



Regulations of Personal Data Privacy in PeduliLindungi Application

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Abstract. The purpose of this study is to determine the privacy policy for personal data in the PeduliLindungi application. This is because users of the application need to register for an account, which automatically includes personal information. In practice, while it must overlap with the protection of personal data, using the PeduliLindungi application can bring benefits to the wider community. The authors point out that the implementation of the PeduliLindungi application remains vulnerable to misuse of personal data, thus requiring comprehensive and detailed rules to protect users of the PeduliLindungi application. So after the COVID-19 pandemic is over, use the PeduliLindungi application to curb the spread of coronavirus disease (COVID-19) that relies on public awareness and engagement, no misuse of personal data, and no clear sanctions for violations can be effectively implemented.

Keywords: Personal Data · Covid-19 · PeduliLindungi

1 Introduction

The discovery of a brand-new, fatal virus that assaults the human respiratory system, known as the novel corona virus disease or COVID-19, shook the globe three years ago, in late 2019. The COVID-19 virus was discovered for the first time in Wuhan, Hubei Province, Republic of China, and has since spread to practically every nation in the world. On January 5, 2020, the World Health Organization (WHO) formally declared COVID-19 an outbreak through publications and media coverage [1]. Corona virus that causes severe acute respiratory syndrome targets the respiratory system and is infectious (SARS-Cov-2). People in various industries now live by a new set of rules as a result of the pandemic. Interaction patterns in activities that are typically carried out face-to-face have started to adapt with the aid of digital platforms. To combat the COVID-19 epidemic, information technology is a vital necessity. Technology has been one of the most important strategies used to slow the COVID-19 virus's rapid spread among people [2].

According to the statement, the government created an app called PeduliLindungi in collaboration with the Ministry of Communications and Information, the Ministry of Health, state-owned enterprises and the National Disaster Management Agency, as well as Indonesia's telecom operators. This app helps the public track, trace and defend

against people infected with Covid-19. The PeduliLindungi app identifies users who are in close proximity to an infected person and have been identified as having Covid-19. Data entered into the app is able to track or trace the user's location contacts, which can then be used to provide notifications when the user enters a location with a red zone status or a location with restricted transfers that is vulnerable, allowing the user to delete themselves immediately. From this place [3]. This app is very useful to help the government track, trace and alert. In addition to the benefits of applications, there are actually threats to the security of information in applications. There are potential data leakage, data misuse, data inaccuracy and other technical issues [4].

The PeduliLindungi app is supposed to be utilized as an e-wallet and integrated with 11 other apps even in Indonesia. Regardless of what is provided, it is critical to determine whether the PeduliLindungi app follows the guidelines for protecting personal data. As a result, this article discusses how the PeduliLindungi application applies the principles of personal data protection.

Data breaches that result in users' personal information may come from hacking or linking individuals to trade personal information to profit from such sales data. During this process, potential data leakage, data, data inaccuracy and other technical issues may arise. Generally speaking, personal data is defined as highly personal information that is kept for oneself, or at least known to only a few people. In general, highly personal information that is retained for oneself or is at the very least known to a small number of others is referred to as personal data. PeduliLindungi is committed to maintaining the confidentiality of personal data uploaded by users during registration. User data is stored in encrypted format and not shared with others [4].

2 Method

As a case study approach to the issues, this paper uses normative legal theory. Finding legal regulations, legal precepts, and legal doctrines to address the pertinent legal concerns is the process known as normative legal research. Law studies produce arguments, theories, or novel ideas that serve as solutions to problems [5]. The primary sources of data collecting are Indonesia regulation regarding data protection and COVID-19 policies, and the secondary sources are previous studies that related. The expected output is to know wether current Indonesia legal system is accomodating data protection in PeduliLindungi Application.

3 Result and Discussion

3.1 Pedulilindungi Application for Covid-19

The ability of tracing to solve a problem with disease prevention and treatment has long been recognized in the health sector. Tracing is done by keeping an eye on how the neighborhood is doing, collecting the data that is gathered, and then analyzing it to be used as data that is frequently referred to as surveillance. [6] The usage of technology has transformed how tracking has historically been done using digital monitoring. Digital surveillance has played a significant role in the COVID-19 epidemic that is currently

affecting all nations in the world by leveraging technology to extensively track the virus's transmission through digital contact tracing tools [19]. The digital contact tracing program COVID-19 has been widely adopted today by many nations, and it is evident that this existence poses a risk to the protection of personal data privacy [7].

