



POLICY
Quality, Environment & Occupational Health, Safety
Management System

CONTROLLED

Doc. Num. : AL/POL/IT/1.10

Version : 1

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1. INTRODUCTION

1.1 Purpose

1.1.1 This document sets out the the Personal Data Protection Policy (Policy) which forms part of the initiatives to serve as a policy in order to achieve and maintain Alypz Sdn Bhd's ("the Company") and its subsidiaries' ("Alypz") compliance with the Personal Data Protection Act 2010 (hereinafter referred to as "the Act"); the Personal Data Protection Code of Practice (hereinafter referred to as "the Code"; the Personal Data Regulations 2013; the Personal Data Protection (Fees) Regulations 2013; the Personal Data Protection (Registration of Data Users) Regulations 2013; Personal Data Protection (Class of Data Users) Order 2013 and any other related regulations issued thereafter (hereinafter referred to as "the Regulations").

1.1.2 This Policy serves to:

- a) ensure processing of personal data carried by Alypz is in line with the minimum standard of conduct as required by the Code;
- b) ensure measures deployed by Alypz in processing personal data do not infringe Data Subject's rights under the Act and Code; and
- c) to assist Alypz's employees in ensuring proper processing of personal data.

1.2 Scopes

1.2.1 This Policy applies to all Operations and Support Units ("OSU") in Alypz.

1.2.2 The Policy shall apply to all relations between ALYPZ Group and individuals (Data Subjects) as part of or in contemplation of one or more commercial transactions.


1.2.3 The category of Data Subjects are as follows:

- i. Customers of Alypz (including former customers);
- ii. Representatives of customers (e.g. parents of minors, trustees and authorized representatives);
- iii. Identified potential customers of Alypz;
- iv. Applicants to be customers of Alypz, whether successful or not;
- v. Non-Customers who utilize facilities and services provided by Alypz; and
- vi. Individuals who entered into ancillary agreements with Alypz (e.g., guarantors)

1.2.4 This Policy shall apply to personal data that is:

- i. Collected, used, retained and/or deleted via Electronic Devices of Alypz; and/or
- ii. Collected or recorded as part of a Manual Filing System.

1.2.5 Deceased Individuals are not recognized as Data Subjects under the Act.

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1.3 Definitions and Interpretation

Terms	Definitions and Interpretation
Commercial transaction	means any transaction of a commercial nature, whether contractual or not, which includes any matters relating to the supply or exchange of goods or services, agency, investments, and insurance.
Data Subject	means an individual who is the subject of personal data and for the purposes of this Code includes (without limitation) the individuals identified in 1.2.3.
Personal data	<p>means any information in respect of commercial transactions, which –</p> <p>(a) is being processed wholly or partly by means of equipment operating automatically in response to instructions given for that purpose;</p> <p>(b) is recorded with the intention that it should wholly or partly be processed by means of such equipment; or</p> <p>(c) is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system,</p> <p>that relates directly or indirectly to a Data Subject, who is identified or identifiable from that information or from that and other information in the possession of a Data User, including any sensitive personal data and expression of opinion about the Data Subject.</p>
Processing / process	<p>In relation to personal data, means collecting, recording, holding or storing the personal data or carrying out any operation or set of operations on the personal data, including –</p> <p>(a) the organization, adaptation or alteration of personal data;</p> <p>(b) the retrieval, consultation or use of personal data;</p> <p>(c) the disclosure of personal data by transmission, transfer, dissemination or otherwise making available; or</p> <p>(d) the alignment, combination, correction, erasure or destruction of personal data.</p>
Commissioner	means the Personal Data Protection Commissioner appointed pursuant to the Act.

Table 1: Definitions and Interpretation

1.4 Personal Data

1.4.1 The following listings are provided in order to indicate the types of data which fall within the definition of “personal data” (as contained in section 4 of the Act) for the purposes of the Act, as well as the types of data that fall outside the ambit of the Act and are as such not considered to be “personal data”.

