



29 May 2023

Dear Business Partners,

**NOTICE: PERSONAL DATA PROTECTION ACT 2010**

**INTRODUCTION**

1. Personal Data Protection Act 2010 (“**PDPA**”) was passed by the Parliament in May 2010 and came into operation on 15 November 2013.
2. PDPA is an Act that regulates the processing of Personal Data in commercial transactions and provide for all matters in connection therewith.
3. The governance of PDPA is under the Personal Data Protection Department, an agency under the Ministry of Communications and Multimedia.
4. MSIG Insurance (Malaysia) Bhd (“**MSIG**”) is a registered Data User with the Personal Data Protection Department as required under the **Personal Data Protection (Class of Data Users) Order 2013** and **Personal Data Protection (Registration of Data Users) Regulations 2013**.
5. This Notice is intended to spell out:
  - (a) the duties and responsibilities of MSIG as a Data User under the PDPA; and
  - (b) the duties and responsibilities of MSIG’s agent, in complying with PDPA, when conducting insurance business/activities on behalf of MSIG and with authority drawn from each respective Agency Agreement signed with MSIG or applicable laws.
6. For the purpose of this Notice, “**Data Subject**” includes but is not limited to potential/prospective customer, policyholder, beneficiary, nominee, payer and claimant. In certain parts of this Notice, “Data Subject” shall also include MSIG’s agent. Unless otherwise stated, all capitalized terms shall have the same meaning in PDPA.
7. This Notice may be amended from time to time, when needed.



## **DUTIES AND RESPONSIBILITIES OF MSIG**

8. PDPA prescribes 7 data protection principles (“**Principles**”) which must be complied by a Data User and rights accorded to a Data Subject (“**Rights**”).
9. Since the passing of PDPA in 2010, MSIG has undertaken a massive exercise to review existing documentation and guidelines to ensure compliance to the Principles and Rights. These are briefly described below:

### **Principles:**

- **General Principle** : processing of Personal Data requires consent

*MSIG has incorporated ‘consent wordings’ in proposal forms, claims forms etc. where the Data Subject is asked to consent to the collecting, processing and disclosing of Personal Data for the purpose for which it is collected.*

- **Notice and Choice Principle** : Data Subject is to be informed on the purpose for which the Personal Data is collected and about the right to request access and correct Personal Data

*MSIG has published its Privacy Notice at its corporate website at <http://www.msig.com.my/privacy-notice/>. This Privacy Notice spells out the types of Personal Data collected, the purposes for the collection, disclosure of Personal Data to third parties, security, retention and rights of access of Data Subject.*

- **Disclosure Principle** : no Personal Data shall be disclosed without the consent of the Data Subject

*In MSIG’s Privacy Notice, MSIG spells out a list of third parties to whom the Personal Data is being disclosed to in line with the purpose for which the Personal Data is collected for.*

- **Security Principle** : practical steps must be taken to protect Personal Data from any loss, misuse, modification, unauthorized/accidental access or disclosure or alteration or destruction

*MSIG has put in place various safeguards to protect the Personal Data of Data Subject and MSIG is also guided by various regulatory guidelines including BNM Guidelines on Management of IT Environment and its regional office’s Information Security Policy.*

- **Retention Principle** : Personal Data processed for any purpose shall not be kept longer than it is necessary for the fulfilment of the purpose for which it is obtained

*MSIG shall not retain Personal Data for a period than is necessary for the purpose for which it is obtained. In this respect, MSIG is guided by MSIG’s Record Management Guidelines, Electronic Records Retention Guidelines and Document Retention Guidelines.*



- Data Integrity Principle : reasonable steps are to be taken to ensure the accuracy and to maintain the data current

*MSIG is also guided by BNM Data Management and MIS Framework.*

- **Access Principle** : Data Subject is given access to his Personal Data and shall be allowed to correct incomplete/inaccurate data

*A Data Subject may at any time, inform his agent or write in to MSIG's Customer Service to request for access to his Personal Data and/or correct his incomplete/incorrect Personal Data. The Data Subject may also write in directly to the following address:*

**Data Protection Officer**

*MSIG Insurance (Malaysia) Bhd  
Level 15, Menara Hap Seng 2  
Plaza Hap Seng  
No 1, Jalan P. Ramlee  
50250 Kuala Lumpur  
Tel No. 603 2050 8228  
Fax No. 603 2026 8086  
Email [dpo@my.msig-asia.com](mailto:dpo@my.msig-asia.com)*

**Rights:**

A Data Subject has a right to prevent processing likely to cause distress or damage or right to prevent processing for purpose of direct marketing. He may do so by either ticking a **X** in the proposal form to indicate his preference to opt-out from any marketing activities (whether on behalf of MSIG or MSIG's partners) or may write in to the Data Protection Officer at the address stated above.

