

## **Government issues a draft implementing regulation to the Personal Data Protection Law**

In October 2022, Indonesia passed Law No. 27 of 2022 on Personal Data Protection (the “**Data Protection Law**”) which serves as the umbrella law on personal data protection and sets out a regulatory framework for personal data protection.

A draft Government Regulation on Personal Data Protection to implement the Data Protection Law has been issued for public consultation (“**Draft GR**”). While the Draft GR consists of 245 Articles divided into 10 Chapters, it does not provide a comprehensive set of implementing regulations and further regulation will be required.

We highlight certain key aspects of the Draft GR but caveat that the provisions are still subject to change:

1. **The Data Controller:** the role and obligations of the Data Controller are further clarified including in relation to data use authorization, risk assessment, safety controls, retention and preventative actions.
2. **Rights of Personal Data Subject:** the procedure to exercise the rights of a Personal Data Subject as provided under Articles 6 to 11 of the Data Protection Law are specified. The consequences of a failure to obtain or a refusal to give consent for personal data collection and processing are set out.
3. **Failure to Protect Personal Data:** the obligations to a Subject Data and the to-be-established Personal Data Protection Institution (“**PDP Institution**”) are defined.
4. **Merger, Consolidation, Spin-off, Acquisition and/or Dissolution - “Corporate Action”:** a Data Controller’s obligations following the above Corporate Actions are spelled out.
5. **Cross Border Personal Data Transfer Obligations:** Further obligations are defined including the duties and authority of the PDP Institution in relation to Cross Border Personal Data Transfer.
6. **Sanctions:** The Draft GR details the administrative sanctions to be enforced by the PDP Institution based on the severity or impact of the violation.

How the Draft GR affects you will depend on your business and in light of the new sanctions, being prepared for possible changes and adjustments are essential to mitigating risk.

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