



## **TH PROPERTIES SDN. BHD.**

(Registration No: 198001010120 (63904-D))

### **PERSONAL DATA PROTECTION POLICY**

#### **VERSION 01/2025**

This Personal Data Protection Policy is applicable to TH Properties Sdn. Bhd. and its Subsidiaries.

 <b>TH PROPERTIES</b>	<b>PERSONAL DATA PROTECTION POLICY</b>	Document No.	THP/PDP/POLICY/LEGAL/25-V01
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## 1. INTRODUCTION

TH Properties Sdn. Bhd. (“TH Prop”) and its subsidiaries (collectively referred to as “TH Prop Group” or “Data Controller”) are committed to protecting the personal data (“Personal Data”) in accordance with the Personal Data Protection Act 2010, including its amendments (collectively referred to as “PDPA”).

## 2. OBJECTIVE

This Personal Data Protection Policy (“Policy”) outlines TH Prop Group’s approach to ensuring compliance with the PDPA and establishing clear guidelines in relation to collection, processing, disclosure and retention of the Personal Data by TH Prop Group with respect to commercial transactions.

## 3. SCOPE

This Policy applies to all directors, employees of TH Prop Group (including permanent, fixed term contracts or internships positions), consultants, service providers, contractors, suppliers, vendors, existing or potential business partners and/or any other parties who collect, process and retain the Personal Data for and/or on behalf of TH Prop Group.

## 4. PERSONAL DATA PROTECTION PRINCIPLES

The PDPA outlines seven key principles that guide the collection, use, process and protection of Personal Data, ensuring that the Data Controller handles such data responsibly, transparently and securely. These principles must be adhered to by TH Prop Group in accordance with the PDPA.

### 4.1 General Principle

4.1.1. TH Prop Group will only process the Personal Data in the manner set out below:

- (a) The Consent of the Data Subject must be obtained.
- (b) Processing of Personal Data will be for a lawful purpose directly related to the business and operational activities of TH Prop Group.
- (b) The Personal Data collected is adequate but not excessive in relation to that purpose.

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4.1.2 In respect of Sensitive Personal Data, TH Prop Group may process the Sensitive Personal Data of a Data Subject in accordance with the PDPA where the processing is necessary in the following situations:

- (a) for the purposes where such information is required on the health status of an employee for the purpose of maintaining a safe working environment in TH Prop Group;
- (b) in order to protect the vital interests of the Data Subject or another person, in a case where consent cannot be given by or on behalf of the Data Subject or TH Prop Group cannot reasonably be expected to obtain the consent of the Data Subject;
- (c) for medical purposes as defined in the PDPA to include the purposes of preventive medicine, medical diagnosis, medical research, rehabilitation and the provision of care and treatment and the management of healthcare services;
- (d) for the purpose of, or in connection with, any legal proceedings;
- (e) for the purpose of obtaining legal advice;
- (f) for the purposes of establishing, exercising or defending legal rights;
- (g) for the administration of justice;
- (h) for the exercise of any function conferred on any person by or under any written law;
- (i) for any other purposes as the Minister of Communications and Multimedia Commission (“Minister”) thinks fit; or
- (j) where the information contained in the Personal Data has been made public as a result of steps deliberately taken by the Data Subject.

## 4.2 Notice and Choice Principle

4.2.1 In order to ensure the transparency on the collection, processing and retention of Personal Data, TH Prop Group will inform the Data Subject via a notice (“Privacy Notice”) that includes the following:

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- (a) That the Personal Data of the Data Subject is being processed by or on behalf of the Data Subject. The description of the Personal Data should be provided. This might include explaining to the Data Subject the types of Personal Data that would be collected.
- (b) The purposes for which the Personal Data is being or is to be collected and further processed.
- (c) The source of Personal Data.
- (d) The Data Subject's right to request for access to and request the correction of the Personal Data, and the contact details to which a Data Subject may submit such requests.
- (e) The class of third parties ("Third Parties") to whom the Personal Data is disclosed or may be disclosed. This may include the service providers, contractors, vendors, professional advisors such as legal and financial consultants, other Data Controller, regulatory bodies or government authorities.
- (f) The choices and means for limiting the processing of the Personal Data, including Personal Data relating to other persons who may be identified from that Personal Data.
- (g) Whether it is obligatory or voluntary to supply the Personal Data, and if it is obligatory, the consequences of failing to provide the Personal Data.
- (h) The Privacy Notice will be made available where necessary, in both the Bahasa Malaysia and English languages.

