



Axon Consultancy Sdn Bhd

Data Protection Policy

Version 1

Version Log

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1. Purpose

- 1.1. The Data Protection Act 2010 that was enforced on 15 November 2013 has the following principal purposes:
 - 1.1.1. To regulate the use by those (known as “data user” who obtain, hold and process personal data on all individuals, of those personal data; and
 - 1.1.2. To provide certain rights (for example, of accessing personal information) to all individuals (known as “data subject”) whose data is held.
- 1.2. The Act applies to Axon Consultancy Sdn Bhd, the Data User for the purposes of the Act, and to anyone who holds personal information in anyway so that retrieval is possible.
- 1.3. Axon Consultancy Sdn Bhd is fully committed to abiding wherever possible, of the highest standard of conduct mandated by the Act. We are committed to a policy of protecting the rights and freedoms of individuals with respect to the processing of their personal data. Personal data is held about individuals such as users, employees, and others, who are defined as data subjects under the act.
- 1.4. This policy has been written to acquaint staff with their duties under the Act and to set out the standards expected by Axon Consultancy Sdn Bhd in relation to processing of personal data and safeguarding individual’s rights and freedoms.

2. Scope

- 2.1. The data protection Act 2010 requires Axon Consultancy Sdn Bhd to ensure that all “Personal Data” are collected and used fairly, stored safely and not disclosed to any other person unlawfully.
- 2.2. Personal data are basically any biographical information that allows an individual to be identified and that is held as part of the records kept by Axon Consultancy Sdn Bhd.
- 2.3. Axon Consultancy Sdn Bhd shall maintain a current notification of its data processing activities. Currently the notification covers processing in the following 10 areas:
 - 2.3.1. User, Agent, Partners and Clients administration
 - 2.3.2. Advertising, marketing, public relations, general advice services
 - 2.3.3. Accounts & records
 - 2.3.4. Education
 - 2.3.5. User, Agent, Partners and Clients support services
 - 2.3.6. Research
 - 2.3.7. Other commercial services
 - 2.3.8. Journalism and media

2.3.9. Crime prevention and prosecution of offenders

2.3.10. Users and Client Relations

2.4. According to the Act sensitive personal data means personal data consisting of information as to:

2.4.1. the racial or ethnic origin of the data subject

2.4.2. political opinions

2.4.3. religious beliefs or other beliefs of a similar nature

2.4.4. whether he or she is a member of a trade union

2.4.5. physical or mental health or condition

2.4.6. sexual life

2.4.7. the commission or alleged commission of any offence, or

2.4.8. any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

2.4.9. Such data can be processed only under extra, more stringent conditions as given in section 40 of the Act.

3. Staff Duties

3.1. Employees, Partners and Suppliers of Axon Consultancy Sdn Bhd are expected to:

3.1.1. acquaint themselves with, and abide by, the Data Protection Principles;

3.1.2. read and understand this policy document;

3.1.3. understand how to conform to the standard expected at any stage in the life-cycle;

3.1.4. understand how to conform to the standard expected in relation to safeguarding data subjects' rights (e.g. the right to inspect personal data) under the Act;

3.1.5. understand what is meant by 'sensitive personal data', and know how to handle such data; and

3.1.6. Contact the Data Protection Officer (whose is also the Executive Director) if in any doubt, and not to jeopardise individuals' rights or risk a contravention of the Act.

3.1.7. Ensure all data are

- 3.1.7.1. Fairly and lawfully processed;
- 3.1.7.2. Processed only for purposes as described within the job scope;
- 3.1.7.3. Adequate, relevant and not excessive;
- 3.1.7.4. Accurate;
- 3.1.7.5. Not kept for longer than is necessary;
- 3.1.7.6. Processed in line with the individual's rights;
- 3.1.7.7. Secure; and
- 3.1.7.8. Not transferred outside of Axon Consultancy Sdn Bhd unless being specified and approved by the Data Protection Officer.

