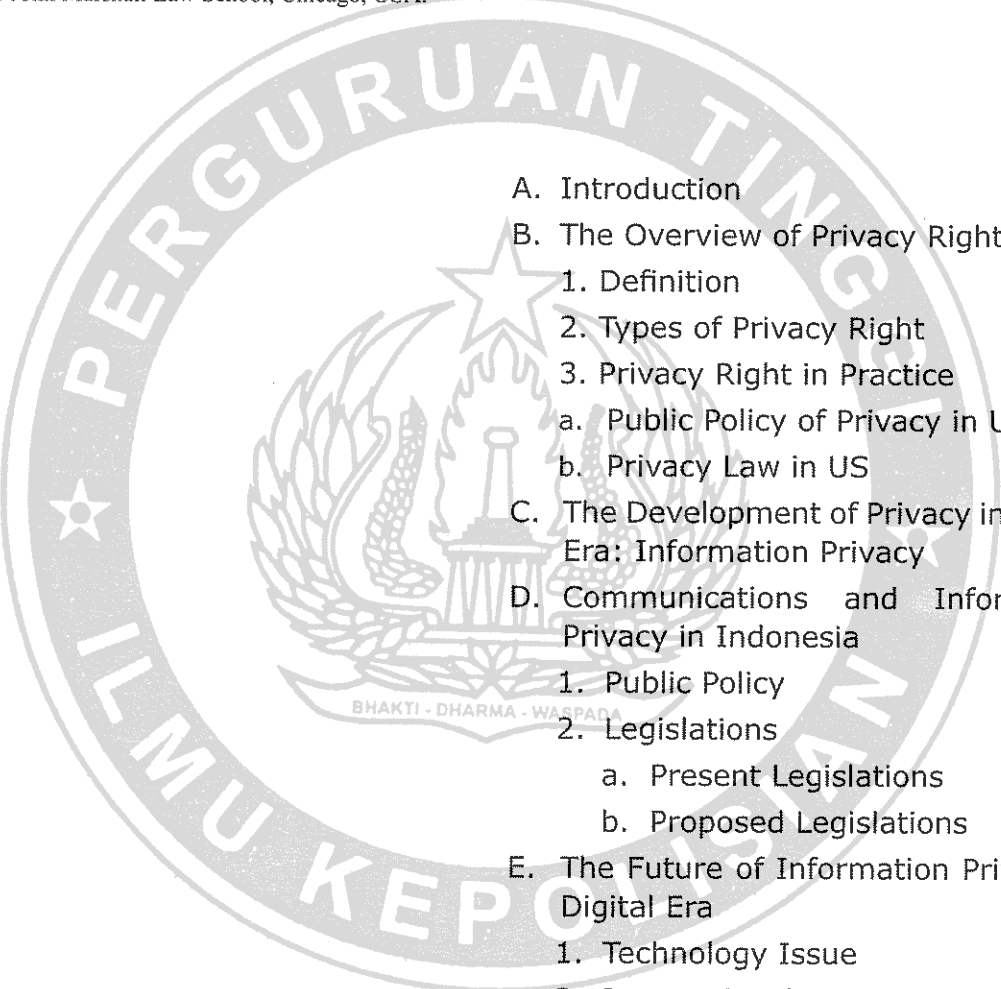


The Protection of Information Privacy in Digital Era

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"No-one should be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attack on his honor or reputation. Everyone has the right to the protection of the Law such interferences or attacks."

Article 12, the Universal Declaration of Human Rights-1948

A. Introduction

Privacy is one of the fundamental human rights, which is easily found in the United Nations Universal Declaration of Human Rights.² Privacy included human personality and covered some of the ground aspects such as free association and free speech. Privacy has been one of the most important issues in this new millennium. In most countries, privacy is believed to be a fundamental right, which is respected explicitly in their own constitution.³

Compared to 10 years before, the fears of privacy violation now days are increasing. It seems that the presence of anxiety from almost every world's citizen about the violation of privacy had encouraged a number of countries to come up with a legal policy, which specifically protected the people's privacy.

Indonesia has still struggling in economic crisis that started from 1998. From internal perspective, "privacy"

²U.N. Declaration of Human Rights art. 12 (1948).

