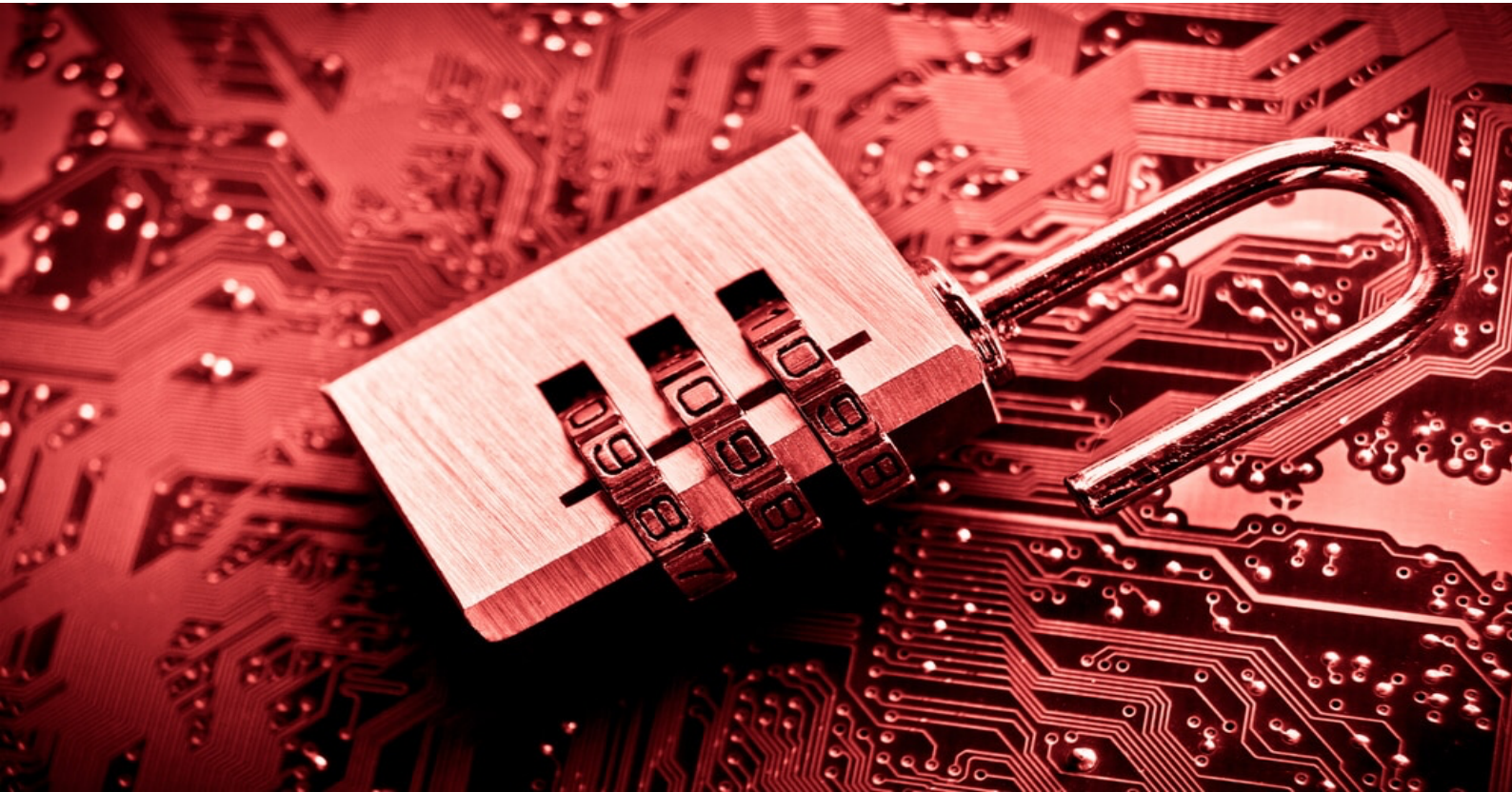


ONE CRITERION NOW
TRIGGERS
MANDATORY DPO

**INDONESIAN
CONSTITUTIONAL COURT'S
DECISION ALTERS
PDP COMPLIANCE
LANDSCAPE**

CLIENT ALERT

7 August 2025



One Criterion Now Triggers Mandatory DPO: Indonesian Constitutional Court's Decision Alters PDP Compliance Landscape

The Constitutional Court has recently revised the interpretation of Article 53(1)(b) of the Indonesian Personal Data Protection Law, significantly expanding the obligation to appoint a Data Protection Officer (DPO). Going forward, the fulfillment of any one of the listed criteria, rather than all three, will trigger a mandatory DPO appointment.

What You Need to Know

Previous Interpretation

Under the original wording of Article 53 paragraph (1) (b), a data controller or processor was only required to appoint a DPO if all three of the following conditions were met:

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1. Personal data processing for public services;
2. Core activities involving large-scale, systematic monitoring; and
3. Processing of large volumes of specific (sensitive) personal data or data relating to criminal offenses.

New Constitutional Court Ruling

In Decision No. 151/PUU-XXII/2024, the Court ruled that the conjunction “and” (*dan*) in the provision must be interpreted as “and/or” (*dan/atau*). As a result, an entity that meets any one of the above criteria is now obliged to appoint a DPO. The Constitutional Court’s interpretation brings Indonesia’s DPO obligation closer to the GDPR framework, under which a DPO must be appointed when an organization engages in large-scale processing of special categories of data, regular and systematic monitoring of individuals, or is a public authority. This risk-based approach ensures that entities handling sensitive or large-scale data processing are subject to enhanced accountability and oversight.

Implications for Your Business

Expanded Compliance Obligations

Companies that previously were not required to appoint a DPO under the narrow “all criteria” reading may now fall within the scope of Article 53(1).

Immediate Action Required

Companies should reassess their data processing operations against the revised criteria to determine whether a DPO appointment is now mandatory.

Recommended Next Steps

To ensure compliance with the revised interpretation of Article 53(1)(b) of the PDP Law, organizations should promptly evaluate the implications of the Constitutional Court’s decision on their data processing activities. The following steps are recommended to help your organization align with the expanded Data Protection Officer (DPO) obligations and mitigate potential legal or regulatory risks:

1. **Review Internal Data Processing Activities**
Evaluate whether your organization satisfies any one of the three Article 53(1) criteria.
2. **Appoint a Qualified DPO**
Where at least one of the prescribed criteria is satisfied, companies should initiate the appointment of a Data Protection Officer (DPO) with reference to the qualification standards set out under the Indonesian National Work Competency Standard (SKKNI) for DPOs and establish a DPO structure that is proportionate and aligned with the company’s operational requirements.
3. **Update Compliance Frameworks**
Revise your internal personal data protection policies and reporting mechanisms to reflect the implementation of the newly established DPO structure.
4. **Monitor Regulatory Developments**
Look out for further implementing regulations or guidance from the Indonesian Personal Data Protection Authority, which is expected to be formally established in the near future.

For Further Assistance

If you need help assessing your obligations or appointing a compliant DPO, please contact us.

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