

BURSA MALAYSIA DERIVATIVES BERHAD

Date : 15 November 2013

Trading Participant Circular : 20/2013

AMENDMENTS TO THE RULES OF BURSA MALAYSIA DERIVATIVES BERHAD (“BURSA DERIVATIVES”) CONSEQUENTIAL TO THE PERSONAL DATA PROTECTION ACT 2010 (“PDPA”)

1. INTRODUCTION

- 1.1 The PDPA, which comes into force on even date, is an Act to regulate the processing of personal data in commercial transactions and to provide for matters incidental to such processing.
- 1.2 Section 7 of the PDPA requires a data user (a person who processes personal data) to provide the data subject (an individual who is the subject of the personal data) with a notice of the information set out in section 7(1) of the PDPA.
- 1.3 Therefore, in relation to persons who are bound by the Rules of Bursa Derivatives, Bursa Derivatives is giving the notice required under section 7(1) of the PDPA via the Rule Amendments referred to in paragraph 2.1 below.

2. RULE AMENDMENTS

- 2.1 Pursuant to section 9 of the Capital Markets and Services Act 2007, Bursa Derivatives has amended the Rules of Bursa Derivatives as set out in the attached “**Annexure 1**” (“**Rule Amendments**”) consequential to the PDPA coming into effect.
- 2.2 The salient changes to the rules are as follows:
 - (a) any person who provides or has provided personal data to Bursa Derivatives or Bursa Malaysia Berhad (collectively “**Bursa Malaysia**”) pursuant to or in connection with the Rules of Bursa Derivatives should read and be aware of the personal data notice available at Bursa Malaysia’s website (“**Personal Data Notice**”); and
 - (b) if any person provides Bursa Malaysia with personal data of another individual (“**data subject**”), that person must notify the data subject in writing of the Personal Data Notice before providing the personal data. This requirement is not necessary if section 41 of the PDPA relating to repeated collection of personal data in same circumstances applies or if Bursa Derivatives specifies that it is not necessary for the person to give the data subject such notice.
- 2.3 Please refer to “**Annexure 2**” for the details of the Personal Data Notice. Please note that the Personal Data Notice may be amended from time to time.

3. DIRECTIVE ON PROVIDING NOTICE OF THE PERSONAL DATA NOTICE TO EXISTING OFFICERS AND AGENTS OF PARTICIPANTS

Pursuant to Rule 401.4(bb) of the Rules of Bursa Derivatives, a Participant is directed to notify its existing officers and agents in writing, and as soon as reasonably practicable, of the Personal Data Notice if the Participant had, in the past, provided Bursa Malaysia with the personal data of such officers or agents (“**Directive**”).

4. EFFECTIVE DATE

The Rule Amendments and Directive take effect from **15 November 2013**.

5. CONTACT PERSON

In the event of any queries in relation to the Rule Amendments or Directive, kindly contact the following person:

Name	Contact Details
Yeow Chae Yin	yeowchaeyin@bursamalaysia.com (03 – 2034 7079)

Please be informed that the Rule Amendments, Directive and the Personal Data Notice are available on Bursa Malaysia’s website at:
<http://www.bursamalaysia.com>

Regulation



RULES OF BURSA MALAYSIA DERIVATIVES BHD
RULE AMENDMENTS CONSEQUENTIAL TO THE PERSONAL DATA PROTECTION ACT 2010

EXISTING PROVISIONS		AMENDED PROVISIONS
Rule 109	New Provision	<p><u>Personal Data Notice</u></p> <p><u>(1) Any person who provides or has provided personal data to the Exchange or the Exchange Holding Company pursuant to or in connection with these Rules should read and be aware of the relevant notification in relation to the Personal Data Protection Act 2010 ("PDPA") available at the Exchange Holding Company's website at www.bursamalaysia.com ("Personal Data Notice").</u></p> <p><u>(2) Where the personal data provided is of another individual ("data subject"), the person providing such data must have notified the data subject in writing of the Personal Data Notice before providing the personal data unless:</u></p> <p><u>(a) section 41 of the PDPA applies; or</u></p> <p><u>(b) the Exchange otherwise specifies in connection with the PDPA.</u></p> <p><u>(3) For the purposes of this Rule 109, 'personal data' shall have the same meaning given in section 4 of the PDPA.</u></p>