The "Protective Care" application was identified within the framework of health surveillance for the management of the coronavirus disease 2019, and is determined by the Minister of Communications and Information Decree No. 171 of 2020, and amended by the Minister of Communications and Information Decree No. 253 of 2020 to the amendment of the Minister of Communications and Information Decree No. 171 of 2020 on the implementation (Covid-19). As an app used to implement government health monitoring to combat the spread of Covid-19, the PeduliLindungi app must continue to be maintained as it is very useful for tracking, tracing and alerting (alerts and alerts) in the community (helpful) Covid-19.

The PeduliLindungi app records the patient's movement data for the last 14 days, the app connects to the phone to create a visualization of the movement, and the app system sends alerts through the phone to those around the patient it detects to run health protocols. How PeduliLindungi works, start by downloading the PeduliLindungi app. After downloading this system, the user will be asked for permission to enable location data to provide information about zoning and self-isolation areas. When the location condition is active, the app recognizes the user's location and provides crowd and zone information. The results of this tracking will make it easier for the government to determine who needs further treatment to stop the spread of COVID-19 [3, 8]. If many people use the app, it will further support government track and trace.

When citizens enter public facilities, they must scan the barcode/QR code provided at the entrance to enter public facilities. Facilities in public institutions may be denied, for example, because parishioners are in Covid-19 isolation, requiring them to remain in self-isolation. The public entity performing the scanning process through the PeduliLindungi app as a citizen verification procedure must be a public entity whose implementation is authorized and regulated by laws and regulations. In this case, the government will ensure that the PeduliLindungi app can only be implemented by the administrations of public bodies licensed to operate.

The PeduliLindungi app will be further developed by completing various features that can make it easier for people in the new normal age, one of which is the addition of e-passport functionality, in the form of user data as a travel document for Covid -19 - tests announced is negative. The government will also improve the PeduliLindungi app so that it can be used by non-smartphone devices. In the future, phone users will also be able to use the application via short message technology.

3.2 Regulation of Personal Data Privacy in Pedulilindungi Application

Pedulilindungi is an application made in Indonesia. The application was introduced directly by the Ministry of Communication and Informatics. The Pedulilindungi application was created with an effort to track the Covid-19 virus. The way the application works or operates depends on the role of the community. The Pedulilindungi application is a place of health communication for the Indonesian people by the Indonesian government to narrow the transmission of the Corona virus which is still a scary virus in

several parts of the world, including Indonesia. Utilizing technology to prevent Covid-19 must be carried out simultaneously, starting from using the application and supported by support and socialization from regional heads for public education [9]. At a practical level, the PeduliLindungi application collects data from the Covid-19 task force or from other relevant institutions that have been inputted from all regions in Indonesia, so that an integrated information system is created and applies on a national scale, in the application of this application targeting individuals who are in public facilities. As well as in public places.

One of the government's efforts to contain the spread of Corona is by implementing the PeduliLindungi application, where the application aims to track people's activities while in public facilities. This application places restrictions on people in certain parts or zones of the region. If the community has carried out the first and second stages of the vaccine, they are allowed to access or enter and use public facilities. This application can also detect residents who are infected with the Covid-19 virus and it is certain that they will not have access to enter public facilities. The way the PeduliLindungi software works is by using a connection with the Bluetooth network and GPS on the community's cell phone, the way with the community is to download the PeduliLindungi application, then register and complete the identity as with the identity of the community member [8].

The process of data collecting, monitoring, and community tracking has the potential to come into conflict with the principle of protecting personal data, which is a component of the right to privacy, in addition to the practical advantages of deploying these public health surveillance applications [10]. This relates to Indonesia's laws governing the protection of personal data, such as Articles 15 and 16 of the Electronic Information and Transactions Law, which state that companies offering electronic systems must enable secure and reliable systems, be in charge of system operations, and of course establish standards for implementation. Individual data must thereafter be preserved, maintained, and kept true while having their confidentially secured, in accordance with Article 21 Paragraph 1 of Government Regulation Number 82 of 2012 about the Implementation of Electronic Systems and Transactions.