³Article 10 of the Basic Law of Germany states: "(1) Privacy of letters, posts, and telecommunications shall be inviolable. (2) Restrictions may only be ordered pursuant to a statute. Where a restriction serves to protect the free democratic basic order or the existence or security of the Federation, the statute may stipulate that the person affected shall not be informed of such restriction and that recourse to the courts shall be replaced by a review of the case by bodies and auxiliary bodies appointed by Parliament." and Article 21 of the 1946 Japan Constitution states: "Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed. 2) No censorship shall be maintained, nor shall the secrecy of any means of communication be violated". Privacy is not an explicit right under the Constitution of the USA. The Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." The US Supreme Court implied a right to privacy and this also affected the state laws by virtue of the Fourteenth Amendment. Cases decided by the US Supreme Court such as *Griswold v. Connecticut*, 381 U.S. 479 (1965) and *Roe v. Wade*, 410 U.S. 113 (1973) show that privacy has been given constitutional status when the freedom of speech and the First Amendment is not in issue.

was still unpopular issue. Historical background and social culture establish the framework of thinking that privacy is less important rather than communal interest. In this era of information, the information privacy become more urgent to protected either by the law or the technology. The purpose of this paper is to give understanding on the development of privacy and discuss current situation and discuss the future of information privacy in Indonesia.

B. The Overview of Privacy Right

1. Definition

There is no universal and ideal definition for "privacy". Privacy relates to the diverse modes by which people, personal information, certain personal property, and personal decision-making can be made less accessible to others. Privacy protected not only by the law but also by cultural norms, ethics and business or professional practices.

a. Privacy

Definitions of privacy vary broadly according to context and environment. The word "privacy" contains emotive, subjective connotations that represent a variety of values and concerns embodied in a given culture. In this information era, the concept of privacy has been fused with data or information protection, which defined privacy in terms of managing personal information. Privacy protection is frequently seen as a way of drawing the line at how

far society can intrude into a person's affairs. In conclusion we may define privacy as a fundamental human right.

b. Right to Privacy

The right to privacy can be understood as the right to be let alone. Society is obligated to adopt laws and promote practices that shield against unwanted intrusion, disclosures, publicity, and interference with matters of personal decision-making, identity and conscience. Right to privacy may also be defined as the expectation of privacy secured by the Fourth Amendment of US Constitution and the right of privacy protected by tort law. The above definitions have a meaning of the concept of privacy is functioning to govern the conduct of other individuals who intrude in various ways upon one's life.

2. Types of Privacy Right⁴

a. Informational Privacy

Informational privacy is about access to medical records, employer access to e-mail, on-line anonymity, data encryption and executive privilege. Confidentiality and secrecy are informational privacy concerns. Concerns about informational privacy have many names, including secrecy, confidentiality, anonymity, security, data protection and fair information practices.

⁴Anita L. Allen Castellitto, *Origins and Growth of US Privacy Law*, 701 PLI/Pat83 (2002).

b. Physical Privacy

Physical Privacy is the issue in cases about government search and seizure, and "ambush" journalism. Seclusion and solitude are physical privacy concerns. The home is the traditional seat of physical privacy. Bodily integrity is sometimes an important physical privacy concern.

c. Decisional Privacy

Decisional Privacy is the issue in cases about abortion rights and the right to assisted suicide. The rights of homosexuals and families to direct their own lives are commonly styled as privacy concerns in the decisional sense.

d. Proprietary Privacy

Proprietary Privacy is the issue in cases about publicity rights, identity, and the ownership of the body. The rights of celebrities and others to control the attributes of their personal identities are commonly styled as privacy concerns in the proprietary sense.

3. Privacy Right in Practice

a. Public Policy of Privacy in US

In the United States, privacy and privacy rights are highly valued.⁵ Privacy will promote values of personhood (individuality); personal and social relationships; autonomy (control and fairness); non-discrimination (tolerance) and limited government power. Privacy

⁵James W. Cortada, *Making The Information Society: Experience, Consequences, and Possibilities*, 129 (Prentice Hall 2002).

creates and enhances personhood. Opportunities for privacy allow us to express ourselves, relax, reflect and thereby develop as individuals. Privacy allow for the independent development and exercise of moral judgment. Privacy enables us to keep some persons at a distance, so that we can enjoy intense intimate relationships with others, including friends, families and spouses. Privacy allows the individual or groups of like-minded individuals the ability to plan and live out their own lives. Privacy makes it possible for people to determine their own destinies.

