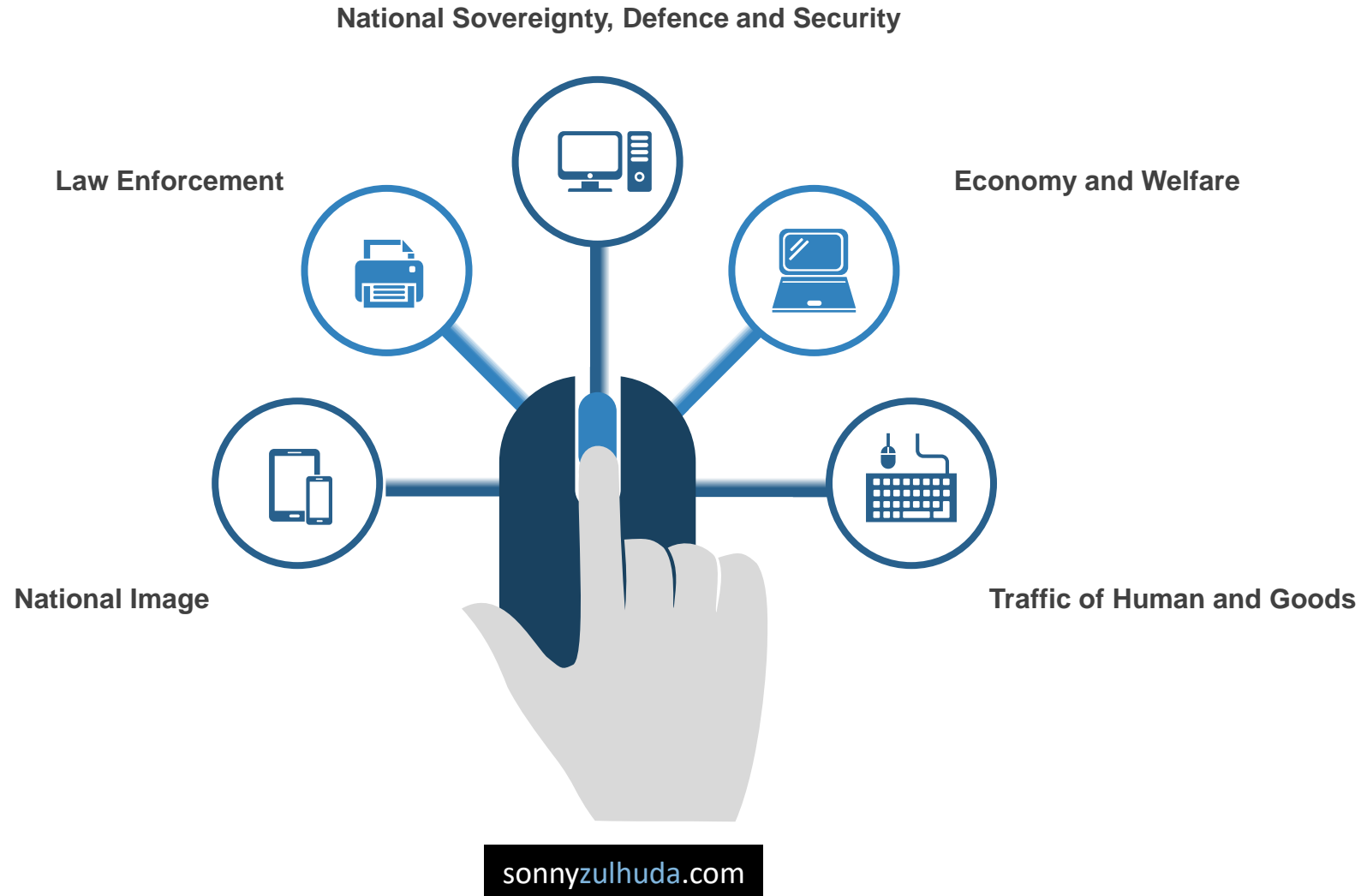
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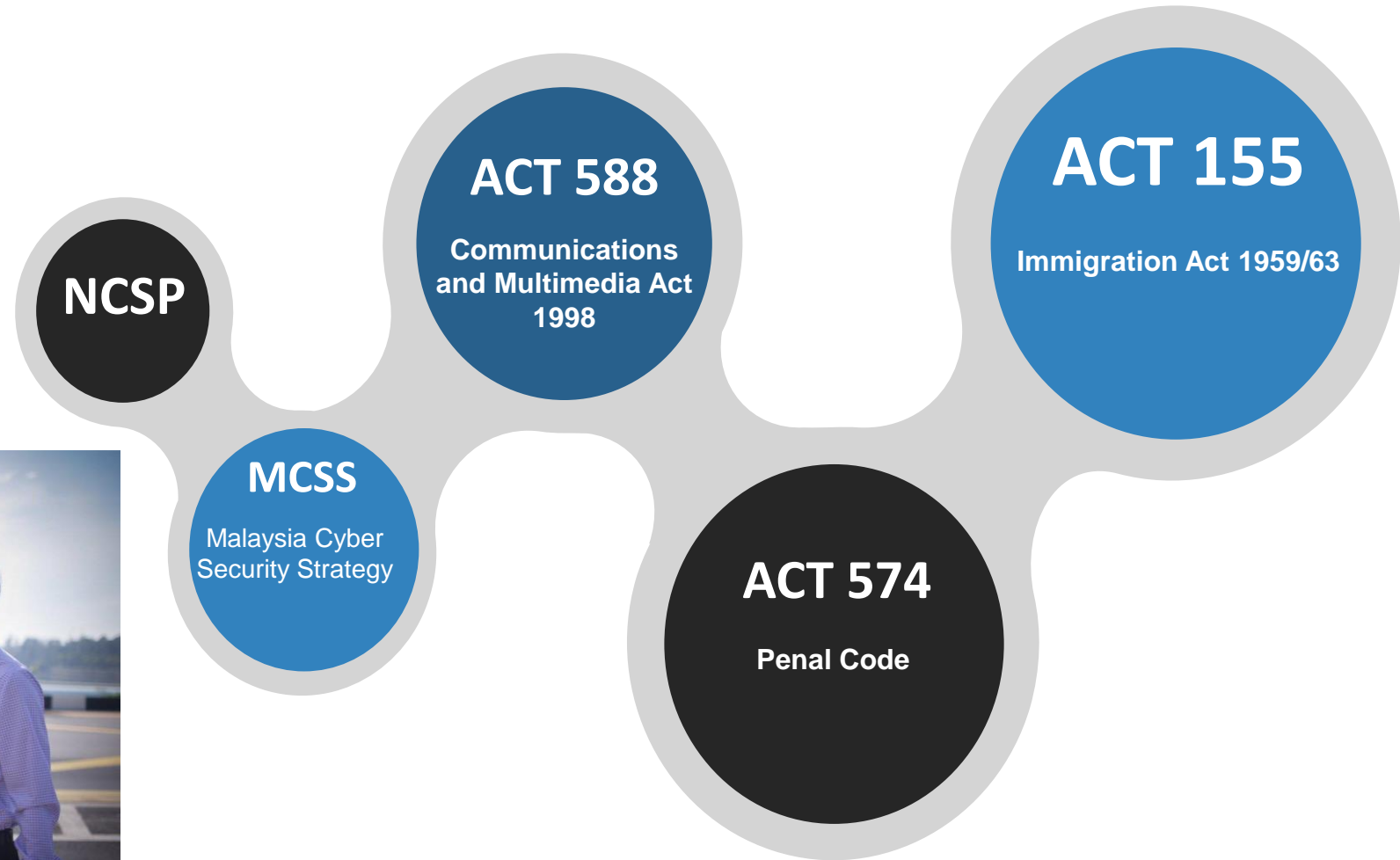
# Agenda

