

Indonesia's Data Protection Regulations ("IDPR") FAQs

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1. What Is the IDPR?

Currently, Indonesia has no unified framework of its data protection laws and regulations. The prevailing laws and regulations governing Personal Data protection in Indonesia, collectively referred to as the "Indonesian Data Protection Regulations," or the "IDPR" are:

- Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transaction ("EIT Law");
- Law No. 27 of 2022 on Personal Data Protection ("PDP Law") and its implementing regulations (in effect beginning in October 2024);
- Government Regulation No. 71 of 2019 on the Organization of Electronic Systems and Transactions ("GR 71/2019");
- Minister of Communication and Information Technology Regulation No. 20 of 2016 on Personal Data Protection in Electronic Systems ("MOCI Reg 20/2016"); and
- Other sectoral regulations.

The PDP Law, along with its implementing regulations, will be the primary regulatory framework of Personal Data protection in Indonesia when it goes into effect in October 2024. As with other data protection laws, the PDP Law addresses a variety of topics, including the rights and obligations of Data Subjects, Data Processors, and Data Controllers relating to the Personal Data processing activities. The implementing regulations have yet to be finalized, but the draft version addresses Data Controller and Data Processor obligations, as well as the authority of the yet-to-be created enforcing agency to request disclosures of Personal Data from Data Controllers.

2. What Is the Territorial Scope of the IPDPR?

The IPDPR, including the PDP Law, applies both to entities that are established, operating in, or residing within the jurisdiction of Indonesia, as well as offshore entities that conduct actions (described as legal actions that have legal consequences) inside the territorial jurisdiction of Indonesia or toward Indonesian citizens, regardless of where they reside.

3. What Does It Mean to Process Personal Data?

Personal Data means information that identifies or may reasonably identify an individual either on its own or when combined with other data, whether directly or indirectly, through electronic or non-electronic systems. Processing Personal Data refers to the (i) collection, (ii) processing and analyzing, (iii) storage, (iv) improvement and update, (v) display, announcement, transfer dissemination and disclosure, and (vi) deletion and destruction of Personal Data.

4. What is The Difference Between Data Controller and Data Processor?

The PDP Law defines Data Controllers and Data Processors similar to the GDPR. Data Controllers determine the purposes and exercises control over the processing of Personal Data, whereas Data Processors process Personal Data on behalf of Data Controllers. While the PDP Law places obligations on both processing roles, the majority of the Law's obligations pertain to Data Controllers.

An entity can be a Data Controller with respect to the Personal Data it processes, while also being considered a Data Processor with respect to the Personal Data that it processes on behalf of another organization. An entity can also be a Data Processor with respect to Personal Data that it processes on behalf of another organization if the processing entity determines the purposes and means for processing such Personal Data.

5. What Rights Do Individuals Have under the IDPR and How Will Autodesk Support these Rights?

The IDPR provides individuals with certain rights in relation to their personal information, such as the right to request:

- information about processing, including details about the Data Controller’s identity, the legal grounds for processing, the purpose of the request, and how the Personal Data will be used, ensuring accountability on the part of the Data Controller;
- to complete, update, or amend any errors or inaccuracies in their Personal Data, aligning with the intended purpose of the data processing;
- a copy of their Personal Data, in a format that aligns with commonly used formats and/or is readable by an electronic system;
- that the Data Controller cease processing, delete, and/or destroy their Personal Data;
- that they withdraw their consent for the Data Controller to process their Personal Data;
- to challenge the Data Controller’s decision-making processes that rely solely on automated methods such as profiling, if these decisions have legal consequences or significantly affect the individuals; and
- to use and transfer their Personal Data to another Data Controller, provided that the systems used can securely communicate with each other.

6. Does the IDPR Require Personal Data to Stay in Indonesia?

The prevailing law and regulations as well as the PDP Law permits cross-border transfers of data from Indonesia to other jurisdictions.

When transferring Personal Data outside of Indonesia, the PDP Law requires Data Controllers to take appropriate steps to confirm that the jurisdiction of the recipient of the Personal Data provides at least equal or a higher level of protection of Personal Data than Indonesia. Otherwise, the recipient must provide equivalent protection via binding rules similar to binding corporate rules under the GDPR or the Data Subject must consent to the transfer.

7. Does the IDPR Create Special Rules for Minors?

The PDP Law in particular requires that parents/legal guardians provide consent prior to the processing of the Personal Data of minors. The Law also requires such data be processed in a “special” manner but does not further elaborate on what this means in practice. Currently, the PDP Law does not provide an age threshold for minors; however, other Indonesian laws define a minor as a person under the age of 18.

8. How Will Autodesk Demonstrate Compliance with the PDP Law?

We are committed to practicing transparency in how we handle personal information. We conduct internal assessments to maintain our obligations under the PDP Law. For additional information, please visit our [Trust Center](#). You can find our updated Privacy Statement [here](#) and contact our Data Protection Officer by emailing DPO@Autodesk.com.