Privacy rights insure that those who disagree with us will not be permitted to impose their personal values and preferences on us, or force us to live as they live. Privacy rights against government insure that government will remain limited and unobtrusive, as liberal democracy requires.

There is no explicit right to privacy in the U.S. Constitution. The U.S. Supreme Court has ruled that there is a limited constitutional right of privacy based on a number of provisions in the Bill of Rights. This includes a right to privacy from government surveillance into an area where a person has a "reasonable expectation of privacy"⁶ and also in matters relating to marriage, procreation, contraception, family relationships, child rearing and education.⁷ However, records held by third parties such, as financial

records or telephone calling records are generally not protected unless a legislature enacted a specific law. The court also recognized a right of anonymity and the right of political groups to prevent disclosure of their members' names to government agencies.⁸

Privacy is important but not absolute. No one can have or expect to have all of the privacy he or she may want, even in a free, liberal society based on market principles. Sometimes protecting privacy is simply impractical. There are several limitations for privacy including but not limited national security, criminal law enforcement, public health and safety, newsworthiness of information, the public's right to know, employee necessity, business profitability and efficiency necessity.

b. Privacy Law in U.S.

The U.S. has no comprehensive privacy protection law for the private sector. The Privacy Act of 1974 protects records held by U.S. Government agencies and requires agencies to apply basic fair information practices.⁹ Its effectiveness is significantly weakened by administrative interpretations of a provision allowing for disclosure of personal information for a "routine use" compatible with the purpose for which the information was originally collected.

The Federal Trade Commission ("**FTC**") has oversight and enforcement

⁶See *Katz v. U.S.*, 386 U.S. 954 (1967).

⁷See *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Whalen v. Roe*, 429 U.S. 589 (1977); *Paul v. Davis*, 424 U.S. 714 (1976).

⁸See *McIntire v. Ohio Elections Comm.*, 514 U.S. 334 (1995) and *NAACP v. Alabama*, 357 U.S. 449 (1958).

⁹Privacy Act of 1974.

powers for laws protecting consumer credit information and fair trading practices, but has no authority to enforce privacy rights, other than those arising from fraudulent or deceptive trade practices.¹⁰

A patchwork of federal laws covers some specific categories of personal information. These include financial records,¹¹ credit reports,¹² video rentals,¹³ cable television,¹⁴ educational records,¹⁵ motor vehicle registrations,¹⁶ and telephone records.¹⁷ There are also such latest developments in financial information (the Financial Modernization Act- Gramm-Leach-Bliley and the Fair Credit Reporting Act); medical information (the Health Insurance Portability and Accountability Act/ HIPAA); information regarding children (Children's Online Privacy Protection Act/COPPA); employment information;¹⁸ and electronic communications (the Federal Wiretap Act and Electronic Communications Privacy Act). There is also a variety of sectoral legislation on the state level that may give additional protections to citizens of individual states.¹⁹ The tort of privacy was first adopted in 1905 and all but two of the 50 states recognize a civil right of action for invasion of privacy in their laws.

¹⁰See Federal Trade Commission, Privacy Initiatives.

¹¹Right to Financial Privacy Act.

¹²Fair Credit Reporting Act.

¹³Video Privacy Protection Act of 1988.

¹⁴Cable Privacy Protection Act of 1984.

¹⁵Family Educational Rights and Privacy Act of 1974.

¹⁶Drivers Privacy Protection Act of 1994.

¹⁷Telephone Consumer Protection Act of 1991.

¹⁸Numerous aspects of the employer-employee relationship are confidential and require the handling of personal or private information.

¹⁹Robert Ellis Smith, *Compilation of State and Federal Privacy Laws*, Priv. J. (1997 ed.).

The Omnibus Safe Streets and Crime Control Act of 1968 and the Electronic Communications Privacy Act of 1986 govern surveillance of telephone, oral and electronic communications for criminal investigations. Police are required to obtain a court order based on a number of legal requirements. The Foreign Intelligence Surveillance Act that has less rigorous requirements governs surveillance for national security purposes.²⁰ A controversial bill amended the federal wiretap laws in 1994 that required telephone companies to redesign their equipment to facilitate electronic surveillance.²¹

There were 1,190 orders to intercept for criminal purposes in 2000 and 886 for national security purposes in 1999.²² The use of electronic surveillance has more than tripled in the last ten years. The intelligence agencies also pushed for more authority and funding to conduct surveillance of Internet communications, arguing that this is necessary to protect the nation's infrastructure from "information warfare."

