

THE DATA PRIVACY ACT OF 2012

Leandro Angelo Aguirre
Deputy Privacy Commissioner

DPA



National Privacy Commission



What is private then –
what is found within the
four corners of your home and
within the confidentiality of
communication.

What is private now -

what a person knowingly exposes
to the public, even in his own house
or office, is not what is private, but
what he seeks to preserve as
private, even in a public area...

DATA PRIVACY IS ABOUT

PEOPLE, NOT PLACES

1

PERSONAL CHOICE

2

CONTROL, NOT SECRECY

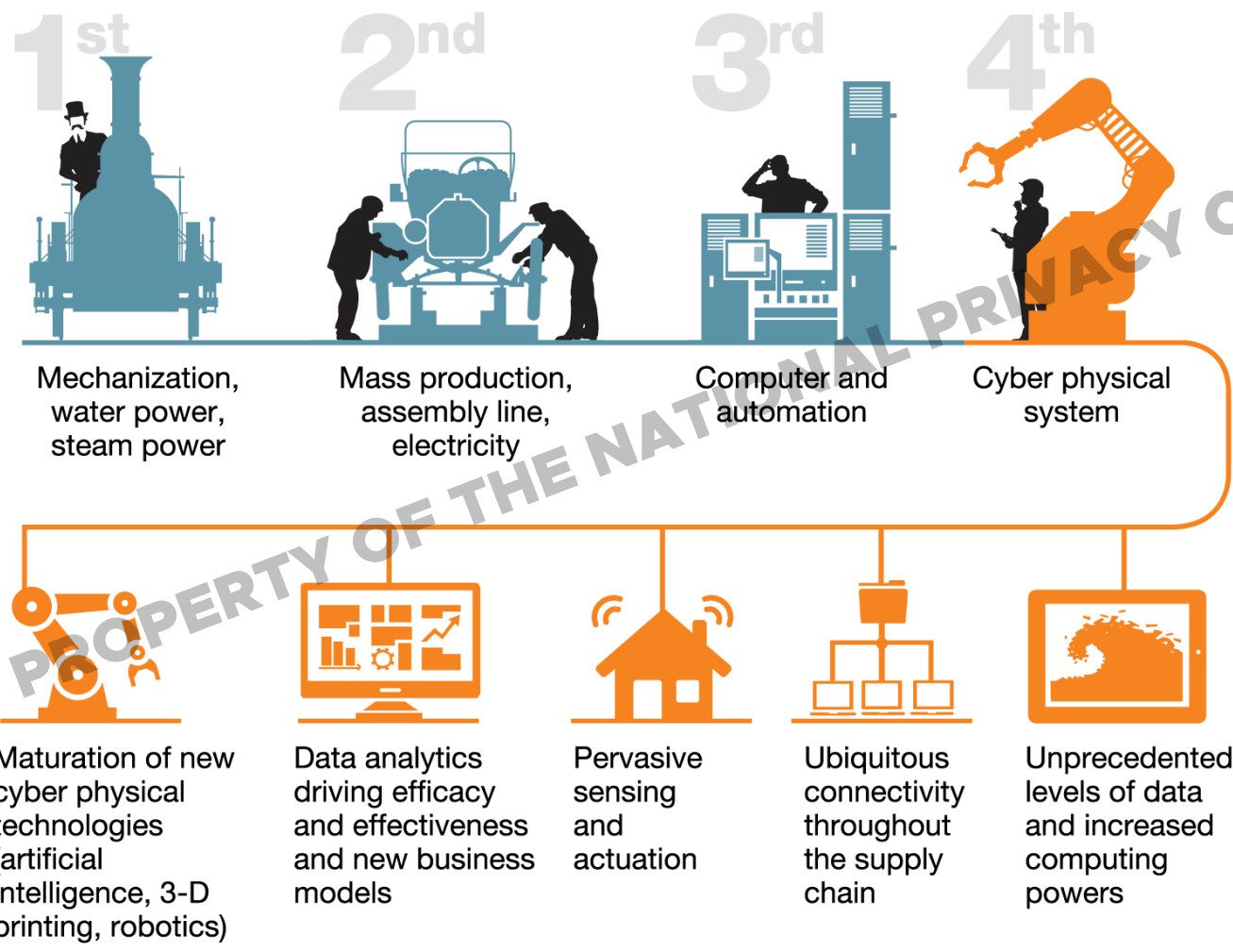
3

THE RIGHT TO BE LEFT ALONE

4

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The 4th Industrial Revolution: *Data as the new oil of the digital economy?*