3.2. Executives, Head of Research and Managers of administrative and support departments have a responsibility to ensure compliance with the Data Protection Act and this policy and to develop and encourage good information handling practices, within their area of responsibility, and will utilise their resources to effect this. This includes training of new staff and input to local induction. Executive, Head of research and Managers may choose to delegate responsibilities, but not the responsibility for Data Protection matters. Axon Consultancy Sdn Bhd shall perform random audits to ensure compliance with this policy and the Act and to ensure that the notification is kept up to date.

3.3. Staff responsible for supervising partners and suppliers undertaking work that involves the processing of personal data must ensure that the partners and suppliers are given appropriate guidance to ensure compliance with this policy and are aware of the consequences of not adhering to the guidance. If there is uncertainty about the appropriate action to take when processing personal data advice must be sought from the Data Protection Officer.

4. The Data Protection Principles

4.1. **General Principle** - the consent obtained by a data user from a data subject shall be in any form where such consent can be recorded and maintained properly by the data user.

4.2. **Notice and Choice Principle** - the data user shall provide the data subject information on how to contact the data user with inquiries or complaints. The Regulations provide that the information must include the designation of the contact person, phone number, fax number (if any), email address (if any) and any other related information.

4.3. **Security Principle** - the data user must develop and implement a security policy that will comply with the security standard set out by the appointed Malaysia Personal data protection Commissioner. The data user is also under the obligation to ensure that the security standard in the processing of the personal data is complied with by the data processor that is carrying out the processing of the personal data on behalf of the data user.

- 4.4. **Retention Principle** - the data user must ensure that the personal data of the data subject is retained in accordance with the standard prescribed by the Commissioner.
- 4.5. **Data Integrity Principle** - the data user must ensure that the processing of the personal data of the data subject is in accordance with the data integrity standard prescribed by the Malaysia Personal data protection Commissioner.
- 4.6. **Access Principle** – A data subject shall be given access to his personal data held by a data user and be able to correct that personal data where the personal data is inaccurate, incomplete, is leading or not up-to-date, except where compliance with a request to such access or correction is refused under by the Act.

5. Guideline For The Data Life-Cycle Process

5.1. Acquisition of personal data

- 5.1.1. Those wishing to obtain personal data must comply with guidelines issued by the Data Protection Officer and, in particular, should tell data subjects the purpose(s) for which they are gathering the data, obtain their explicit consent, and inform them that Axon Consultancy Sdn Bhd will be the data user for the purpose of the Act and the identities of any other persons to whom the data may be disclosed. If sensitive personal data are being collected, explicit consent is mandatory. No more data should be collected than is necessary for the purpose(s) declared.
- 5.1.2. Axon Consultancy Sdn Bhd shall be entitled to process personal data for the purposes outlined in this policy section 2.2 to employ staff, provide consultancy to its users and/or to comply with legal obligations.
- 5.1.3. At the beginning of employment, staff are made aware of this policy. Any changes to the legislation will be conveyed to staff and information shall be mounted on the Internet. Users shall be provided with relevant information within the application or website.

5.2. Holding/Safeguarding/disposal of personal data

- 5.2.1. Data shall not be held for longer than is necessary. Axon Consultancy Sdn Bhd Data Protection Officer shall be consulted for guidance on what is necessary for each kind of data.
- 5.2.2. Adequate measures shall be taken to safeguard data so as to prevent loss, destruction or unauthorised disclosure. The more sensitive the data, the greater the measures that need to be taken.

6. Processing Of Personal Data

- 6.1. In this particular context, ‘processing’ is used in the narrow sense of editing, amending or querying data.

