Legislative Challenges of the Malaysian and Singaporean Personal Data Protection Act: Perspectives for Global Business

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INTRODUCTORY BACKGROUND ON EMERGING DATA PROTECTION LAWS IN ASEAN

Malaysia, Singapore and the Philippines have passed their respective Data Protection (DP) Laws.

Other Member States would follow suit in view of the ASEAN Economic Community 2015 establishment.
OVERVIEW OF SINGAPORE PERSONAL DATA PROTECTION ACT 2012 & LATEST DEVELOPMENTS

- Scope
- Concepts
- Enforcement
- Latest consultations

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OVERVIEW OF MALAYSIA PERSONAL DATA PROTECTION ACT 2010 & LATEST DEVELOPMENTS

- Application
- Concepts
- Regulatory composition
- Enforcement
- Latest consultations

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GOVERNMENT EXEMPTIONS – BUT WHY?

• Co-regulatory model
• Baseline – business friendly
GOVERNMENT EXEMPTIONS – BUT WHY?

- Readiness – not there yet?
- Co-regulatory model
- Mix and match?
- Some sector specific legislation is stricter!
GLOBAL DATA TRANSFER

• Singapore – may consider contractual clauses and Binding Corporate Rules (BCR)
• Malaysia – considering various instrument of transfers, inclusive BCR

• Singapore & Malaysia: APEC-CBPR discussions are still ongoing
• G2G and by way of invitation only!
WAVE 1 OF COMPLIANCE

• Phased DP compliance and roll out budget
• Resource acquisition, re-skilling and training
• Review, appraise, revisit and lead by way of 360-degree

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ENFORCEMENT APPROACHES
DATA INTEROPERABILITY – SINGAPORE, MALAYSIA AND ASEAN

- Phased DP compliance and roll out budget
- Resource acquisition, re-skilling and training
- Review, appraise, revisit and lead by way of 360-degree approach

Local DP requirements on transfer

Sector specific requirements

Regional (ASEAN) / (AEC) requirements
WAYS FORWARD FOR GLOBAL BUSINESS

Watch this space: Q3 & Q4 DP developments

Strategise and roll out phased Privacy Impact Assessment

Build holistic DP team (global, regional and local)

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THANK YOU

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