- 01** Why Immigration System Matters
- 02** Malaysian Immigration Law and Cyber Policy
- 03** Personal Data Protection Law in Malaysia
- 04** The Way Forward

# Why Immigration System Matters



# Malaysian Immigration Law & Cyber Policy



# The Malaysia Cyber Security Strategy 2020-2024

## Vision

Malaysia cyberspace is  
**secured, trusted**  
and **resilient**, fostering  
economic prosperity and  
citizens' well-being

## Mission

Fortifying local capabilities to  
**predict, detect, deter** and **respond**  
to cyber threats through structured governance,  
competence people, support best practices  
processes and deploy effective technology



# DATAFICATION

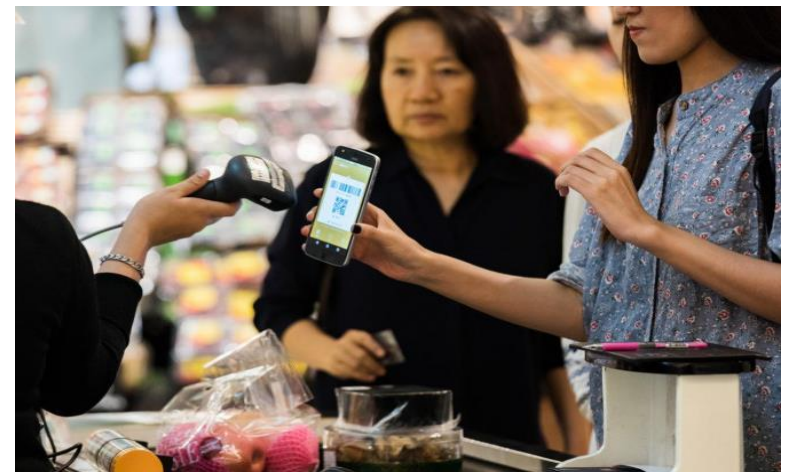


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Immigration-  
Related Data

[sonnyzulhuda.com](https://sonnyzulhuda.com)



