Rights of the Data Subjects and Lawful Processing of Personal Data
Data Subject

refers to an individual whose personal, sensitive personal, or privileged information is being processed
WHO ARE YOUR DATA SUBJECTS?

## Transparency: Rights of the Data Subject

**Right to INFORMATION**

<table>
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<th>WHAT INFORMATION MUST BE SUPPLIED?</th>
<th>WHEN SHOULD INFORMATION BE PROVIDED?</th>
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<td>1. Description of the personal data</td>
<td>• before the entry of personal data into the processing system or</td>
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<td>2. Purposes for processing; including: direct marketing, profiling, or historical, statistical or scientific purpose</td>
<td>• at the next practical opportunity</td>
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<td>3. Basis of processing (legal mandate, contract, etc.)</td>
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<td>4. Scope and method of the processing</td>
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<td>5. Recipients/classes of recipients to whom the personal data are or may be disclosed</td>
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<td>6. Identity and contact details of the personal information controller</td>
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<td>7. Retention period</td>
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<td>8. Existence of rights as data subjects.</td>
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NPC’s Privacy Notice

Personal Information

We collect the following personal information from you:

- Name
- Address
- Email
- Phone number
- Occupation
- Gender
- Date of birth
- Other personal information

Privacy Policy

Thank you for visiting the Official Website of Makati City. We respect your privacy and are committed to protecting your personal information. Please read this Privacy Policy to learn more about how we collect, use, and share your personal information.

Information

Personal Information

The Makati City government collects and uses your personal information for the following purposes:

- To provide you with the services you request
- To communicate with you about important updates
- To conduct analytics to improve our services

Who has access to your information?

Your personal information is accessible only by authorized personnel who need it to perform their duties.

Security

We take reasonable measures to protect your personal information from unauthorized access, use, or disclosure.

Storage

We store your personal information securely and delete it when it is no longer needed for our purposes.

Your rights

You have the right to access, correct, or delete your personal information as provided by law.

How can you contact us?

For any inquiries or concerns about your personal information, please contact our Privacy Officer at privacy@makaticity.gov.ph.
Transparency: Rights of the Data Subject

Right to OBJECT

When does the right to object apply?

- processing is based on consent (includes direct marketing)
- processing is based on legitimate interest

If processing is for direct marketing purposes:

PIC must stop processing upon receipt of data subject’s objection.
Transparency: Rights of the Data Subject Right to OBJECT

When a data subject objects/withholds consent, the PIC shall no longer process the personal data, unless the processing is:

1. Pursuant to a subpoena;

2. For obvious purposes, i.e. contract, employer-employee relationship, etc.; or

Transparency: Rights of the Data Subject
Right to ACCESS

Reasonable access to the following:

1. Contents of personal data;
2. Sources of personal data;
3. Names & addresses of recipients of the personal data;
4. Manner by which such data were processed;
5. Reasons for the disclosure of the personal data, if any;
6. Information on automated processes, where the data will or likely to be made as the sole basis for any decision that significantly affects the data subject;
7. Date when his or her personal data concerning the data subject were last accessed/modified; and
8. Name and address of the PIC.
Transparency: Rights of the Data Subject Right to ACCESS

What is the purpose of the right of access?

The reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing.
Transparency: Rights of the Data Subject: Right to ERASURE OR BLOCKING

When does the right apply?

a. When personal data is:
   ▪ incomplete, outdated, false, or unlawfully obtained
   ▪ used for unauthorized purpose
   ▪ no longer necessary for the purpose

b. Data subject withdraws consent/objects to the processing, and there is no other legal ground/legitimate interest for processing.

c. Processing is unlawful.

d. PIC or PIP violated the rights of the data subject.
Transparency: Rights of the Data Subject
Right to rectification

- Right to **dispute the inaccuracy or error** in the personal data and have the PIC correct it immediately, unless the request is vexatious or otherwise unreasonable.

- If personal data was disclosed to third parties: PIC must inform them of the rectification upon reasonable request of the data subject.
Transparency: Rights of the Data Subject Right to DATA PORTABILITY

What is this right?
Right to obtain from the PIC a copy of personal data in an electronic/structured format that is commonly used/allows further use by the data subject.

What are the conditions for this right to apply?
- personal data requested concerns the data subject making the request;
- personal data is processed electronically; and
- processing is based on consent or contract.
Transparency: Rights of the Data Subject Right to DATA PORTABILITY

What is the purpose of this right?

In order for the data subject to have control over his or her personal data being processed based on consent or contract, for commercial purpose, or through automated means.
Transparency: Rights of the Data Subject Right to DAMAGES

The data subject shall be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal data, taking into account any violation of his or her rights and freedoms as data subject.

See: NPC Circular No. 16-04 – Rules of Procedure
Lawful Processing of Personal and Sensitive Personal Info
Is consent always needed?

- No. Consent is just one criterion for lawful processing of both personal and sensitive personal information.

- Consent will not always be the most appropriate basis for processing personal data.

- PICs should choose the lawful basis that most closely reflects the true nature of the relationship with the individual and the purpose of the processing.
What are the alternatives to consent? For processing of personal information:

- **Contract with the individual**: to supply goods or services they have requested, or to fulfil your obligations under an employment contract. This also includes steps taken at their request before entering into a contract.

- **Compliance with a legal obligation**: if you are required by law to process the data for a particular purpose.

- **Vital interests**: you can process personal information if it is necessary to protect the data subject's life and health.

- **National emergency**: to respond to national emergency or to comply with the requirements of public order and safety.

- **Public task**: if you need to process personal information to carry out public function or service and you have a legal basis for the processing.

- **Legitimate interests**: for the private sector, you can process personal data without consent if you have a genuine and legitimate reason, unless this is overridden by fundamental rights and
What are the alternatives to consent? For processing of sensitive personal information:

- **Existing law and regulation:** you can process sensitive personal information (SPI) when there is a law which requires the processing of such data.

- **Protection of life and health:** to protect someone’s life – the data subject or another person – and the data subject is not legally/physically able to express consent.

- **Public organizations:** refers to processing done by non-stock, non-profit organizations, cooperatives, and the like, where processing is only confined and related to the bona fide members of these organizations.

- **Medical treatment:** when processing is carried out by a by a medical practitioner or a medical treatment institution, and there is adequate level of protection of SPI.

- **Lawful rights and interests:** when processing is necessary to protect lawful rights and interests of in court proceedings, the establishment/ exercise/ defense of legal claims, or when provided to government or public authority.
Thank you!

For invitations: (02) 920-0101 loc. 7001
For complaints: (02) 517-7806
For compliance: (02) 517-7810
For public assistance: (02) 920-0101 loc. 7021

https://privacy.gov.ph/
info@privacy.gov.ph