10. MSIG places utmost importance in the protection of Personal Data of Data Subject and in this respect, MSIG also treats the Personal Data of agent in the same manner. In particular, MSIG would highlight the following:

**What types of Personal Data that MSIG collects from MSIG's agent?**

In the course of providing services as the agent's principal, MSIG would require an agent to provide MSIG the following Personal Data which is required, obligated and necessary, without which it may not be possible for MSIG to provide services in relation to the agency agreement:

- the agent's name and NRIC No.
- contact details which includes home or correspondence address, telephone number, fax numbers, email address
- banking details which includes account numbers, credit cards and other banking information



### **Purpose of collecting MSIG's agent's Personal Data**

The above Personal Data is collected by MSIG shall be used for the following purposes (“**Purposes**”):

- performance of MSIG's obligations under the agency agreement
- statistic and research
- compliance with disclosure requirements imposed by law or regulatory authorities on MSIG, its affiliates or partners; and
- daily operation and administration of the agent's agency account pursuant to the agency agreement

### **Disclosure**

In line with the Purposes stated above, MSIG reserves the right to disclose MSIG's agent's Personal Data or such portion thereof to the following 3<sup>rd</sup> parties:

- MSIG's related, subsidiary or affiliated companies within the MSIG Group or MS & AD Insurance Group, in and out of Malaysia, including inter-departments within MSIG
- any association or federation of insurance companies that exists or is formed from time to time
- any contractor or 3<sup>rd</sup> party service providers who provides administrative, telecommunications, computer, payment, claims handling, loss adjusting or other services to MSIG or any member of the MSIG Group or MS & AD Insurance Group
- any credit reporting agency duly licensed under the Credit Reporting Agencies Act 2010 (including Central Credit Reference Information System or CCRIS) to conduct credit checks and verification of information from time to time for the purpose of agency application, credit or account monitoring and debt recovery as well as MSIG's risk management and review
- any persons or corporate entities to whom MSIG is obliged to disclose under the requirement of any law relating to MSIG or any of its affiliates or partners
- any governmental and judicial bodies and regulators.



## **DUTIES AND RESPONSIBILITIES OF MSIG'S AGENT**

1. As an agent of MSIG, he is required to observe the Principles and Rights mentioned above, with particular attention to be paid to:

### **General Principle**

When assisting the Data Subject (i.e. potential customer, policyholder, claimant) in completing either a proposal form or a claims form, please draw the Data Subject's attention to the 'consent wordings' which is incorporated into these forms. The agent may also direct the Data Subject to MSIG's Privacy Notice in the event the Data Subject requests for a detailed information of MSIG's Privacy Notice or the agent may print a copy at his end.

Take note that an agent may only collect, use or disclose any Personal Data of a Data Subject for the purpose of soliciting insurance business for MSIG; servicing of any policies of MSIG for which the said agent is authorized to service and/or performing any activities authorized by MSIG.

### **Security Principle**

All completed proposal forms, claims forms or documentation which contains Personal Data or which could reasonably identify an individual, must be kept and stored under locks. Agent that has access to Genlink or any MSIG's network or portal must ensure that there is no sharing of password and ensures that his employees abide by MSIG's policy or policies regarding the use or access to such network or portal.

### **Data Integrity Principle**

When assisting the Data Subject in completing proposal forms, claims forms or during the renewal stage/process, the agent shall exercise reasonable care and due diligence to ensure that all information provided including Personal Data is complete and accurate.

### **Data Subject's right to access, correct Personal Data and opt-out of marketing**

Where a Data Subject (other than a MSIG's agent) wishes to exercise his right to access or correct his Personal Data or to opt-out of any marketing activities (if the said Data Subject has not already indicated his preference to opt-out during the proposal stage), MSIG's agent shall assist by forwarding the Data Subject's request to MSIG or directing the Data Subject to the Data Protection Officer at the address stated above.

2. When required, MSIG's agent will be required to attend trainings on PDPA conducted by MSIG.

If you have further enquiries, please contact your account handler and servicing branch office.