# DATAFICATION

## 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](https://www.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.

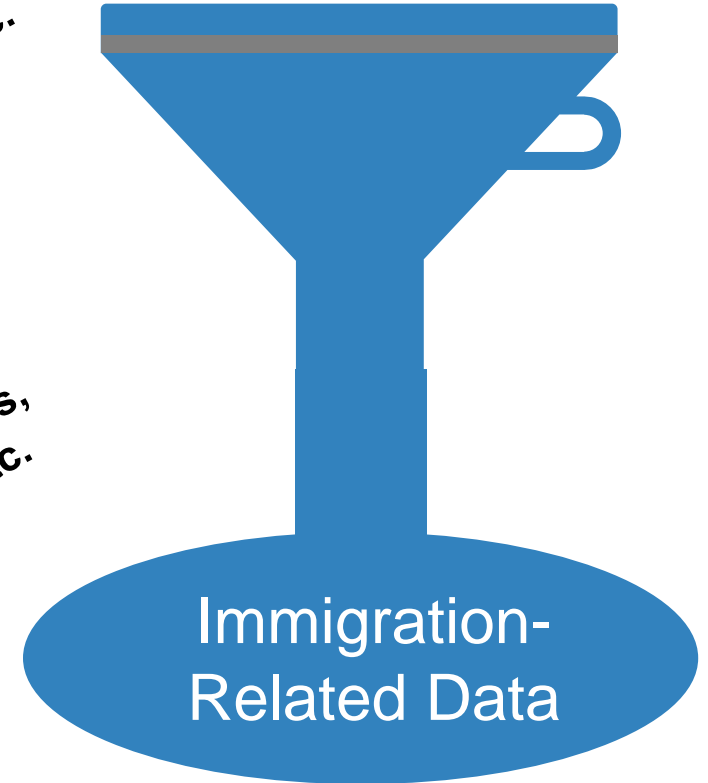
### LOCATION Willunga, South Australia

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.

Personal Identification,  
Physical & Genetic Data, Travel logs, Businesses and Works, Travel Insurance, Health data, Families, etc.

Travel Trackers, Social media, locations, wearables, transactions, pictures, preferences, likes, mentions, etc.

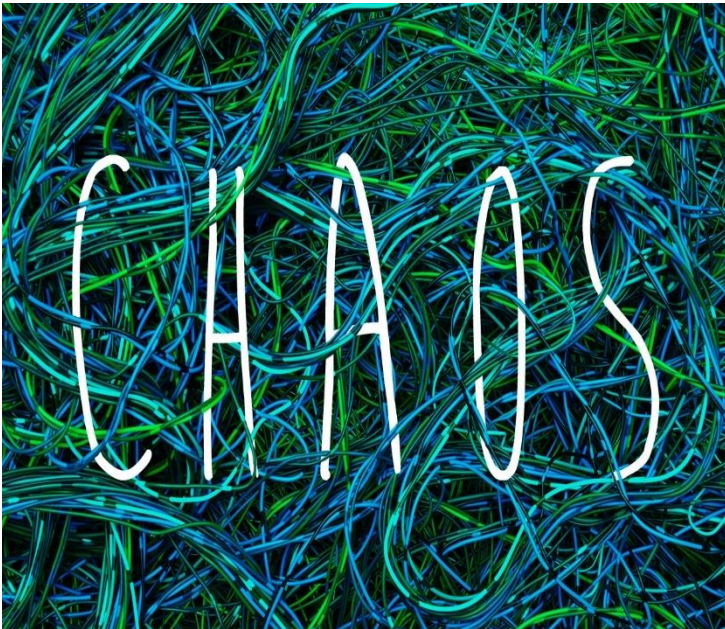
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Graphic by  
Alberto Cervantes/  
The Wall Street Journal



## WHEN PDP LAW IS ABSENT/LACKING...



- ✓ **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 are subject to a lost privacy, exploited resources, threat to safety, harassment, constant surveillance and reduced quality of life.
- ✓ Growing distrust over digital platforms, hence the **threat to national economy**.
- ✓ The country loses **international credibility** – thus creates a reputation as a safe-heaven for data criminals and hostile trade country.



