



Discovering Potential | Learning to Care | Respecting Differences

MIGS PRIVACY POLICY

(PERSONAL DATA PROTECTION)

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

1. COLLECTION OF PERSONAL DATA

- 1.1 The term “**personal data**” means any information in MIGS’ possession or control that relates directly or indirectly to an individual to the extent that the individual can be identified or are identifiable from that and other information in MIGS’ possession such as name, address, telephone number, NRIC No, date of birth, email address, photograph, etc. The types of personal data collected depend on the purpose of collection. MIGS “**processes**” an individual’s personal data by way of collecting, recording, holding, storing, using and/or disclosing it.
- 1.2 An individual’s personal data may be collected from him/her during his/her course of dealings with MIGS in any manner including pursuant to any transactions and/or communications made with MIGS. MIGS may also collect an individual’s personal data from a variety of sources, including without limitation, at any meetings, events, seminars, as well as from publicly available sources.
- 1.3 MIGS may also receive, store and process an individual’s personal data which are provided or made available by any third parties, regulatory and law enforcement authorities in connection with the running of the School and/or services, performance of conditions of agreements and/or to comply with our legal and regulatory obligations.

2. PURPOSE OF ACQUIRING AND PROCESSING PERSONAL DATA

- 2.1 The personal data as provided/furnished by the individual to MIGS or collected by MIGS through other sources as may be necessary may be processed for the following purposes (collectively referred to as the “**Purposes**”):
 - 2.2.1 identify the individual and/or his/her child;
 - 2.2.2 to communicate with the individual;
 - 2.2.3 to facilitate, process, deal with, administer, manage and/or maintain the individual’s relationship with MIGS;
 - 2.2.4 to consider and/or process the individual’s application/transaction with MIGS;
 - 2.2.5 provide services to the individual (or as the case may be, his/her child);
 - 2.2.6 administer and give effect to the individual’s child(ren)’s schooling with MIGS including all curriculum activities;
 - 2.2.7 respond to or resolve the individual’s enquiries or complaints which may arise in connection with any dealings with MIGS;
 - 2.2.8 provide the individual and/or his/her child with information and/or updates on services offered by MIGS and selected third parties;
 - 2.2.9 to conduct market survey;
 - 2.2.10 to carry out due diligence or other monitoring or screening activities (including background checks) in accordance with legal or regulatory obligations or risk management procedures that may be required by law or that may have been put in place by MIGS;
 - 2.2.11 to administer and give effect or as the case may be, process payments related to the individual’s commercial transactions with MIGS;
 - 2.2.12 to provide the individual with information and/or updates on the School or by our appointed

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

third parties by social media and/or any other appropriate communication channels;

- 2.2.13 to monitor, review and improve MIGS' services;
- 2.2.14 to share any of the individual's personal data pursuant to any agreement or document which the individual has duly entered with MIGS for purpose of seeking legal and/or financial advice and/or for purposes of commencing legal action;
- 2.2.15 to share the individual's personal data with a third party necessary for the preparation of legal documents or contract to be entered;
- 2.2.16 to share the individual's personal data with insurance companies necessary for the purpose of applying and obtaining insurance policy(ies), if necessary;
- 2.2.17 to share the individual's personal data with financial institutions necessary for the purpose of applying and obtaining credit facility(ies), if necessary;
- 2.2.18 to maintain and update internal record keeping, files and contact lists;
- 2.2.19 to detect, investigate and prevent any fraudulent, prohibited or illegal activity or omission or misconduct;
- 2.2.20 to enable MIGS to perform its obligations and enforce its rights under any agreements or documents that it is a party to;
- 2.2.21 to meet any applicable legal or regulatory requirements and making disclosure under the requirements of any applicable law, regulation, direction, court order, by-law or guideline applicable to MIGS;
- 2.2.22 to comply with or as required by any request or direction of any governmental authority; or responding to requests for information from public agencies, ministries, statutory bodies or other similar authorities;
- 2.2.23 to enforce or defend MIGS' rights and the individual's rights under, and to comply with MIGS' obligations under the applicable laws, legislation and regulations;
- 2.2.24 for internal administrative purposes;
- 2.2.25 for audit, risk management and security purposes;
- 2.2.26 for registration for a user account or any security measures implemented by MIGS;
- 2.2.27 for MIGS' storage/ back-up of the individual's personal data, whether within or outside Malaysia; and/or
- 2.2.28 for other purposes required to operate and better maintain the School and MIGS' relationship with the individual

2.3 MIGS will seek the individual's separate consent for any other purposes which do not fall within the categories stated above.