On 26 October 2001, U.S. President George W. Bush, Jr. signed into law the anti-terrorism statute titled *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism*, more commonly known as the USA PATRIOT Act.²³ Among other

²⁰Foreign Intelligence Surveillance Act of 1978.

²¹Communications Assistance for Law Enforcement Act of 1994.

²²See Electronic Privacy Information Center, *Wiretapping* (visited April 5, 2003) <<http://www.epic.org/privacy/wiretap/>>.

²³HR 3162, incorporating elements from several earlier anti-terrorism bills; passed by the House of Representatives on 24 October 2001 and the Senate on 25 October 2001, becoming Public Law No 107-56 upon the President's signature the following day.

things, the PATRIOT Act expands the wiretapping and electronic surveillance powers of federal law enforcement authorities, increases the information-sharing powers of investigative agencies (particularly in relation to foreign intelligence matters) and tightens government controls over money laundering activity and illegal immigration.

The PATRIOT Act is a solid and complex piece of legislation, and an exhaustive analysis of its breadth is beyond the scope of this essay. Instead, the focus of this essay will be on those provisions of the Act concerning the US Government's electronic surveillance powers, which, in light of the Act's relatively easy passage through both Houses of Congress, illustrate the shift in legislative and public thinking in the US since the terrorist attacks of September 11, as to the proper balance to be struck between national security and civil liberties in terms of electronic privacy protection.²⁴

C. The Development of Privacy in Digital Era: Information Privacy

The increasing sophistication of information technology with its capacity to collect, analyze and disseminate information on individuals introduced a sense of urgency to the demand for privacy legislation. Furthermore, new developments in medical research and care, telecommunications, advanced transportation systems and financial

transfers dramatically increased the level of information generated by each individual. Computers linked together by high-speed networks with advanced processing systems can create comprehensive dossiers on any person without the need for a single central computer system. New technologies developed by the defense industry are spreading into law enforcement, civilian agencies, and private companies.

According to opinion polls, concern over privacy violations is now greater than at any time in recent history.²⁵ Uniformly, populations throughout the world express fears about encroachment on privacy, prompting an unprecedented number of nations to pass laws specifically protecting the privacy of their citizens. Human rights groups are concerned that much of this technology is being exported to developing countries that lack adequate protections. Currently, there are few barriers to the trade in surveillance technologies.

It is now common wisdom that the power, capacity and speed of information technology (IT) are accelerating rapidly. The extent of privacy invasion, or certainly the potential to invade privacy, increases correspondingly. Beyond these obvious aspects of capacity and cost, there are a number of important trends that contribute to privacy invasion:²⁶

²⁴Mary WS Wong, *Electronic Surveillance and Privacy in the United States after September 11 2001: The USA Patriot Act*, 2002 *Sing. J. Legal Stud.* 214.

²⁵Simon Davies, *Re-engineering the Right to Privacy: How Privacy has been Transformed from a Right to a Commodity*, in *Technology and Privacy: The New Landscape* 143 (Philip E. Agre & Marc Rotenberg eds., 1997).

²⁶David Banisar and Simon Davies, *Global Trends in Privacy Protection: An International Survey of Data Protection, and Surveillance Laws and Developments*, 18 *J. Marshall J. Computer & Info. L.* 1.

- a. GLOBALIZATION removes geographical limitations to the flow of data. The development of the Internet is perhaps the best known example of a global technology;
- b. CONVERGENCE is leading to the elimination of technological barriers between systems. Modern information systems are increasingly interoperable with other systems, and can mutually exchange and process different forms of data; and
- c. MULTIMEDIA fuses many forms of transmission and expression of data and images so that information gathered in a certain form can be easily translated into other forms.

The macro-trends outlined above had particular effect on surveillance in developing nations. In the field of information and communications technology, the speed of policy convergence is compressed. Across the surveillance spectrum: wiretapping, personal ID systems, data mining, censorship or encryption controls; it is the industrialized countries that invariably set a proscriptive pace.²⁷

Governments of developing nations rely on First World countries to supply them with technologies of surveillance such as digital wiretapping equipment, deciphering equipment, scanners, bugs, tracking equipment and computer intercept systems. The transfer of surveillance technology from first to third world is now a lucrative sideline for the arms industry.