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1.4.1.1 Personal Data:

- i. The personal particulars of an individual, whether obtained from the individual directly or derived from any other data that Alypz has access to.
- ii. The details an individual provides on an application to obtain a product or service.
- iii. The details of an individual's account balance information, credit history, and income.
- iv. The details of an individual's ownership of properties or assets.
- v. The employment information of an individual.
- vi. The details of an individual obtained through assessment.
- vii. The details of individuals and their browsing session(s) captured via the use of website cookies.
- viii. The details of the individual as listed within a manual or electronic database.

1.4.1.2 Not Personal Data:

- i. Data relating to organizations/companies (refer to 1.4.2 below)
- ii. Data relating to deceased individuals.
- iii. Data pertaining to individuals that has been aggregated and/or anonymised in such a manner as to render the individual non- identifiable.

1.4.2 Insofar as organizations/companies are concerned, where the information of their officers, employees, authorised signatories, directors, individual shareholders, individual guarantors, individual security providers, suppliers/vendors and/or related parties ("said individuals"), are provided by the said organizations/companies to Alypz for the purpose of any commercial transactions between these organizations/companies and Alypz, the said information shall be treated as information that the said organization/company is authorised to provide to Alypz.

1.4.3 Alypz is not required to obtain consent from the said individuals in order to process the said information for the purpose of the commercial transaction between the Alypz and the said organizations / companies and the right to withdraw consent shall not be applicable to the said individuals whether during or after their employment with the said organizations / companies.


1.5 Consequences and Non-Compliance

Failure to comply with any mandatory provision of the Code constitute an offence and upon conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both as stipulated in section 29 of the Act.

1.6 Annual Review

1.6.1 This Policy is issued by ALYPZ Compliance. The issuance and revisions to this Policy are subject to the concurrence by the Operational Risk Management Committee (ORMC) and endorsement by the Board Risk Management Committee (BRMC). Subsequently, approval from the Board of Directors (Board) will be obtained for the Policy.

1.6.2 ALYPZ Compliance will review this Policy every calendar year.


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2 COMPLIANCE WITH THE PERSONAL DATA PROTECTION PRINCIPLES

2.1 General Principle

2.1.1 Consent

- 2.1.1.1 Consent of Data Subjects are required in order for Alypz to process their personal data UNLESS where processing is necessary for the following purposes:
- i. performance of contract with a Data Subject; or
 - ii. fulfillment of a pre-contractual request of Data Subject; or
 - iii. to comply with any non-contractual legal obligation; or
 - iv. to protect the vital interests of Data Subject (e.g., matters relating to life, death, or security of Data Subject); or
 - v. for administration of justice; or
 - vi. exercising functions conferred by law.
- 2.1.1.2 Consent may be express or implied and it must be capable of being 'recorded' and 'maintained'. Examples include:
- i. Signatures or ticks indicating consent; or
 - ii. Opt-in consent; or
 - iii. Deemed consent (where Data Subject does not object to processing of his/her data, volunteers his/her data, or proceed/continues to use facility/services of Alypz); or
 - iv. Verbal consent (consent is to be recorded digitally or to issue communication to Data Subject confirming consent given).
- 2.1.1.3 Consent may be obtained either on paper or on electronic mediums utilised by Alypz including but not limited to electronic channels such as SMS, e-mail, and other internet/social/application-based messaging systems.
- 2.1.1.4 A Data Subject has the right to withdraw his/her consent for the processing of his/her personal data, at any time, by providing Alypz with a written notice, with exception to situations stated in paragraph 2.1.1 (i) to (iii).
- 2.1.1.5 The right to withdraw consent does not apply to information given as in paragraph 1.4.2.
- 2.1.1.6 Upon the receipt and confirmation of a Data Subject's notice of withdrawal, Alypz will:
- i. cease processing the Data Subject's relevant personal data;
 - ii. remove the Data Subject's relevant personal data from Alypz's electronic and physical systems, as far as reasonably possible;
 - iii. remove the relevant personal data from any marketing initiatives or lists of Alypz;
 - iv. remove the relevant personal data from the control of data processors to the extent applicable; and
 - v. archive the relevant personal data for the applicable statutory period.

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2.1.2 Parameters for Processing of Personal Data

2.1.2.1 Alypz is only allowed to process personal data when:

- i. Data is processed for lawful purpose (closely associated to primary purpose);
- ii. Processing is necessary or directly related to that purpose (means without which Alypz would be unable to achieve the purpose); and
- iii. Personal data is adequate but not excessive for that purpose (just enough to achieve purpose).

