

RENUN 19

The Data Privacy Act of 2012, its Compliance and implementation in the Philippines

15 May–16 May · Harbour Plaza North Point, Hong Kong .

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(Former Chief- Compliance and Monitoring Division)
National Privacy Commission
GDPR Coalition Ambassador

Latest Data Breaches and Cases in the Philippines



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Miss Earth organizer faces probe over data privacy

ABS-CBN News

Posted at Nov 13 2018 03:12 PM

MANILA - Carousel Productions, the organization that owns and runs the Miss Earth pageant, is facing an investigation for possible violation of the data privacy law, amid separate allegations that some of its contestants experienced sexual harassment.

In a letter to the pageant organizer dated Oct. 11, the National Privacy Commission noted that a contestant claimed her phone number was disclosed without consent to a sponsor.

The same contestant claimed that candidates' passports were confiscated on the first day of the pageant, said NPC.

The... does not have a data protection

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TECH NEWS

Over 100,000 Filipinos affected by Cathay Pacific data breach

The National Privacy Commission orders Cathay Pacific to explain why it only reported the data breach several months after it happened

Rappler.com

Published 12:36 PM, November 10, 2018

Updated 12:47 PM, November 10, 2018



CATHAY PACIFIC AIRWAYS
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FRONT PAGE / NEWS

National Privacy Commission summons Baguio college for mandatory pregnancy test policy

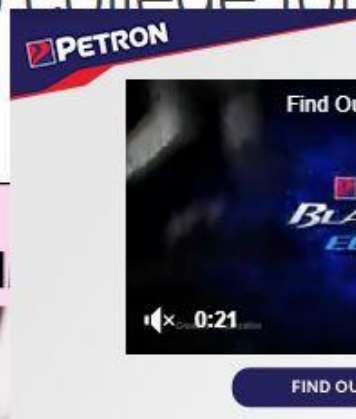
By CNN Philippines Staff

Updated 22:21 PM PHT Fri, November 9, 2018



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PETRON
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Maria Ozawa Shares Story About Uber Driver Who Wants Her As “Textmate”



[Jeel Monde](#)

Date Published:

10:43 AM January 23, 2018

Date Updated:

10:43 AM January 23, 2018

in: [FEATURED](#)

Maria Ozawa narrates the story behind post about the incident with an Uber driver.

MARIA OZAWA – The Japanese actress Maria Ozawa shared the real story behind the Uber driver who wanted her to be his “textmate”.

In a [previous article](#), the foreign actress has called out the Uber PH after one of their drivers has invaded her privacy.

NEWS



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NPC orders Wendy's PH and Jollibee to take actions against data breach

by Louie Diangson · May 8, 2018

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Privacy Commission recommends criminal prosecution of Bautista over "Comeleak"

January 5, 2017 | 12:10 PM UTC Last Edit: January 5, 2017



The National Privacy Commission (NPC) has found that the Commission on Elections (COMELEC) violated the Data Privacy Act of 2012 and has recommended the criminal prosecution of Chairman J. Andres D. Bautista for the data breach that occurred between 20 and 27 of March last year.



Post



Twee

Bangko Sentral ng Pilipinas hikes interest rates by another 25 basis points to 4.75 percent



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PH privacy regulators summon Uber over massive data breach

By CNN Philippines Staff

Updated 14:28 PM PHT Thu, November 23, 2017

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Press statement on ABS-CBN Store and UAAP store websites

ABS-CBN News

Posted at Sep 19 2018 01:37 PM | Updated as of Sep 19 2018 01:46 PM

ABS-CBN has temporarily taken down the ABS-CBN Store (store.abs-cbn.com) and the UAAP Store (uaapstore.com) websites today (19 Sep 2018) at 9:30 AM following a report of a data breach of its online shopping facility.

Personal information and credit card details of our customers may have been exposed.

As of this time, there are 213 customers who may have been affected. However, the investigation is still ongoing.

This data breach incident is isolated only to the ABS-CBN Store and the UAAP Store websites and does not affect other ABS-CBN digital properties. We have informed the National Privacy

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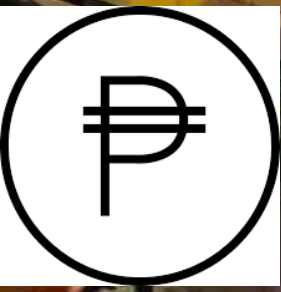
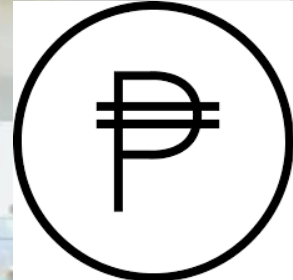
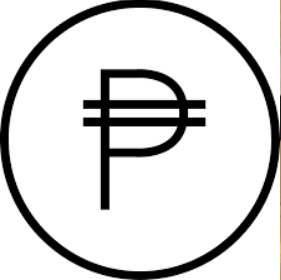
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Do not COLLECT
if you cannot
PROTECT

ВОТРА **ВОТРА** **ВОТРА**

What is the Data Privacy Act of 2012?

