



FREQUENTLY ASKED QUESTIONS

1. What are the steps required for me to lodge complaints regarding content in the Internet?

First:

You are encouraged to lodge complaints directly to the content owner or moderator. If there is no information about the owner or moderator, you are advised to use the 'report abuse' service provided by the website. This is because a self-report from you will be prioritised more by any website administrator.

Second:

You can lodge complaints to MCMC's Consumer Complaints Bureau by providing detailed information and supporting documents about the reported content. A copy of emails/letters sent to the website owner/moderator/administrator or other enforcement agencies should also be included.

You can lodge complaints to us through <http://aduan.skmm.gov.my/> or any complaint channel provided by MCMC. We will investigate the complaint and assist you to solve issues that you face.

MCMC will acknowledge receipt of your complaint with reference number within 3 days of receiving the complaint (verification of complaints through MCMC Consumer Complaints Bureau portal will be done in 1 day). You will receive answers pertaining to the result of MCMC's investigation within 15 days from the date of complaint received.

Third:

You may also lodge report(s) to relevant authorities like PDRM, KPDNKK, BNM and other related enforcement agencies.

MCMC is not the only agency with the authority to investigate complaints regarding content in the Internet. Content provision in the Internet is bound by all relevant laws in the country and reports/complaints can be made to relevant enforcement agencies in relation to matters that fall within their own jurisdictions as follows:-

Type of Offence	National Laws	Enforcing Agencies
Sedition	Sedition Act 1948	Royal Malaysian Police (PDRM)
Threats to National Security	Penal Code	PDRM
Fraud	Companies Act 1965	Companies Commission of Malaysia (SSM)
	Banking and Financial Institutions Act 1989	Bank Negara Malaysia (BNM)
	Direct Sales Act 1993 & Consumer Protection Act 1999 (online sales and purchase transactions)	Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK)
Cheating	Penal Code (Section 420)	PDRM
Copyright	Copyright Act 1987	KPDNKK
Defamation	Penal Code	PDRM
	Defamation Act 1957	Civil Action
Gaming	Common Gaming Houses Act 1953 Betting Act 1953 Pool Betting Act 1967	PDRM
Threats to life/property	Penal Code	PDRM
Hacking	Computer Crimes Act 1997	PDRM

Alternative Channel:

You can also lodge complaints to the Communications and Multimedia Content Forum of Malaysia at <http://www.cmcf.my/> by providing;

- Full name
- New IC Number
- Telephone Number
- Address
- Screenshots of the specified content
- Link to the content
- Information regarding email being sent (Email Header)
- Suspect details (if suspect is known)
- Description of issues/complaints made
- Claims specifics

For your information, CMCF can only take action against the content provider or creator who is a member of the Forum or parties who have agreed/been directed to abide by the Content Code.

2. What is MCMC's jurisdiction in addressing complaints about offensive content in the Internet?

Communications and Multimedia Act 1998 (Act 588) has two (2) main provisions to enable enforcement action to be taken against complaints related to offensive content in the Internet, namely:

Section 211: Prohibition on provision of offensive content

- (1) No content applications service provider or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.
- (2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding RM50,000 or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of RM1,000 for every day or part of a day during which the offence is continued after conviction.

Section 233: Improper use of network facilities or network service, etc.

- (1) A person who—
 - (a) by means of any network facilities or network service or applications service knowingly—
 - (i) makes, creates or solicits; and
 - (ii) initiates the transmission of, any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person; or
 - (b) initiates a communication using any applications service, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at any number or electronic address, commits an offence.
- (2) A person who knowingly—
 - (a) by means of a network service or applications service provides any obscene communication for commercial purposes to any person; or
 - (b) permits a network service or applications service under the person's control to be used for an activity described in paragraph (a), commits an offence.

- (3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding RM50,000 or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of RM1,000 for every day during which the offence is continued after conviction.

3. Can I obtain a suspect's information?

MCMC is not allowed to give a suspect's personal information obtained through our investigation to the complainant or the public. MCMC can only submit information to the investigating authority or the court.

For your information, MCMC keeps neither the information about Internet consumption nor personal details of Internet users in Malaysia. In addition, MCMC does not possess detailed information about blog owners/writers or social networking website accounts, email owners' information and IP addresses used except when they are obtained during MCMC investigation under the enforced Acts.

If you wish to obtain a suspect's information for civil legal action, you need to secure court order and serve the order to the affected service provider, such as the Internet service or web-hosting service provider, to provide the information.

4. What can be done if the website operates outside the country?

The process to obtain information and assistance from an administrator of a website which operates outside the country is limited and dependent upon the type of offence involved.

Normally, further action on the complaint or abuse report from MCMC or from the complainant by the overseas website is subject to terms and conditions set by its site administration and to related laws in that country.

5. Someone created a false website which copied content from my website (company, private or group). What action can be taken?