2.1.2.2 As such, Alypz would need to ensure the following:

- i. That data sought and held is **RELEVANT, ADEQUATE** and **NOT EXCESSIVE** in relation to the purpose for collection; and
- ii. **BE CLEAR** in application forms, T&Cs and/or Privacy Notices about the purpose for collection of data; and/or
- iii. Indicate in the forms whether individual fields of personal data requested are **OBLIGATORY** or **VOLUNTARY**.

2.2 Notice and Choice Principle

2.2.1 Alypz shall make available a Privacy Notice to Data Subjects prior to or as soon as possible after collection of their personal data.

2.2.2 Privacy Notice is a publicly available statement clearly expressing the privacy practices of how a Data User uses, manages, discloses, and provides Data Subjects with access to personal data collected by that particular Data User.

2.2.3 Privacy Notice is provided in Bahasa Malaysia and English language.

2.2.4 Privacy Notice will be communicated either when the data is first collected, when Alypz first request for the data, or as soon as practicable thereafter.

2.2.5 Each time the Data Subject utilises Alypz's services/facilities and is provided the Alypz's Privacy Notice, the Privacy Notice shall be deemed to have been communicated afresh to the Data Subject.


2.2.6 Proof of the Privacy Notice having been received and/or accepted by the Data Subject is not required.

2.3 Disclosure Principle

2.3.1 Disclosure refers to release, communication or dissemination of personal data to third parties whether intentionally or otherwise. Communication may be in written or verbal form.

2.3.2 Alypz may disclose personal data to third parties where:

- i. the disclosure is for the purpose declared at the point of the collection of the personal data as stated in Alypz's Privacy Notice; or
- ii. the disclosure is for a purpose directly related to the purpose declared in the

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- iii. Privacy Notice at the point of the collection of the personal data (i.e. a purpose closely associated to the primary purpose); or
- iv. the disclosure is being made to a third party mentioned in the Privacy Notice or to a class or category of third parties as identified in the Privacy Notice.

2.3.3 Alypz may also disclose personal data of Data Subjects should the following circumstances arise:

- i. the disclosure has been consented to by the Data Subject; or
- ii. the disclosure is necessary for the purpose of preventing or detecting a crime, or for the purpose of investigations; or
- iii. the disclosure is required or authorized by under any law or by an order of a court; or;
- iv. Alypz acted in the reasonable belief that it had in law the right to disclose the personal data to the other person; or
- v. Alypz acted in the reasonable belief that it would have had the consent of the Data Subject if the Data Subject had known of the disclosure of the personal data and the circumstances of such disclosure; or
- vi. the Minister determines the disclosure as being justified in the public interest.

2.3.4 Should Alypz receive requests from third parties for the disclosure of personal data of Data Subjects, Alypz will determine whether:

- i. the intended disclosure would fall within the ambit of the permitted disclosures as stated in the Privacy Notice as detailed in 2.3.2 and 2.3.3; or
- ii. the intended disclosure is otherwise exempted under the Act.

2.4 Security Principle


2.4.1 Alypz shall take 'practical steps' to protect personal data from any loss, misuse, modification, unauthorized or accidental access or disclosure, alteration or destruction.

2.4.2 Alypz shall take into consideration the following elements when determining what practical measures need to be taken;

- i. the nature of the personal data and the harm that would result from failure to protect personal data;
- ii. the place or location where the personal data is stored;
- iii. any security measures incorporated into any equipment in which the personal data is stored;
- iv. the measures taken for ensuring the reliability, integrity and competence of personnel having access to the personal data; and
- v. the measures taken for ensuring the secure transfer of the personal data.

2.4.3 Additionally, Alypz shall have in place disaster recovery plans and business continuity plans in order to effectively secure the personal data of Data Subjects against disasters and business interruption which Alypz may experience.

2.4.4 Where Alypz appoints data processors such as outsourcing service providers or any vendors (including

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but not limited to security, transportation, accounting, postal service providers and debt collecting agents for the purposes of debt recovery) to process the personal data of Data Subjects for and on behalf of the Alypz, certain minimum measures should be taken in order to ensure that the personal data of Data Subject is not subject to the risk of loss, misuse, modification, unauthorized or accidental access or disclosure, alteration or destruction.

