PRIVACY MANAGEMENT PROGRAM

Joe Vizcarra
Communications Officer, NPC
5 PILLARS OF DATA PRIVACY ACCOUNTABILITY & COMPLIANCE

1. Appoint a Data Protection Officer
2. Conduct a Privacy Impact Assessment
3. Create a Privacy Management Program
4. Implement Privacy & Security Measures
5. Be ready in case of a Data Breach
THE 3RD PILLAR

3

BE ACCOUNTABLE

+ Create a Privacy Management Program
+ Write your Privacy Manual
How to comply with the DPA?

have a PRIVACY MANAGEMENT PROGRAM (PMP) in place.
How so?

When the PMP is part of your structure, it will help you create an internal culture protective of data privacy rights of individuals.
Culture eats strategy for breakfast!

THE MAN WHO INVENTED MANAGEMENT

...WHY?!
PEOPLE ARE LOYAL TO CULTURE, NOT STRATEGY.
“Culture is what people do when no one is looking.”

Herb Kelleher  
Chairman, Southwest Airlines
When PMP is part of your Culture
What is the PMP?

Refers to a process intended to *embed* privacy and data protection in the *strategic framework* and *daily operations* of a PIC/PIP, maintained through organizational commitment and oversight of coordinated projects and activities.

– *NPC Advisory No. 2017-03*
What is the PMP?

a management framework to help you build a strong privacy infrastructure supported w/ constant review & monitoring to facilitate compliance.
Why have a PMP?

✓ **Minimize** the risks of privacy breaches

✓ **Maximize** your ability to tackle root causes

✓ **Reduce** the damage arising from breaches
2 Key Benefits of having a PMP

- It puts everyone on the same page
  - why is are we doing this?
  - what results do we expect?
  - what benefits are we aiming?
  - what we need to do to get there?

- It makes compliance workable
  - Outlines the WHATs & HOWs
  - Reduces likelihood of violations
5 PILLARS OF DATA PRIVACY ACCOUNTABILITY & COMPLIANCE

3

BE ACCOUNTABLE
Create a Privacy Management Program
Write your Privacy Manual
5 PILLARS OF DATA PRIVACY ACCOUNTABILITY & COMPLIANCE

What is accountability?

Demonstrated assumption of responsibility for protection of personal information
Your PMP as Seal of Accountability

The PMP represents your organization’s demonstrable capacity to comply with the DPA.

When executed properly the PMP promotes:

✓ Good practices
✓ Customer trust & confidence
✓ Competitive & reputational advantages
Elements of the PMP:

1. **BASIC STRUCTURE:**
   - Organizational Commitment
   - Program Controls

2. **CONTINUING ASSESSMENT & DEVELOPMENT:**
   - Oversight & Review
   - Assess & Revise
Elements of the PMP:

1. **BASIC STRUCTURE:**

✓ **Buy-in from the top**

*Management must...*

- **Designate** a DPO and/or COP to manage PMP
- **Endorse** a set of Program Controls
- **Report to the Board** on the program
Elements of the PMP:

1. BASIC STRUCTURE:

   - Program
   - Controls

   - Personal Data Inventory
   - Policies
   - Management of PIP
   - Risk Assessment Tools
   - Breach Handling
   - Capacity Building
Elements of the PMP:

1. BASIC STRUCTURE:

✓ **Personal Data Inventory**
  
  • What personal data do you process?
  • How do you use them?
  • Do you really need them?

**Inventory enables informed decisions:**
  
  o What type of CONSENT to get
  o What type of PROTECTION to provide
  o When to DISPOSE the data
  o How to ACCOMMODATE data subject requests
Elements of the PMP:

1. BASIC STRUCTURE:

✓ Policies

Derived from the legal requirements:

- COLLECTION of personal data
- ACCURACY & RETENTION
- USE of personal data, requirements for consent
- SECURITY of personal data
- TRANSPARENCY of policies and practices;
- ACCESS to & CORRECTION of personal data
Elements of the PMP:

1. **BASIC STRUCTURE:**

   ✓ **Risk Assessment Tools**
   To help identify & mitigate leakages and security risks

   - **Risk assessment should be conducted:**
     a. for **new projects** involving personal data
     b. on existing projects involving **new processing** of personal data.
Elements of the PMP:

