MARITIME INDUSTRY STEPS TOWARDS APPROPRIATE DATA PROTECTION

THE NATIONAL PRIVACY COMMISSION

Raymund Enriquez Liboro
Privacy Commissioner and Chairman
12 July 2018
What the law is all about

How it will affect you
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)].
## Forbes Most Valuable Brands

<table>
<thead>
<tr>
<th>2007</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exxon Mobil</td>
<td>Apple</td>
</tr>
<tr>
<td>Petrochina</td>
<td>Google</td>
</tr>
<tr>
<td>General Electric</td>
<td>Microsoft</td>
</tr>
<tr>
<td>China Mobile</td>
<td>Facebook</td>
</tr>
<tr>
<td>ICBC</td>
<td>Coca Cola</td>
</tr>
<tr>
<td>Microsoft</td>
<td>Amazon</td>
</tr>
<tr>
<td>Microsoft</td>
<td>Disney</td>
</tr>
<tr>
<td>Royal Dutch</td>
<td>Toyota</td>
</tr>
<tr>
<td>GazProm</td>
<td>McDonalds</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>Samsung</td>
</tr>
</tbody>
</table>
Which of the following will you share with a stranger?

- Browsing History
- Home Address
- Diary
- Credit Card Billing Statement
- Facebook Password
- Phone Messages
- Password
DISRUPTION

the displacement of established technology by being replaced with a new one
1998: Yahoo refuses to buy Google for $1 million.
2002: Yahoo realizes its mistake and tries to buy Google for $3 billion. Google says “Give us $5 billion”, Yahoo says no.
2008: Yahoo refuses to be sold to Microsoft for $40 billion dollars.
2016: Yahoo sold for $4.6 billion to Verizon.
Target CEO resigns after massive data breach

By Danielle Douglas

Target’s president and CEO, Gregg Steinhafel, resigned Monday, the first big executive to leave over the company’s latest data breach last year.

eSecurityPlanet > Network Security > Avid Life Media CEO Resigns Following Data Breach

Avid Life Media CEO Resigns Following Data Breach

Following the high-profile publication of 10 GB of data stolen from the adultery website AshleyMadison.com, parent company Avid Life Media has announced that its CEO Noel Biderman is resigning “in mutual agreement with the company.”

Equifax CEO Richard Smith Resigns After Backlash Over Massive Data Breach

September 26, 2017 · 4:29 PM ET

Heard on All Things Considered

Equifax’s CEO Richard Smith is stepping down, the first big executive to leave over the company’s latest data scandal. Smith will continue to advise the company on an unpaid basis. It’s not known yet whether he will appear at a congressional hearing next week about the massive breach.
DISCRIMINATION

People are discriminated because of their race, color or ethnic origin

Stigmatization
Identity Theft

Access to personal information such as name, date of birth, address, or email address can result to fraudsters victimizing individuals.
Public school teacher in debt because of identity theft

Published February 26, 2016 10:48pm

A public school teacher may be a victim of identity theft as he owes three banks P800,000 for loans he did not apply for, according to a report by John Consulta on GMA-7’s “24 Oras” on Friday.

Mark Joseph Lontok said he received notifications from three banks saying that he borrowed a total of P800,000 in salary loans. He denied applying for the loans.

However, Lontok remembered posting a photo of his Professional Regulation Commission (PRC) ID online.

“Wala naman akong ginagawang masama,” he added.
Loss of Reputation

People have experienced stalking or harassment online, trouble with family members, lost a job or educational opportunity because of something posted online, and even as grave as physical danger.
CANISTER SCANDAL: 90-day suspension of 2 docs, nurse ends

- Helen Flores, Chio Ong () - September 5, 2008 - 12:00am

Health Undersecretary Alexander Padilla said yesterday the three medical practitioners who were linked to the “canister scandal” at a Cebu hospital were allowed to go back to work after serving the three-month suspension imposed on them by the Department of Health (DOH).