[End of Rule Amendments]

PERSONAL DATA NOTICE

The Personal Data Protection Act 2010 (hereinafter referred to as the “Act”), which regulates the processing of personal data in commercial transactions, applies to Bursa Malaysia Berhad and its related companies (hereinafter collectively referred to as “Bursa”, “our”, “us” or “we”). For the purpose of this personal data notice, the terms “personal data” and “processing” shall have the meaning prescribed in the Act.

This personal data notice applies to any person whose personal data is processed by Bursa.

1. This personal data notice serves to inform you how your personal data is being processed by or on behalf of Bursa.
2. The personal data processed by us may include your name, contact details, email address, username, password, information of any past breaches of or convictions under any law, the relevant services provided to you and any other personal data required for the purposes set out in paragraph 3 below.
3. Subject to the relevant laws, including the Securities Industry (Central Depositories) Act 1991 in respect of depositors’ information maintained by Bursa Malaysia Depository Sdn. Bhd., Bursa may use your personal data for the following purposes (“Purposes”):
 - (a) To enable it to discharge its duties and obligations under the Capital Markets and Services Act 2007, the Securities Commission Act 1993, the Securities Industry (Central Depositories Act) 1991, any other written law, the rules of Bursa or any co-operation arrangement with any relevant authority or any other stock or derivatives exchange, clearing house, securities depository authorised by the relevant local or foreign laws;
 - (b) To enable it to discharge its contractual obligations;
 - (c) To provide investor and other capital market education events and activities;
 - (d) To enable the resolution of a concern or complaint;
 - (e) To create directories or databases whether for publication or not;
 - (f) To provide ongoing information about events and programs, our products and services to people that we believe may be interested in such event, programs, products and services;
 - (g) To consider applications for employment;
 - (h) To provide services;
 - (i) To research, develop and improve our events, programs, products and services; and
 - (j) For any other purpose that is incidental or ancillary or in furtherance to the above purposes.
4. Your personal data is collected from various sources, including information you have provided us, information from third parties and information in the public domain.
5. You may access and request for correction of your personal data. Please contact us using any of the following modes if you have any enquiries or complaints in respect of your personal data:

As at 15 November 2013

Designated Contact Person	Manager, Customer Care and Complaints Bureau
Mailing address:	Customer Care Center Exchange Square Bukit Kewangan, 50200 Kuala Lumpur.
Telephone No.:	(603) 2026 5099
Fax No.:	(603) 2026 4122
E-mail address:	aduan@bursamalaysia.com

In accordance with the Act:

- (a) we may charge a fee for processing your request for access; and
- (b) we may refuse to comply with your request for access or correction in accordance with the Act.

6. Subject to relevant laws, your personal data may be disclosed to:

- (a) our parent company, subsidiaries, related and associated companies;
- (b) our listed issuers and its directors and advisers, participants and registered persons approved or registered under the relevant rules of Bursa and any other person that is required to comply with the rules of Bursa;
- (c) our licensees, co-organisers of events, business partners and service providers;
- (d) the Securities Commission, Bank Negara Malaysia, the Police, the Malaysian Anti-Corruption Commission, Companies Commission of Malaysia, Registrar of Societies and other supervisory, governmental or relevant authority;
- (e) any relevant authority or body such as the Malaysian Institution of Chartered Secretaries and Administrators (MAICSA) or the Malaysian Institute of Directors (MID);
- (f) any other stock or derivatives exchange, clearing house, securities depository authorised by the relevant laws;
- (g) the public at large by publishing the same in accordance with the relevant rules of Bursa;
- (h) auditors, professional firms or entities; and
- (i) any other person which Bursa may think fit,

notwithstanding that any such persons may be outside Malaysia, for any of the above Purposes or any other purpose for which your personal data was to be disclosed at the time of its collection or any other purpose directly related to any of the above Purposes or where such disclosure is required or authorised by law or by the order of a court.