#### **4.3 Disclosure Principle**

- 4.3.1 TH Prop Group shall ensure that the Personal data of the Data Subjects shall not be disclosed for purposes unrelated to the purpose such data is collected; or to any party other than the class of Third Parties as set out in the Privacy Notice.
- 4.3.2 TH Prop Group must also keep and maintain a list of disclosures to Third Parties in relation to Personal Data that it has or is processing.
- 4.3.3 Notwithstanding the above, TH Prop Group may disclose the Personal Data of a Data Subject where the processing is necessary in the following circumstances whereby:
  - (a) The Data Subject has given his/her consent to the disclosure; or

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- (b) the disclosure is necessary for the purpose of preventing or detecting a crime, or for the purpose of investigations; or was required or authorized by or under any law or by the order of a court; or
- (c) the disclosure was justified as being in the public interest in circumstances as determined by the Minister.

4.3.4 The Data Subject will be notified (if required) on the disclosure of the Personal Data pursuant to paragraphs 4.3.3 (b) and (c) above.

#### **4.4 Security Principle**

4.4.1 As the processing of Personal Data distributed throughout TH Prop Group and Personal Data can exist in various forms (including electronic data, hardcopy documents, audio files and visual files), when processing Personal Data:

- (a) TH Prop Group is responsible for taking prudent steps to safeguard the confidentiality and security of all Personal Data, including having appropriate procedural steps to protect Personal Data from unauthorized access, loss, misuse, modification or disclosure.
- (b) The Personal Data collected and processed by TH Prop Group must be stored with the utmost confidentiality and secrecy.
- (c) When physical files or any forms relating to Data Subject are no longer required, they will be destroyed securely.
- (d) Where TH Prop Group engages a Data Processor to carry out processing activities on its behalf, TH Prop Group must ensure that:
  - i. The Personal Data disclosed to the Data Processor remains protected in the manner as set out in the PDPA; and
  - ii. to procure undertaking or sufficient guarantee from the Data Processor that processing of the Personal Data to be carried out at all times in line with the requirements under the PDPA and this Policy. In the event of non-compliance, the Data Processor shall indemnify TH Prop Group for any claim, penalty, loss or damage howsoever arising.

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4.4.2 TH Prop Group is only required to notify the Personal Data Protection Commissioner (“PDP Commissioner”) if the personal data breach causes or is likely to cause significant harm to the Data Subject, if there is a risk that the compromised Personal Data:

- (a) may result in physical harm, financial loss, a negative effect on credit records or damages to or loss of property;
- (b) may be misused for illegal purposes;
- (c) consists of sensitive Personal Data;
- (d) consists of Personal Data and other information which, when combined, could potentially enable identity fraud; or
- (e) is of “significant scale” (i.e. if the number of affected Data Subjects exceeds 1,000 individuals).

#### **4.5 Retention Principle**

4.5.1 TH Prop Group may only retain Personal data for as long as necessary for the fulfilment of the purpose for which it was collected. Once such purpose has been fulfilled, TH Prop Group must permanently destroy or delete the Personal Data.

4.5.2 In ensuring the Personal Data is permanently destroyed or deleted, TH Prop Group must take reasonable steps as set out in the PDPA and these include:

- (a) identifying the applicable retention periods taking into consideration all regulatory, contractual and commercial requirements that relate to the processing and retention of the Personal Data and ensuring that such requirements are or can be complied with;
- (b) ensuring that all Personal Data is retained as per the retention period stated in the applicable regulation and/or relevant standard operating procedures;
- (c) storing Personal Data for a period no longer than is necessary subject to any requirements under the law;
- (d) maintaining a proper record of Personal Data disposal which should be updated periodically and ensuring that such record shall be available for inspection or submission to the relevant authorities when directed to do so;

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- (e) shall take all reasonable steps to ensure that all Personal Data is destroyed or permanently deleted if it is no longer required for the purpose for which it was to be processed;
- (f) a record of the disposal should also be kept as evidence of the act of disposal;
- (g) carrying out periodic reviews and disposal of all unwanted Personal Data in the TH Prop Group's database;
- (h) preparing and maintaining a Personal Data disposal schedule for inactive data; and
- (i) obtaining written approval from TH Prop Group's top management prior to using removable media devices to store Personal Data.