1. BASIC STRUCTURE:

✓ **Capacity Building**

- General orientation for employees.
- Special training for key roles.
- Should be **current** & relevant.
Elements of the PMP:

1. BASIC STRUCTURE:

✓ **Breach Handling**
  - Has procedures and officer(s) for handling personal data breaches.
  - Clear reportorial responsibilities
  - Can distinguish between types of breaches
### Elements of the PMP:

1. **BASIC STRUCTURE:**

   ✓ **Management of PIP**

<table>
<thead>
<tr>
<th>o Security measures to be taken</th>
<th>o Reporting of irregularities</th>
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<tbody>
<tr>
<td>o <strong>Timely destruction of data no longer needed</strong></td>
<td>o Measures to ensure compliance w/ agreed obligations</td>
</tr>
<tr>
<td>o <strong>Prohibition vs other USE &amp; DISCLOSURE</strong></td>
<td>o PIC’s right to AUDIT and INSPECT</td>
</tr>
<tr>
<td>o <strong>Prohibition vs SUB-CONTRACTING</strong> (absolute/qualified) [Rule X. of IRR]</td>
<td>o CONSEQUENCES for violation of the contract</td>
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Elements of the PMP:

2. CONTINUING ASSESSMENT & DEVELOPMENT:

- a DPO must periodically develop an **Oversight & Review Plan**
  - It sets out how and when the PMP will be monitored & assessed for effectiveness
  - It helps you keep your PMP on track and up-to-date.
  - It sets out performance measures and mandates a schedule for when the program controls should be reviewed.
Elements of the PMP:

2. CONTINUING ASSESSMENT & DEVELOPMENT:

- The effectiveness of program controls should be:
  - monitored regularly
  - audited periodically
  - and where necessary revised accordingly

Assess & Revise program controls as needed
Elements of the PMP:

2. CONTINUING ASSESSMENT & DEVELOPMENT:

*It must address*

- The **latest threats and risks**?
- Whether **program controls** address new threats / complaints / audit findings?
- **New services** that involve increased collection, use or disclosure of data?
- **Need for training.** Is it taking place? Is it effective? Is the training up-to-date?
Elements of the PMP:

2. CONTINUING ASSESSMENT & DEVELOPMENT:

Also

▪ Schedule regular PIA

▪ Review forms, contracts, policies, & procedures regularly

▪ Review, validate & revise your Privacy Manual
**PLAN**

Create the execution plan for the PMP.

**DO**

Carry out the PMP

**ACT**

Adjust PMP to feedbacks, NPC updates, PIAs & other changes

**CHECK**

Integrate the PMP into the organization’s system.
Translate your PMP into a Privacy Manual

Privacy
Management
Program

PRIVACY MANUAL

2018 Edition
Prepared by Juan de la Cruz, DPO
Privacy Manual
The Written Privacy Governance Framework

Key Contents
✓ Leadership Commitment
✓ Internal Staff Concerns
✓ Data Subject Interests

PRIVACY MANUAL
2018 Edition
Prepared by
Juan de la Cruz, DPO
Highlights

Provides for Safeguards (PDP based on PIA)

Ensures Legal Compliance

Shows Commitment to Good Corporate Governance

Builds Trust w/ Customers, Employees, Stakeholders & Regulators.

Institutes Readiness for Handling Breaches

Covers Internal Oversight & Review
Recommended Structure

I. Introduction
   Why the organization needs the Privacy Manual

II. Definition of Terms
   Makes sure users know the jargons used

III. Scope & Limitations
   Establishes the coverage of the Privacy Manual
### Recommended Structure

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Description</th>
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<tbody>
<tr>
<td>IV.</td>
<td>Processing of Personal Data</td>
<td>Lays out the 5 stages of data life cycle/s within the organization.</td>
</tr>
<tr>
<td>V.</td>
<td>Security Measures</td>
<td>The physical, technical and organizational measures.</td>
</tr>
</tbody>
</table>
Recommended Structure

VII. Inquiries & Complaints

Procedure for inquiries & complaints by data subjects.

VIII. Effectivity

Period of effectivity of the Privacy Manual.
3rd Pillar

Be Accountable

Create your PMP, write your privacy manual.

“Accountability breeds RESPONSIBILITY.”

- Steven Covey
Thank you!