

# ***DATA PRIVACY ACT***

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**Ivy D. Patdu, MD, JD**  
*National Privacy Commission*

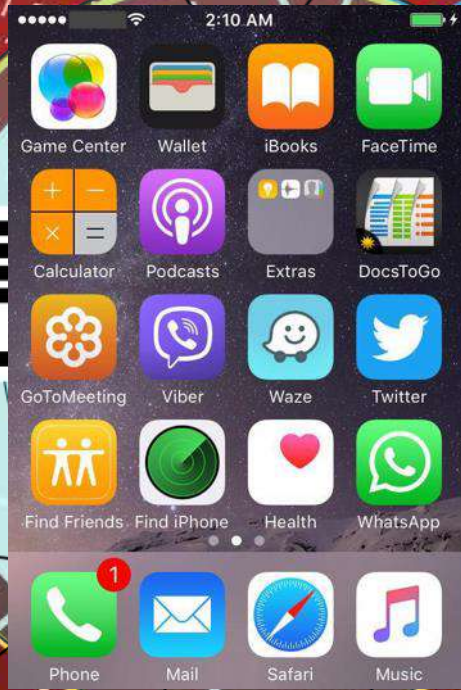


# 1995



# 2015





- |              |             |        |          |
|--------------|-------------|--------|----------|
| Game Center  | Wallet      | iBooks | FaceTime |
| Calculator   | Podcasts    | Extras | DocsToGo |
| GoToMeeting  | Viber       | Waze   | Twitter  |
| Find Friends | Find iPhone | Health | WhatsApp |

- |       |      |        |       |
|-------|------|--------|-------|
| Phone | Mail | Safari | Music |
|-------|------|--------|-------|

# RIGHT TO PRIVACY

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“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)].



**Diary**

**Credit  
Card  
Billing  
Statement**

**Browsing  
History**

**Which of the  
following will  
you share with a  
stranger?**

**Facebook  
Password**

**Phone  
Messages**

**Home  
Address**

**Data  
Privacy**

**Free Flow**

**Information  
Privacy**

**Research**

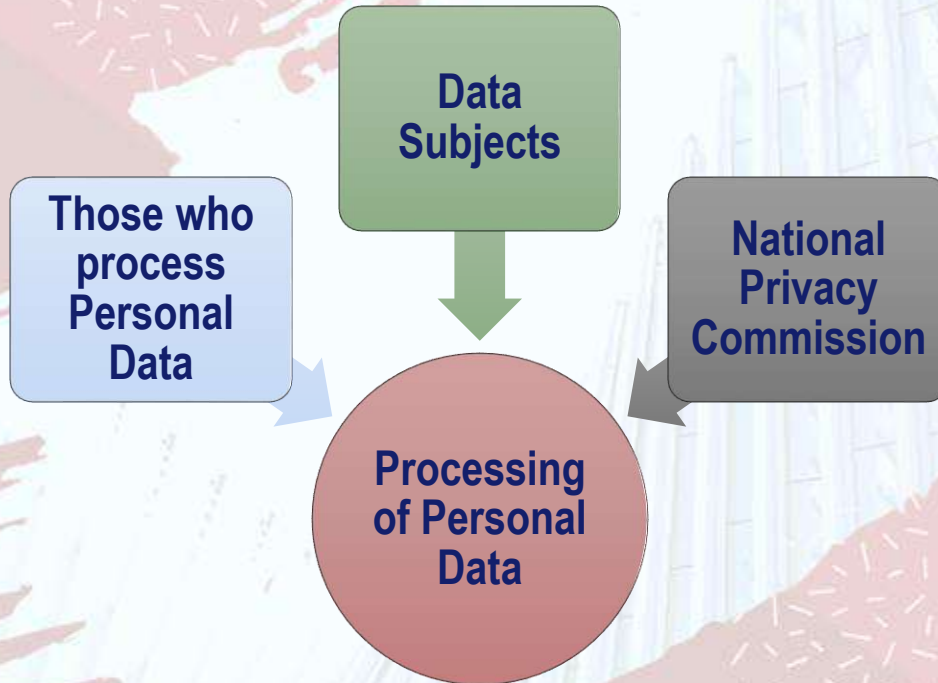
**National  
Security and  
Public Safety**

