SmartSuite

Framework / Privacy / Global Privacy Regulations

Personal Data Protection Act 2010 [Act 709], as amended by the Personal Data Protection (Amendment) Act 2024 [Act A1727]

Malaysia's Personal Data Protection Act 2010 [Act 709] sets seven principles for commercial personal data processing; the 2024 amendment added DPOs and breach notification.



What it is

The Personal Data Protection Act 2010 [Act 709] is Malaysia's data protection statute for commercial transactions. It binds any person who processes, or controls or authorizes the processing of, personal data in respect of commercial transactions (section 2), and it does not apply to the Federal Government or State Governments (section 3). Parliament passed it, the Yang di-Pertuan Agong gave assent on June 2, 2010, the Gazette published it on June 10, 2010, and it came into operation on November 15, 2013 (P.U.(B) 464/2013).

The Personal Data Protection (Amendment) Act 2024 [Act A1727] received assent on October 9, 2024 and was gazetted on October 17, 2024. By Gazette order P.U.(B) 522, the Minister of Digital brought it into operation in three stages: sections 7, 11, 13 and 14 on January 1, 2025; sections 2, 3, 4, 5, 8, 10 and 12 on April 1, 2025; and sections 6 and 9 on June 1, 2025.

At a glance

PUBLISHER Parliament of Malaysia	TYPE Regulation	VERSION Personal Data Protection Act 2010 [Act 709], as amended by Act A1727 (Personal Data Protection (Amendment) Act 2024)
EFFECTIVE November 15, 2013 (Act 709); amendments in force January 1, April 1 and June 1, 2025	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Malaysia	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Medium

Source: pdp.gov.my/ppdpv1/en/akta/pdp-act-2010-en/

Why it matters

- **Seven principles with criminal penalties** Section 5 binds every controller to seven principles in sections 6 to 12, and breach is an offence.
- **Duties that reach processors** Section 5(1A) and the amended section 9 require processors to apply the Security Principle directly, not only through the controller.
- **A named accountable person** Section 12A requires controllers and processors to appoint a data protection officer; the Commissioner's guideline sets the thresholds.
- **A defined breach process** Section 12B and the 2025 guideline set a 72-hour notice to the Commissioner and a seven-day notice to data subjects for breaches that cause significant harm.

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How SmartSuite supports Malaysia PDPA 2010

Seven Principles Register

Record each Personal Data Protection Principle with owners, controls, notices and evidence under Compliance Management.

Personal Data Inventory

Track data categories, purposes, sensitive and biometric data flags, retention periods and processors in Privacy Management.

Privacy Notice and Consent Records

Keep each section 7 notice, its Malay and English versions, consent records and explicit consent for sensitive data (section 40).

Data Subject Requests

Log access, correction, withdrawal, objection and portability requests with the 21-day access and correction deadline.

Breach and DPO Records

Record each breach against the 72-hour and seven-day clocks, the breach register and the DPO appointment notified to the Commissioner.

Processor and Transfer Oversight

Track processor security commitments under section 9 and transfer assessments with their three-year review dates for section 129.

Common framework mappings

APEC PF | CCPA/CPRA | GDPR | ISO 27001:2022 | ISO 27701 | NIST Privacy Framework v1.0 | Singapore PDPA

Official resources

Personal Data Protection Act 2010

Provides the full legal text of the Malaysia PDPA 2010 outlining personal data protection requirements.

pdp.gov.my/jpdpv2/guidelines/personal-data-protection-act-2010

PDPA 2010 Compliance Guide

Defines official guidance for organizations to comply with the Malaysia PDPA 2010.

pdp.gov.my/jpdpv2/guidelines/pdpa-2010-compliance-guide

Data User Registration Guidelines

Outlines the registration process for data users under the Malaysia PDPA 2010.

pdp.gov.my/jpdpv2/registration

Data Protection Policy Template

Provides a template for creating data protection policies in compliance with the PDPA 2010.

pdp.gov.my/jpdpv2/templates/data-protection-policy

Frequently asked questions

What did the Personal Data Protection (Amendment) Act 2024 change, and when?

Act A1727 renamed data users as data controllers (section 2), made biometric data sensitive personal data and excluded deceased individuals from the definition of data subject (section 3), applied the Security Principle to processors (section 5(1A)) and raised the penalty for breaching a principle to RM1 million or three years (section 5(2)). It added data protection officers (12A), breach notification (12B) and data portability (43A). The Minister of Digital brought it into force on January 1, April 1 and June 1, 2025.

What are the seven Personal Data Protection Principles?

Section 5 lists the General Principle (section 6), the Notice and Choice Principle (7), the Disclosure Principle (8), the Security Principle (9), the Retention Principle (10), the Data Integrity Principle (11) and the Access Principle (12). A controller that contravenes them commits an offence, and since April 1, 2025 the maximum penalty is a fine of RM1 million or imprisonment of up to three years, or both.

When must a personal data breach be reported in Malaysia?

Section 12B requires a controller to notify the Commissioner as soon as practicable when it has reason to believe a personal data breach occurred, and to tell data subjects without unnecessary delay if significant harm is likely. The Commissioner's guideline of February 25, 2025 sets the notice to the Commissioner at no later than 72 hours from the occurrence of the breach, with the clock starting when the controller is informed or confirms the breach, treats more than 1,000 affected data subjects as significant scale, and requires data subject notice within seven days of the first notice.

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Who must appoint a data protection officer?

Section 12A requires controllers and processors to appoint at least one data protection officer and to notify the Commissioner. The Commissioner's DPO guideline applies the duty where processing involves more than 20,000 data subjects, sensitive personal data including financial data for more than 10,000 data subjects, or regular and systematic monitoring. Appointment must be notified within 21 days.

Does the Malaysia PDPA apply to government bodies and to data processed abroad?

No to the Federal Government and State Governments (section 3(1)). The Act applies to commercial transactions only (section 2(1)), and it does not apply to personal data processed outside Malaysia unless it is intended to be further processed in Malaysia (section 3(2)). A person not established in Malaysia that uses equipment in Malaysia must nominate a representative (section 2(3)).

License included / downloadable: Yes The Act and the Amendment Act are published free by the Department of Personal Data Protection and the Attorney General's Chambers; the platform links to the official text.

Full framework page and mappings: smartsuite.com/frameworks/malaysia-personal-data-protection-act-pdpa-2010

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