Dr. Philipps Leo Arias, Dr. Joseph Montecillo and nurse Carmenia Sapio reported for duty at the government-run Vicente Sotto Memorial Medical Center sometime last month.

Padilla said the DOH has already imposed enough sanctions on the three and that the matter is already in the hands of the Ombudsman.
Unfair Decision-Making
Based on Profiling

Personal information such as marital status, religious or political affiliations affects the decision-making of companies in various cases.

In employment, some experience difficulties in getting hired while others are unfairly dismissed.
Loss of Autonomy

Top Gear sorry for identifying wrong suspect in road rage

MANILA - The editor of Top Gear Philippines has apologized for posting on its Facebook page a link to the social media account of the wrong person being linked to a fatal road rage incident in Quiapo, Manila last Monday.

Top Gear editor Vernon Sarne took full responsibility for posting the link to the Facebook profile of Nelson Punzalan, who had been apparently falsely accused as the killer of cyclist Mark Vincent Gerald. Top Gear also posted a photo of Punzalan’s car, which was coincidentally a Hyundai Eon model, similar to the car in the incident.

“I was responsible for posting the photo of Mr. Punzalan’s vehicle, and I realize now that I shouldn’t have done so. I accept full responsibility. This is all on me,” Sarne said.

“The buck stops here. This is all my fault,” he added.

Southeastern Asia, Archipelago

- Capital City: Manila
- 7,100 islands (high tide)
- 7,107 islands (low tide)

Superimposed tracks of typhoons that entered PAR from 1951-2013
RESILIENCE AND THE FILIPINO SPIRIT
May 27, 2010

REPUBLIC ACT NO. 10121

AN ACT STRENGTHENING THE PHILIPPINE DISASTER RISK REDUCTION
AND MANAGEMENT SYSTEM, PROVIDING FOR THE NATIONAL DISASTER
RISK REDUCTION AND MANAGEMENT FRAMEWORK AND
INSTITUTIONALIZING THE NATIONAL DISASTER RISK REDUCTION AND
MANAGEMENT PLAN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

SECTION 1. Title. — This Act shall be known as the "Philippine Disaster
Risk Reduction and Management Act of 2010".

SECTION 2. Declaration of Policy. — It shall be the policy of the State
to:

(a) Uphold the people's constitutional rights to life and property by
addressing the root causes of vulnerabilities to disasters,
strengthening the country's institutional capacity for disaster risk
reduction and management and building the resilience of local
communities to disasters including climate change impacts;
21st Century Hazards and Risks

---

Norse – Superior Attack Intelligence

Norse delivers the data through the Norse Appliance, which pre-emptively blocks attacks and improves your overall security ROI, and the Norse Intelligence Service, which provides professional security monitoring for your network.
The Data Privacy Act of 2012

A 21st Century Law

For 21st Century concerns...
The Data Privacy Act of 2012

DATA PRIVACY ACT OF 2012

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Second Regular Session

enacted and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.

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

Be it enacted, by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER I
GENERAL PROVISIONS
The Data Privacy Act makes it mandatory for all data collectors — whether public or private — to protect the security, integrity and confidentiality of all the personal information they collect. **By doing this, we help usher in a truly knowledge-driven economy.**

SENATOR EDGARDO ANGARA
Philippine Constitution
Article 3, Bill of Rights

- **Section 2.** Right to be secure in their persons, houses, papers, and effects against unreasonable searches

- **Section 3.** Privacy of communication and correspondence

- **Section 5.** Free exercise and enjoyment of religious profession and worship

- **Section 6.** Liberty of abode and the right to travel

- **Section 8.** Right to information, and access to official records
What is private then was what was found within the four corners of your **home** and within the confidentiality of communication.
The Data Privacy Act ("DPA") of 2012

Data privacy - acknowledging the rights of Data Subjects over their data and enforcing the responsibilities of entities who process them
DATA PRIVACY PRINCIPLES
- TRANSPARENCY
- LEGITIMATE PURPOSE
- PROPORTIONALITY