- 6.2. In the context of the Act as a whole, ‘processing’ means collecting, recording, holding or storing the personal data or carrying out any operation or set of operations on the personal data.
- 6.3. Personal data shall be processed except for the purpose(s) for which they were obtained or for a similar, analogous purpose. If the new purpose is very different, the data subject’s consent must be obtained.
- 6.4. It shall be the policy of Axon Consultancy Sdn Bhd at all times to keep any sensitive data processing to a minimum. Unless permitted to do otherwise under the Act, explicit permission will be obtained from the data subject before such data is processed.
- 6.5. All members of the company(including any information enquirer, applicants, employees, partners, clients and suppliers) are responsible for ensuring that any personal data that they are requested to provide to Axon Consultancy Sdn Bhd are accurate and up-to-date and that they advise Axon Consultancy Sdn Bhd of any changes.
- 6.6. Enquirer who contacted Axon Consultancy Sdn Bhd seeking for any information are responsible for ensuring that any personal data that they are requested to provide to Axon Consultancy Sdn Bhd are accurate and up-to-date; they need not advise Axon Consultancy Sdn Bhd of any changes.
- 6.7. Users of any software application that own by Axon Consultancy Sdn Bhd are responsible for ensuring that any personal data that they are requested to provide are accurate and up-to-date; they need not advise Axon Consultancy Sdn Bhd of any changes.

7. Disclosures And Transfers Of Personal Data

7.1. Disclosures

7.1.1. Axon Consultancy Sdn Bhd’s policy is to protect the confidentiality of those whose personal data it holds.

7.1.1.1. Employees of Axon Consultancy Sdn Bhd may not disclose any information about users, clients or other employees, including information as to whether or not any person is or has been an applicant, user, partner or client of Axon Consultancy Sdn Bhd unless they are clear that they have been given authority by the Data Protection Officer to do so. Particular care shall be taken in relation to any posting of personal information on the internet.

7.1.1.2. No employee may disclose personal data to the police or any other public authority unless that disclosure has been authorized by the Data Protection Officer.

7.1.1.3. Staff References

- 7.1.1.3.1. When framing references, employee should never write anything that they would not wish the subject of the reference to see. In general, it is imperative to ensure the following:
- 7.1.1.3.2. The reference is factually accurate, based on verifiable facts
- 7.1.1.3.3. The reference is fair and accurate in substance
- 7.1.1.3.4. Where the reference contains expressions of opinions these should be stated to be such and should be supported by relevant factual examples
- 7.1.1.3.5. A reference should only contain complaints or negative comments where the substance of the complaints / comments was brought to the attention of the employee during employment.
- 7.1.1.3.6. References are written by someone authorised to give a reference and in a position to provide accurate information about the particular individual
- 7.1.1.3.7. No information should be provided about sensitive matters such as absence records, health, criminal convictions, ethnic or racial origins, religious beliefs, sexual life or trade union membership. Sensitive data must not be supplied unless the member of staff gives explicit consent. A suitable response would be “I am not in a position to comment regarding X’s health/sickness.”
- 7.1.1.3.8. Telephone references are discouraged. If speed is of the essence you could fax through a brief reference or email it.
- 7.1.1.3.9. References must be fact-based to enable a full, unbiased and fair picture to be provided. An individual could bring an action against the University for defamation of character, discrimination or other damages if they have suffered loss as a result of an inaccurate reference e.g. where an offer of employment is made subject to references, and is then withdrawn on the basis of an inaccurate reference.
- 7.1.1.3.10. Copies of all references provided must be retained for a period of 12 months (in case of litigation from unsuccessful applicants).
- 7.1.1.3.11. An individual has the right to request a copy of a confidential reference from the person or organisation, to which it was sent, although they do not have the right to ask the author of the reference for a copy.

7.1.2. Transfers

- 7.1.2.1. Personal data held by Axon Consultancy Sdn Bhd may be passed to appropriate people within the organisation, provided that this is in line with the original purpose for which the data was collected and that any further processing of the data is still in keeping with the notification stated in section 2.2.
- 7.1.2.2. Personal data shall be transferred to agencies that Axon Consultancy Sdn Bhd have had agreement with and such transfers are meant for specific purposes and shall be made with consent from the data subject. Such transferred shall be made only by the authorised personnel whom receives written authorisation from the Data Protection Officer.
- 7.1.2.3. Personal data should not be transferred outside of the organisation, and in particular not to a country outside of Malaysia.
 - 7.1.2.3.1. Except with the data subject's consent; or
 - 7.1.2.3.2. Unless that country's data protection laws provide an adequate level of protection; or
 - 7.1.2.3.3. Adequate safeguards have been put in place in consultation with the Data protection officer; or
 - 7.1.2.3.4. In consultation with the Data Protection Officer, it is established that other derogations apply
- 7.1.2.4. Where data transfer must occur, the information transferred will be the minimum to achieve the business purpose. If the use of removable media is unavoidable, the use of encryption must be considered.
- 7.1.2.5. Publishing personal data on the Internet discloses it automatically on a worldwide basis and, unless the personal data relates to an individual's official role or function in relation to the organisation, we should desist. It is important also that anybody, whose name and/or data appear on the website, is aware that it is there and that mechanisms are in place for them to object and, if necessary, to have it removed promptly.

