

Selamat Pagi,

Thank you for taking time off your busy schedules to join us at CFM's first Personal Data Protection Seminar. Welcome and Salam 1 Malaysia.

I would firstly like to thank Y.

Bhg\_\_\_\_\_ for making the time

to be with us today. It is indeed an honour for CFM to have Y. Bhg.

\_\_\_\_\_ grace today's event.

I also thank MCMC for all the assistance given to CFM in planning and executing this event and the activities that are to be undertaken during today's seminar.

The CFM welcomes all of you to this seminar and we record our appreciation for your participation.

Ladies and gentlemen,

The CFM has, for the past 10 years undertaken various activities as set out in the objectives of the organisation. These activities have involved members from both the demand side and the supply side who work together for the good of consumers. Our activities have covered the length and breadth of the country. With our limited resources on the one hand and the desire to achieve maximum impact on the other, we have to develop partnerships, increase our members' network and share knowledge and experiences to move forward.

The Personal Data Protection Act (PDPA) was passed by Parliament on 5<sup>th</sup> April 2010 and is very timely. It is a strong reminder to the business community especially, that people's personal data is not a commodity that may be bought and sold or used without the data subject's consent for the making of money in one way or another.

The seriousness of the issue of people's personal data is not easily seen as it is not something material. Collecting of people's data by businesses is so easy. When a consumer applies for a service, e.g. a phone line, he has to provide his personal data; when a supermarket or a petrol station runs some lucky draw or contest, the consumer is required to fill up forms asking for his personal data. Often, the personal data asked for is more or even much more than that required for the purpose.

Problems start for consumers when the data collected by one party is shared or even sold to other parties for other purposes, with all those involved having one common purpose, i.e. making money, and making more money out of the data subject. For example, consumers who open bank accounts or take loans, have complained of receiving harassing calls out of the blue from telemarketers selling insurance.

Even though the insurance company may be a sister company of the bank, the consumer did not give the bank his personal data for any other purpose than for opening an account or taking a loan.

To understand why consumers feel angry about their personal data being used for purposes other than those for which it was supposedly collected, let us imagine that our personal data is some material possession of ours.

Imagine that your motorcar represents your personal data. Your motorcar is precious to you. You drive it into a car park and pay for parking it there. This first step is like giving your personal data to your service provider, to your bank, etc. to obtain a service from them. You park your personal data with someone for a particular purpose.

Then the car park management gets a brilliant idea, or someone else

gets a brilliant idea and comes to the car park management. The idea is this: **It is a waste for cars to be sitting in the car park the whole day when they could be running around and earning extra money for the car park management and some others.** So alliances are formed by the car park management with others to make use of the cars to earn extra money without the knowledge or permission of the car owners. The cars are hired out to car-rental companies for them to hire them out to their customers, or to drivers to run sapu taxi for say 6 out of the 8 hours the cars are in the car park. More profit has been made by the car park management and income has been generated for more parties using the same cars, though without the consent of the owners.

Now, if you were one of these car owners, would you be happy to discover what had been going on behind your back?

If what the car park management did was wrong, should it not be equally wrong for those in whose hands consumers have parked their personal data, to share it, hire it or sell it to others, for financial gain in one guise or another, without their express permission?

One has to have a right to do something. The right might be inherent or acquired from somewhere. Did the car park management have the right to do what they did, or did they acquire such a right from anywhere, for example from some provision of law? Surely one cannot claim to have an inherent right to do anything that one wishes when what is done affects another person! People's data is being sold and bought, it has been used by fraudsters to enter contracts such as hire-purchase of motor vehicles, to obtain credit cards, etc. Consumers have been complaining about receiving unsolicited goods through the mail and unsolicited phone calls from unknown parties. It is this abuse

of people's personal data that necessitated the introduction of the Personal Data Protection Act 2010.

Now that there are rules, regulations and restrictions on what personal data can be collected and stored, and how it may and may not be used, consumers would like to see all those involved with the collection, handling and usage of personal data rising to the occasion and abiding by the law on a self-restraint basis. The law-abiding do not have to fear the law. They need to understand it, and they will abide by it.

However, experience shows that not everyone is law-abiding. There will be some who will start looking at ways and means of circumventing the law instead so they could go on with practices that are not approved of by the law, by the data subjects and society at large.

This is where the vigilance of the enforcement agencies comes

in. Consumers hope they will not be told there are not enough enforcement officers to enforce the law. Old habits can be changed if those who do not abide by the law are made to pay dearly for their non-compliance, on an on-going basis, from the very first breach of the law after the lapse of the grace period. Law has meaning only when it is strictly enforced.

Strict enforcement is the best way to educate the recalcitrant. This is simple human psychology. And this actually makes the work of enforcement easier as people will fear being caught and face the full brunt of the law.

It is usual that before enforcement steps in, those affected by the new legislation, or even new amendments to old legislation, are given a chance to understand it and take measures voluntarily to comply with

it. This is what this seminar aims to do and we have with us the best qualified person on the PDPA to explain it to us, Professor Abu Bakar Munir.

Thank you.

RavinderSingh  
Chairman,  
Communications and Multimedia  
Consumer Forum of Malaysia.

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