²⁷Simon Davies & Ian Hosein, *Liberty on the Line*, in *Liberating Cyberspace* (Liberty ed. 1998).

According to a 1997 report, *Assessing the Technologies of Political Control*, commissioned by the European Parliament's Civil Liberties Committee and undertaken by the European Commission's Science and Technology Options Assessment office (STOA),²⁸ much of this technology is used to track the activities of dissidents: human rights activists, journalists, student leaders, minorities, trade union leaders, and political opponents. The report concludes that such technologies, which it describes as "new surveillance technology," can exert a powerful "chilling effect" on those who "might wish to take a dissenting view and few will risk exercising their right to democratic protest." Large-scale ID systems are also useful for monitoring larger sectors of the population. In the absence of meaningful legal or constitutional protections, such technology is inimical to democratic reform. It can certainly prove fatal to anyone "of interest" to a regime.

Government and citizens alike may benefit from the plethora of IT schemes being implemented by the private and public sectors. New "smart card" projects in which client information is placed on a chip in a card may streamline complex transactions. The Internet will revolutionize access to basic information on government services. Encryption can provide security and privacy for all parties. However, these initiatives will require a bold, forward looking legislative framework. Whether governments can deliver this framework depends on their willingness to listen to the pulse of the

²⁸Europarl: Science and Technology Options Assessment, *Assessing the Technologies of Political Control* (Sept. 1998).

emerging global digital economy and to recognize the need for strong protection of privacy.

D. The Communication and Information Privacy in Indonesia

1. Public Policy

From Indonesian public policy point of view, information privacy is less important with other issue. As a strong communal society, Indonesian people were not thought that individual rights are the most important things. The communal interest will come first if there is any controversy with individual interest. That situation has same implication with the information privacy.

Indonesia has a dominant government and dictatorial presidential system for almost 32 years, which limited the individual rights including the privacy right. This situation also supported with the condition that our origin constitution not included the privacy right. All information was fully control by government and its agencies. The government has been aggressive in using surveillance, in classic and modern way, to promote social control and limit domestic opposition. In private sector has no different, the employee could not protect their information privacy right.

The awareness of information privacy in Indonesia was arising in the late 90's. When the influence from multinational cooperation and

foreign professionals became more significant in business field and public policy. The government officers or Indonesian professionals graduated from overseas especially from US, also sharing their part in information privacy development.

2. Legislations

Indonesian law can be characterized as part of the civil law system. Modern Indonesian law is quite complex due to the pluralistic nature of Indonesian society and the fact that the law is founded on customary and local law, Dutch law, as well as laws enacted after independence. Since independence, there has been a general trend towards replacing out-dated Dutch laws with those enacted by the legislature, but many Dutch laws and structural influences remain. Recent events have also seen a marked increase in legislation designed to deal with the economic realities confronting present day Indonesia.

The Constitution of Indonesia 1945 does not specifically recognize the right to privacy; we might find implicitly idea of privacy in the Second Amendment-2002. The Article 28F stated that *"every person shall have the right to communicate and to obtain information to develop his/her personality and social environment, as well as the right to seek, to obtain, to possess, to keep, to process, and to convey information by utilizing all available kinds of channels"*.

Related with the idea of privacy right in The Constitution of Indonesia 1945, the Second Amendment-2002 balanced its constitutional right as stated in Article 28J that *"in carrying out rights and freedoms, every person is required to obey the predetermined limitations regulated by the law for the sole purpose of guaranteeing recognition and respect over the rights and freedoms enjoyed by other people and to fulfill the just demands in accordance with the considerations of morals, security, and public order within a democratic society"*.

The act or code is the most essential element for judge to decide a case or government to regulate public issue. There is no specific act that regulate privacy right neither information privacy right. However, we might found several acts that have a chapter or an article regulated privacy or information privacy right.

a. Present Legislations

1. Law Number 7 Year 1971-Documentation Act

Documentation Act regulate the public aspect on documentation system organized by the government, not included personal data. It will be criminal action, if someone against a law and/or keeping or recording and with intention, informing contain of documentation data to unauthorized party.

