

PROTECTION OF SPECIFIC AND GENERAL PERSONAL DATA

1 Table of Content

1. Definition of Personal Data
2. Protection of Personal Data
3. Rights of Subject of Personal Data
4. Exceptions to the Rights of Personal Data



PERSONAL DATA PROTECTION LAW

Definition of Personal Data:

According to Personal Data Protection Law ("PDP Law"), Personal data is defined as an individuals who are identified or can be identified separately or in combination with other information either directly or indirectly through electronic or non-electronic systems. (Article 1 PDP Law)

Personal Data is categorized into 2 types:

1. **Specific Personal Data:** data and informations regarding health, biometrics, genetic, criminal records, children data, financial data; and/or other data in accordance with the regulations
2. **General Personal Data:** full name, gender, nationality, religion, marital status, and/or personal data combined to identify a person. (Article 4 PDP Law)

Personal Data Protection Law is a manifestation of Article 28G par. 1 of the 1945 Constitution which states that "everyone has the right to protect himself, his family, honor, dignity, and property under his control, has the right to a sense of security and protection from the threat of fear to act, or not to conduct something that is a basic human rights."

Referring to the Article, personal data protection aims to protect personal data processing in order to guarantee the constitutional rights of the subject of the personal data.

In providing protection, a public body is taking charge as the **controller of personal data**. The controller could be a person, public body, and international organization who act individually or jointly in determining the objectives and exercising control of personal data. The responsibilities are further set out in Article 20 until 50 of PDP Law

Meanwhile, what is meant by a **personal data processor** is any person, public body, and international organization who act individually or jointly in processing personal data on behalf of a personal controller. The responsibilities are further set out in Article 51 until 52 of PDP Law

Subjects to Data Protection:

1. Individual; or
2. Corporation: an organized group of people and/or assets, both legal and non-legal entities. (Article 1 par. 6 PDP Law)

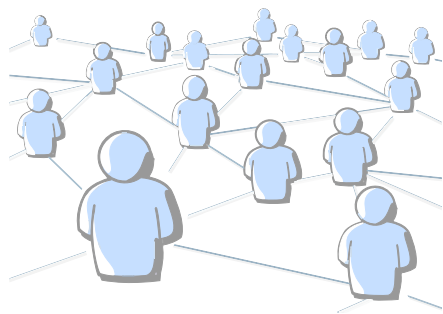
PROTECTION OF SPECIFIC AND GENERAL PERSONAL DATA

The Rights of Subject of Personal Data

The subject of personal data is the society to which personal data is attached. The rights of the subject of personal data are regulated in

Article 5 until Article 15 of the PDP Law:

1. Obtain information about the clarity of identity, the basis of legal interest, the purpose of requesting and using personal data, and the accountability of parties requesting personal data.
2. complete, update, and/or correct errors, and/or inaccuracies of our data to process personal data.
3. gain access and obtain a copy of personal data about himself by the provisions of the legislation.



Exceptions to the Rights of Personal Data Subject

The rights of the subject of personal data as previously described can be excluded in certain conditions, such as:

1. The interest of defense and social security;
2. The importance of the law enforcement process;
3. Public interest in the framework of state administration;
4. The importance of supervision of the financial services sector, monetary, payment system, and financial system stability carried out in the context of state administration
5. The importance of statistic and scientific research

4. End processing, delete, and/or destroy our personal data by the provisions of laws and regulations.
5. Withdraw consent to the processing of personal data about him that has been given to the personal data controller.
6. Withdraw consent to the processing of our personal data that has been given to the personal data controller.
7. Delay or limit the processing of personal data in proportion to the purpose of processing personal data.
8. receive compensation for violations of processing personal data about him by the provisions of laws and regulations.
9. Obtain and/or use our personal data from the personal data controller in a form that is by the structure and/or formats commonly used or readable by the electronic system.
10. Using and sending personal data about him to other personal data controllers, as long as the system user can communicate with each other securely.

Conclusion:

Personal Data Protection Law (PDP Law) is a product of *lex specialis* legislation which is a primary legislative instrument that specifically regulates the protection of breach of personal data. The *lex specialis* nature prevent the law to be intervened or restricted by any sectors or legal regime.

The PDP laws aim to provide protection towards personal data and further granted personal data owner the rights to control and take action in regards to their own personal information.

Should you have any questions regarding this matter, please contact us at info@adplaws.com or any contacts provided below.

A proper legal advices should always be sought before exercising any legal action based on the information in this matter.

Phone: +6221 2270 2291

Fax: +6221 2270 2293

E-mail: info@adplaws.com

Plaza Simatupang 6th Floor

Kav. IS No. 01, Jl. T.B. Simatupang, South

Jakarta 12310