2.4.5 These measures include:

- i. the data processor giving the Alypz "sufficient guarantees in respect of the technical and organizational security measures governing the processing to be carried out"; and
- ii. Alypz taking "reasonable steps to ensure compliance with those measures".

2.4.6 It is recommended that Alypz use reasonable efforts to ensure that agreements with data processors (whether in the form of contracts or letters of engagement or otherwise) address the following matters:

- i. the data processor's agreement to ensure that neither itself nor its employees disclose the personal data to any third party without the authorisation of Alypz;
- ii. the data processor's agreement to deploy the agreed technical and organizational security measures, as well as the obligation to inform Alypz should any of the measures be breached;
- iii. the data processor's agreement to otherwise conduct itself in such a manner so as to not cause Alypz to breach the Act;
- iv. the obligation of data processor to return all personal data upon expiry or termination of the agreement term; and
- v. the right of Alypz to ascertain the technical and organizational security measures deployed by the data processor (e.g. by way of an on- site audit, issuing a questionnaire or securing a declaration) should it so require.

2.5 Retention Principle

2.5.1 Alypz shall not hold personal data longer than is necessary for the fulfilment of the purposes for which it was collected.


2.5.2 Upon the purpose being fulfilled, Alypz is required to permanently destroy/delete the personal data.

2.5.3 Applicable Retention Period

2.5.3.1 As a general rule, Alypz shall retain the personal data of Data Subjects from the date of application for the opening of accounts/facilities with Alypz, until a period of seven (7) years has elapsed from the date of non-approval, closure or termination of the said accounts/facilities.

2.5.3.2 However, in general, Data Users are allowed to retain such personal data for more than seven (7) years in the following circumstances:

- i. if it is required by the law;
- ii. if it is an obligation under the law for Alypz to report, disclose or verify a Data Subject's details, in which case the retention period allowed in the said circumstances shall be until

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- the disposal of the matter;
- iii. Alypz can establish sufficient grounds to retain the said personal data; or
- iv. Alypz is required by its regulators (e.g. Company Negara Malaysia, Securities Commission) to continue maintaining the said personal data.

2.5.3.3 Retention Principle does not apply to backup media and/or electronic archives, for so long as Alypz restricts access to the same to authorised personnel only and for backup or archival purposes respectively.

2.5.3.4 In instances where the personal data relate to accounts that are active or to data that has been reinstated from the backups or the electronic archives of the Data User, Data Users are required to fully comply with the Act, the Code and this Policy.

2.5.4 Destruction/Permanent Deletion of Personal Data

2.5.4.1 The Act requires the “destruction” (applicable to physical/paper based personal data) and “permanent deletion” (applicable to electronic personal data) of personal data once the conditions of disposal are met.

2.5.4.2 Alypz may also consider the process of anonymizing the personal data. Anonymized data will not fall within the ambit of the definition of “personal data” as it will no longer contain any linkage to the individual in question.

2.6 Data Integrity Principle

Alypz shall take “reasonable steps” to ensure that the personal data processed by the Data User is “accurate, complete, not misleading and kept up-to-date”, in relation to the purpose as well as the directly related purpose.


2.7 Access Principle

Data Subject shall be given the right to request access to his/her personal data held by Alypz and to correct his/her personal data where the personal data is inaccurate, incomplete, misleading or not up-to-date, unless the request is one which Alypz may deny as stated in the Act.

2.7.1 Alypz is obliged to respond accordingly to these data access and data correction requests within fixed timelines as detailed in the Code.

2.7.2 Alypz has the right not to comply with a data access request where Alypz:

- i. has not been supplied with sufficient information (as reasonably required) in order to establish the relevant person’s identity, establish the identity of the Data Subject, or establish the relevant person’s connection to the Data Subject; or
- ii. have not been supplied with sufficient information as they may reasonably require locating the personal data to which the data access request relates; or

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- iii. is unable to comply with the data access request without disclosing another person's personal data (unless the other person has consented to the disclosure of the personal data to the relevant person); or
- iv. is of the view that the burden or expense of providing access is disproportionate to the risks to the Data Subject's privacy in relation to the personal data requested for via the data access request; or
- v. is at risk of violating a court order should they provide access to the Data Subject or the relevant person; or
- vi. is of the view that providing access would disclose confidential commercial information of Alypz; or
- vii. is of the view that access to the said personal data is regulated by another law.


