Overview of the Data Privacy Act

Ivy D. Patdu
National Privacy Commission
Right to privacy

“the right to be let alone - the most comprehensive of rights and the right most valued by civilized men”

[Brandeis J, dissenting in Olmstead v. United States, 277 U.S. 438 (1928)].
Which of the Following will you be willing to share with someone you just met?

- Home Address
- Diary
- Credit Card Billing Statement
- Browsing History
- Phone Messages
- Facebook Password
DSWD training of field staff for “Listahanan” ongoing

April 20, 2015 | by Criselda David Philippine News Correspondent | 0

Researchers at the University of Nottingham in the UK created a system that scanned patients’ routine medical data and predicted which of them would have heart attacks or strokes within 10 years. When compared to the standard method of prediction, the AI system correctly predicted the fates of 355 more patients.

Source: Available at https://spectrum.ieee.org/the-human-os/biomedical/diagnostics/ai-predicts-heart-attacks-more-accurately-than-standard-doctor's-method
Local governments urged to go digital

Michelle Ong, ABS-CBN News
Posted at Aug 16 2017 12:23 PM

MANILA - Local government should automate front line services to increase their competitiveness, the co-chairman of the National Competitiveness Council said Wednesday.

"Front line services now are on your phone, in your pocket. You get services through phone apps. Challenge is to see more mobile phone apps for city permits, licensing and transactions that we have to go through," NCC co-chairman Guillermo Luz said.

Sheryl, Are You Scared to Use a Computer?, available at http://georyl.com/2012/04/are-you-scared-to-use-a-computer/
“In this digital era, information is the currency of power – valuable, coveted, but at a very high risk.”

-Senator Edgardo Angara, sponsorship speech for the Data Privacy Act
Data Privacy Act

It is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth.
Personal Data

• Any information from which the identity of an individual is apparent

• Any information that can be put together with other information to reasonably and directly identify an individual

• Includes sensitive personal information such as your health, education, genetic or sexual life
Republic of the Philippines
NATIONAL PRIVACY COMMISSION

Data Privacy Principles

Security Measures

Uphold Rights of Data Subject

DATA PRIVACY ACT
NOTICE

TRANSPARENCY

LEGITIMATE PURPOSE

PROPORTIONALITY
**Interesado ba ang mga Pilipino na malaman kung saan ginagamit ang kanilang personal na impormasyon?**

- **Gusto Malaman**: 94%
- **Hindi Gusto Malaman**: 5%
- **Walang Kasagutan**: 1%

**Note:** No answer/Don’t Know/Refused responses are not shown.

*Net figure % Likes to Know minus % Does Not like to Know, correctly rounded.

*Based on the SWS Survey “FILIPINO PUBLIC OPINION ON DATA PRIVACY AND ATTITUDES AND BEHAVIOUR TOWARDS INTERNET USAGE” June 17-21, 2017 National Survey*
Rights of Data Subjects

1. Right to Information
2. Right to Object
3. Right to Access
4. Right to Correct
5. Right to Erase
6. Right to Damages
7. Right to Data Portability
8. Right to File a Complaint
• CONSENT refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her.

• The consent shall be evidenced by written, electronic or recorded means.
Johns Hopkins Hospital to pay $190M settlement after gynecologist secretly recorded patients

Available at https://www.youtube.com/watch?v=iJQHWgQvDaE
Sometimes, Consent is NOT necessary.
Collect only what’s necessary
Para makautang...
(Please bring this requirements)

- 6pcs 2x2 picture
- 4pcs 1x1 picture (whole body)
- 3 valid id's
- Brgy. clearance
- NBI clearance
- Mayors permit
- Medical
- Cedula
- Birth certificate (NSO)
- SSS/TIN
- Co-maker
- X-ray (whole body)
- Police clearance
- Proof of billing
- Form 137

Ninja Pepe
Like This Page · February 8 · Edited · 📆
TO ALL MY INAANAK:

Requirements to claim your GIFT:
1. Original copy of Baptismal Certificate.
2. Original Copy of NSO Birth Certificate
3. Baptismal Picture together with me.
4. Should know my Complete Name.

Deadline of claiming your gift is until December 31, 2017 only.

NO requirements will NOT be entertained. Incomplete Requirements NO GIFT.

Merry Christmas!
SECURITY MEASURES

Organizational
Physical
Technical

Confidentiality
Integrity
Availability
Data Protection Officer

- Relevant privacy or data protection policies and practices
- Processing operations
- Sector or Industry

THE DPO SHOULD POSSESS SPECIALIZED KNOWLEDGE AND DEMONSTRATE RELIABILITY NECESSARY FOR THE PERFORMANCE OF HIS OR HER DUTIES AND RESPONSIBILITIES.

GDPR will require 75,000 DPOs worldwide, study shows

Policies for Processing Personal Data

- Collect
- Store
- Use
- Destroy
- Transfer
- Access
Villupuram nurses jump on to technological bandwagon at http://www.thehindu.com/news/national/tamil-nadu/villupuram-nurses-jump-on-to-technological-bandwagon/article5699852.ece
Records room and work stations should have limited access.