2.4 Existing Personal Data collected

- 2.4.1 MIGS has collected and may be continuing to use and/or disclose personal data which had been previously collected from students (or as the case may be, their parent/guardian), employees, individuals/companies. MIGS will send a privacy notice (in both Malay and

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

English languages) to these students (or as the case may be, their parent/guardian), employees, individuals/companies informing them the full and specific purpose(s) for which the personal data is being or is to be collected and further processed.

2.4.2 Samples of privacy notices for various categories of individuals are set out in the Appendices to this policy.

2.4.3 The privacy notice will be delivered to the students (or as the case may be, their parent/guardian), employees, individuals/companies by one of the following delivery methods:

- (a) delivery by hand; or
- (b) delivery by email; or
- (c) delivery by publishing on the School's website .

2.5 New Personal Data That Is Being Collected

2.5.1 MIGS will obtain the express written consent from students (or as the case may be, their parent/guardian), employees, individuals/companies that we come into contact with for the first time and from whom for personal data that is being collected and processed.

2.5.2 The individual/company will be asked to fill out an application form with a privacy notice attached and the individual/company will be given an opportunity to decide whether he/it wishes to provide his/its express consent to the School to process his personal data for purposes as set out in the privacy notice.

2.5.3 Samples of privacy notices for various categories of individuals/companies are set out in the Appendices.

2.5.4 The privacy notice will be delivered to the individuals/companies by one of the following delivery methods:

- (a) delivery by hand; or
- (b) delivery by email; or
- (c) delivery by publishing on the School's website.

3. SHARING OF PERSONAL DATA

3.1 There will likely be an operational need for MIGS to share personal data in the course of the School's operations.

3.2 Any transfer/disclosure of personal data out of the School will be considered a transfer to a third party.

3.3 MIGS will carry out the sharing of personal data in accordance with the Personal Data Protection Act 2010("PDPA") the applicable regulations, guidelines, orders made under the PDPA and any statutory amendments or re-enactments thereto from time to time and this privacy policy. MIGS reserves the right to modify and/or amend this Privacy Policy from time to time with reasonable prior notice to the individual. Any amendments to this Privacy Policy will be effective upon notice to the individual by appropriate means. By continuing to communicate with MIGS, use MIGS' services or deal with MIGS after being notified of any amendments to this Privacy Policy, the individual will be treated as having agreed to and accepted those amendments.

3.4 Key Compliance Steps When Transferring/Disclosing Personal Data To Third Parties

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

- 3.4.1 Prior to the disclosure, transfer or sharing of personal data, MIGS will ensure that the personal data MIGS is going to provide will only be that which is necessary for the receiving party(ies)'s purposes. MIGS will not provide more than what is requested from MIGS.
- 3.4.2 MIGS will ensure that it has the consent from the individuals whose personal data is to be disclosed, to disclose their personal data to the receiving parties for the purposes in question. MIGS will not disclose any personal data if the individuals whose personal data is to be disclosed had not previously given consent subject to the applicability of any relevant exception to the need for consent under the PDPA.
- 3.4.3 MIGS will keep a list of information in relation to personal data provided to and received from third parties which indicates the following:
 - (a) the type of personal data;
 - (b) the identity of the party from whom/to whom the personal data is received from/disclosed to;
 - (c) the date at which the personal data was so shared; and
 - (d) the purposes for which the personal data was received/disclosed.
- 3.4.4 Generally, transfer/disclosure of personal data to third parties will only be made pursuant to a legally binding agreement by such third parties to safeguard the personal data received from us.

3.5 Disclosure where consent is not needed

- 3.5.1 We will obtain consent from an individual/company before disclosing his/her personal data to a third party. However, consent is not needed where:
 - (a) such disclosure is authorized under any written law; or
 - (b) pursuant to an exception to the requirement of consent under the PDPA that fall within the scope of the exceptions listed in Sections 6(2) and 40(1) of the PDPA.

