

COMPLETION REPORT

The Impact of Artificial Intelligence on the Right to Privacy : A Comparative Study of Data Protection Law in Japan and Malaysia

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In this research, I explored how artificial intelligence is used in the retail industry to enable retailers to understand better the preferences and purchasing habits of their consumers and market trends. This is essential in the business world because it will help retailers to make more informed business decisions and enable them to deliver targeted advertisements which are relevant to their customers.

The research acknowledges that the proliferation of digital technologies has enabled enormous amounts of information about individuals to be collected. These diverse sets of information are so voluminous that traditional data processing software are incapable of processing so as to yield useful insight. Today, big data analytics can sift through these datasets to reveal new insights and patterns that can help organizations make important informed decisions. Big data analytics use artificial intelligence (AI) technology to extract new insights or predictions from the data.

As data analytics become prevalent in industries in Malaysia to draw predictions about individuals' habits and behaviour, it is important that certainty exists about the legal status of predictions vis-à-vis data protection law. The predictions can be privacy-intrusive and threaten individuals' autonomy, although this may not always be so. The Malaysian Personal Data Protection Act 2010 is silent on the legal status of predictions. An assessment of the legal status of predictions is important because it determines the extent to which retailers who are in a network of related businesses, for example, entertainment, food and beverage, cinemas, hotels and places of attraction can share with each other the results of their data analytics. If predictions from data analytics are personal data within the Act, then they cannot be shared with other parties without the consent of the data subject.

The research examines whether the Malaysian Parliament should extend the Act to provide control to individuals over predictions about themselves. In doing so, the research explores the position in the European Union, Japan, Australia and the United States of America. The finding is that in those jurisdictions, predictions are within the remit of data protection law. It is argued that this is an over-generalization and is inconsonant with commercial realities. The findings of the research is that a different approach be adopted to achieve a balance between individuals' interest to control their data and commercial needs to use predictions without undue hindrance. The research also make recommendations on how the Malaysian Personal Data Protection Act 2010 can be amended so as to provide greater certainty on the legal status of predictions, while at the same time balancing individuals' interests to control their data and the needs of businesses to use predictions to make better and more informed market decisions.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.)
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