- **SECTION 1. Short Title.** – This Act shall be known as the “Data Privacy Act of 2012”.

- **Republic Act 10173**, the Data Privacy Act of 2012

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

- The National Privacy Commission (NPC) is a body that is mandated to administer and implement this law. The functions of the NPC include:
 - rule-making,
 - advisory,
 - public education,
 - compliance and monitoring,
 - investigations and complaints,
 - and enforcement.

SCOPE OF THE DPA

The DPA applies to the *processing of all types of personal information* and to *any natural and juridical person*, in the country and even abroad, subject to certain qualifications.

Sec. 4, DPA

Structure of RA 10173, the Data Privacy Act

Sections 1-6.
Definitions and General
Provisions

Sections 7-10. National
Privacy Commission

Sections 11-21. Rights
of Data Subjects, and
Obligations of Personal
Information Controllers
and Processors

Section 22-24.
Provisions Specific to
Government

Section 25-37.
Penalties

Philippines' DPA vs GDPR

Categories	Categories	Categories
Purpose	Preventing Harm Principle	Integrity and Confidentiality
Material Scope	Lawfulness, Fairness and Transparency	Accountability
Territorial Scope	Purpose Limitation	Access and Correction
Personal Data	Data Minimization	Data Portability
Sensitive Personal Data	Accuracy	Transfer of Personal Data to Another Person or country
Data Controller	Storage Limitation	Breach Definition *
Data Processors	Notice and Choice	Breach Notification *
Publicly Available Information		Breach Mitigation



Atty. Ivy D. Patdu

DEPUTY
PRIVACY COMMISSIONER



Raymund Enriquez Liboro

PRIVACY COMMISSIONER
AND CHAIRMAN



Atty. Leandro Angelo Y. Aguirre

DEPUTY
PRIVACY COMMISSIONER

The National Privacy Commission is an independent body mandated to administer and implement the Data Privacy Act, and to monitor and ensure compliance of the country with international standards set for personal data protection.

