

Law Protecting the Privacy and Security of Citizens

(Union Parliament Law 5/2017)

8th March, 2017

Preamble

The Pyidaungsu Hluttaw hereby enacts this law to protect the Privacy and Security of Citizens as foreseen under the Constitution of the Republic of the Union of Myanmar,.

Chapter I

Title and Definitions

1. This Law shall be called the **Law Protecting the Privacy and Security of the Citizen**.
2. The expressions contained in this law shall have the following meanings:
 - a. **Constitution** means the Constitution of the Republic of the Union of Myanmar.
 - b. **Citizen** means the person who is a citizen either under the Constitution or any other existing law.
 - c. **Privacy** means the right to freedom of movement, freedom of residence and freedom of speech of a citizen in accordance with law.
 - d. **Security** means security of private affairs of a citizen. It shall also include the security of residence or residential compound and building in the compound, possessions, correspondence and other communication of a citizen.
 - e. **Relevant Ministry** means the Ministry of Home Affairs.
 - f. **Responsible Authorities** means the relevant government department, government organization or government officials.

Chapter II

Protecting the Privacy and Security of the Citizen

3. Every citizen has the right to enjoy the protection of his/her privacy and security in full, as set out in the Constitution of the Republic of the Union of Myanmar.
4. The Relevant Ministry, government departments and Responsible Authorities shall ensure that the privacy and security of the citizen is protected.

Chapter III

Duties of the Relevant Ministry and Responsible Authorities

5. The Relevant Ministry and Responsible Authorities shall:
 - (a) ensure that there is no damage to the privacy and security of the citizen except where this occurs in accordance with existing law.
 - (b) when acting in accordance with existing law, not enter into a person's residence or a room used as a residence, or a building, compound or building in a compound, for the purpose of search, seizure, or arrest, unless accompanied by minimum of two witnesses who should comprise Ward or Village Tract Administrators, Hundred- or Ten-Householder Head.
6. If the Relevant Ministry or Responsible Authorities receive a complaint under this Law, they shall take action in accordance with the law. If the complaint does not relate to their activities, they must reply to the complainant within 30 days, stating the reasons and advising on which organisation to direct the complaint.

Chapter IV Prohibitions

7. No one shall be detained for more than 24 hours without permission from a court unless the detention is in accordance with existing law.
8. In the absence of an order, permission or warrant issued in accordance with existing law, or permission from the Union President or a Union-level Government body:
 - a. No one shall enter into a citizen's private residence or a room used as a residence, or a building, compound or building in a compound, for the purpose of search, seizure, or arrest.
 - b. No citizen shall be surveilled, spied upon, or investigated in a manner which could disturb their privacy and security or affect their dignity.
 - c. No person shall have their communication with another person or communications equipment intercepted or disturbed with in any way.
 - d. No one shall demand or obtain personal telephonic and electronic communications data from telecommunication operators.
 - e. No one shall open, search, seize or destroy another person's private correspondence, envelope, package or parcel.
 - f. No one shall unlawfully interfere with a citizen's personal or family matters or act in any way to slander or harm their reputation.
 - g. No one shall unlawfully seize the lawfully-owned movable or immoveable property of a citizen, or intentionally destroy either directly or by indirect means.
9. On receiving any report concerning the need to take action in pursuant to this law, or on receiving a tip-off, a Police Station Master shall take action immediately in accordance with Section 154 of the Penal Code.

Chapter V Penalties

10. Whosoever is found guilty of committing an offence under Section 7 or Section 8, shall, in addition to a sentence for a period of at least six months, and up to three years, also be required to pay a fine of between three hundred thousand (300,000) and fifteen hundred thousand (1,500,000) kyats.
11. Whosoever is found guilty of failing, without due cause, to assume their responsibility under Section 9 shall, in addition to a sentence for a period of at least one year, and up to five years, also be required to pay a fine of between five hundred thousand (500,000) and twenty-five hundred thousand (2,500,000) kyats.
12. Whosoever is found guilty of encouraging, ordering, joining with, assisting or abetting another to commit an offence under this Law shall be sentenced in accordance with this Law.

Chapter VI Miscellaneous

13. Notwithstanding any other existing law concerning the provisions of this law, the provisions of this Law shall take precedence and action must be taken according to the provisions of this Law.

Signed in accordance with the Constitution of the Republic of the Union of Myanmar.

Htin Kyaw, The President, The Republic of the Union of Myanmar