

# CONSTITUTIONAL LAW AND HUMAN RIGHTS IN MALAYSIA

Selected Issues



KHAIRIL AZMIN MOKHTAR

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**EDITOR  
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## CHAPTER TWENTY

### Right to Privacy in Malaysia: Development, Cases and Commentaries

Sonny Zulhuda

#### Introduction

As the writing of this present chapter commences, the issue of privacy in Malaysia is getting increasingly heard and debated.<sup>1</sup> Meanwhile, the Parliament has passed two important legislations dealing with the protection of personal information in commercial transactions, arguably seeking to protect the privacy of individuals in relation to their personal data.<sup>2</sup> Suspiciously an unknown concept, the right to privacy now receives appreciation and meets more demand for it to be recognised and protected as a right on its own. The fact that Malaysia embraces digital environment, electronic commerce and electronic government does not help because the increasing use of converging information technology has allowed the disclosure and transmission of private information about individuals. In short, the right (if any) to keep oneself to oneself, to tell other people that certain things are none of their business, is under technological threat.<sup>3</sup>

The present chapter looks at the basic of the issue; namely the nature of right to privacy and how Malaysian law—especially the Malaysian court—treats it, having to consider the position in other legal systems of particular relevance, namely in the common law of the US and the UK, where the modern concept of right to privacy