

To

Board of Directors or Management of Financial Service Businesses at the respective addresses

CIRCULAR LETTER
OF THE FINANCIAL SERVICES AUTHORITY
NUMBER 14/SEOJK.07/2014

CONCERNING
SECRECY AND SECURITY OF CONSUMER PERSONAL DATA AND/OR INFORMATION

In regard to the entry into force of Regulation of the Financial Services Authority Number 1/POJK.07/2013 concerning Consumer Protection in the Financial Services Sector (State Gazette of the Republic of Indonesia Number 118 of 2013, Supplement to The State Gazette of the Republic of Indonesia Number 5431), it is necessary to stipulate provisions concerning the implementing directives for applying the principles of Secrecy and Security of Consumer Personal Data and/or Information as stipulated in Article 2 letter d, Article 31 and Article 49 of the Circular Letter of the Financial Services Authority as follows:

I. GENERAL PROVISIONS

In this Circular Letter of the Financial Services Authority:

1. "Consumer Personal Data and/or Information" means data and/or information within the following scope:
 - a. natural persons:
 - 1) name;
 - 2) address;
 - 3) date of birth and/or age;
 - 4) telephone number; and/or
 - 5) name of biological mother.
 - b. corporates:
 - 1) name;

2. address;...

- 2) address;
 - 3) telephone number;
 - 4) composition of board of directors and board of commissioners, including identity documents (ID card/passport/residence permit); and/or
 - 5) composition of shareholders.
2. "Financial Services Business," hereafter abbreviated as FSB, means Commercial Bank, Rural Bank, Securities Company, Investment Advisor, Custodian Bank, Pension Fund, Insurance Company, Reinsurance Company, Finance Institution, Pawn Brokerage Company and Underwriting Company, whether conducting conventional business or sharia-compliant business.
 3. "Consumers" means parties placing their funds and/or availing the services available at FSBs, including but not limited to Banking customers, Capital Market investors, Insurance policyholders and Pension Fund members, pursuant to the laws and regulations in the financial services sector.

II. PROTECTION OF CONSUMER PERSONAL DATA AND/OR INFORMATION

1. FSBs are prohibited from disclosing data and/or information about their Consumers to third parties in any manner whatsoever.
2. The prohibition referred to under number 1 shall be waived in the following events:
 - a. the Consumer provides consent in writing; and/or
 - b. the action is required by laws and regulations.
3. If the Consumer provides written consent as referred to under number 2 letter a, the FSB may provide the Personal Data and/or Information of the Consumer subject to the obligation of ensuring that the third party does not provide and/or use that Consumer Personal Data and/or Information for any other purpose than as agreed between the FSB and the third party.
4. The procedure for written consent from Consumers may be expressed in forms that include but are not limited to:
 - a. option to agree or disagree; or
 - b. affix a mark indicating consent.in the document and/or agreement for the product and/or services.
5. If an FSB obtains the personal data and/or information of a person and/or group of persons from another party and the FSB intends to use the data and/or information for its activities, the FSB is required to have in its possession a written statement affirming that the other party has obtained written consent from the person and/or group of persons to provide the personal data and/or information to any party, including the FSB.

6. FSBs shall determine a written policy and procedures concerning use of Consumer Personal Data and/or Information that set forth at least the following:
 - a. explain to Consumers in writing and/or verbally about the objective and consequences of providing written consent and providing and/or distributing the Consumer Personal Data and/or Information as referred to under number 2 letter a; and
 - b. request written consent from the Consumers in the event that the FSB intends to disclose and/or distribute Consumer Personal Data and/or Information to a third party for any purpose whatsoever, unless prescribed otherwise in the applicable laws and regulations.
7. The written policy and procedures referred to under number 6 shall be set forth instandard operating procedures concerning use of Consumer Personal Data and/or Information as follows:
 - a. an officer and/or staff of the FSB shall explain verbally and/or in writing the objectives and consequences of the written consent from the Consumer pertaining to disclosure and/or distribution of Consumer Personal Data and/or Information, stating that this consent will:
 - 1) be used only for the internal purposes of the FSB and/or in accordance with legal and regulatory provisions; and/or
 - 2) will be disclosed and/or distributed to other parties subject to the written consent of the Consumer.
 - b. if intending to disclose and distribute to another party, the officer and/or staff of the FSB shall:
 - 1) provide an explanation to Consumers about the objectives and consequences of the disclosure and/or distribution of Consumer Personal Data and/or Information; and
 - 2) furnish a written declaration that the FSB has obtained the written consent of the Consumer.
 - c. the officer and/or staff of the FSB shall obtain written consent from the Consumer in accordance with the provisions referred to under number 4.

III. MISCELLANEOUS PROVISIONS

Upon the entry into force of this Circular Letter of the Financial Services Authority, any FSB introducing amendments to clauses in documents and/or agreements for products and/or services that govern the use of Consumer Personal Data and/or Information in accordance with the provisions in this Circular Letter of the Financial Services Authority shall prepare an action plan to be approved by competent Supervisory Division for the FSB.

IV. TRANSITIONAL...

IV. TRANSITIONAL PROVISIONS

1. Each clause in documents and/or agreements for products and/or services governing the use of Consumer Personal Data and/or Information existing prior to the entry into force of this Circular Letter of the Financial Services Authority shall be brought into conformity with the provisions of this Circular Letter of the Financial Services Authority.
2. FSBs shall notify Consumers in writing of any amendment of clauses as referred to under number 1.
3. FSBs shall send notifications as referred to under number 2, after the entry into force of this Circular Letter of the Financial Services Authority, via means of communication that can be accessed by Consumers or as previously agreed with the Consumer.

V. CONCLUDING PROVISIONS

This Circular Letter of the Financial Services Authority shall enter into force on the date of enactment.

For the public to be informed, it is ordered that this Circular Letter of the Financial Services Authority be promulgated in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

Date, 20 August 2014

MEMBER OF THE BOARD OF COMMISSIONERS
FOR EDUCATION AND CONSUMER PROTECTION

(signed)

KUSUMANINGTUTI S. SOETIONO