You are encouraged to personally lodge complaints to the website operator and request that the false website be removed.

If there is no action taken by the website operator, depending on the facts of the case, it could be related to two (2) types of offences:

- (a) Cheating attempts - you can lodge report to the Royal Malaysian Police (PDRM) as this is an offence under the Penal Code.
- (b) Copyright infringement - If trade mark or other copyrights are used by those who possess no right to use them in the false website, complaints can be raised to the Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK) which will then investigate the offence under the Trade Marks Act 1976 or Copyright Act 1987.


In addition, if the false website uses your name or your company's name or any name whose trade mark belongs to you, complaints can be lodged to the Regional Centre for Arbitration Kuala Lumpur (www.rcakl.org.my) when it involves the use of ".my" domain name. They can be contacted at 03-2142 0103/0207/0384, via fax at 03-2142 4523 or via email to dndr@rcakl.org.my.

6. Content in which copyright is mine (such as write-ups, video clips or recordings) was uploaded without my permission. Can MCMC assist me to remove the content from the website?

You are advised to raise complaints directly to the website operator so that the content can cease to be distributed/broadcast. Complaints can also be made to the Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK) as copyright infringement is an offence under the Copyright Act 1987 enforced by the Ministry. The content owner can directly lodge report to the KPDNKK Complaints Unit so that further investigation can be carried out.

Example: Complaints to YouTube

YouTube practises a comprehensive complaint system for reporting copyright infringement via "*Copyright Complaint Webform*" in its website to be completed by the copyright owner. The form can only be completed by the affected copyright owner or the authorised agent.

- i. Log-in to YouTube and access the infringing content.
- ii. Click on  located in the lower right of the video.
- iii. Then select Infringes my copyright and press submit.
- iv. A notification page on copyright will appear. Proceed to select Submit a copyright complaint.
- v. You will be directed to a new webpage on copyright and you will need to select the relevant section and follow the steps provided.
- vi. In section "What is the issue" - select Copyright Infringement (someone copied my creation).
- vii. Answer question Copyright infringement - who is affected?
 - a) Select "I am" or "My company, organization or client".
- viii. Fill in the URL of the affected video and state types of infringement being committed.
- ix. Complete your information as required and click verification details as provided. Once completed, you may click on Submit complaint. YouTube will provide feedback on your complaint to you at the e-mail address you provided during log-in.

Be careful when raising copyright complaints and do not make false claims. For your information, YouTube will display the copyright owner details at the place where the content is removed.

7. Email/Facebook/blog site account was hacked. What should I do?

For your information, investigation into hacking falls under the jurisdiction of PDRM and action can be taken under the Computer Crimes Act 1997. Reports can be lodged at any nearest police stations.

You are also encouraged to lodge reports to the operator of the blog or website. Most websites provide abuse report service including hacking. Possible actions to be taken include removal of the affected account or password reset.

Example: Complaints to Yahoo Mail

MCMC would like to advise you to raise reports directly to Yahoo web operator at <https://edit.yahoo.com/forgotroot/>, because report from the affected person is preferred by the Yahoo administration.

- i. After clicking the link above, a main webpage about reporting issues related to your Yahoo account will appear.
- ii. Then click on My account may have been compromised
- iii. Then press Next button
- iv. And then follow the instruction provided and fill in the needed details until completion.

Example: Complaints to Wordpress

MCMC would also like to advise you to lodge reports to Wordpress website operator at <http://en.wordpress.com/abuse/>, because reporting by the affected person is preferred by the Wordpress administration.

You can complete the complaint information form provided by Wordpress according to the following steps:

- i. Fill in the complainant real name
- ii. Fill in formal email address of the complainant (the email address will be used by Wordpress to contact the complainant for further feedback)
- iii. Select Type of Complaint – Other

- iv. Fill in the URL of offending blog post
- v. Answer Complaint (please provide the specific quotations of the offending material)
 - a) You need to explain that your Wordpress account was hacked by someone for the purpose of, for example, tarnishing the complainant's credibility.
 - b) Inform them that the defamatory content as specified in the link provided above had led to major problems to you/your organization (provide examples of such problems).

8. I was defamed in blog/social media site.


If you know the party responsible for the defamatory content, you are encouraged to take civil legal action (in court) such as defamation suit, compensation claim and other related actions.

Pertinent information regarding the party responsible for managing the website or the party posting to a website could be requested from the website/service administrator, once you receive the necessary orders from the courts.

Complaints can also be lodged to MCMC via MCMC Complaints Bureau if you find that the published content is false information or contains offensive or indecent statements about you. You need to specifically identify the content in your complaint lodged to MCMC as well as provide relevant documents to support your claims.