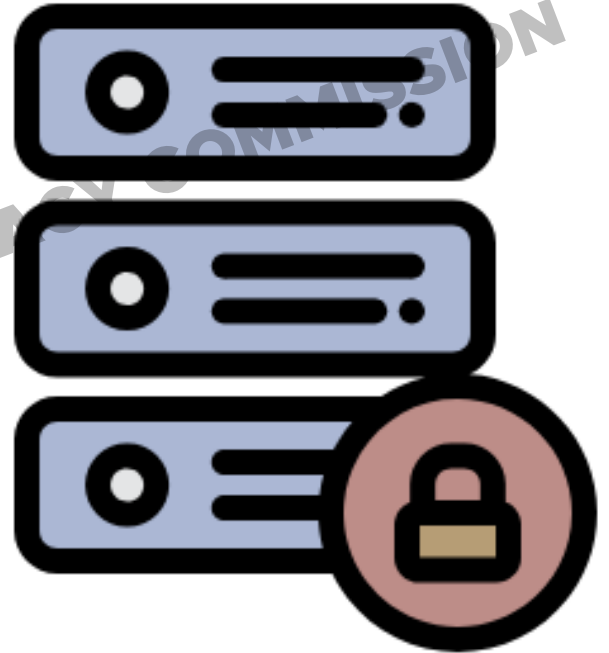


DATA PROTECTION

CONFIDENTIALITY
AVAILABILITY
INTEGRITY
COMPLIANCE

DATA PRIVACY

ACCOUNTABILITY
ASSURANCE
OPERATIONAL COMPLIANCE
DEMONSTRABLE COMPLIANCE



■

**PROCESSING PERSONAL
INFORMATION CAN
CREATE PROBLEMS FOR
INDIVIDUALS**

■

loss of trust
loss of self-determination
loss of autonomy
loss of liberty
exclusion
physical harm
discrimination
stigmatization
power imbalance

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WHAT DOES THE LAW SAY?

The law upholds the right to privacy by **protecting individual personal information.**

The National Privacy Commission protects individual personal information by **regulating the processing of personal information.**

THE SCOPE OF DPA 2012

SEC. 4

Applies to the processing of all types of personal information, in the country and even abroad, subject to certain qualifications.

PERSONAL INFORMATION

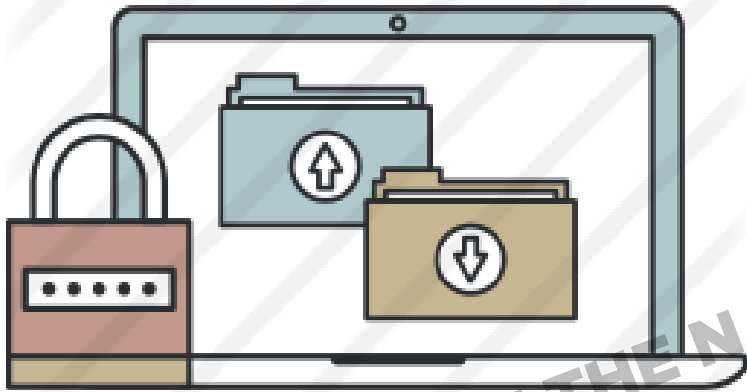
Any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.



Section 12

Conditions under which processing Personal Information is **allowed**...

SENSITIVE PERSONAL INFORMATION



- (1) race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) health, education, genetic or sexual life of a person,
- (3) civil, criminal or administrative proceedings
- (4) Unique identifiers issued by government agencies peculiar to an individual
- (5) Specifically established by law as classified

Section 13
Processing of Sensitive Personal
Information is **prohibited** except in the
following cases...