2. Law Number 23 Year 1992-Healthiness Act

Medical employees have the obligation to act upon the profession standard and respect the patient rights. Based on the Decree of Director General on Medical Service No. YM.02.04.3.5.2504, dated June 10, 1997 regarding The Guidance of Rights and Obligations for Patient, Doctor, and Hospital; one of the patient rights is the right of privacy and secrecy of illness including their medical records.

3. Law Number 8 Year 1997-Corporate Documents

In order to completing the Documentation Act, the Corporate Documents Act was enacted in 1997. In Corporate Documents Act, the corporate documents means data and record created and or received by the company in all forms, which included customers and employees data. The company has to take all necessary actions to protect their documents.

4. Law Number 10 Year 1998-Banking Act

Based on Banking Act article 40, the Banks has an obligation to protect all information regarding their customers and its accounts.

5. Law Number 36 Year 1999-Telecommunications Law

Telecommunications Law guarantee there is no person is permitted to execute actions

without rights, actions that are illegal, or to manipulate access to a telecommunication network; and or access to a telecommunication service; and or access to a special telecommunication network.²⁹ No person is permitted to conduct the act of tapping (bugging) in any way to obtain information that is transmitted through the telecommunication network.³⁰

To present accurate evidence on the use of the telecommunication facilities upon the request of the telecommunication service user, the telecommunication service provider is obligated to make a recording of the entire usage of the telecommunication facilities done by the user and this recording may be conducted in accordance with the existing rules and regulations.³¹

Telecommunication service providers are obligated to maintain confidentiality of all information that is sent and or received by telecommunication service customers through the telecommunication network and or telecommunication service available. For the process of a criminal justice court, telecommunication service providers may record

information that they send or receive and may present the necessary information, considering there is a written request from the Attorney General and or R.I.'s Chief of Police for a certain criminal action; and a request from the investigator for this certain criminal action corresponding to the existing laws.³²

6. Law Number 39 Year 1999- Human Rights Act

Under article 14 of Human Rights Act states that:

- a. "Everyone has the right to communicate and obtain the information they need to develop themselves as individuals and to develop their social environment.
- b. Everyone has the right to seek, obtain, own, store, process, and impart information using all available facilities."

Furthermore, article 21 of Human Rights Act states that:

"Everyone has the right to integrity of the individual, both spiritual and physical, and as such shall not be made the object of any research."

7. Law Number 40 Year 1999- Journalism Act

²⁹Article 22 Telecommunications Law.

³⁰Article 40 Telecommunications Law.

³¹Article 41 Telecommunications Law.

³²Article 42 (2) Telecommunications Law.

The freedom of the press is protected as a fundamental right. There is no censorship and banned on broadcasting by national press especially in printed media and electronic media. To guarantee the freedom of press, national press has a right to obtain and disseminate idea and information. The reporter has the right to refuse the information identity source in his or her position as a witness in the court. The right to refuse is limited by national security or public order stated by the court.

8. Law Number 32 Year 2002- Broadcasting Act

Broadcasting Act regulated that all broadcasting institutions have to respect privacy right in their broadcast activities.

b. The New Legislations

There were two new legislations which believe could establish the new principle in Indonesia law especially on the protection of privacy and information system. First, the Electronic Information and Transactions Act Number 11 Year 2008 that create legal protections for the use of information and electronic commerce activities including data protection. Second, the Openness Public Information Act Number 14 Year 2008 of that create legal regulation on the procedure to accessing public information

hold by public agencies i.e. government institutions, state owned company.

The Electronic Information and Transactions Act not only regulate the use of information and technology but also to protect the user from the misuse of information and technology. The Electronic Information and Transactions Act may regulate the minimum requirement for operator to protect the electronic information and also to prevent unauthorized and/or illegal access to any information system.

The Openness of Public Information Act regulated that the public information exclude the personal information i.e. medical and psyche record, financial and bank account, and/or personal evaluation results on capabilities, intellectual and capabilities recommendation.

E. The Future of Communication and Information in Digital Era

1. Technology Issue

The development of science and technology had provided chances to gather, analyzes, and spread out information in a very sophisticated ways, that lead us to the importance of a legal protection of privacy. New developments in medical research and telecommunications have been achieving a higher system of transportation, money transfer and

other human interaction. Those activities have dramatically added more speed to the level of personal information. Computers with networking and processing system are being upgraded very rapidly, creating a comprehensive ways to consist data from people around the world without the need of central computers.