3 RIGHTS OF DATA SUBJECTS

3.1 Right of Access to Personal Data

- 3.1.1 Data Subject has the right to lodge a data access request ("DAR") with Alypz and to receive a reply from the Company within 21 days from date of receipt.
- 3.1.2 DAR may be made by on behalf of Data Subject by person with parental responsibility over Data Subject aged 18 and below, or by anyone appointed by court or authorized in writing by Data Subject to make DAR.
- 3.1.3 Alypz is required to ensure that a copy of the personal data is provided to the Requestor in an intelligible form.
- 3.1.4 Where a Requestor does not require a copy of the personal data, the Requestor must inform Alypz in writing of the Requestor's intention of making a DAR.
- 3.1.5 Format of DAR

A DAR does not have to be in a particular format. However, there are prerequisites that a Requestor must fulfil when making a DAR:-

- i. the DAR must be in writing;
- ii. the payment stipulated by the Regulations needs to be enclosed together with the DAR, except where it is waived by Alypz;
- iii. the necessary information and documentation as may be required by Alypz in order to locate the personal data being requested;
- iv. the DAR must be specific as to the personal data that is being sought; and
- v. relevant certified documentation is to be submitted in order to establish the Requestor's right to make a request.


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3.1.6 Receipt and Processing of DAR

- 3.1.6.1 Alypz shall provide written acknowledgement of having received the DAR, upon the submission of the relevant processing fee(s), if any (for DAR in respect of a Data Subject's personal data, the maximum fee prescribed is RM10 with a copy and RM2 without a copy of the personal data; for DAR in respect of a Data Subject's sensitive personal data, the maximum fee prescribed is RM30 with a copy and RM5 without a copy of the sensitive personal data), if any.
- 3.1.6.2 Identity verification processes shall be conducted in order to verify that the DAR is from the Requestor. Alypz may reject the request if Alypz is not able to verify the identity of the person making the request. Alypz is required to state the reason for the rejection to the Requestor.
- 3.1.6.3 Alypz shall comply with the DAR within twenty-one (21) days from the date of receipt (i.e. date of acknowledged receipt) of the DAR. Where the initial twenty-one (21) days is insufficient, Alypz is required to inform the Requestor in writing of the delay before the expiration of the twenty-one (21) days, the reason for the delay and to comply with the DAR to the extent that the Alypz is able to do so. Alypz is under a statutory duty to comply fully with the DAR within the extension period of fourteen (14) days.
- 3.1.6.4 Where Alypz does not comply with a DAR based on the reasons provided in section 32 of the Act, Alypz shall provide the Requestor with written notification of the refusal to comply and supporting reasons within twenty-one (21) days from the date of receipt of the DAR. In the event refusal to comply with a DAR is due to any other Data User's control over the processing of the personal data so as to prohibit Alypz from complying, Alypz shall inform the Requestor of the name and address of the other Data User concerned.
- 3.1.6.5 Alypz shall maintain a record of all DARs that they have received as well as the decisions reached in respect of granting or refusing the respective DARs, in order to be able to respond to further queries from the Requestor or to justify to the Commissioner the reasons for non-compliance with a Requestor's DAR, in the event of an enquiry or investigation being commenced by the Commissioner.

3.2 Right to Correct Personal Data

- 3.2.1 Data Subject has the right to lodge a data correction request ("DCR") requesting that one or more corrections be made to the Data Subject's personal data where there is a belief that Data Subject's personal data is inaccurate, incomplete, misleading or not up to date.

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3.2.2 DCR Format

3.2.2.1 A DCR does not have to be in a particular format. However, there are prerequisites that a Requestor must fulfil when making a DCR:-

- i. the DCR must be in writing;
- ii. the necessary information and documentation as may be required by Alypz in order to locate the personal data being requested;
- iii. the DCR must be specific as to the personal data that is being sought; and
- iv. relevant documentation is to be submitted in order to establish the Requestor's right to make a request.

