

Data Privacy In Myanmar

Presentation 30 March 2021

AGENDA

- Part 1 Legal and Regulatory Framework, and Institutional Environment in Myanmar
- Part 2 Definition of Personal Data, and Stakeholders in Data Privacy
- Part 3 Collecting and Processing of Personal Data
- Part 4 Duties regarding the Processing of Personal Data
- Part 5 Sanctions

A composite image showing three people working at a desk. On the left, a person in a light-colored shirt is writing in a notebook with a blue pen. In the center, a person's hand is visible holding an open book. On the right, a person in a dark shirt is typing on a silver laptop. The background is a soft, out-of-focus wooden desk.

PART 1

Legal and Regulatory Framework

Relevant Laws

- No general data protection law
- Constitution of the Republic of the Union of Myanmar (2008)
- Electronic Transactions Law (2004) –disclosing any fact in any communication without permission of the originator and the addressee
- Law Protecting the Privacy and Security of Citizens (2017)
- Telecommunications Law (2013) – (1) maintain confidential personal information/ (2) Disclosure of information kept in a secure or encrypted system to an irrelevant person-
- Notification 116/97 of the Ministry of Finance and Revenue
- Financial Institutions Law (2016)
- Law Relating to Private Health Care Services (2007)

A background image showing a person's hands writing in a notebook on the left and another person's hands typing on a laptop on the right. An open book is visible in the center background. The entire image is overlaid with a semi-transparent white filter.

PART 2

Definition of Personal Data, and Stakeholders in Data Privacy

Personal Data

- Myanmar had no definition of personal data until the Law Amending the Electronic Transactions Law (2021)
- Personal Data is now defined as “any information that relates to an identified or identifiable living individual”
- There is no distinction made/definition of sensitive personal data

Stakeholders

- Ministry of Home Affairs
- The Posts and Telecommunications Department of the Ministry of Transport and Communications
- The Central Bank of Myanmar
- The Insurance Business Regulatory Board
- The Ministry of Health and Sports

A top-down view of a wooden desk. On the left, a person's hand is writing in a notebook with a blue pen. In the center, an open book lies flat. On the right, another person's hands are typing on a white laptop keyboard. The entire scene is overlaid with a semi-transparent white filter.

PART 3

Collecting and Processing of Personal Data

Collecting

Must be a Personal Data Administrator responsible for:

- Securely maintaining, protecting and managing storage of personal data

A background image showing a person's hands writing in a notebook on the left and another person's hands typing on a laptop on the right. An open book is visible in the center background. The entire image is overlaid with a semi-transparent white filter.

PART 4

Obligations concerning the Processing of Personal Data

Personal Data Administrator responsible for:

- Not permitting to disclose, inform, distribute, send, alter, destroy, copy or submit as evidence to any third party or any entity without the permission of the owner (presumably data subject)
- Making sure the data is not used for any purpose for which it was not collected
- Where data is collected for a limited period ensuring its destruction after that period

Exceptions

- The data protection provisions do not apply to the investigation of any cybercrime relating to the stability, tranquility, national security of the state
- As a result of the suspension of Section 8 of the Law Protecting the Privacy and Security of Citizens, government agents may demand data from any telecommunication service provider

A composite image showing three people working at a desk. On the left, a person in a light-colored shirt is writing in a notebook with a blue pen. In the center, a person's hands are visible, one holding an open book. On the right, a person in a dark shirt is typing on a silver laptop. The background is a wooden desk.

PART 5

Sanctions

Sanctions

- Electronic Transactions Law - Using or giving access to any person of any fact in any communication without permission of the originator and the addressee- 5 years imprisonment or an unspecified fine or both
 - New- Personal Data Administrator failing to manage data properly – 3 years' imprisonment or fine of approx. USD 7,000 or both
 - New- Interfering with data - – 3 years' imprisonment or fine of approx. USD 7,000 or both
- Telecommunications Law
 - Failure of telecommunications licensees to maintain confidential personal information under the Telecommunications Law - Administrative penalties may be imposed on licensees, including warnings, license suspensions or termination
 - Disclosure of information kept in a secure or encrypted system to an irrelevant person- 1 year imprisonment or an unspecified fine or both

Sanctions (Continued)

- Financial Institutions Law - Breach of the duty of banking secrecy -Administrative penalties may be imposed on the bank or non-banking financial institution, including fines and a license suspension or termination
- Law Relating to Private Health Care Services – breach of duty of patient confidentiality - Administrative penalties may be imposed on licensees, including warnings, license suspensions or termination
- Notification 116/97 of the Ministry of Finance and Revenue – breach of duty to keep details of life insurance holders confidential - - Administrative penalties may be imposed on licensees, including warnings, license suspensions or termination



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