

**PRIVACY NOTICE
FOR THE PUBLIC & SUBSCRIBERS**

INTRODUCTION

1. **Performing Arts Centre of Penang** including its subsidiaries, associated companies, affiliates, successors, assigns, and licensees (*hereinafter collectively referred to as "penangpac"*) is committed in safeguarding the privacy of your Personal Data in compliance with the Personal Data Protection Act 2010 ("*PDPA*").
2. Accordingly, this Privacy Notice ("*Notice*") is formulated with the purpose to explain to you **penangpac's** practices in the collection, usage, recording, retention, and disclosure (*collectively referred to as "Process"*) of your Personal Data and is to be read together with other privacy terms and conditions prescribed by **penangpac**, from time to time.
3. For the purposes of this Notice, "Personal Data" means information and expressions of opinions relating to you, whether directly or indirectly, which you have provided to **penangpac**, such as your name, address, telephone number, NRIC No., email address, personal preferences, cookies, IP addresses, social media details, content preferences, bank account information, photographs, images, recordings and any other information and/or expressions of opinions which may identify you.

COLLECTION OF PERSONAL DATA AND THE SOURCE

4. **penangpac** is required to Process your Personal Data, to the extent that is necessary in order for us to deal purposes stipulated in paragraphs 11 and 12 below including: (a) to deal with your inquiries; (b) communicate with you; (c) to generally provide you with our services and facilities including providing you the latest updates in activities, events, shows, etc.; and (d) to allow full functioning of **penangpac's** Website at www.penangpac.org ("*Website*") or **penangpac's** Pages that are available in social media websites such as Facebook, Twitter and Foursquare ("*Pages*").
5. As such, by engaging **penangpac** for the purposes stipulated in paragraphs 11 and 12 including: (a) to provide you with our services and facilities; or (b) by communicating with **penangpac** either at our place of business, shows, events, facilities or otherwise; or (c) visiting or browsing **penangpac's** Website or Pages; you have consented to the Processing of your Personal Data by **penangpac** and its Personnel, whether working directly or indirectly for **penangpac** and regardless of location the individuals are working from and the nature of the contract, including employees, officers, and contract for services such as agents, contractors, consultants, freelancers, casual or temporary workers and service providers (*collectively referred to as "Personnel"*).
6. In addition to the Personal Data you provided to **penangpac** directly (i.e. during your communications and relationship with **penangpac**, or when you engage **penangpac** to provide facilities or services or otherwise), **penangpac** may also collect your Personal Data from a variety of sources, including without limitation: (a) from your visitation at our place of business, shows or events or otherwise organized or sponsored by **penangpac**, whether solely or in association or partnership with any third parties; (b) from "cookies" obtained through your visitation or browsing of **penangpac's** Website or Pages; and (c) from such other sources in respect of which you have given your consent.

7. The provision of your Personal Data is voluntary, including “cookies”. “Cookies” are a small data file which contains information you have supplied yourself, such as your preferred language and region preferences, and may assist in improving your experience and navigation in **penangpac’s** Website or Pages.
8. **penangpac** use “cookies” on the Website to track website visitorship and experience. Most web browsers are designed to accept “cookies”. If you do not wish to receive any “cookies”, you may set your browser to disable it.
9. However, if you do not provide your Personal Data, where essential, or disable “cookies”, **penangpac** may not be able to: (a) communicate with you; (b) provide you the services and facilities you require; or (c) allow full functioning access to certain sections of **penangpac’s** Website or Pages where log in is required.
10. Please note that children under the age of 18 years old (“Minor”) shall be accompanied by the relevant parents, legal guardians and/or representatives when visiting or browsing **penangpac’s** Website or Pages and/or perusing the services that are available on **penangpac’s** Website and Pages.

Where the relevant parents, legal guardians and/or representatives have authorized a Minor to visit or browse **penangpac’s** Website and Pages, or use any of the services available in the same, the relevant parents, legal guardians and/or representatives shall be fully responsible for: (a) the online conduct of such Minor; (b) the controlling of the Minor’s access to and use of any said Websites and Pages, and the services contained therein; and (c) the consequences of any misuse by the Minor, including but not limited to transactions entered into by the Minor using such access.

PURPOSE OF PROCESSING

11. **penangpac** may Process your Personal Data for the purposes relating to the services and facilities you have requested and for the general business activities of **penangpac** which shall include the following:
 - (a) to communicate with you and such individuals as required for the purposes relating to the services and facilities you have requested;
 - (b) to respond to your enquiries and complaints and to generally resolve disputes, if any;
 - (c) for the purposes of organizing and managing any arts, activities, concerts, conferences, events, exhibitions, fairs, festivals, musicals, plays, productions, programs, recitals, screening, shows, talks, and workshops whether organized or sponsored by **penangpac** or other third party;
 - (d) for the purpose of registration and participation in any arts, activities, concerts, conferences, events, exhibitions, fairs, festivals, musicals, plays, productions, programs, recitals, screening, shows, talks, and workshops whether organized or sponsored by **penangpac** or other third party;
 - (e) for verification and identification purposes;
 - (f) for administrative and record keeping purposes;

- (g) for allowing the full function of **penangpac's** Website and Pages during browsing or visitation of the same;
- (h) to provide information to regulatory and governmental authorities in order to comply with statutory and government requirements;
- (i) for compliance with **penangpac's** obligations under the law;
- (j) to establish, exercise, protect and defend **penangpac's** legal rights;
- (k) for the purpose of legal proceedings or prospective legal proceedings;
- (l) for any other purposes that is required or permitted by any law, regulations, guidelines and/or relevant regulatory authorities; and
- (m) for the purposes of disaster recovery,

and you agree and consent to the Processing your Personal Data in the manner as identified in this Notice.

