



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

RE: WENDY'S RESTAURANT, INC.
(PHILIPPINE REPRESENTATIVE OFFICE) DATA BREACH (2018) CIDBN no. 18-058

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ORDER

THIS ORDER is being issued under the power of this Commission to compel any entity to abide by its orders on a matter of data privacy, in relation to the data breach affecting Wenphil Corporation ("Wendy's") on 23 April 2018.

On 23 April 2018, yet unknown persons published online a database containing the Wendy's Philippine website in its entirety. This Commission obtained a copy of this database that same day.

On 26 April 2018, Wendy's Philippines notified this Commission that: (1) their website was infiltrated; (2) personal data has been exfiltrated; and (3) the database in the possession of the Commission is a true copy of the Wendy's online database from its Philippine website.

On an analysis of the information exfiltrated, it can be ascertained that the exposure of certain sensitive personal information or financial information within the database puts the affected data subjects in harm's way. There is a real risk of serious harm to the affected data subjects; the data is not merely incidental to the breach.

As such, the provisions on mandatory breach notification apply. Aside from notifying this Commission, these provisions also require adequate notification for data subjects, in a manner understandable to the data subjects.

On 2 May 2018, representatives from Wendy's appeared before this Commission to answer questions from the Complaints and Investigations Division on the facts and events surrounding the data breach. Unfortunately, the Wendy's Philippines were not able to provide any further details at the time.

At the same meeting, Wendy's acknowledged that it has yet to inform the affected data subject of the note, scope, and extent of the breach, notwithstanding the clear mandate of NPC Circular No. 16-03 on breach notifications, and the contents thereof. These requirements were brought to the attention of the representatives.

The Wendy's representatives also admitted that earlier attempts at implementing security measures were thwarted when these ICT officers resigned before any of the measures were implemented. They also admitted that most ICT security for the website was left to the discretion of their webhost.

To facilitate the investigation, the Complaints and Investigations Division also required Wendy's to provide further documentary evidence on earlier attempts at implementing stronger data protection measures.

WHEREFORE, PREMISES CONSIDERED, this Commission hereby **ORDERS** Wenphil Corporation to:

1. **NOTIFY** all affected data subjects with exposed sensitive personal information or information that can be used to enable identity fraud, pursuant to the requirements contained within NPC Circular No. 16-03 within 72 hours from the issuance of this Order;
2. **EXPLAIN** to this Commission why further action should not be taken against Wenphil Corporation for their failure to notify the affected data subjects within the proper period required in NPC Circular No. 16-03.
3. **PROVIDE** a copy of Server Logs, Network Logs, and Traffic Logs of the <https://wendys.com.ph> website prior to the breach;
4. **SUBMIT** the updated version of the applicable Privacy Policy in force at the time of the data breach, an update of the internal investigation conducted, and the policy on transaction procedures, and any and all prior recommendations for information security measures that were not implemented.
5. **CONDUCT** a new Privacy Impact Assessment, taking into account the vulnerabilities exposed in this latest data breach.

SO ORDERED.

2 May 2018, Pasay City, Metro Manila.

For the Commission:


(Sgd.) **FRANCIS EUSTON R. ACERO**
Division Chief
Complaints and Investigations Division