**Right to  
Information**

**National Privacy Commission**

# SCOPE OF THE LAW

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- **PERSONAL INFORMATION CONTROLLERS (PIC) and PERSONAL INFORMATION PROCESSORS (PIP) PROCESSING PERSONAL DATA of DATA SUBJECTS**



# PERSONAL DATA

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- Any information from which the identity of an individual is apparent
- Any information that can be put together with other information to reasonably and directly identify an individual
- Includes sensitive personal information such as your health, education, genetic or sexual life
- Includes information that is classified or privileged

# PERSONAL INFORMATION CONTROLLER

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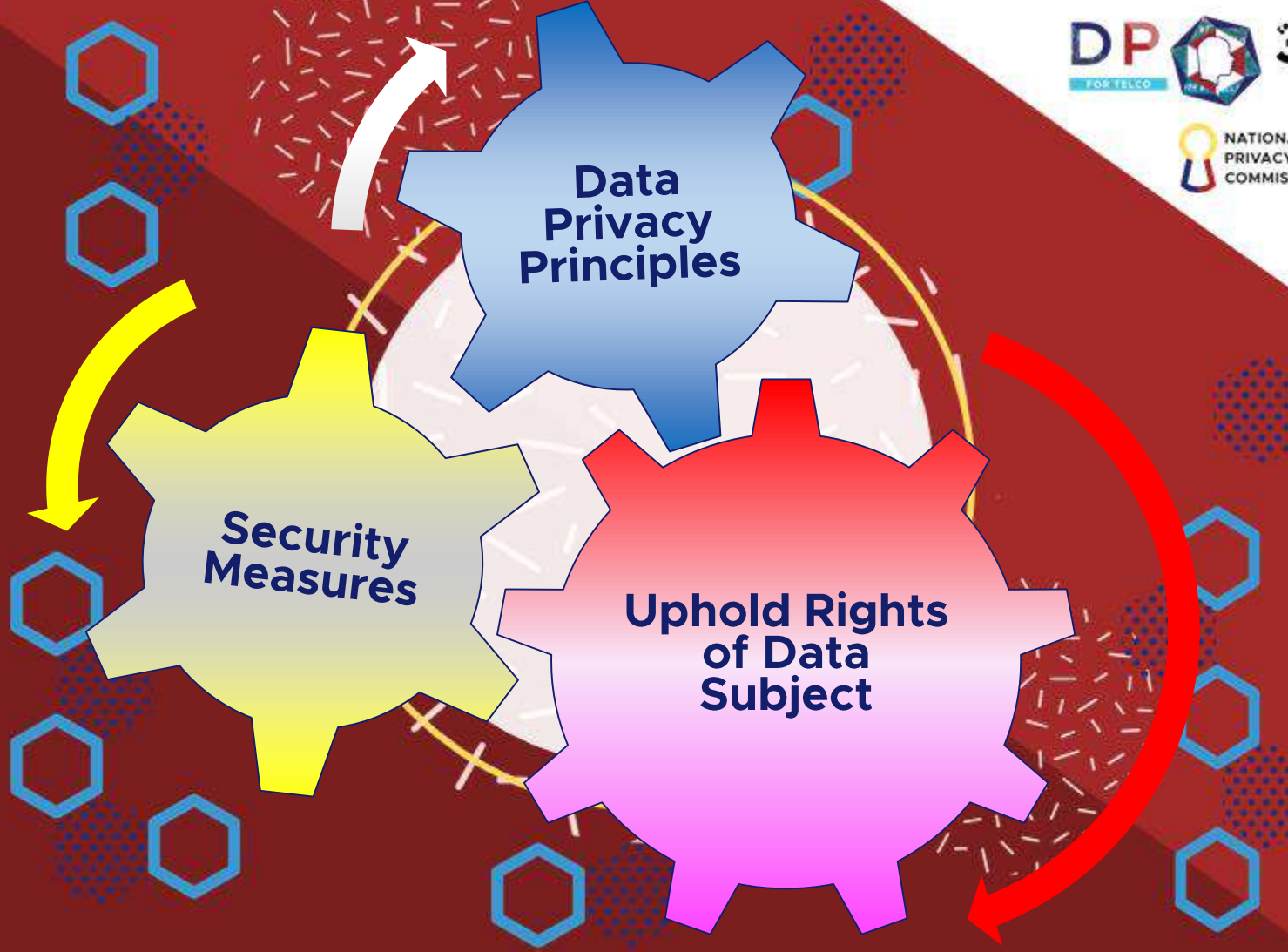
- **The agency or corporation who controls the processing of personal data, the one who decides**
- **There is control if the natural or juridical person or any other body decides on what information is collected, or the purpose or extent of its processing.**
- **Not the employee, Not the data protection officer, Not the Chief Information Officer**

