Global Data and Cyber Handbook - Indonesia

Artificial Intelligence, Profiling and Automated Decision Making

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# Are there any restrictions or requirements related to creating profiles of data subjects or utilizing automated decision-making for decisions related to data subjects, including with respect to artificial intelligence?

*Last review date: 13 January 2025*

**Yes**

The restrictions or requirements are as follows:

☒  qualified right not to be subject to a decision based solely on automated decision making, including profiling – for example, only applicable if the decision produces legal effects concerning them or similarly significantly affects them

☒  data subject shall have the right to file an objection to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects the data subject.

Under the PDP Law, "profiling" refers to any activity aimed at identifying an individual. This includes, but is not limited, to information on the data subject’s work history, economic condition, medical records, personal preference, interest, talent, behavior, location, or movement of the data subject.

# If such restrictions or requirements exist, are they subject to any exceptions?

*Last review date: 13 January 2025*

**Yes**

The PDP Law provides exemptions to the profiling restriction for the following purposes: (i) national security and defense, (ii) law enforcement, (iii) public interest within the context of state administration, (iv) monitoring of the financial services sector, monetary systems, payment systems and financial system stability in the context of state administration, and (v) scientific research and statistics.

# Has the data privacy regulator issued guidance on data privacy and artificial intelligence, automated decision-making or profiling?

*Last review date: 13 January 2025*

No – given the data privacy authority in Indonesia has yet to be established.

If yes, please provide brief details and a link.

# Has the data privacy regulator taken enforcement action in relation to artificial intelligence, including automated decision-making or profiling?

*Last review date: 13 January 2025*

No enforcement activity to date

# Do other (non-personal data or cybersecurity) laws or regulations impose restrictions on use of artificial intelligence, automated decision-making or profiling?

*Last review date: 13 January 2025*

☒  Non-binding guidance or principles issued or in progress

On 19 December 2023, the MOCD issued Circular Letter No. 9 of 2023 regarding AI ethical guidelines. The circular letter is not legally binding; it serves as ethical guidance for electronic system operators, both private and public, in creating or formulating internal policies related to AI. It also provides guidance for AI-based developers in conducting consultancy, analysis, and programming activities.

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