Office of the Commissioner

Office of the Executive Director

Public Information and Assistance Division

Data Security and Compliance Office

Legal and Enforcement Office

Finance and Administrative Office

Privacy Policy Office

Compliance and Monitoring Division

Data Security and Technology Standards Division

Financial Planning and Management Division

Administrative Services Division

Human Resource Development Division

Legal Division

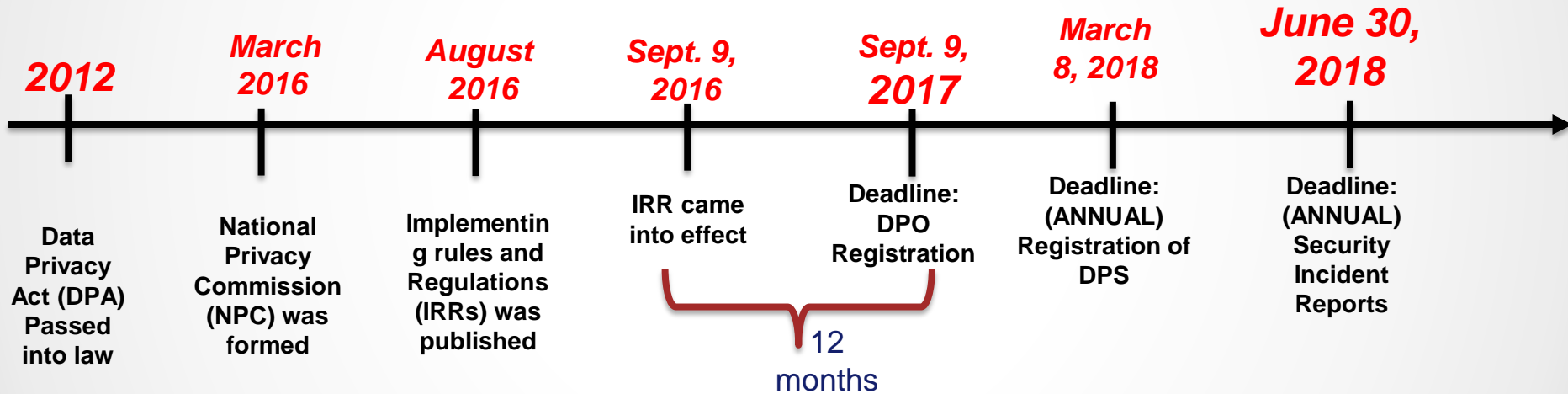
Complaints and Investigation Division

Enforcement Division

Policy Development Division

Policy Review Division

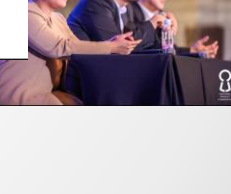
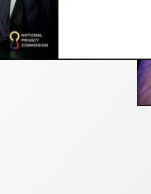
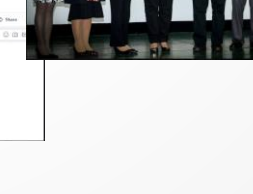
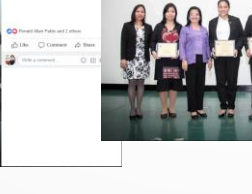
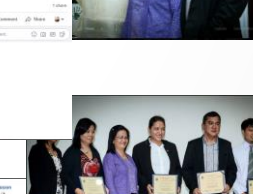
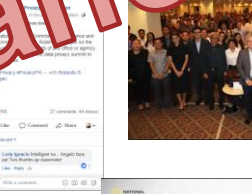
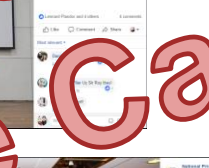
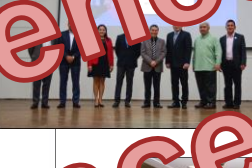
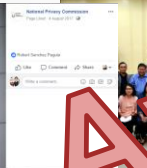
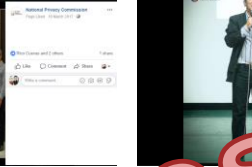
Timeline of DPA Law and other issuances passed to Organization's Compliance



Registration Requirements: All personal data processing systems (DPS) operating in the Philippines that involve Personal Data concerning at least 1,000 individuals/personal records must be registered with NPC



Awareness and Compliance Campaign



EXAMPLES OF POTENTIAL BREACHES AND SECURITY INCIDENTS INVOLVING PERSONAL INFORMATION

• Potential Breaches

1. Bank – Consent form
2. Hospital and School Records – Storage and Disposal Policy
3. Student transferred - Without Consent
4. Clinical record of a student to disclose with her parents - Consent
5. List of top students/passers - Consent
6. Cedula in Malls – Disposal Policy/Improper Disposal
7. Security issues in buildings – logbook
8. Use of re-cycled papers – Disposal Policy / Access due to negligence
9. Hard drives sold online –Disposal Policy
10. Use of CCTV – Privacy Issues
11. Use of USB/CD/Personal laptop – Encryption issue

• Access Control and Security Policy

12. Personal Records stolen from home of an employee - Security
13. Viewing of Student Records in Public – Physical Security
14. Raffle stubs – Privacy Notice / Storage and Disposal Policy
15. Universities and Colleges websites with weak authentication
16. Photocopiers re-sold without wiping the hard drives
17. Password hacked/revealed -
18. Accidentally sent an email attachment – Unauthorized Disclosure

