

## BIBD

**We wish to highlight the following:**

### **1. Section 3.4.4 – Exceptions from the Scope of Application**

It is noted that Employees acting in the course of their employment or in accordance with instructions of their employer are excluded from the applicability of the Data Protection Provisions and that it is the responsibility of the organisation itself to comply with the Data Protection Obligations.

#### **Comment**

The Bank seeks clarity as to whether the exclusion applies in instances where an Employee knowingly acts upon the instructions of their employer with a clear intent to use the data for wrongful or unlawful purposes.

### **2. Section 4.5.1.**

This clause provides that a Data Protection Officer (“DPO”) must be appointed to be responsible for ensuring that the Bank complies with the PDPO.

#### **Comment:**

The Bank seeks clarity as to whether in appointing a DPO, there is any prescribed criteria an organisation should be mindful of in appointing any of its personnel to act in such capacity. For example, whether the designated personnel must be a Compliance officer of the organisation.

### **3. Section 4.10**

This section provides that an organisation must make a reasonable effort to ensure that personal data collected by it is accurate and complete if it is likely to use such data to make a decision that affects the individual concerned or disclose such personal data to another organisation.

#### **Comment:**

Most organisations would have provision in their terms and conditions governing the use/offering of any of their products and/or services that all data provided by the customer is accurate and complete and that the organisation is not obliged to verify the accuracy of the information provided.

Further, unless the customer notifies the organisation of any changes in their data last registered with the organisation, the existing data shall be deemed as current and valid. We seek clarity as to whether having such written provisions in place constitutes a reasonable effort on the Bank’s part and satisfies the provision.

***Please note that the feedback attached is the Bank’s initial feedback on the Consultation paper. If we have any further feedback on the Consultation paper, we may engage directly with the relevant personnel at the Authority for Info-communications Technology Industry of Brunei Darussalam (“AITI”) to provide them with the same and copy you in the communication for information purposes.***