## 4.6 Data Integrity Principle

### 4.6.1 In ensuring integrity of the Personal Data:

- (a) TH Prop Group shall take reasonable steps to ensure that the Personal Data of the Data Subject is accurate, complete, not misleading and kept up to date in relation to the purpose or directly related purpose for which the Personal Data was collected and further processed. These include:
  - i. providing electronic or physical forms which the Data Subjects may complete to update Personal Data;
  - ii. updating Personal Data immediately once a data correction notice is received from a Data Subject;
  - iii. ensuring that all relevant legislation is complied with in determining the type of documents required to support the validity of the Personal Data of the Data Subject;
  - iv. notifying on Personal Data updates either through a portal or a notice at a Data Controller's premises or by other appropriate methods; and
  - v. requiring the Data Subjects to undertake and warrant that the Personal Data provided or to be provided is complete, accurate and up to date and for the Data Subjects to promptly notify TH Prop Group of any updates or changes to his/her Personal Data.

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#### **4.7 Access Principle**

- 4.7.1 TH Prop Group recognizes the Data Subject's right to request for the access to their Personal Data held by TH Prop Group (including such data processed and held by Third Party) and to correct such data where the Personal Data is inaccurate, incomplete, misleading, not up-to-date or does not comply with the PDPA or any other applicable laws or regulations.
- 4.7.2 TH Prop Group shall ensure all information related to access of data correction is clearly reflected in the Privacy Notice, including:
  - (a) The methods of obtaining access;
  - (b) timeliness of access to be granted upon request; and
  - (c) clear instructions on how the Data Subject may request and obtain access to his/her Personal Data.
- 4.7.3 TH Prop Group reserves the right to validate all data access and/or data update requests by confirming the identity of the Data Subject through formal identification documentation such as identification card, passport and/or driver's license.
- 4.7.4 TH Prop Group will only be required to comply with data portability requests for the data that has been collected on the lawful bases of consent or for the performance of a contract; and where the processing is carried out by automated means by TH Prop Group.

#### **5. MANDATORY REGISTRATION AS A DATA CONTROLLER FOR BUSINESS ACTIVITY THAT FALL UNDER THE SPECIFIED SECTORS AS GAZETTED BY THE MINISTER**

TH Prop Group shall ensure that the relevant subsidiaries whose business activities fall under the specified sectors as gazetted by the Minister (such as in the business of real estate and property development) are registered as a Data Controller with the PDP Commissioner, in order to comply with the requirements under the PDPA.

#### **6. TRANSFER OF PERSONAL DATA OUTSIDE OF MALAYSIA**

- 6.1 A transfer of Personal Data to other jurisdictions outside of Malaysia by TH Prop Group is permitted if the destination jurisdiction:
  - (a) has a law in force that is substantially similar to the PDPA; or
  - (b) ensures an adequate level of protection for personal data, which is at least equivalent to the level of protection afforded under the PDPA.

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6.2 Notwithstanding the above, such transfer of Personal Data is permissible under the PDPA in certain scenarios such as where:

- (a) the Data Subject has given his/her consent to the transfer;
- (b) the transfer is necessary for the performance of a contract between the Data Subject and Data Controller;
- (c) the transfer is necessary for the conclusion or performance of a contract between the Data Controller and Third Party which:
  - i. is entered into at the request of the Data Subject; or
  - ii. is in the interests of the Data Subject;
- (d) the transfer is for the purpose of any legal proceedings or for the purpose of obtaining legal advice or for establishing, exercising or defending legal rights;
- (e) TH Prop Group has reasonable grounds for believing that in all circumstances of the case:
  - i. the transfer is for the avoidance or mitigation of adverse action against the Data Subject;
  - ii. it is not practicable to obtain the consent in writing of the Data Subject to that transfer; and
  - iii. if it was practicable to obtain such consent, the Data Subject would have given his/her consent;
- (f) TH Prop Group has taken all reasonable pre-cautions and exercised all due diligence to ensure that the Personal Data will not in the place of transfer be processed in any manner which, if that place is Malaysia, would be a contravention of the PDPA; and
- (g) the transfer is necessary as being in the public interest in circumstances as determined by the Minister.

6.3 Any transfer of the Personal Data outside Malaysia, shall be done only upon consultation with the Legal and Governance Department as to ensure that such transfer of Personal Data is in compliance with the PDPA.

## 7. COMPLIANCE

7.1 Any violation of this Policy must be reported immediately to the Legal and Governance Department for appropriate action vide email at [compliance@th-properties.com](mailto:compliance@th-properties.com).

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- 7.2 Any person who report violation of this Policy in good faith or is involved in the investigation of violation of this Policy will not be subject to reprisal or retaliation, solely as a consequence of such reporting or involvement.
- 7.3 Any employee found to have violated this Policy shall subject to disciplinary action, up to and including termination of employment. In addition, TH Prop Group reserves the right to pursue any remedies available at law or equity, for violations of this Policy.
- 7.4 The Data Processor or other related parties who have breached and/or in non-compliance with the PDPA, shall subject to legal consequences as governed under the PDPA or any other applicable laws and regulations.