Laptops containing 3.7 million Hong Kong voters’ data stolen after chief executive election

Devices contained ID card numbers, addresses and mobile numbers
Medical group fined $140K for tossing patients’ health records into public dump

15 JAN 2013

Data loss, Law & order, Privacy

- Names, Social Security numbers, and medical diagnoses for more than 67,000 Massachusetts residents in the US were tossed into a public dump as is – no redacting, no shredding, no nothing

- Records in the pile included pathology reports for people tested for various kinds of cancer, along with other test results

Available at https://nakedsecurity.sophos.com/2013/01/15/medical-patients-health-records-dump/
UK hospitals hit with massive ransomware attack

Sixteen hospitals shut down as a result of the attack

by Russell Brandom | @russelbrandom | May 12, 2017, 11:36am EDT

The result has been a wave of canceled appointments and general disarray, as many hospitals are left unable to access basic medical records. At least one hospital has canceled all non-urgent operations as a result.

Technical Security Measures

SECURITY POLICY
SYSTEM MONITORING

SAFEGUARDS:
ENCRYPTION,
AUTHENTICATION
PROCESS

INCIDENT RESPONSE,
CORRECT AND
MITIGATE BREACH,
RESTORE SYSTEM
WHY SHOULD PERSONAL DATA BE PROTECTED?
<table>
<thead>
<tr>
<th>CRIME</th>
<th>IMPRISONMENT</th>
<th>FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processing of Personal/Sensitive Information for Unauthorized Purpose</td>
<td>Processing information for other purposes which are no longer authorized by law or consent</td>
<td>1yr 6mos – 7 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Php500,000 to Php2,000,000</td>
</tr>
<tr>
<td>Access to Personal/Sensitive Information due to Negligence</td>
<td>Persons who provide access due to negligence shall be liable</td>
<td>1-6 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Php500,000 to Php4,000,000</td>
</tr>
<tr>
<td>Concealment of Security Breach</td>
<td>Duty to notify Privacy Commission in case of breach (within 72 hours)</td>
<td>1yr 6mos – 5 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Php500,000 to Php1,000,000</td>
</tr>
<tr>
<td>Improper Disposal</td>
<td>Negligently dispose, discard or abandon personal data of an in an area accessible to the public or placed in its container for trash collection.</td>
<td>6 months – 3 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Php 100,000 to Php 1,000,000</td>
</tr>
<tr>
<td>Classification</td>
<td>No. of Complaints</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Unauthorized Processing</td>
<td>40</td>
<td>28%</td>
</tr>
<tr>
<td>Security of Personal Information</td>
<td>32</td>
<td>22%</td>
</tr>
<tr>
<td>General Inquiry</td>
<td>20</td>
<td>14%</td>
</tr>
<tr>
<td>Cybercrime</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>Rights of Data Subject</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>Unauthorized Access/Intentional Breach</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>Unauthorized Disclosure</td>
<td>6</td>
<td>4%</td>
</tr>
<tr>
<td>Others - CID</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Improper Disposal</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Theft</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Consumer Protection</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Credit Card</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Drone</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>145</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
His modus operandi is to steal his victims’ information and then contact call centers of certain banks to request for credit card replacement.

PUBLIC SCHOOL TEACHER IN P800K DEBT AFTER POSTING PRC ID ON FACEBOOK

Date - Saturday, February 27, 2016

In an interview, he said that he posted his PRC ID on Facebook when he passed the licensure exam. He also posted his papers when he was regularize in a public school.

Few months later, he was starting to received notifications from banks saying that he borrowed a total of P800,000 in salary loans.

Though he denied applying for the loans, the banks still deducted P9,000 from his payroll account every month. It surprised him because he did not sign any document authorizing them to deduct the amount.
Top 5 cybercrime complaints


Available at www.rappler.com/newsbreak/iq/159365-cybercrime-philippines-cases-online-libel-2016
NHS sexual health clinic fined £180K for patients' HIV status leak

The recipients' email addresses, of which 730 contained people's full names, were entered into the "to" field instead of "bcc", which masks the email addresses of people receiving the message.

Cara McGoogan, NHS sexual health clinic fined £180K for patients' HIV status leak (May 9, 2016)
A Violation of Privacy is an affront to Human Dignity

Unauthorized use or disclosure may put data subjects at risk for unwanted publicity, discrimination, identity theft and other acts prejudicial to the data subjects.
We are only a little over halfway through 2016, and yet according to the latest IBM X-Force data, 200 million government records worldwide were already compromised by July 31 of this year. That’s nearly 60 million more than all the records compromised from 2013 through 2015 — combined.

Republic of the Philippines

NATIONAL PRIVACY COMMISSION

GOVERNMENT GOAL

Benefits

Harms

Personal Data
In August, 2016, in a report titled “Data Danger Zones”, the Philippines is ranked as No. 143 out of over 170 nations evaluated on the ability “to keep digital information safe, private and secure.

Available at http://www.telecomasia.net/content/only-four-asian-nations-safe-data-storage
Embracing a Privacy Culture

THE PHILIPPINES IS COMMITTED TO PRIVACY AND DATA PROTECTION IN THE DIGITAL AGE.
THANK YOU!

#PartnersForPrivacy

Lumalamig na ang panahon, pero sana hindi lumalamig ang puso mo .... para sa #DataPrivacy!

Photo from National Privacy Commission FB page