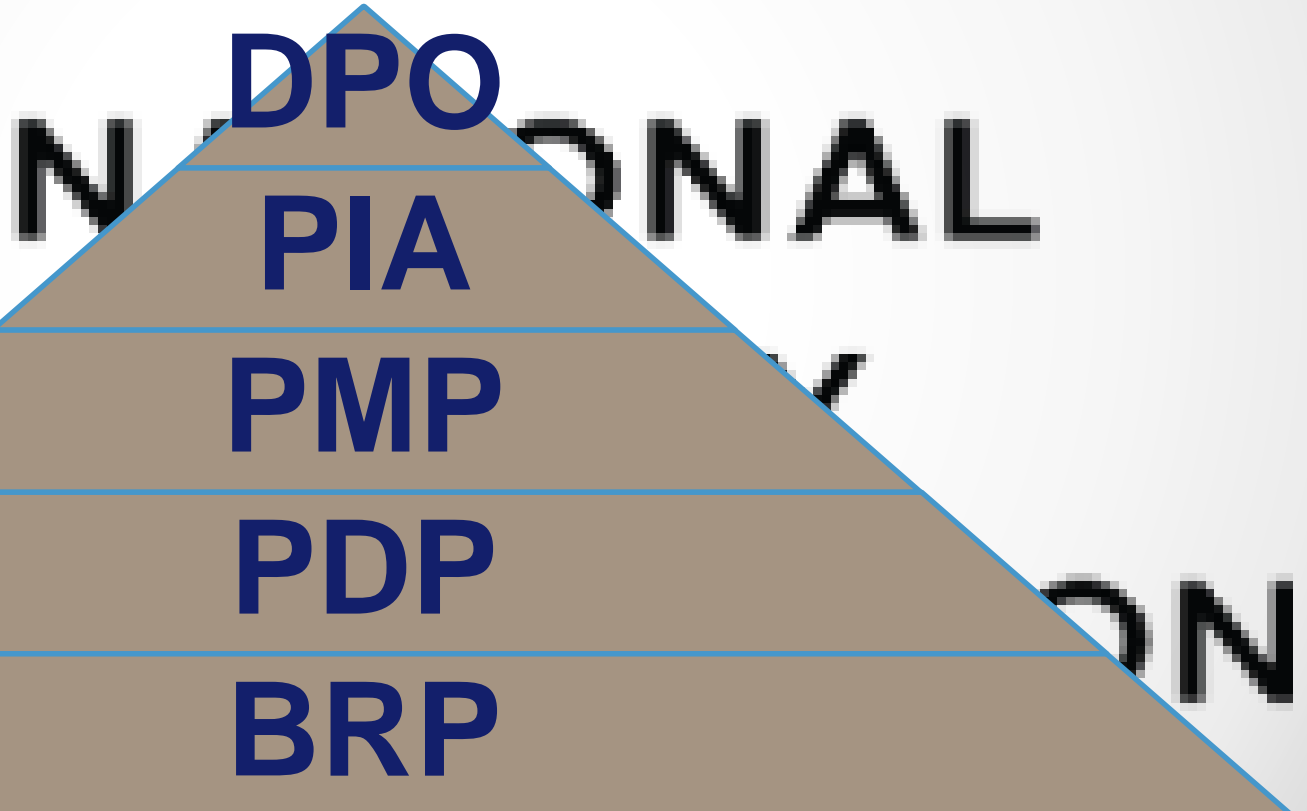
• Other Violations / Data Privacy Act Principles

19. No Data Sharing Agreement (DSA)
20. No Privacy Notice
21. No Sub-contracting Agreement
22. No Breach Drill
23. Profiling of customers of malls – Targeted Marketing
24. Unjustifiable collection of personal data of a school – Principle of Proportionality

Potential Penalties listed in the Data Privacy Act

DPA Section	Punishable Act	For Personal Information	For Sensitive Personal Information	Fine (Pesos)
		JAIL TERM		
25	Unauthorized processing	1-3 years	3-6 years	500 k – 4 million
26	Access due to negligence	1-3 years	3-6 years	500 k – 4 million
27	Improper disposal	6 months – 2 years	3-6 years	100 k – 1 million
28	Unauthorized purposes	18 months – 5 years	2-7 years	500 k – 2 million
29	Intentional breach	1-3 years		500 k – 2 million
30	Concealment of breach	18 months – 5 years		500 k – 1 million
31	Malicious disclosure	18 month – 5 years		500 k – 1 million
32	Unauthorized disclosure	1-3 years	3-5 years	500 k – 2 million
33	Combination of acts	1-3 years		1 million – 5 million

NPC's FIVE PILLARS OF COMPLIANCE



THE FIVE PILLARS OF COMPLIANCE

- Commit to Comply: Appoint a Data Protection Officer (**DPO**)
- Know your Risk: Conduct a Privacy Impact Assessment (**PIA**)
- Be Accountable: Create your Privacy Management Program and Privacy Manual (**PMP**)
- Demonstrate your Compliance: Implement your Privacy and Data Protection Measure (**PDP**)
- Be Prepared for Breach: Regularly Exercise your Breach Reporting Procedure (**BRP**)

PILLAR #1

D.P.O.

Designating a DPO is the first essential step. You cannot register with the NPC unless you have a DPO.

All PICs and PIPs should designate a **Data Protection Officer**

- The personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with this Act. The identity of the individual(s) so designated shall be made known to any data subject upon request. (Sec. 21[b])
- xxx The personal information processor shall comply with all the requirements of this Act and other applicable laws. (Sec. 14)

In the Philippines,
(as of date),
we need more than 22,000
Data Protection Officers....

PILLAR #2

P.I.A.