## **8. REVIEW AND REVISION**

- 8.1 Legal and Governance Department is responsible for the development of this Policy including any reviews, changes, amendments, additions or deletions of any provision.
- 8.2 This Policy will be reviewed by the Legal and Governance Department every two (2) years at the latest, to ensure its effective implementation and compliance to the PDPA.

## **9. DEFINITIONS**

The key terms and acronyms appeared in this Policy shall be defined as per Appendix I.

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## Appendix I: DEFINITIONS

TERMS	DEFINITION
<b>“Commercial Transaction”</b>	means any transaction of a commercial nature, whether contractual or not, which includes any matters relating to the supply or exchange of goods or services, agency, investments, financing, banking and insurance. The term excludes a credit reporting business carried out by a credit report agency under the Credit Reporting Agencies Act 2010;
<b>“Consent”</b>	means free, informed and prior agreement given by the Data Subject for the processing of his/her Personal Data;
<b>“Data Controller”</b>	means TH Properties Sdn. Bhd. and its subsidiaries that: <ul style="list-style-type: none"> <li>i. processing personal data; or</li> <li>ii. have control over the processing of personal data; or</li> <li>iii. authorizing the processing of personal data;</li> </ul>
<b>“Data Subject”</b>	means individual whose data is processed by the Data Controller as data subject and shall not include a deceased individual;
<b>“Data Processor”</b>	means any person or organisation other than the Data Controller who process the Personal Data solely on behalf of the Data Controller and does not process the Personal Data for any of his/her or its own purposes;
<b>“Legal and Governance Department”</b>	means Legal and Governance Department of TH Properties Sdn. Bhd.;

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<b>“Minister”</b>	means the Minister of Communications and Multimedia Commission of Malaysia;
<b>“Personal Data”</b>	means any information in respect of Commercial Transactions;  The information must:  (a) be processed wholly or partly by means of equipment operating automatically in response to instructions given for that purpose;  (b) be recorded with the intention that it should wholly or partly be processed by means of such equipment; or  (c) be recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system;  The information must relate directly or indirectly to a Data Subject, who is identified or identifiable from that information or from that and other information in the possession of a Data Controller. Example of such information would include an individual's name, physical appearance, address, email address, telephone number and images such as photographs and video recordings;  For avoidance of doubt, Personal Data of deceased individual shall not be considered as Personal Data for the purpose of this Policy;
<b>“Process or Processing”</b>	means collecting, recording, holding or storing the Personal Data or carrying out any operation or set of operations on the Personal Data, including:  i. the organization, adaptation or alteration of Personal Data;  ii. the retrieval, consultation or use of Personal Data;

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	<ul style="list-style-type: none"> <li data-bbox="636 428 1399 541">iii. the disclosure of Personal Data by transmission, transfer, dissemination, or otherwise making available; or</li> <li data-bbox="636 563 1399 642">iv. the alignment, combination, correction, erasure or destruction of Personal Data;</li> </ul>
<b>“Sensitive Personal Data”</b>	means any information relating to: <ul style="list-style-type: none"> <li data-bbox="636 804 1399 983">i. the physical or mental health or condition of Data Subject which may include but not limited to biometric data generated from facial recognition technology as well as the fingerprint data of individuals or;</li> <li data-bbox="636 1012 1399 1046">ii. the political opinions of Data Subject;</li> <li data-bbox="636 1075 1399 1154">iii. the religious beliefs or other beliefs of a similar nature of Data Subject;</li> <li data-bbox="636 1183 1399 1262">iv. the commission or alleged commission of any offence by Data Subject; or</li> <li data-bbox="636 1291 1399 1347">v. any other Personal Data determined by the Minister;</li> </ul>
<b>“Third Parties”</b>	means any other person than: <ul style="list-style-type: none"> <li data-bbox="636 1522 1399 1556">i. A Data Subject;</li> <li data-bbox="636 1585 1399 1619">ii. a relevant person in relation to a Data Subject;</li> <li data-bbox="636 1648 1399 1682">iii. a Data Controller;</li> <li data-bbox="636 1711 1399 1745">iv. a Data Processor; or</li> <li data-bbox="636 1774 1399 1886">v. a person authorised in writing by the Data User to process the Personal Data under the direct control of the Data User.</li> </ul>

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TERMS	DEFINITION
"TH Prop"	means TH Properties Sdn. Bhd.;
"TH Prop Group" or "the Group"	means TH Prop and its subsidiary companies collectively, as defined in Section 4 of the Companies Act 2016.