

Landmark Decision in Data Privacy Breach

The Chairman of the Macau Gaming Information Association has been convicted by the Macau Courts to a six-month prison sentence (suspended for two years) for breach of the Macau Data Protection Law, namely for illegal publication of personal information of indebted gamblers in the “Wonderful World” website and neglecting to proceed with the destruction of such information from the same outlet after being prompted to do so by the data privacy regulator.

This is a landmark case in Macau, in which an individual person has been sentenced to a prison sentence (albeit suspended) due to violation of the Macau Data Protection Law.

Although seldom applied the Macau Data Protection Law provides for potential prison sentences of up to 2 years or a fine of up to 240 days in respect of breaches such as willful breach of duties of notification, as well as administrative fines ranging from MOP\$2,000.00 to MOP\$200,000.00, depending on the nature of the infractions.

Moreover, additional penalties can be applied, such as:

- (i) temporary prohibition of collection and treatment of personal data;
- (ii) order to partially or fully erase the unduly collected data;
- (iii) publication of the judgment against the infringing entity in the Macau newspapers and/or
- (iv) public warning or censure of the infringing entity.

Persons/entities collecting and treating personal data in Macau should ensure compliance with the provisions of the Macau Data Protection Law in order to prevent exposure to these penalties, namely by effecting timely and accurate notifications of treatment/transfer of personal data with the Office of Personal Data Protection.

Should you have any queries, please do not hesitate to contact us at mdme@mdme.com.mo or:



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