3.2.3 Receipt and Processing of a DCR

3.2.3.1 Alypz shall provide written acknowledgement of having received the DCR upon receipt.

3.2.3.2 Identity verification processes should be conducted in order to verify that the DCR is from the Requestor. Alypz may reject the request if ALYPZ is not able to verify the identity of the person making the request. Alypz is required to state the reason for the rejection to the Requestor.


3.2.3.3 No fees are chargeable for making a DCR.

3.2.3.4 Alypz shall comply with the DCR within twenty-one (21) days from the date of receipt (i.e. date of acknowledged receipt) of the DCR. Where the initial twenty-one (21) days is insufficient, Alypz is required to inform the Requestor in writing of the delay before the expiration of the twenty-one (21) days, the reason for the delay and to comply with the DCR to the extent that the Alypz is able to do so. Alypz is under a statutory duty to comply fully with the DCR within the extension period of fourteen (14) days.

3.2.3.5 Where Alypz does not comply with a DCR based on the reasons provided in section 36 of the Act, Alypz shall provide the Requestor with written notification of the refusal to comply and supporting reasons within twenty-one (21) days from the date of receipt of the DCR. In the event refusal to comply with a DCR is due to any other Data User's control over the processing of the personal data so as to prohibit Alypz from complying, Alypz shall inform the Requestor of the name and address of the other Data User concerned.

3.2.3.6 Where DCR relates to an expression of opinion held by Alypz not involving any matters addressed in Section 36 above, it is open to Alypz to disagree that the said expression of opinion is inaccurate, incomplete, misleading or not up-to-date. However, Alypz is obligated to:

- i. make a note as to how the expression of opinion is considered by the Requestor submitting the DCR to be inaccurate, incomplete, misleading or not up-to-date;

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- ii. either annex the note to the personal data in question or maintain the note separately;
- iii. ensure that the expression of opinion cannot be used by any person without the note being drawn to the attention of that person and being available for inspection; and
- iv. attach a copy of the note to the letter to the Requestor refusing to act on the DCR.

3.2.3.7 Alypz shall maintain a record of all DCRs that they have received as well as the decisions reached in respect of granting or refusing the respective DCRs, in order to be able to respond to further queries from the Requestor or to justify to the Commissioner the reasons for non-compliance with a Requestor's DCR, in the event of an enquiry or investigation being commenced by the Commissioner.

3.3 Right to Prevent Processing Likely to Cause Damage or Distress

3.3.1 A Data Subject has the right to request Alypz in writing to cease or not to begin processing personal data in relation to the Data Subject, where the processing causes or is likely to cause the Data Subject or another person substantial damage/distress (financial loss/physical harm/emotional or mental pain) and the said damage/distress is unwarranted/unjustifiable.

3.3.2 Data Subject however does not have the right to prevent the processing of personal data where:-

- i. the Data Subject has consented to the processing;
- ii. the processing is necessary:
 - for the performance of a contract that the Data Subject has entered into; or
 - to take steps at the request of the Data Subject with a view to entering into a contract; or
 - for compliance with legal obligations that apply to Alypz; or
 - to protect the Data Subject's "vital interests", which is defined by the Act to mean "matters relating to life, death or security of a data subject"; or
- iii. in such other cases as may be prescribed by the Minister by order published in the Gazette.

3.3.3 Upon receiving a Data Subject Notice, Alypz shall, within twenty one (21) days of such receipt, provide the Data Subject concerned with a written notice:-


- i. stating that Alypz has complied with or intends to comply with the Data Subject Notice; or
- ii. stating reasons for refusal to comply; or
- iii. stating reasons why Alypz finds the Data Subject Notice unjustified or to any extent unjustified and the extent to which the Company has complied or intends to comply (if any).

3.4 Data Subject's Right to Refuse Direct Marketing

3.4.1 Alypz needs to provide all Data Subjects with the right to refuse the use of their personal data for direct marketing purposes.