Understanding of electronic data according to article 1 point 4 of law number 19 of 2016 directs the position of the government in the case of the PeduliLindungi Application to be the party that carries out the implementation of the electronic system. In combination with Law Number 19 of 2016, the provisions for organizers mentioned in Article 1 paragraph (6) of Law Number 11 of 2008 pertain to the activity of providing, administering, and/or operating Electronic Systems for specific needs of Electronic System users, either individually or jointly. Law Number 11 of 2008 along with Law Number 19 of 2016 contain legal provisions pertaining to the role of government responsibility to the community as the owner of personal data, and they both state unequivocally that the protection of public personal data is a component of human rights that should be provided by the state.

Provisions regarding the public's obligation to include personal data with PeduliLindungi electronically first. Personal data is a privacy right which is part of Human Rights and absolutely must be protected [8]. These articles generally only regulate the existence of "electronic system operations" as stated in Article 15 number 11 of 2008. However,

they do not explain further the procedures and who can be held accountable because in general the “corporations” are the ones implementing the processing system. The operator is actually assisted in its operations by the operator or personal data processor. The role of the organizers in the PeduliLindungi application is not clear, so that the public and users who are disadvantaged are confused about asking the government or assistant operators to be held accountable. Handling of the covid-19 disease virus, is based on:

1. The Minister of Communication and Information’s Decree No. 159 of 2020, titled “Efforts to Handle Corona Virus Disease (COVID-19) through Post and Information Technology Sector Support,” directs telecommunications companies, broadcasting institutions, online media operators, and other media and posts to contribute, facilitate, and take steps to help the government accelerate the handling of COVID-19, specifically by providing information and data, providing data, and providing services to the public.
2. The PeduliLindungi application was created by PT Telekomunikasi Indonesia, according to the Decree of the Minister of Communications and Information Technology Number 171 of 2020 concerning the Determination of the PeduliLindungi application in the context of implementing health surveillance for handling Covid-19. Only during the Covid-19 emergency and in compliance with the relevant laws and regulations may the PeduliLindungi application be used. Law Number 36 of 1999 Concerning Telecommunications, Article 7 Paragraph 2 and Article 20 state that telecommunications operations shall take into account the protection of the interests and security of the state; technological developments and global demands, are carried out in a professional and accountable manner, and prioritize the delivery of information to the state concerning state security and disseminate information in a timely manner. Article 3 paragraph (1) letter h of Law Number 24 of 2007 concerning Disaster Management states that science and technology must be used as effectively as possible to facilitate and expedite the disaster management process, both at the prevention stage, during a disaster, as well as at the post-disaster stage.
3. Law Number 36 of 2009 concerning Health, Article 154 paragraphs (2) and (3) which states that the Government can periodically conduct surveillance of infectious diseases, by cooperating with the people of other countries.
4. Articles 5 and 6 of Regulation of the Minister of Health Number 45 of 2014 regarding Health Surveillance, which describe how Health Surveillance is carried out in an integrated manner through data collection, data processing, data analysis, and information dissemination by utilizing readily available information technology facilities.
5. the Health Quarantine Law No. 6 of 2018. In this context, prevention of infections that could result in public health emergencies from entering or leaving is meant. According to Article 11 Paragraph 1, the Central Government implements health quarantine with the aid of resources, operational procedures, and while taking into account state sovereignty, security, economy, social, and cultural considerations. Additionally, it is claimed that Health Quarantine officials implement Home Quarantine, Regional

Quarantine, Hospital Quarantine, or Large-Scale Social Restrictions in order to lower the risk in the area.

Negligence of the government as an electronic system operator that causes data leakage resulting in a violation of personal data, [11, 12] as stipulated in article 26 of Law number 19 of 2016. Article 26 paragraph 1 of Law Number 19 of 2016 is explained, referring to the use of information technology, and privacy rights include the protection of personal data. A person whose rights have been infringed may launch a lawsuit to recover the losses suffered if their personal data has been leaked or otherwise used without their consent. Then, in line with article 1365 of the Civil Law Book, anybody whose rights are violated may file a claim for compensation under law number 19 of 2016, article 26 paragraph (2).

