



## Conditions for the Appointment of Data Protection Officer

1. Under the Circular No. 1/2025, the requirement for the appointment of data protection officer is subject to the conditions determined by the Commissioner.
2. In accordance to the section 12A of Act 709, data controller and data processor are required to appoint one or more data protection officers if their processing of personal data involves:
  - 2.1 personal data exceeding 20,000 data subjects;
  - 2.2 sensitive personal data including financial information data exceeding 10,000 data subject; or
  - 2.3 involves activities that require regular and systematic monitoring of personal data.

3. For the purpose of determining “regular and systematic monitoring” in paragraph 2.3 above, below are some examples for reference:

**Examples:**

- Any form of activity where data subjects are tracked and profiled online or Offline for purposes of behavioural advertising will be considered as activities which require regular and systematic monitoring.
- A retail website that uses algorithms to monitor the searches and purchases of its users and based on this information, offers recommendations to them, would be carrying out “*regular and systematic monitoring*” of data subjects.
- Data controller or data processor that carry out activities such as:
  - Operating a telecommunications network
  - Monitoring the wellness, fitness and health data via wearable devices; and / or
  - Activities involving Close-Circuit Television (CCTV) or connected devices such as smart cars, home automation system etc.,

would be considered as carrying out activities that may constitute “*regular and systematic monitoring*”.
- The management of loyalty programme may not be considered as activities that require “*regular and systematic monitoring*” of the data subjects if the purpose of doing so was strictly to manage the data subjects’ accounts and not monitor their purchase behaviours.

4. Notwithstanding Para 2, data controller or data processor shall notify the Commissioner on the appointment of data protection officer if there is any urgency.
5. Data controller or data processor may keep a record on the reasons for not appointing a data protection officer if they find the requirement in para 2 are not fulfilled.