4. INDIVIDUAL'S RIGHTS

- 4.1 To the extent that the applicable law allows, the individual have the right to request for access to, request for a copy of, request to update or correct his/her personal data held by MIGS. MIGS may charge a small fee (such amount as permitted by the PDPA) to cover the administration costs involved in processing the individual's request to access the individual's personal data. Notwithstanding the foregoing, MIGS reserve its rights to rely on any statutory exemptions and/or exceptions to collect, use and disclose the individual's personal data.
- 4.2 An individual has the right at any time to request MIGS to limit the processing and use of his/her personal data (for example, requesting MIGS to stop sending him/her any information updates / leaflets on the School).
- 4.3 In addition, an individual also have the right, by notice in writing, to inform MIGS on his/her withdrawal (in full or in part) of his/her consent given previously to MIGS subject to any applicable legal restrictions, contractual conditions and a reasonable duration of time for the withdrawal of consent to be effected. However, the individual's withdrawal of consent could result in certain legal consequences arising from such withdrawal. In this regard, depending on the extent of the individual's withdrawal of consent for MIGS to process his/her personal data, it may mean that MIGS will not be able to continue with the individual's existing relationship with MIGS or the contract that the individual has with MIGS will have to be terminated.

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

5. RETENTION OF PERSONAL DATA

Any of the individual's personal data provided to MIGS is retained for as long as the purposes for which the personal data was collected continues; such personal data is then destroyed or made anonymous in MIGS records in accordance with MIGS retention policy in the event the individual's personal data is no longer required for the said purposes unless its further retention is required to satisfy a longer retention period to meet MIGS operational, legal, regulatory, tax or accounting requirements.

6. SECURITY OF PERSONAL DATA

- 6.1 MIGS is committed to ensuring that the individual's personal data is stored securely. In order to prevent unauthorised access, disclosure or other similar risks, MIGS endeavour, where practicable, to implement appropriate technical, physical, electronic and procedural security measures in accordance with the applicable laws and regulations and industry standard to safeguard against and prevent the unauthorised or unlawful processing of the individual's personal data and the destruction of, or accidental loss, damage to, alteration of, unauthorised disclosure of or access to the individual's personal data.
- 6.2 MIGS will make reasonable updates to its security measures from time to time and ensure the authorised third parties only use the individual's personal data for the Purposes set out in this Privacy Policy.
- 6.3 Each individual must take note that communications over the Internet, such as emails/web mails are not secure unless they have been encrypted. MIGS will not accept responsibility for any unauthorised access or interception or loss of personal data that is beyond MIGS' reasonable control.

7. PERSONAL DATA FROM MINORS AND OTHER INDIVIDUALS

- 7.1 To the extent that an individual has provided (or will provide) personal data about his/her family members, spouse or other dependents (if an individual), directors, shareholders, employees, representatives, agents (if a corporate entity/ organisation), the individual confirm that he /she has explained (or will explain) to them that their personal data will be provided to, and processed by MIGS and the individual represent and warrant that he/she has obtained their consent to the processing (including disclosure and transfer) of their personal data in accordance with this Privacy Policy.
- 7.2 In respect of minors (i.e. individuals under 18 years of age) or individuals not legally competent to give consent, the individual confirm that he /she is the parent or guardian or person who has parental responsibility over them or the person appointed by court to manage their affairs or that they have appointed the individual to act for them, to consent on their behalf to the processing (including disclosure and transfer) of their personal data in accordance with this Privacy Policy.

8. CONTACT DETAILS

If any individual have any questions about this Privacy Policy, or have any further queries, or would like to make a complaint or data access or correction request in respect of his/her personal data, he/she may contact us at the contact details below:

MIGS Data Protection Officer
Mutiara International Grammar School
Email: DataProtection@migs.edu.my

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017

Date Approved	August 18, 2017
Approval Authority	Principal / BoG
Date of Commencement	September 01, 2017
Amendment Dates	Nil
Date for next review	August 2019
Related Policies, Procedures and Guidelines	Nil
Policies Superseded by this Policy	Nil

Source/Contact: Head of Admin	Process Owner/Publisher: Head of Admin
Created: July 04, 2017	Status: New; Endorsed Aug 18, 2017