



JABATAN PERLINDUNGAN DATA PERIBADI  
KEMENTERIAN KOMUNIKASI DAN MULTIMEDIA MALAYSIA

## **ADVISORY**

# **HANDLING GUIDELINES FOR COLLECTION, PROCESSING AND RETENTION OF PERSONAL DATA BY BUSINESS PREMISES DURING CONDITIONAL MOVEMENT CONTROL ORDER (CMCO)**

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## **1.0 BACKGROUND**

- 1.1 Further to the announcement by the YAB Prime Minister of Malaysia on 01 May 2020 (Friday) that the Conditional Movement Control Order (CMCO) which was implemented from 04 May 2020 (Monday), all business premises within the selected business section may begin operations subject to the SOP determined by the Government of Malaysia. This includes the recording of customers'/visitors' name, contact telephone number, date and time of visit for purposes of contact tracing in the event it is needed.
- 1.2 Some customers/visitors were unhappy with the business' premises collecting, processing and storing such personal data (name and contact numbers).

## **2.0 MINIMUM REQUIREMENTS FOR COMPLIANCE WITH PERSONAL DATA PRINCIPLES**

In accordance with the provisions of the Personal Data Protection Act 2010 (Act 709), the Personal Data Protection Department (PDPD) has outlined the minimum requirements to be complied with at all times by each permitted business premise during CMCO based on the Personal Data Protection principles as follows:

### **2.1 General Principles**

- (a) The collection of the customers'/visitors' personal data by any business premise shall be based on minimal requirements and not excessive. In this situation, it is adequate to record the name, contact telephone number, date and time of arrival of the said customer/visitor.
- (b) The personal data collection method is subject to the business premise whether it is manually or digitally recorded.

### **2.2 Notification Principles**

- (a) A clear notice must be displayed to notify visitors/customers as regards the purpose of collection of the personal data. Suggested bi-lingual notice to be placed is as per Attachment A.
- (b) The notice shall be placed in a prominently visible area which can be seen by visitors/customers to the business premise.

### 2.3 Disclosure and Security Principles

- (a) For manual personal data collection, it must be recorded by the business premise staff to prevent unauthorised disclosure of personal data. Physical documents utilised during the implementation of the CMCO must remain a document specific for this purpose.
- (b) Format which may be used by business premises for manual collection of data is as per Attachment B. For digital personal data collection, the business premise must ensure that only the required personal data is recorded as per clause 2.1 (a).
- (c) For both methods of personal data collection, the business premise must ensure that the personal data collected is only used for purpose of contact tracing as per guidelines implemented under the Prevention and Control of Infectious Diseases Act 1988 (Act 342) and it cannot be used for other purposes (marketing etc).
- (d) In addition, the business premise must ensure that the security of the personal data collected is maintained at all times.

### 2.4 Storage/Retention Principles

- (a) The personal data collected shall be retained up to six (6) months after the end date of the CMCO as announced by the Government of Malaysia.
- (b) All collected personal data shall be destroyed or permanently deleted through suitable mechanism, depending on the method of personal data collection utilised by the business premise.

### 2.5 Data Integrity Principle

- (a) Permitted business premise must ensure that visitors'/customers' personal data recorded are accurate and not confusing/misleading.

### 2.6 Access Principles

- (a) During the implementation of the CMCO, this principle's application is fully exempted.

### **3.0 ENFORCEMENT**

- (a) All business premises are required to comply with the minimum requirement as outlined in Clause 2.0 at all times.
- (b) PDPD enforcement offices will conduct monitoring from time to time to assess the compliance of business premises to this advisory and shall not hesitate to take action, where applicable.
- (c) As information, failure by any business premise to comply with this requirement, and if convicted under Act 709, may be liable to a fine not exceeding RM300,000.00 or imprisonment for a period not exceeding two (2) years or both.

### **4.0 CONTACT INFORMATION**

- (a) For any further enquiries as regards this advisory, you may contact +603 8911 7924 or email [penguatkuasaan@pdp.gov.my](mailto:penguatkuasaan@pdp.gov.my)
- (b) For any complains related to the implementation of this advisory, you are welcome to lodge a report through the Personal Data Protection System (PDPS) as per link at <https://daftar.pdp.gov.my>

**PERSONAL DATA PROTECTION DEPARTMENT (PDPD)**  
**May 2020**

## **ATTACHMENT A**

### **BAHASA MALAYSIA**

**Pengumpulan maklumat ini adalah selaras dengan keperluan yang telah ditetapkan di bawah Akta Pencegahan dan Pengawalan Penyakit Berjangkit 1988 [Akta 342] dan ianya adalah diwajibkan.**

**Anda hanya dikehendaki untuk memberikan butiran seperti berikut:**

- (i) Nama pengunjung/ pelanggan;**
- (ii) No. telefon yang boleh dihubungi; dan**
- (iii) Tarikh dan masa ketibaan.**

**Kegagalan anda untuk memberikan maklumat yang diperlukan boleh menyebabkan pihak kami tidak dapat menawarkan sebarang perkhidmatan.**

**Sekian, terima kasih.**

### **BAHASA INGGERIS**

**The collection of your details is required under the Prevention and Control of Infectious Diseases Act 1988 [Act 342] and it is hereby compulsory.**

**You are only required to provide details as follows:**

- (i) Name of customer;**
- (ii) Contact number; and**
- (iii) Date and time of arrival.**

**Failure to provide such information, we may not be able to offer our services to you.**

**Thank you.**

**ATTACHMENT B – MANUAL PERSONAL DATA RECORDING FORMAT**

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<b>BIL.</b>	<b>NAMA PENGUNJUNG/ PELANGGAN</b>	<b>NO. YANG BOLEH DIHUBUNGI</b>	<b>TARIKH &amp; MASA KETIBAAN</b>
1.			
2.			
3.			
4.			
5.			

**Jadual 1: Format Pengumpulan Data Peribadi Secara Manual**