PILLAR 2: KNOW YOUR RISKS

“The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation”

- Section 20.C of DPA of 2012

PILLAR #3

P.M.P

PILLAR #4

P.D.P.

1

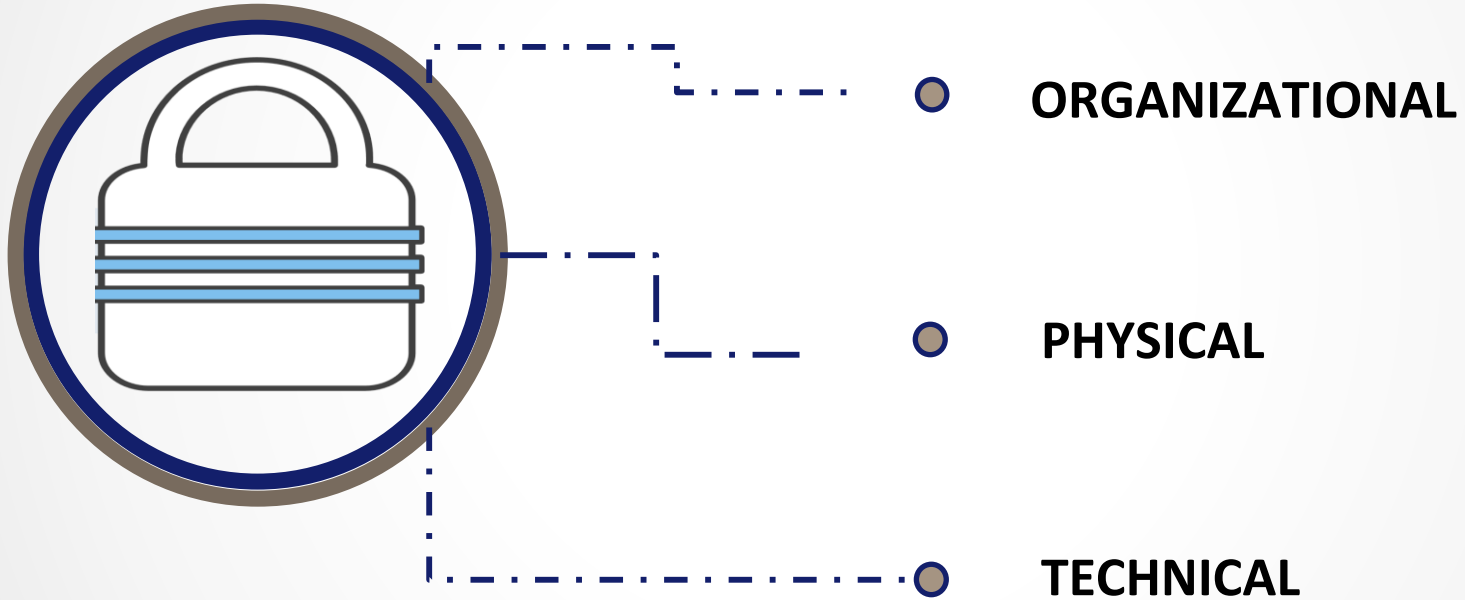
Technical

2

Organisational –
other measures

**BEST
PRACTICE**

IMPLEMENT SECURITY MEASURES



PILLAR #5

B.R.P.



I WANT TO
Know More

Know Your Rights

The Data Privacy Act and Its IRR

Memorandum Circulars

Advisories

Advisory Opinions

30 Ways to Love Yourself Online

Other Resources

Questions? AskPriva



I WANT TO
Comply

Register

Appointing a Data Protection
Officer

Conducting a Privacy Impact
Assessment

Creating a Privacy Manual

Implementing Privacy and Data
Protection Measures

Exercising Breach Reporting
Procedures



I WANT TO
Complain

Mechanics

Submit a Complaint



Section 20.f

“The PIC shall promptly notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the PIC or the Commission believes that that such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject.”

Section 30

“Concealment of Security Breaches Involving Sensitive Personal Information. — The penalty of imprisonment of one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who, after having knowledge of a security breach and of the obligation to notify the Commission pursuant to Section 20(f), intentionally or by omission conceals the fact of such security breach.

The 72-hour deadline

IRR Section 38 (a) *Data Breach Notification*. The Commission and affected data subjects shall be notified by the PIC within seventy-two (72) hours upon knowledge of, or when there is reasonable belief by the PIC or PIP that, a personal data breach requiring notification has occurred.



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NPC Circular 16-03

DATE : 10 October 2016
SUBJECT : PERSONAL DATA BREACH MANAGEMENT

Keep in touch

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END OF PRESENTATION