# The Highest EU-based Fines (2020-2021)



## AMAZON

- \$877 million
- Offence? Cookie consent



## WHATSAPP

- \$255 million
- Failed to properly explain its data processing practices in its privacy notice



## GOOGLE

- \$56.6 million
- Privacy notice & consent for personalized advertising, etc



## H&M

- \$41 million
- Monitoring of employees

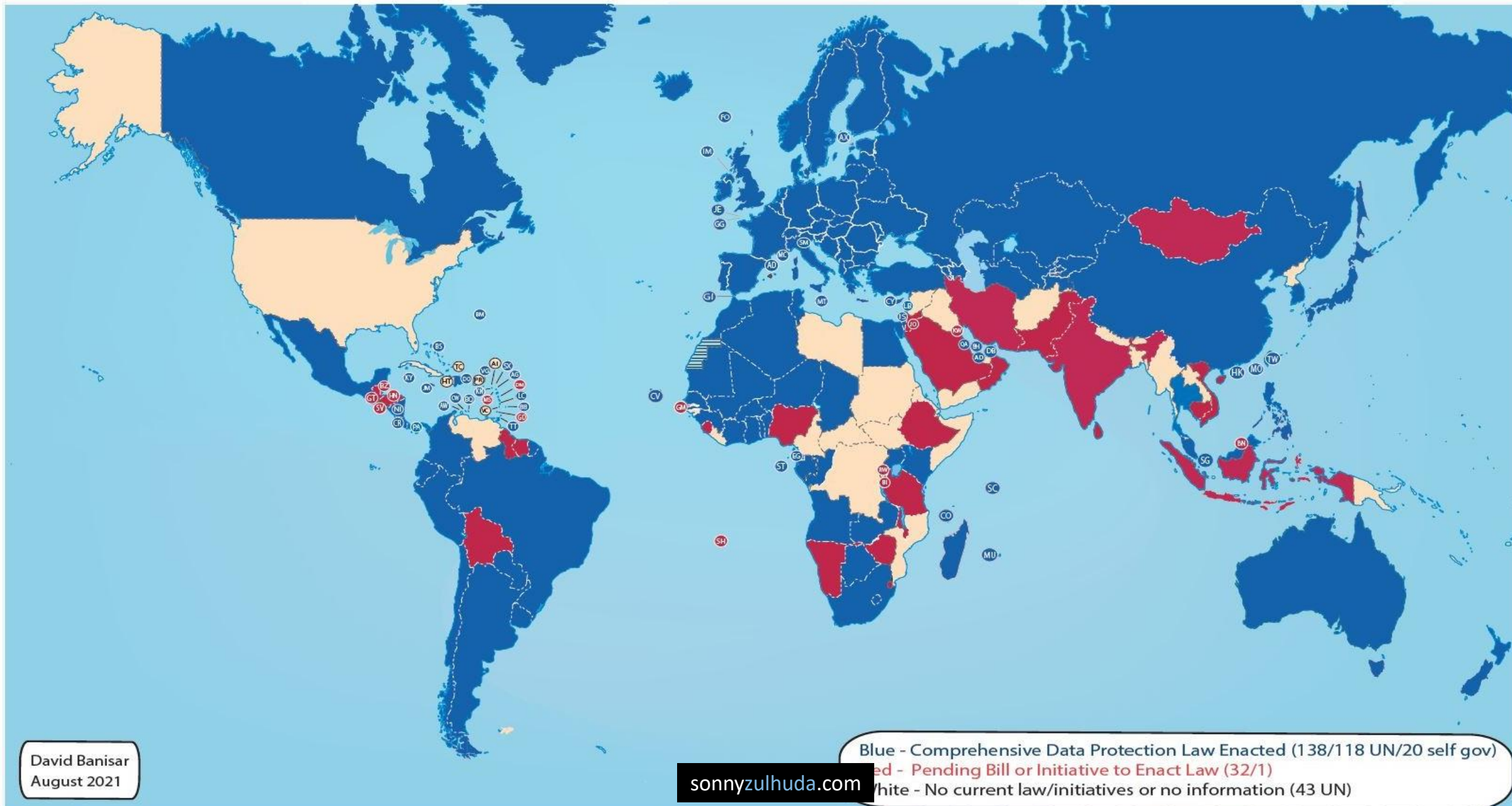


## TIM

- \$31.5 million
- Series of violations accumulated over the last several years.