SECURITY MEASURES
- SECURITY
- ACCOUNTABILITY

UPHOLD RIGHTS OF A DATA SUBJECT
- CHOICE
- NOTICE
  - ACCESS
  - REMEDY
Transparency, Legitimate Purpose and Proportionality

a. **Transparency** – The data subject must be aware of the nature, purpose, and extent of the processing of his or her personal data, including the risks and safeguards involved, the identity of personal information controller, his or her rights as data subjects, and how these can be exercised. Any information and communication relating to the processing of personal data should be easy to access and understand, using clear and plain language.

b. **Legitimate Purpose** – The processing of information shall be compatible with a declared and specific purpose which must not be contrary to law, morals, or public policy.

c. **Proportionality** – The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal data shall be processed only if the purpose of the processing could not reasonably be fulfilled by other means.
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/PIN
• Co-Maker
• X-ray (Whole Body)
• Police Clearance
• Proof of Billing
• Form 137

Ninja Pepe
Like This Page · February 8 · Edited · 📸
ROOT CAUSES OF BREACH

- Malicious or criminal attack: 47%
- System Glitch: 24%
- Human Error: 29%

HOW DO PRIVACY BREACHES OCCUR?

- **lost or stolen laptops**, removable storage devices, or paper records containing personal information

- **hard disk drives and other digital storage** media (integrated in other devices, for example, multifunction printers, or otherwise) being disposed of or returned to equipment lessors without the contents first being erased

- **databases containing personal information** being ‘hacked’ into or otherwise illegally accessed by individuals outside of the agency or organization
HOW DO PRIVACY BREACHES OCCUR?

- **employees accessing** or disclosing personal information outside the requirements or authorization of their employment
- **paper records stolen** from insecure recycling or garbage bins
- an agency or organization **mistakenly providing personal information** to the wrong person, for example by sending details out to the wrong address, and
- an **individual deceiving an agency** or organization into improperly releasing the personal information of another person.
HOW DO PRIVACY BREACHES OCCUR

55M at risk in ‘Comeleak’
By: Tina G. Santos - Reporter / @santostinaINQ

Date of breach: March 2016
Size of breach: 55 million
Data stolen: Personal information, passport information, fingerprint data

Databases containing personal information being ‘hacked’ into or otherwise illegally accessed by individuals outside of the agency or organization

A **Breach** is the unauthorized acquisition, access, use, or disclosure of protected information, which compromises the security or privacy of such information.

**PRIVACY**

A **Personal data breach** refers to a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored, or otherwise processed.
Building a Culture of Privacy

1. Privacy management is a **top to bottom approach**;
2. You should **appoint a data protection officer** and be sure to listen to them;
3. **Conduct a privacy impact assessment** on your organization;
4. **Develop privacy policies** within your organization and **Construct your privacy management program** to guide your organization
5. **Start building a culture of privacy** within your organizations by implementing organizational, Technical and physical measures to protect personal data;
6. **Build capacity** among your staff.
7. **Be prepared for breach.**
The Privacy Commissioner

Philosophy

Risk management approach | Prevention and mitigation | Building the culture of data privacy and protection
Beyond Compliance

Data Protection and Regulation is aiming for a digital world where people flourish with dignity as autonomous individuals.

Compliance as part of corporate responsibility and sustainability.

Hunton & Williams, “Centre for Information Policy Leadership: Regulating for Results, Strategies and Priorities: Discussion Paper”
2018 Road to Data Privacy Resilience

- **DPO Registration**
- **Privacy Management Program**
  - Risk-based Privacy Policies
  - Corporate code of Conduct
- **Certification And Seals**
  - 5 Star ★★★★★
  - Compliance
- **Global Certification**
  - CBPR
  - GDPR adequacy
- **Sectoral Code of Conduct**
  - BPO Privacy code of conduct

- The DPO as NPC’s conduit
- Binding Corporate Rules
Thank you for listening!

facebook.com/privacy.gov.ph
twitter.com/privacyPH
info@privacy.gov.ph

Raymund Enriquez Liboro
Privacy Commissioner and Chairman
12 July 2018