# PERSONAL INFORMATION PROCESSOR

- Individual, Corporation or other body who processes the personal data for a Personal Information Controller
- Personal information processor should not make use of personal data for its own purpose



Picture from  
<http://www.livemint.com/Industry/hdDwofLyBZc0XQI0bb70hO/BPOs-edge-towards-highend-work-in-changing-market.html>



**Data  
Privacy  
Principles**

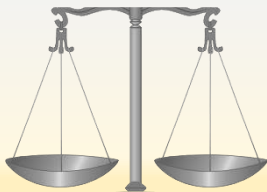
**Security  
Measures**

**Uphold Rights  
of Data  
Subject**

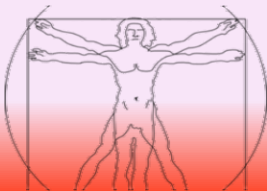
# DATA PRIVACY PRINCIPLES

**NOTICE**

**TRANSPARENCY**



**LEGITIMATE  
PURPOSE**



**PROPORTIONALITY**

# Rights of Data Subjects

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1. Right to Information
2. Right to Object
3. Right to Access
4. Right to Correct
5. Right to Erase
6. Right to Damages
7. Right to Data Portability
8. Right to File a Complaint

**NOTICE**

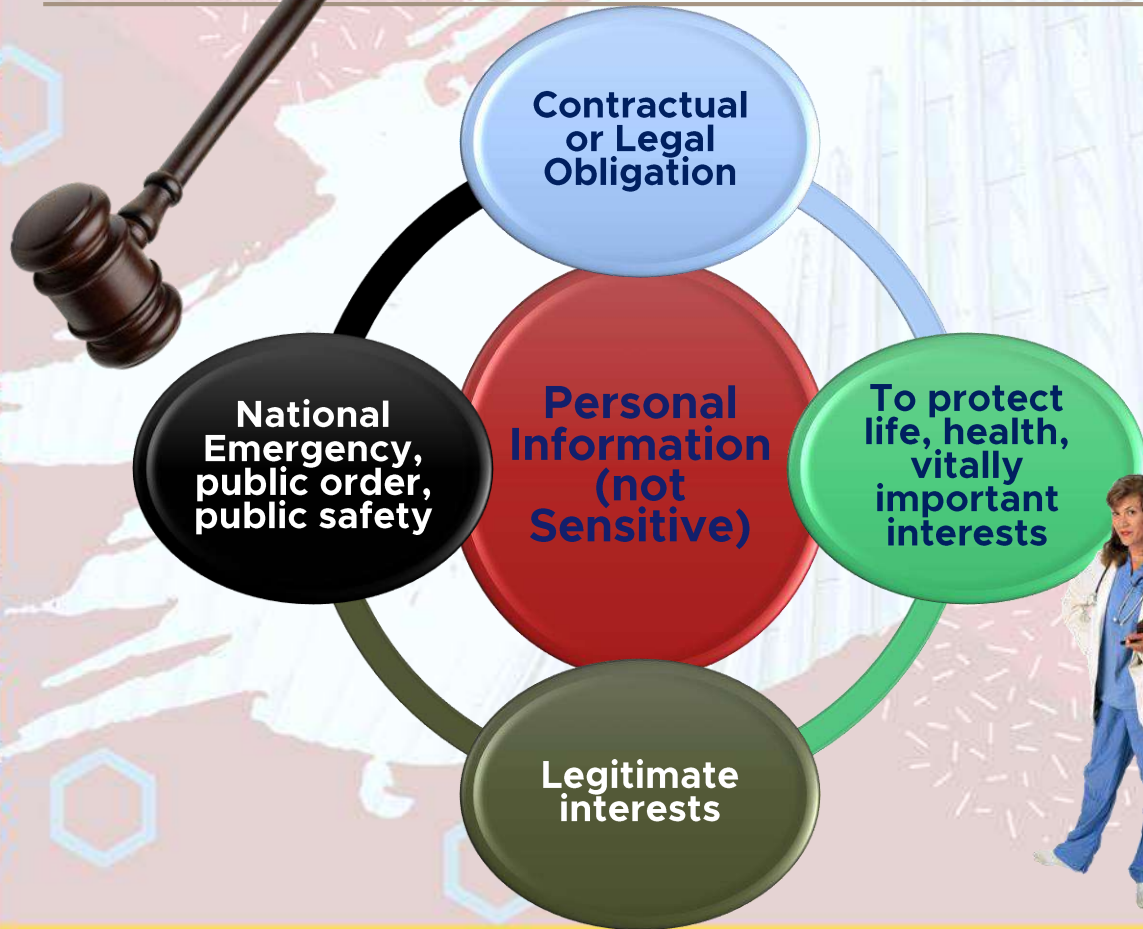
**ACCESS**

**COMPLAIN**

If It's **NOT**  
**CLEAR**  
It's **NOT**  
Consent

# *Sometimes, consent is NOT necessary...*

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*Sometimes, consent is NOT necessary...*

Law/  
Regulation



Provided to  
government  
under legal  
mandate

Sensitive  
Personal  
Information

To protect  
life and  
health

Protection  
of rights in  
court

**SUBPOENA**



# DATA SHARING

Are you providing **ACCESS** to personal data you have collected to a third party? Is it under an outsourcing contract?

Is there a specific provision of **LAW** that specifically requires data sharing? (Ex. Reporting under R.A. No. 9510 – CISA)

If there is no specific provision of law, is there a public service and a **STATUTORY MANDATE**? Do you have **CONSENT** of the data subject?

# CONTENTS OF DATA SHARING AGREEMENTS

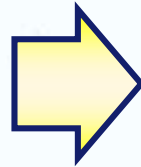