3.4.2 Such requests may be made:-

- i. via the initial application form when signing up for new products/services through an opt-out of direct marketing tick-box; or

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- ii. via a separate form made readily available to the Data Subject by Alypz; or
- iii. via such other mode of communication as notified by Alypz or as may be acceptable to Alypz, and is to be provided to Data Subject without charge.

3.4.3 A Data Subject has the right at any time, by notice in writing to Alypz, to require Alypz to either cease or not begin processing his/her personal data for purposes of direct marketing. Alypz is required to comply with the written notice at the end of such period as is reasonable in the circumstances.

3.4.4 Alypz needs to comply with the Data Subject's written request within three (3) months of receiving the request from the Data Subject.

3.5 Obtaining Personal Data from Other Sources

3.5.1 If Alypz obtained personal data of individual for the purpose of direct marketing from any third party or any other sources other than the Subject Data himself, Alypz is required to take practical steps to ensure that the necessary notices and/or the relevant consents of the said individual for the disclosure of their personal data to Alypz for the purposes of direct marketing have been obtained.

3.5.2 Alypz shall also take the following action:


- i. in the case of commercial arrangements with third parties, by entering into written agreements with such third parties, wherein adequate representations and warranties are provided by the third parties, i.e. that the relevant consent to disclose personal data has been obtained from the Data Subject prior to its disclosure to Alypz; and
- ii. in the case of Data Subjects that are customers of Alypz, by obtaining warranties (whether written or verbal) from the Data Subjects that they have secured the necessary consent from the said individuals for Alypz to market their products/services to the said individuals.
- iii. Using or processing personal data sourced from publicly available sources of information (such as the Companies Registry at the Suruhanjaya Syarikat Malaysia, the National Land Registry, personal Facebook pages or the World Wide Web) for the purpose of direct marketing to individuals is prohibited.

4 TRANSFER OR PERSONAL DATA ABROAD

4.1.1 Transfer of personal data outside of Malaysia is prohibited unless the transfer is to a country with sufficient data protection laws, as specified by the Minister in a Government Gazette.

4.1.2 Notwithstanding the above, Alypz can transfer personal data abroad where:

- i. the Data Subject has consented to the transfer; or
- ii. the transfer is necessary for the performance of a contract between Alypz and the Data Subject; or
- iii. the transfer is necessary to perform or conclude a contract between Alypz and third party which has been entered into at the request or in the interest of the Data Subject; or

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- iv. the transfer is for legal proceedings or obtaining legal advice; or
- v. Alypz has reasonable grounds for doing so; or
- vi. Alypz has taken reasonable precautions to ensure the personal data will not be processed in any manner which contravenes the Act; or
- vii. the transfer is necessary to protect the vital interests of the Data Subject (this would relate to matters of life and death as defined in the Act); or
- viii. the transfer is necessary as being in public interest as determined by the Minister.

5 ROLES AND RESPONSIBILITIES

5.1 The Company's Responsibilities

5.1.1 Since the data usage under purview of The Company is between Data Subject and Government Bodies, the company is not statutorily needed to register with the Commissioner as a Data User but still have to ensure that its registration pursuant to the Act continues to remain in force. /changed this to remove mention of registering to commissioner

5.2 Operations and Support Units' (OSU) Responsibilities

5.2.1 Operations and Support Unit Heads have the primary responsibility to ensure that the functions under their purview comply with PDPA, the Code, Policy and its related policies and procedures.

5.2.2 OSU shall also be responsible to maintain a list of third parties to whom the respective OSU will and may be disclosing personal data.

5.3 Human Resources' Responsibilities


Human Resources is responsible to ensure that:

- i. all Alypz employees receive regular awareness training on personal data protection throughout their employment with Alypz; and
- ii. any employee who has breached the Act, the Code this Policy and/or the standard operating procedures for his respective OSU will face the appropriate disciplinary action.

Removed Country Responsibility

5.4 Internal Audit's Responsibilities

Internal Audit is responsible to conduct independent reviews to assess compliance with the Act, the Code, this Policy and the standard operating procedures for each respective OSU.

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5.5 Country Legal's Responsibilities

Country Legal is responsible to review Alypz's Privacy Notice on an annual basis or as at when it is required to ensure compliance with the Act, Code and this Policy.

- End -