Indonesian laws regarding the protection of personal data are now dispersed among several regulations. Personal data protection principles are not standardized since there is no personal data protection law. However, the Government already has a Personal Protection Bill [13]. It is hoped that it will be legalized soon so that it can meet the community's need for stronger personal data protection. In relation to the PeduliLindungi application, the regulation of personal data protection relates to the regulations governing Information and Communication Technology, Health and the implementation of Population Administration, namely:

- Law Number 14 of 2008 concerning Public Information Disclosure. It is stated in Article 17 letter (h) that every public agency is obliged to open access to every applicant for public information unless the information disclosed can reveal personal secrets, such as the history and condition of family members; history, condition and treatment, treatment of a person's physical and psychological health and others.
- Law No. 36 of 1999 concerning Telecommunication. Article 40 stipulates that there is a prohibition for anyone from conducting wiretapping activities on information that is channeled through telecommunication networks in any form. The activity of tapping here is meant to be the activity of installing additional tools or equipment on the telecommunications network for the purpose of obtaining information in an unauthorized manner, because information owned by a person is a personal right that must be protected. As for the information transferred and/or received by clients of telecommunications services through the telecommunications network and/or through telecommunications services offered, Article 42 says that the telecommunications service operator is required to keep the information private.
- Law No. 19 of 2016, Article 26 states that information relating to personal data through electronic media must be carried out with the consent of the person concerned, unless otherwise stipulated by laws and regulations.
- Law No. 36 of 2009 concerning Health, Article 57 paragraph (1) explains that the secret of health conditions that have been disclosed to health service providers is a personal right of every person. Paragraph (2) explains that the provisions regarding the right to confidentiality of personal health conditions do not apply in the case of the permit in question; Public interest; or interests of the person.
- The Implementation of Electronic Systems and Transactions Government Regulation Number 71 of 2019. In this government rule, "electronic system operator" refers to any individual, state official, corporate body, or community that offers, manages, or

operates an electronic system. Article 14 paragraph 1 mandates that the principle of protecting personal data be followed when processing data.

- According to Article 9 of Minister of Communication and Information Technology Regulation Number 20 of 2016 concerning Protection of Personal Data in Electronic Systems, Electronic System Operators' acquisition and collection of Personal Data must be authorized or in accordance with legal requirements. A full explanation of the actions of acquisition, collection, processing, analysis, storage, display, announcement, transmission, and dissemination as well as the confidentiality or non-confidentiality of Personal Data was provided before defining approval as a written statement, given manually or electronically, by the Personal Data Owner. Additionally, it is stated in Article 6 that the Electronic System Operator must deliver an approval form in Indonesian. While this is happening, Article 25 of this Ministerial Regulation or the relevant laws and regulations must be followed for the destruction of Personal Data in the Electronic System.
- Government Regulation Number 40 of 2019 concerning the Implementation of Population Administration, Article 58 explains the prohibition for Indonesian Ministries/institutions and legal entities to obtain Population Personal Data or Population Data in a use Resident Personal Data or Resident Data beyond the limits of their authority. What is meant here is to use for personal interests or other interests that are not in accordance with the purpose of granting authority as regulated in the provisions of laws and regulations or, b. make Resident Personal Data or Population Data as public information material before obtaining approval from the Minister.

4 Conclusion

The high risk of security of personal data of PeduliLindungi application users as described previously, raises big questions about the government's efforts to protect personal data. Protection of personal data has been regulated in the Electronic Information and Transactions Law, especially in Article 26. Then for the use of the PeduliLindungi application, even though it has been regulated in a Ministerial Decree, it still cannot violate the applicable laws and regulations. However, in reality, access to the user's personal data has not been fully approved by the user as the owner of the personal data. This of course violates the provisions as stipulated in the Electronic Information and Transactions Law. Even though in reality, the Electronic Information and Transactions Law can still provide loopholes for personal data security for the use of temporary applications such as the PeduliLindungi application. Protection of personal data is not fully guaranteed in the Electronic Information and Transactions Law related to the PeduliLindungi application.

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