7.2. Destruction of personal data

- 7.2.1. Personal data shall not be held for longer than necessary; and when such data have been earmarked for destruction, appropriate measurements shall be taken to ensure that the data cannot be reconstructed and processed by third parties.
- 7.2.2. Destruction of data shall abide to the organisation's procedures.

7.3. Data Security

7.3.1. Axon Consultancy Sdn Bhd is only the custodian of any personal data that it holds and uses and must retain and build public confidence that information is held securely. While all personal data is of value, the right technical level of protection varies significantly depending on the category of personal data held (e.g. sensitive) and the size of the data set. If the data is on mobile or portable devices, an appropriate level of security shall be applied, (e.g. passwords, encryption). Staff shall ensure that any personal data, which they hold, are kept securely, and that personal information is not disclosed to any unauthorised third party.

7.4. Publication of Axon Consultancy Sdn Bhd's Information

7.4.1. It is Axon Consultancy Sdn Bhd's policy that names, work telephone, extension numbers, and email addresses of members of staff will be available to the public on request, and on the website, where these facilitate the normal organisational functioning and management of the organisation. Any staff member, with good reason, wishing to be excluded from these listings should contact their immediate superior.

7.5. Data Subjects' Rights Of Access

7.5.1. All data subjects have a right to access any biographical information that allows them to be identified and that Axon Consultancy Sdn Bhd holds.

7.5.2. Axon Consultancy Sdn Bhd is fully committed to facilitating access by data subjects ('users', 'clients' as well as 'staff') to their own personal data, while bearing in mind the need to protect other individuals' rights of privacy.

7.5.3. Data subjects shall be expected to write a formal request with sufficient identifications, request and it's natural and rational to Axon Consultancy Sdn Bhd. Individual who are not members of the organisation must submit supporting document which establishes that they are the data subject (or where the application is made by a third party on behalf of the data subject, which establishes the third party's identity, that of the data subject and a form of authority signed by the data subject is produced).

7.5.4. The fee for a subject access request may be imposed and shall be published should one is enforced.

7.6. Identification of Data Subject

7.6.1. The only method of identification shall be a cross reference of at least 3 key information between the data subject and the data claimed, which will be conducted by an authorised personnel whom the Data Protection Officer will authorise.

7.6.2. Some records might not have above said then seek advice from the Data Protection Officer for other methods of identification.

8. Email And Internet Use

8.1. Axon Consultancy Sdn Bhd reserves the right to monitor use of email and Internet facilities.

9. Review

9.1. This policy will be reviewed periodically to take account of changes in the law and guidance issued by the commissioner.

10. Data Protection Contacts

10.1. For general enquiries about the University's Data protection Policy and for formal subject access request under the act:

Executive Director

Axon Consultancy Sdn Bhd

Email: jack@axonconsultancy.com

11. Disciplinary Consequences Of This Policy

11.1. Unlawful obtaining of disclosure of personal data (including the transfer of personal data outside of the University) or any other breach of the Data Protection act 2010 by staff or students will be treated seriously by the organisation and may lead to disciplinary action up to and including dismissal or expulsion. This liability may extend to the individual process the data and his/her Head of Department under certain circumstances.

12. Knowledge And Skills

12.1. The knowledge and skills required to implement this policy will be transferred during induction process for new staff. A systematic training programme shall be implemented to raise awareness of the requirements of the Data Protection Act, and to ensure that staff are kept up-to-date with regards to any changes in the legislation or relevant technology.