# National Comprehensive Data Protection/Privacy Laws and Bills 2021

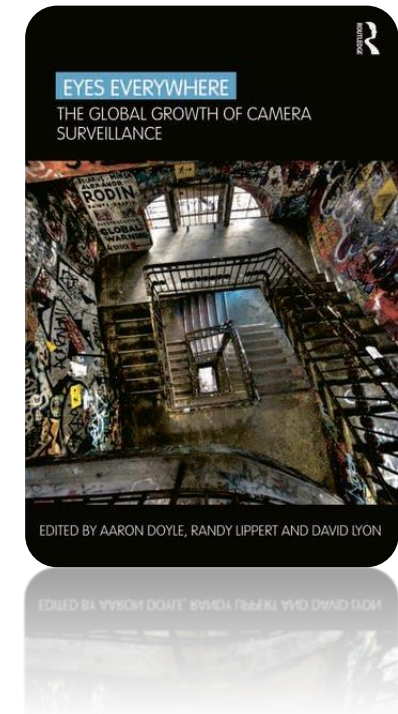


# Privacy Today....

“**MALAYSIANS** are concerned about their **privacy**. If a comprehensive poll of Malaysian's view about privacy is to be taken, surely large section of Malaysian people would express concern about their privacy and some might view the computer as a threat to their private lives.”

“At the same time the younger generation are increasingly willing to **disclose private feelings, information and photograph** everyday on a social networking websites and through other technological websites and through other technological medias such as smart phones.”

**Abdul Wahab Bin Mohamed JC in *Toh See Wei v Teddric Jon Mohr & Anor* [2017] High Court (Penang).**





## DO NOT DISCLOSE DATA BEYOND THE PURPOSE:

*Data shall be processed and disclosed only for the purpose it is collected.*

In April 2014, a **Malaysian** actress sued Malaysia Airlines over the publication of her flight details on a Facebook account. The posting of their boarding passes caused them to suffer emotional stress.

In an out-of-court settlement, the couple received an undisclosed amount of compensation.

Legally, this would have potentially amounted to a violation of the purpose limitation principle (section 6) and disclosure principle (section 8) of the PDP Act (Malaysia).



## RULES ON DATA COLLECTION:

*The collection of personal data shall be limited, specific, lawful, fair and transparent.*



- In May 2019, a **German** police officer was fined by the country's Data Protection Authority EUR 1400 (Rp 23 million) for obtaining car license plate data via the official system and **using it for private contact**.
- The police officer has processed personal data **outside the scope of the law**.
- This infringement is because he does not have sufficient legal basis for data processing, contrary to Art. 6 GDPR (EU).

## SECURITY OF PERSONAL DATA:

*To be protected from unlawful access, modification, etc.*



A third party training vendor to **Singapore** Armed Forces was fined SGD 35,000 (Rp 367 million) in June 2021 for their **failure to apply security measures** to the data of more than 110,000 people in total.

- The database was affected by ransomware which locks up the data
- The vendor only applies a single, simple password, which was shared between few employees.
- Insufficient authentication method to protect the account from unauthorised log-ins.



# Prepare for the Future Law Game-changer: PDP Law



- **More innovations depend on the sustainability of data protection:** social media, digital payment, fintech, electronic voting, criminal enforcement, digital surveillance, Internet of Things medical services, smart city.
- **Prepare the champions of digital rights:** privacy, free speech, freedom of information, digital literacy.
- **New skill set, new syllabus, new academic program:** Personal Data Protection is a new skill set, marrying law, technology and data governance.
- **We need people for both education and advocacy!**

# Personal Data Protection Law in Malaysia



PDPA 2010 was passed to regulate the processing of personal data of individuals in commercial transactions

**2010**



PDP Standards issued on Data Security, Data Retention and Data Integrity

**2015**



A government agency was sued for an alleged data breach of 46 million mobile subscribers in Malaysia

**2018**



PDPA 2010 is under review for a legislative amendment

**2020**

# The Way Forward



Being a Critical National Information Infrastructure and an Essential Service, Immigration data system should always be given a security priority

Lack of clear rules of personal data privacy protection in the government processing should be urgently looked at

Data Privacy and Security for Government system should be backed with stronger deterrent laws

There is no significance in treating Government data processing different from that in non-government



D A T A  
P R O T E C T I O N  
I S A B O U T  
A C C O U N T A B I L I T Y

“

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ  
وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ  
مَسْئُولًا

*Do not follow that of which you have  
no knowledge. Surely the hearing, the  
sight, the heart - each of these shall  
be called to account  
(Al-Isra', Chap. 17:36)*

”

# THANK YOU

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