Example: Complaints to Facebook

- a. In the individual page
 - i. Go to suspect's profile
 - ii. Click the top right icon  in the profile
 - iii. Click Report/Block
 - iv. Click on My Friend is annoying me or complainant can choose whether to
 - "Unsubscribe" the suspect and the complainant will no longer be able to view the latest news from the suspect in his/her Newsfeed;
 - "Unfriend" the suspect who then will not be able to communicate through the complainant's profile; or

- "Block" the suspect, resulting in the complainant and the suspect being no longer able to communicate among themselves.
- v. Click Continue
- b. In "Group" or "Page" page
 - i. Go to relevant Group page
 - ii. Click top right icon  in the profile
 - iii. Click Report Group
 - iv. Click It's harassing me or It's harassing a friend where suitable
 - v. Click Continue
- *Please be aware that the procedure for abuse reporting on Facebook will vary from time to time.*

For more information, complainant can also go to <http://www.facebook.com/report/> and click on the appropriate abuse category/type.

9. Someone has opened an account in social networking site or other website and impersonated myself.

In each web, social, blog or forum site, there is a link which enables you to raise complaints about any of your dissatisfaction to the site administration. Under the "impersonation" category, you can lodge complaints to the site administration to remove the account.

For your information, any site administration will prioritise direct complaints from you. In lodging a complaint, you will be required to upload a copy of identification card/passport (any valid document produced by the Government) in digital image format to serve as reference that you are the real name owner.

Example: Complaints to Twitter

MCMC would like to advise you to report the matter to Twitter site operator at <https://support.twitter.com/forms/impersonation>, because a direct report from you will be preferred by the Twitter administration.

You need to fill in the complaint information form provided by Twitter according to the following steps:

- i. Click the link above and fill in the appropriate section as provided
- ii. Enter category: complainant, complainant representative, complainant friend or company representative
- iii. Complainant full name
- iv. Complainant email address
- v. Complainant Twitter username (if any)
- vi. Information related to false Twitter account user, i.e.:
 - a. False Twitter account name : misai_kuceng (EXAMPLE)
 - b. Description of the false Twitter account
- vii. Fill in other details in "Wrapping up" section and click "Submit"

10. Someone displayed my personal picture/information in the Internet.

First and foremost, you are advised to communicate directly with the website owner or operator to remove the intended personal picture.

If the affected owner or operator does not heed or refuse to cooperate, lodge reports to the site administrator (Flickr, Blogspot, Facebook, Tagged, Wordpress and others) using *report abuse* as provided by the site administrator.

It is best that you attach emails or communication with the site owner or operator who refuses to cooperate for reference by the administrator. Hence, each interaction or communication with the affected owner or operator must be saved as evidence.

Example: Complaints to Tagged:

Tagged require the complainant to personally report to them. Examples of abuses of this nature include the creation of a profile to display the complainant personal name/picture/information. There were also cases where personal telephone number was displayed for sexual soliciting purpose.

The following are steps to raise report about false profile and personal information abuse in Tagged.

- ii. Open the false profile link.
 - iii. Click the section on Report Abuse as provided on the site.
 - If the complainant does not own an account in Tagged, the complainant will be asked to register/sign up as a Tagged user, or can log in/sign in using their Facebook account to continue the complaint session.
 - iv. Click on Identity Theft and stolen personal information, and the link will lead you to the section on Submit a Ticket.
 - v. In the section on Submit a Ticket, the category to be selected is Safety and Privacy - sub-category Impostor Profile
 - vi. In section Step 1: Enter Brief Summary, complainant is required to inform that a person or persons unknown has misappropriated his/her personal photo/information without their knowledge and permission.
 - vii. In Step 2: Select Parent Category, the complainant should select Safety and Privacy.
 - viii. Next, in Step 3: Provide a Detailed Description, the complainant need to submit the link to be reported and provide a description of the personal information/photo that was used in the link. The complainant also needs to provide the link/information on where this information was taken from and to describe the impact of alleged action to him/her.
 - ix. Next, the complainant will be issued a reference number (tracking number) and also an email containing the details. The complainant can access the status of complaints through section My Support in his/her own profile.
- *Please be aware that the procedure for abuse reporting on Tagged will vary from time to time.*

Anyone can grab copy of pictures made available openly in the Internet for his or her own interest. The reason is that when we place or display our pictures in the Internet, they are meant for public viewing and are public rights. To avoid such untoward matters, you are encouraged not to

display personal pictures openly in the Internet. Use "privacy" facility as provided to ensure only your trusted friends can view them.

11. Someone threatened to distribute my personal pictures/information in the Internet unless I followed what he/she requested?

If the threats you received involve personal security or property, you are encouraged to lodge report to the Royal Malaysian Police so that urgent action can be taken.

If received communication does not involve threat to life or property, you can lodge your report to MCMC through the Complaints Bureau.

In all threat cases, you are advised to save all received messages and electronic communications to serve as evidence in your report.