PROCESSING

Any operation of any set of **operations performed upon personal data** including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

CREATE AND COLLECT



STORE AND TRANSMIT



THE DATA LIFE CYCLE

DISPOSE AND DESTROY



RETAIN



USE AND DISTRIBUTE



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PERSONAL INFORMATION CONTROLLER

A natural or juridical person, or any other body who controls the processing of personal data, or instructs another to process personal data on its behalf.

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PERSONAL INFORMATION CONTROLLER

It excludes:

A natural person who processes personal data in connection with his or her personal, family, or household affairs

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PERSONAL INFORMATION PROCESSOR

Any natural or juridical person or any other body to whom a personal information controller may outsource or instruct the processing of personal data pertaining to a data subject.

OBLIGATIONS of PICs



1

The PIC should collect personal information for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection

2

The PIC should collect and process personal information adequately and not excessively.

3

The PIC should process personal information fairly and lawfully, and in accordance with the rights of a data subject.

OBLIGATIONS of PICs



4 The PIC should process accurate, relevant and up to date personal information.

5 The PIC should retain personal information only for as long as necessary for the fulfillment of the purposes for which the data was obtained. The information should be kept in a form which permits identification of data subjects for no longer than is necessary.

6 The PIC must implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information.

DATA SUBJECT

An individual whose personal, sensitive personal or privileged information is processed.

- Right to be Informed
- Right to Access
- Right to Object
- Right to Rectification
- Right to Erasure or Blocking
- Right to Damages
- Right to Data Portability
- Right to File A Complaint



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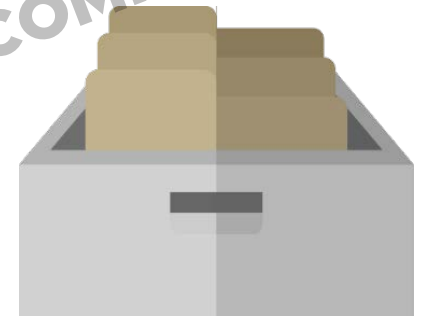
DATA PRIVACY PRINCIPLES



TRANSPARENCY



LEGITIMATE PURPOSE



PROPORTIONALITY

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TRANSPARENCY

A 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 a data subject, 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.**





LEGITIMATE PURPOSE

The processing of information shall be compatible with a declared and specified purpose, which must not be contrary to law, morals, or public policy.

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CONSENT

OF THE DATA SUBJECT

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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. **Consent shall be evidenced by written, electronic or recorded means.** It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.

Consent



- The data subject agrees to the collection and processing
 - ✓ **Freely given**
 - ✓ **Specific**
 - ✓ **Informed indication of will**
- Evidenced by written, electronic or recorded means:
 - ✓ signature
 - ✓ opt-in box/clicking an icon
 - ✓ sending a confirmation email
 - ✓ oral confirmation

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Consent



- Consent means giving data subjects **genuine choice and control** over how a PIC uses their data.
- Consent should be **unbundled from other terms and conditions** (including giving granular consent options for different types of processing) wherever possible.
- Clear affirmative action means someone must take deliberate action to opt in.

PROPERLY OBTAINED CONSENT IS THE KEY TO A PRIVACY COMMISSION

Unbundled Consent

Terms & Conditions

Terms and conditions – website usage

Welcome to the DPN website. The Data Protection Network (DPN) is a trading name for Opt-4 Ltd. If you continue to browse and use this website, you are agreeing to comply with the following terms and conditions of use, which together with our [privacy policy](#), govern DPN's dealings with you in relation to this website. If you disagree with any part of these terms and conditions, please do not use our website.

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I agree to the Terms & Conditions

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Data Protection Network

Submit and Confirm »

Granular Consent

[Dairy, Eggs & Fridge](#) [Pantry](#) [Freezer](#) [Drinks](#) [Liquor](#) [Tobacco](#) [Pet](#) [Baby](#)

Communication preferences

Yes! I would like to receive updates about products & services, promotions, special offers, news & events from Woolworths Online via

SMS Email

Samples - Yes I would like to receive FREE Samples from time to time.

[Privacy](#) [T&Cs](#) [Collection Notice](#) [Business Orders](#) [Sign up >](#)

I have read and agreed to the terms and conditions stated above.

We may contact you about products and services you may like unless you click to opt out.