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7. Unless otherwise specified by us at the time the personal data is collected, it is obligatory that you supply us with the personal data requested for by us.
8. If you fail to supply to us the above personal data, we may not be able to carry out the Purpose for which you have provided us the personal data and in addition, you may be in breach of the requirements of the relevant rules of Bursa.
9. Your personal data may be transferred to a place outside Malaysia.

By providing to us your personal data, you hereby consent to the processing of your personal data in accordance with all of the foregoing.

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NOTIS DATA PERIBADI

Akta Perlindungan Data Peribadi 2010 (selepas ini dirujuk sebagai “APDP”) yang mengawal selia pemprosesan data peribadi dalam transaksi komersial, merangkumi Bursa Malaysia Berhad dan syarikat-syarikat berkaitan Bursa Malaysia Berhad (selepas ini dirujuk sebagai “Bursa”, “kami”). Untuk tujuan notis data peribadi ini, terma-terma “data peribadi” dan “pemprosesan” akan mempunyai maksud sepertimana yang ditakrifkan dalam APDP.

Notis data peribadi ini adalah terpakai terhadap mana-mana pihak yang data peribadinya diproses oleh Bursa.

1. Notis data peribadi ini bertujuan untuk memaklumkan anda bagaimana data peribadi anda diproses oleh atau bagi pihak Bursa.
2. Data peribadi anda yang diproses oleh kami termasuk nama, maklumat perhubungan, alamat e-mel, nama pengguna, kata laluan, maklumat tentang apa-apa pelanggaran atau tuduhan di bawah mana-mana undang-undang, perkhidmatan yang berkaitan yang diberikan kepada anda dan apa-apa data peribadi lain yang diperlukan untuk tujuan yang dinyatakan dalam perenggan 3 di bawah.
3. Tertakluk kepada undang-undang yang berkaitan, termasuk Akta Perindustrian Sekuriti (Depositori Pusat) 1991 untuk maklumat pendeposit yang disimpan oleh Bursa Malaysia Depository Sdn. Bhd., kami bakal menggunakan data peribadi anda untuk tujuan berikut (secara keseluruhan “Tujuan”):
 - (a) Untuk membolehkan kami melaksanakan semua tugas dan obligasi kami di bawah Akta Pasaran Modal dan Perkhidmatan 2007, Akta Perindustrian Sekuriti (Depositori Pusat) 1991 dan mana-mana undang-undang bertulis, peraturan-peraturan Bursa atau mana-mana persetujuan untuk bekerjasama dengan pihak berkuasa yang berkaitan atau mana-mana bursa saham atau bursa derivatif, rumah penjelasan, depositori sekuriti yang dibenarkan oleh undang-undang tempatan atau undang-undang asing yang berkaitan;
 - (b) Untuk membolehkan kami melaksanakan semua obligasi kontrak;
 - (c) Untuk memberikan program-program dan aktiviti-aktiviti pendidikan pelaburan dan pasaran modal;
 - (d) Untuk membolehkan penyelesaian/resolusi untuk kebimbangan dan aduan dicapai;
 - (e) Untuk mewujudkan direktori atau pangkalan data (“database”) sama ada untuk penerbitan atau tidak;
 - (f) Untuk memberikan maklumat berkenaan kegiatan-kegiatan dan program-program, produk-produk dan perkhidmatan kami kepada orang yang kami percayai akan berminat dengan kegiatan-kegiatan, program-program, produk-produk dan perkhidmatan tersebut;
 - (g) Untuk mempertimbangkan permohonan-permohonan untuk pekerjaan;
 - (h) Untuk memberikan perkhidmatan;
 - (i) Untuk penyelidikan dan penambahbaikan kegiatan-kegiatan, program-program, produk-produk dan perkhidmatan; dan
 - (j) Untuk apa-apa tujuan lain yang bersampingan dengan atau berlanjutan daripada Tujuan yang dinyatakan di atas.