Now days, we could see the strength and capacity of informational technology, which has rapidly develop. In accordance to all the development, the ability to reach privacy policy has also increases. There are many important issues, which affected the growing needs of privacy in Indonesia, and there are:³³

- a. globalization movement which erases the geographical frames in data transferring. The use of Internet connection is one popular example about world-class high technology results;
- b. convergence in technology has eliminated the setbacks in technology about the development of system that already exist. The modern information system increase simultaneously with other systems that enable us to switch and swap data, process and formulate it with other data from different system; and
- c. multimedia system had molded so many form of data transmission to be broadcasted, and made it even

easier for people to transform any kind of information into another forms.

The technology impact proven that the need of information privacy protection in Indonesia is no longer can be wait. People will need the protection for their personal information i.e. finance, health, children. Information privacy not only fundamental right but became basic need in this information era.

2. International Environment

The second factor that has significant value to endorse the development in information privacy in Indonesia is an international environment. The multinational companies; foreign professionals; international business/profession ethic, and overseas graduated, slowly but sure gave the impact to information privacy. Especially in private sectors such as financial (i.e. capital market, investment) and legal field, the information privacy became very familiar.³⁴

Economic recovery that involved international institutions i.e. International Monetary Fund ("IMF") and World Bank, gave the direct contribution to information privacy. The legal reformation required by IMF, made a new issue of "privacy" became important in proposed legislation. Several laws or acts are included the information privacy, especially for data protection. In Law No. 23/1992-

³³Koesparmono Irsan, Privacy and Data Protection in Indonesia, paper presented in Asian Personal Data Privacy Forum, Hong Kong SAR (2001).

³⁴Francoise Gilbert and Brad Laybourne, Privacy Issues for the Global Company, 724 PLI/Pat 291.

Healthiness Act; Law No. 10/1998-Banking Act; and Law No. 36/1999-Telecommunications Act, regulated the data protection as general data as well specific data.

In the future, Indonesia needed to establish a comprehensive act that regulated privacy including the information privacy. This type of act will have a function as an umbrella provision on privacy protection. It will be take a long-time and highly expensive if we draft the bill for each one of privacy types. The comprehensive act is purposed to fill a loophole in our legal system. The proposed comprehensive act of Indonesian privacy may possibly regulate several issues such as a definition of privacy, types of privacy, and limitation on privacy right and also how to protect the privacy right.

F. Conclusion

The information privacy could not be doubtful become significant factor in this digital era. Digital technology convergence and globalization movement supported the information activities. It will arise questions, who will control the flow of information? Do we still need government to involve, self-regulation method or in the hand of information owner. Those questions cannot be answer in short time, but it may be answered parallel with the maturity of society values.

The information privacy regulation in Indonesia has already started by several acts in late 90's. Indonesia people are

still waiting for a comprehensive act that regulated privacy including the information privacy. It may be not easy to draft the Indonesian privacy bill, especially to balancing the community interest with the privacy right and in the same time reducing the government power and control. But there is no perfect legislation; most important is the use of legislation for the people.

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Indonesia Legislations:

The Constitutions of Indonesia 1945 and its amendments

Law No. 7 Year 1971 regarding Documentation

Law No. 23 Year 1992 regarding Healthiness

Law No. 8 Year 1997 regarding Corporate Documents

Law No. 10 Year 1998 regarding Banking

Law No. 36 Year 1999 regarding Telecommunications

Law No. 39 Year 1999 regarding Human Rights

Law No. 40 Year 1999 regarding Journalism

Law No. 32 Year 2002 regarding Broadcasting

Law No. 11 Year 2008 regarding Electronic Information and Transaction

Law No. 14 Year 2008 regarding The Openness of Public Information

The Decree of Director General on Medical Service No. YM.02.04.3.5.2504, dated June 10, 1997 regarding The Guidance of Rights and Obligations for Patient, Doctor, and Hospital

Other Legislations:

The United Nations Declaration of Human Rights 1948

The Basic Law of Germany

The Japan Constitution 1946

The United States of America
Constitution

US Telephone Consumer Protection Act
of 1991

US Cable Privacy Protection Act of
1984.

US Fair Credit Reporting Act.

US Family Educational Rights and Privacy
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of 1978.

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