I'd like to receive exclusive discounts and updates from XYZ by email, post, and SMS.

Please untick this box if you would not like to receive emails from XYZ on offers and news.

This consent form is confusing as the first tickbox asks for positive action to **signify agreement**, while the second asks for a positive action to **signify refusal**.



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.

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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

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THE FIVE PILLARS OF COMPLIANCE

1



Commit to Comply:
**APPOINT A DATA
PROTECTION
OFFICER**

3



Write Your Plan:
**CREATE A PRIVACY
MANAGEMENT
PROGRAM**

5



Be Prepared for Breach:
**REGULARLY EXERCISE
YOUR BREACH
REPORTING
PROCEDURE**

2



Know Your Risks:
**CONDUCT A
PRIVACY RISK
OR IMPACT
ASSESSMENT**

4



Be Accountable:
**IMPLEMENT YOUR
PRIVACY AND DATA
PROTECTION
MEASURES**



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PENALTY

PENALTY

PENALTY

PENALTY

PENALTY

Unauthorized Processing of Personal Information and Sensitive Personal Information.

Personal Information	Sensitive Personal Information
<p data-bbox="117 582 749 682">Imprisonment ranging from one (1) year to three (3) years AND</p> <p data-bbox="117 753 788 968">Fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00)</p>	<p data-bbox="842 582 1503 682">Imprisonment ranging from three (3) years to six (6) years AND</p> <p data-bbox="842 753 1510 968">Fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00)</p>



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Accessing Personal Information and Sensitive Personal Information Due to Negligence.

Personal Information	Sensitive Personal Information
<p data-bbox="112 686 743 789">Imprisonment ranging from one (1) year to three (3) years and</p> <p data-bbox="112 858 714 1129">A fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00)</p>	<p data-bbox="840 686 1503 789">Imprisonment ranging from three (3) years to six (6) years and</p> <p data-bbox="840 858 1439 1129">A fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00)</p>



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Improper Disposal of Personal Information and Sensitive Personal Information

Personal Information	Sensitive Personal Information
<p data-bbox="112 632 782 729">Imprisonment ranging from six (6) months to two (2) years and</p> <p data-bbox="112 801 710 1072">A fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00)</p>	<p data-bbox="821 632 1450 729">Imprisonment ranging from one (1) year to three (3) years and</p> <p data-bbox="821 801 1421 1072">A fine of not less than One hundred thousand pesos (Php100,000.00) but not more than One million pesos (Php1,000,000.00)</p>



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Processing of Personal Information and Sensitive Personal Information for Unauthorized Purposes.

Personal Information	Sensitive Personal Information
<p data-bbox="92 629 749 786">Imprisonment ranging from one (1) year and six (6) months to five (5) years and</p> <p data-bbox="92 858 687 1129">A fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00)</p>	<p data-bbox="817 629 1445 729">Imprisonment ranging from two (2) years to seven (7) years and</p> <p data-bbox="817 801 1416 1072">A fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00)</p>

Unauthorized Access or Intentional Breach

The penalty of Imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00).

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5

Concealment of Security Breaches Involving Sensitive Personal Information

The penalty of Imprisonment of one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00)

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6

Unauthorized Disclosure

Imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

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Combination or Series of Acts

Any combination or series of acts as defined in Sections 25 to 32 shall make the person subject to imprisonment ranging from three (3) years to six (6) years and a fine of not less than One million pesos (Php1,000,000.00) but not more than Five million pesos (Php5,000,000.00).

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8

Large-Scale

The maximum penalty in the scale of penalties respectively provided for the offenses shall be imposed when the personal information of at least one hundred (100) persons is harmed, affected or involved as the result of the above mentioned actions.

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9



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EXTENT OF LIABILITY?

Corporation

If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime.



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AVOIDING LIABILITY



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THE NPC DATA PRIVACY ACCOUNTABILITY AND COMPLIANCE FRAMEWORK



If you can't protect it, don't collect it.
The Data Privacy Golden Rule

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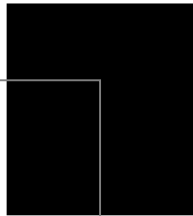


Thank you!

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twitter.com/privacyPH

info@privacy.gov.ph



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