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4. Data peribadi anda dikumpul dari pelbagai sumber maklumat, termasuk maklumat yang telah anda berikan kepada kami, maklumat daripada pihak-pihak ketiga dan maklumat dalam domain awam.
5. Anda boleh mengakses dan meminta untuk pembetulan data peribadi anda. Sila hubungi kami melalui pos, telefon, faks atau e-mel seperti yang diberikan di bawah sekiranya anda mempunyai apa-apa pertanyaan atau aduan berkenaan dengan data peribadi anda:

Perjawatan orang yang boleh dihubungi:	Manager, Customer Care and Complaints Bureau
Alamat Pos:	Customer Care Center Exchange Square Bukit Kewangan, 50200 Kuala Lumpur.
No. Telefon :	(603) 2026 5099
No. Faks:	(603) 2026 4122
Alamat E-mel:	aduan@bursamalaysia.com

Selaras dengan APDP:

- (a) Kami mungkin mengenakan bayaran untuk memproses permintaan anda untuk mengakses data peribadi anda; dan
- (b) Kami boleh menolak permintaan anda untuk akses atau pembetulan data peribadi anda.
6. Tertakluk kepada undang-undang yang berkaitan, data peribadi anda mungkin dizahirkan kepada:
- (a) syarikat induk, anak-anak syarikat dan syarikat-syarikat berkaitan dan/atau bersekutu kami;
- (b) syarikat-syarikat tersenarai kami dan pengarah-pengarah dan penasihat-penasihatnya, peserta-peserta (“participants”) dan pihak-pihak berdaftar yang telah diluluskan atau didaftarkan di bawah peraturan-peraturan Bursa yang berkaitan dan mana-mana pihak lain yang dikehendaki mematuhi peraturan-peraturan Bursa;
- (c) pemegang-pemegang lesen, penganjur acara bersama, rakan-rakan kongsi perniagaan dan pemberi khidmat kami;
- (d) Suruhanjaya Sekuriti, Bank Negara Malaysia, Polis Malaysia, Suruhanjaya Pencegah Rasuah Malaysia, Suruhanjaya Syarikat Malaysia, Jabatan Pendaftar Pertubuhan dan pihak berkuasa penyeliaan, kerajaan atau pihak berkuasa lain yang berkaitan;
- (e) Mana-mana pihak berkuasa berkaitan atau badan seperti Institut Setiausaha dan Pentadbir Berkanun Malaysia atau Institut Pengarah Malaysia;
- (f) Mana-mana bursa saham atau bursa derivatif, rumah penjelasan, depository sekuriti yang diluluskan oleh undang-undang yang berkaitan;

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- (g) Orang-orang awam dengan penerbitan data peribadi selaras dengan peraturan-peraturan Bursa yang berkaitan;
- (h) Juruaudit, firma-firma atau entiti-entiti profesional,
- (i) Mana-mana pihak lain yang dianggap sesuai oleh Bursa,

walaupun mana-mana pihak mungkin berada di luar Malaysia, untuk apa-apa Tujuan yang dinyatakan di atas atau apa-apa tujuan yang baginya data peribadi anda hendak dizahirkan pada masa pengumpulannya atau apa-apa tujuan lain yang berhubungan secara langsung dengan mana-mana Tujuan yang dinyatakan di atas.

- 7. Sekiranya tidak dinyatakan sebaliknya oleh kami pada masa pengumpulan data peribadi, adalah wajib bahawa anda membekalkan kami dengan data peribadi yang diminta oleh kami.
- 8. Sekiranya anda gagal untuk membekalkan data peribadi yang dinyatakan di atas, kami mungkin tidak dapat memproses data peribadi anda bagi mana-mana Tujuan yang dinyatakan di atas dan anda mungkin melanggar syarat-syarat bagi peraturan-peraturan Bursa yang berkaitan.
- 9. Data peribadi anda mungkin akan dihantar atau dipindahkan ke lokasi-lokasi di luar Malaysia.

Dengan membekalkan data peribadi anda kepada kami, anda dengan ini, membenarkan pemprosesan data peribadi anda selaras the segala yang dinyatakan di atas.

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