



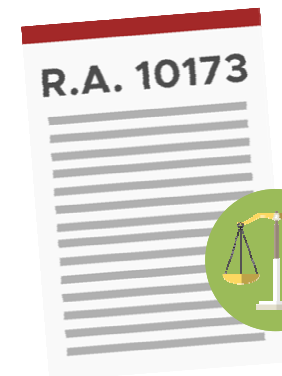
Data Privacy Act of 2012

IVY GRACE T. VILLASOTO

CHIEF, POLICY DEVELOPMENT DIVISION

REPUBLIC ACT NO. 10173

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES



Key Concepts

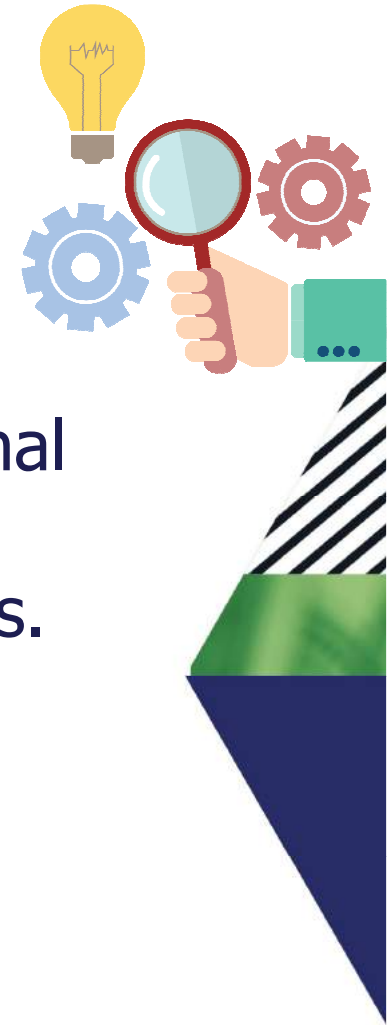


NATIONAL
PRIVACY
COMMISSION

Scope

Applies to the processing of all types of personal information and to any natural and juridical person involved in processing in the Philippines.

Has extraterritorial application in certain instances.



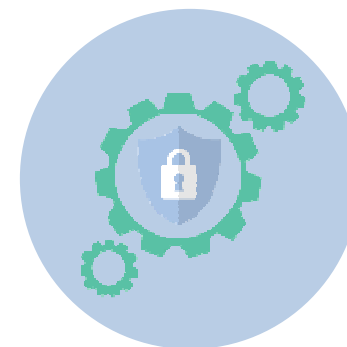
Personal Information

any information whether recorded in a material form or not, from which the **identity of an individual** is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

Sensitive personal information

1. race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
2. health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
3. issued by government agencies peculiar to an individual; and
4. specifically established by law to be kept classified.

Processing



Refers to any operation or any set of operations performed upon personal information including, but not limited to the following:

Collection

Recording

Organization

Storage

Updating or modification

Retrieval

Consultation

Use

Consolidation

Blocking

Erasure

Destruction



Personal Information Controller (PIC)

controls the processing of personal data, or instructs another to process personal data on its behalf

Personal Information Processor (PIP)

any natural or juridical person to whom a PIC may outsource or instruct the processing of personal data

Data Subject

an individual whose personal, sensitive personal, or privileged information is processed

Data Privacy Principles

Transparency

The data subject must be aware of the nature, purpose, and extent of the processing of his or her personal data.



Legitimate Purpose

The processing of information shall be compatible with a declared and specified purpose which must not be contrary to law, morals, or public policy.



Proportionality

The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose.



National Privacy Commission



NPC Issuances

NPC Circular No. 2016-01	Security of Personal Data in Government Agencies
NPC Circular No. 2016-02	Data Sharing Agreements Involving Government Agencies
NPC Circular No. 2016-03	Personal Data Breach Management
NPC Circular No. 2016-04	Rules of Procedure of the National Privacy Commission
NPC Advisory No. 2017-01	Designation of Data Protection Officers
NPC Advisory No. 2017-01	Access to Personal Data Sheets of Government Personnel

Initiatives



NATIONAL
PRIVACY
COMMISSION

DPO Summits

DP  **1**
The First Data Protection Officers' (DPO) Assembly
FOR GOVERNMENT

APRIL 5, 2017
8:00 A.M. to 12:00 P.M.
Diosdado Macapagal Hall, 10th floor
Land Bank Plaza, Malate, Manila

*Kung hindi tayo kikilos, sino ang kikilos?
Kung hindi ngayon, kailan pa?
#BetheOne #BetheFirstDPO*



DPO Summits



Implications



NATIONAL
PRIVACY
COMMISSION

Data sharing: When allowed

- ◆ When it is expressly authorized by law: *provided*, that there are adequate safeguards for data privacy and security, and processing adheres to general data privacy principles.
- ◆ Data sharing in the private sector:
 - Data subject must consent to the data sharing even when data is to be shared with the parent/affiliates
 - Data sharing for commercial purposes shall be covered by a data sharing agreement



Data Sharing Agreement



A contract, joint issuance, or similar document that contains the terms and conditions of a data sharing arrangement between two or more parties.


Only personal information controllers can be parties to a data sharing agreement.

****The DSA does not need prior approval from the NPC.***

Outsourcing



PICs may subcontract the processing of personal information and must use contractual or other reasonable means to ensure the following:

- ◆ proper safeguards are in place;
 - ◆ confidentiality, integrity and availability of the personal data processed;
 - ◆ prevent its use for unauthorized purposes; and
 - ◆ comply with the requirements of the DPA.
- 

Challenges



NATIONAL
PRIVACY
COMMISSION



- ◆ Coverage of the law – all personal information controllers and processors in all sectors, including government agencies/other regulators
- ◆ Certain sectors claiming for exemption
- ◆ Possible overlap of DPA requirements with requirements of other government regulators



privacy.gov.ph

facebook.com/privacy.gov.ph

twitter.com/privacyph

info@privacy.gov.ph