12. Other than the purposes stated above, **penangpac** may also Process your Personal Data for the following purposes:

- (a) to send you materials such as articles, newsletters, write-ups as well as other updates; and
- (b) to distribute information or details of arts, activities, concerts, conferences, events, exhibitions, fairs, festivals, musicals, plays, productions, programs, recitals, screening, shows, talks, and workshops, whether organized or sponsored by **penangpac** or other third party, which may be of interest to you,

by way of email or mail.

Please be rest assured that **penangpac** will ask for your consent before Processing your Personal Data for purposes other than those that are set out in this Notice and in the terms in your agreements with **penangpac**, if any.

If you do not consent to **penangpac** to the Processing your Personal Data for the purposes listed above, please notify **penangpac** using the contact details stated below.

DISCLOSURE OF YOUR PERSONAL DATA

13. To the extent necessary for the purposes provided above, **penangpac** may be required or need to disclose your Personal Data to the following third parties (*non-exhaustive and hereinafter referred to as "Authorized Third Parties"*):

- (a) other business partners, industry associations, service providers, professional advisors or individuals to perform **penangpac's** functions on its behalf, including, but non-exhaustive are service providers in relation to accounting, auditing, legal services, information technology (IT), data entry, storage facility and insurance;

Comment [SA1]: Please note that you are required under the PDPA to obtain additional consent for processing of personal data for any other purposes stated in this Notice.

Please let us know if you are agreeable to this clause and/or require us to add more reasons for processing of personal data in clauses 11 and 12.

- (b) other banks and financial institutions;
- (c) regulatory and governmental authorities in order to comply with statutory and government requirements;
- (d) specified parties that **penangpac** was ordered or directed to disclose pursuant to an order of court, tribunal or authority, whether governmental or quasi-governmental with jurisdiction over **penangpac**; and
- (e) other third parties authorized by yourself.

14. This Notice only applies to the Processing of Personal Data by **penangpac**. It does not cover third party websites to which we provide links, even if such sites are co-branded with our logo. **penangpac** does not share your Personal Data with third party websites. **penangpac** is not responsible for the privacy and conduct practices of these third party websites and you should read the privacy policies of the same before disclosing your Personal Data to the said third party websites.

15. **penangpac** will never sell your Personal Data to any third party without your permission, but **penangpac** cannot be responsible or held liable for the actions of third party websites which you may have linked or been directed to.

TRANSFER OF YOUR PERSONAL DATA

16. As **penangpac's** information technology storage facilities and servers and/or Authorized Third Parties may be located in other jurisdictions, your Personal Data may be transferred to, stored, used and processed in a jurisdiction other than Malaysia. Further, your Personal Data may be transferred out of Malaysia for the purposes as described above. You understand and consent to the transfer of your Personal Data out of Malaysia as described herein.

YOUR RIGHTS IN RELATION TO YOUR PERSONAL DATA

17. Subject to any exceptions under applicable laws, you may at any time hereafter request for access to, or for correction or rectification of your Personal Data or limit the Processing of your Personal Data, or withdraw your consent to the processing of your Personal Data, or seek further information from **penangpac** by contacting the following:

[Insert relevant officer's name]
Address : Performing Arts Centre of Penang
3H-3A-1, Quay One, Straits Quay
Jalan Seri Tanjung Pinang, Tanjung Tokong
10470 Pulau Pinang
Telephone No.: +604 8991 722 / 2722
Facsimile No.: +604 [insert fax no.]
Email: []

Comment [SA2]: Please confirm your contact details.

18. **penangpac**, in relation of your right to access and/or correct your Personal Data, has the right to refuse the your requests to access and/or make any correction to your Personal Data for the reasons permitted under the applicable law, such as where the expense of providing access to you is disproportionate to the risks to your privacy, or when we are unable to confirm your identity.

19. Please further note, **penangpac** may not be able to: (a) communicate with you; (b) provide you the services and facilities you require; or (c) allow full functioning access to certain sections of **penangpac's** Website or Pages where log in is required should you exercise your rights to limit the Processing of your Personal Data or the withdrawal of your consent **penangpac** to the Processing of your Personal Data.

SECURITY OF YOUR PERSONAL DATA

20. **penangpac** uses commercially reasonable physical, managerial, and technical safeguards to preserve the integrity and security of your Personal Data and will not knowingly allow access to your Personal Data to anyone outside **penangpac**, other than to you or as described in this Notice. However, **penangpac** cannot ensure or warrant the security of any information you transmit to **penangpac** and you do so entirely at your own risk. In particular, **penangpac** does not warrant that such information may not be accessed, altered, collected, copied, destroyed, disposed of, disclosed or modified by breach of any of **penangpac's** physical, technical, or managerial safeguards.

JURISDICTION AND THE PREVALENCE OF THE ENGLISH NOTICE

21. This Notice is governed by and shall be construed in accordance with the laws of Malaysia. You hereby submit to the non-exclusive jurisdiction of the Malaysian courts. Should In the event of any conflict between the English and other language versions, the English version shall prevail.

REVISIONS

22. **penangpac** reserves the right to modify, update or amend the terms of this Notice at any time by placing the updated Notice on the Website. By continuing to engage **penangpac's** services and facilities, or by continuing communications with **penangpac** either at our place of business, shows, events, facilities or otherwise, or visiting or browsing **penangpac's** Website or Pages following the modifications, updates or amendments to this Notice, you shall be deemed to have accepted such modifications, updates or amendments.