



INLU 2022  
26 September 2022

**APPDI** ASOSIASI  
PRAKTIKSI  
PELINDUNGAN  
DATA  
INDONESIA

# DATA PROTECTION IN INDONESIA: LEGAL FRAMEWORK AND IMPLEMENTATION

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Raditya Kosasih  
Co-Founder and Chief of APPDI



- 1 Snapshot of the Current Regulatory Framework on Personal Data Protection in Indonesia**
- 2 Implementation in Financial Sector**

# Snapshot of the Current Regulatory Framework on Personal Data Protection in Indonesia

# IS PERSONAL DATA PROTECTION REGULATED IN INDONESIA?

**PERSONAL DATA  
PROTECTION**



**CONSTITUTIONAL  
RIGHT**

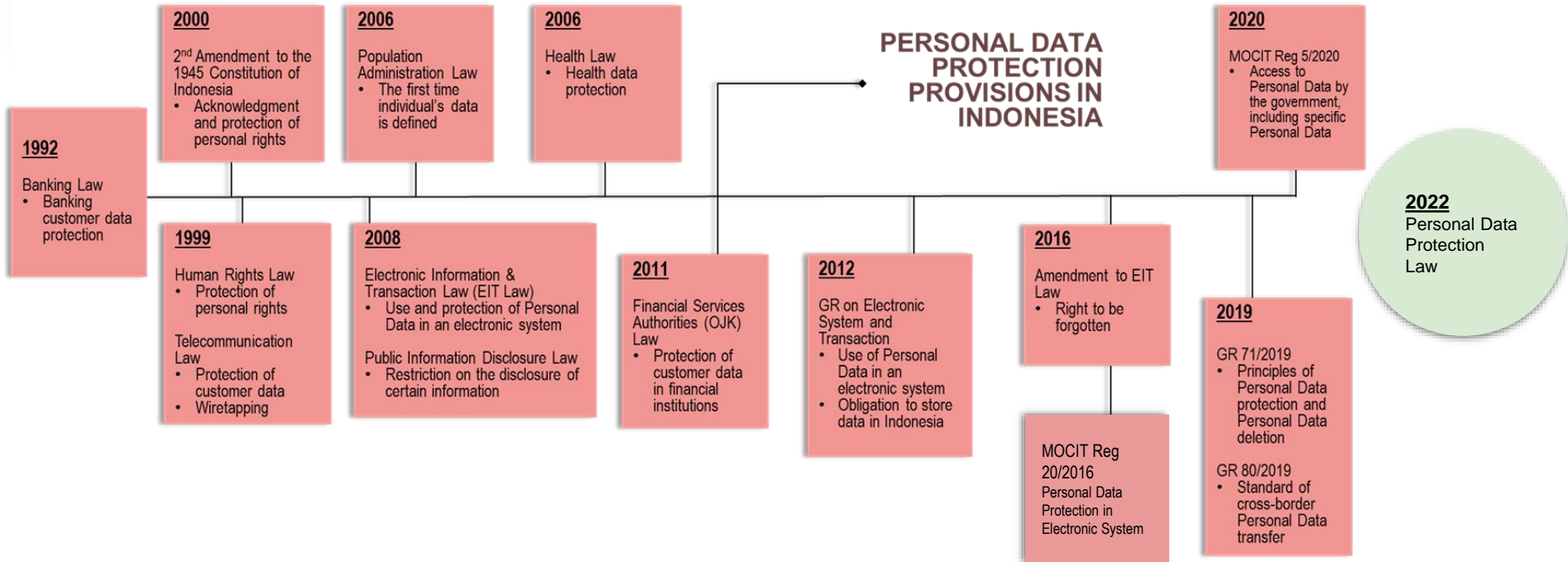
“

Every person has the right to the **protection of him/herself**, family, honor, dignity, and property under his control, and has the right to feel secured against and protection from the threat of fear to do or not do something which constitute a human right.

”

*Article 28G of the 1945 Constitution of Indonesia*

# PERSONAL DATA PROTECTION PROVISIONS IN INDONESIA



# Personal Data Protection Principles

The data protection rules usually contain basic principles:

- there should be limits to what is collected;
- the information should be correct;
- there must be no secret purposes;
- the information must be secure;
- Individuals must be fully informed;
- individuals have rights to be involved; and
- organisations must be held accountable.

# Implementation in Financial Sector



# Data Protection in Financial Sector

Based on OJK Regulations, customers' personal data and information covers:

1. Individuals
  - a. Name
  - b. Address
  - c. DOB and age
  - d. Phone number
  - e. Mother's name
2. Corporate
  - a. Name
  - b. Address
  - c. Phone Number
  - d. BOD & BOC
  - e. List of shareholders

Other data that might be requested for the purpose of KYC and credit scoring:

- Emergency contact (for collection purposes) - *consent?*
- Occupation
- Annual/monthly Income
- Religion
- Bank account details
- ID Card
- Selfie photo
- etc.

# Data Protection in Financial Sector (2)

POJK 10/2022 on P2P Lending also covers provisions on personal data protection

- Data sharing: should be clearly stipulated in a Confidentiality Agreement
- Confidentiality: the data should be secured and kept confidential
- Consent: the data processing, collection and use of personal data should be based on a consent
- Data Subject Rights: Right to Access and Data Portability
- Data Retention: Personal Data should be kept at least 5 years

# Data Protection in Financial Sector (3)

## Data Protection Issues in Financial Sector:

- Credit scoring: Automated Decision Making?
- Data Sharing with other platform or other financial institutions
- Data Sharing with third party for the purpose of collection

### Personal data protection law crucial to protect fintech users: Aftech

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Chairman of the Indonesian Fintech Association (Aftech), Pandu Sjahir, in Jakarta on Thursday (August 25, 2022).  
(ANTARA/Livia Kristianti)

Jakarta (ANTARA) - The personal data protection regulation, which is still in the form of a draft law or bill (RUU), is important for protecting Indonesian financial technology (fintech) service users.

Source: <https://en.antaranews.com/news/246429/personal-data-protection-law-crucial-to-protect-fintech-users-aftech>



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**THANK YOU**