

*ADVOCATES ASSOCIATION of SARAWAK*  
*PERSATUAN PEGUAMBELA<sup>2</sup> SARAWAK*

29<sup>th</sup> January 2014

To all Members,

**CIRCULAR**  
**REGISTRATION AS A DATA USER PURSUANT TO THE**  
**PERSONAL DATA PROTECTION ACT 2010**

We refer to the above matter.

The coming into force of the **Personal Data Protection Act 2010 ('PDPA')** on 15.11.2013 (via PU(B) 464/2013) has immediate and direct implications for Members of the Bar. The PDPA seeks to regulate the processing of personal data of individuals involved in commercial transactions, by data users, so as to provide protection to the individual's personal data, thereby safeguarding the interests of such individuals.

Please note that the following also came into force on 15.11.2013 :-

- (i) Personal Data Protection (Fees) Regulations 2013;
- (ii) Personal Data Protection (Registration of Data User) Regulations 2013;
- (iii) Personal Data Protection (Class of Data Users) Order 2013; and
- (iv) Personal Data Protection Regulations 2013.

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Kindly take note of Clause 9 (b) in the Schedule of the Personal Data Protection (Class of Data Users) Order 2013, which provides that "a person who entered into partnership under the Partnership Act 1961" is a data user. When read together with Section 15 (1) PDPA, such a data user is required to register as a data user with the Personal Data Protection Commissioner ("Commissioner") using Form 15(1) [see below].

Please further note that a sole proprietor law firm is not required to be registered as a data user under the PDPA.

Section 146 PDPA states that a person has 3 months from the date of coming into force to register accordingly with the Commissioner i.e. **latest by 15.2.2014**. Under Section 16 (4) PDPA, a person who fails to register and "processes personal data without a certificate of registration", commits an offence and shall, on conviction, be liable to a fine not exceeding RM500,000.00 or to imprisonment for a term not exceeding 3 years or to both.

The following is a guide to assist you in completing the PDPA registration form :-

- (1) Download **Form 15 (1)** [PDF format] using the following link:  
[http://www.pdp.gov.my/index.php?option=com\\_content&view=article&id=420:muat-turun-borang&catid=2:uncategorised&lang=ms](http://www.pdp.gov.my/index.php?option=com_content&view=article&id=420:muat-turun-borang&catid=2:uncategorised&lang=ms)
- (2) Column 7: Tick Partnership
- (3) Column 8: Tick Services
- (4) B: Purpose 1: Legal Services [if you have others, please insert under Purpose 2]
- (5) C: Description: Name, identity card and passport number, address, e-mail address
- (6) D: None [unless you disclose the data to other third parties e.g. service providers]

- (7) E: None [unless you disclose the data to other countries]
- (8) F: Insert information of the person in charge of the data user registration application
- (9) Upon completing Form 15 (1), the same can be submitted to the Personal Data Protection Commissioner at :-

Jabatan Perlindungan Data Peribadi  
Aras 6, Kompleks KKMM, Lot 4G9  
Persiaran Perdana, Presint 4  
Pusat Pentadbiran Kerajaan Persekutuan  
62100 Putrajaya  
Tel: 03 8911 7925 / 5113 / 5119


- (10) Upon filing, you will be issued a 'Kad Akuan Terima'. Payment can be made once your application is approved.

For further information, please refer to the Department of Personal Data Protection's website at [www.pdp.gov.my](http://www.pdp.gov.my).

Members are advised to give this matter your immediate attention.

Thank you.

Yours faithfully,



Desmond Sahathevan  
Branch Secretary