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- **Purpose of Data Sharing, including the Public Function and Public Service it facilitates**
- **Parties to the agreement**
- **Term or Duration of the Agreement**
- **Overview of operational details and general description of security measures**
- **How data subjects can exercise their rights**

# SECURITY MEASURES

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Organizational  
Physical  
Technical



Confidentiality  
Integrity  
Availability

- The determination of the appropriate level of security must take into account the **nature** of the personal data to be protected, the **risks** represented by the processing, the **size of the organization** and complexity of its **operations**, current **data privacy best practices** and the **cost** of security implementation.



# Technical Security Measures



SECURITY POLICY  
SYSTEM MONITORING



SAFEGUARDS:  
ENCRYPTION,  
AUTHENTICATION  
PROCESS



INCIDENT RESPONSE,  
CORRECT AND  
MITIGATE BREACH,  
RESTORE SYSTEM

**WHY  
SHOULD  
PERSONAL  
DATA BE  
PROTECTED?**

CRIME		IMPRISONMENT	FINE
Processing of Personal/Sensitive Information for Unauthorized Purpose	Processing information for other purposes which are no longer authorized by law or consent	1yr 6 mos – 7 years	Php500,000 to Php2,000,000
Access to Personal/Sensitive Information due to Negligence	Persons who provide access due to negligence shall be liable	1-6 years	Php500,000 to Php4,000,000
Concealment of Security Breach	Duty to notify Privacy Commission in case of breach (within 72 hours)	1yr 6 mos – 5 years	Php500,000 to Php1,000,000
Improper Disposal	Negligently dispose, discard or abandon personal data of an individual in an area accessible to the public or placed in its container for trash collection.	6 months – 3 years	Php100,000 to Php1,000,000

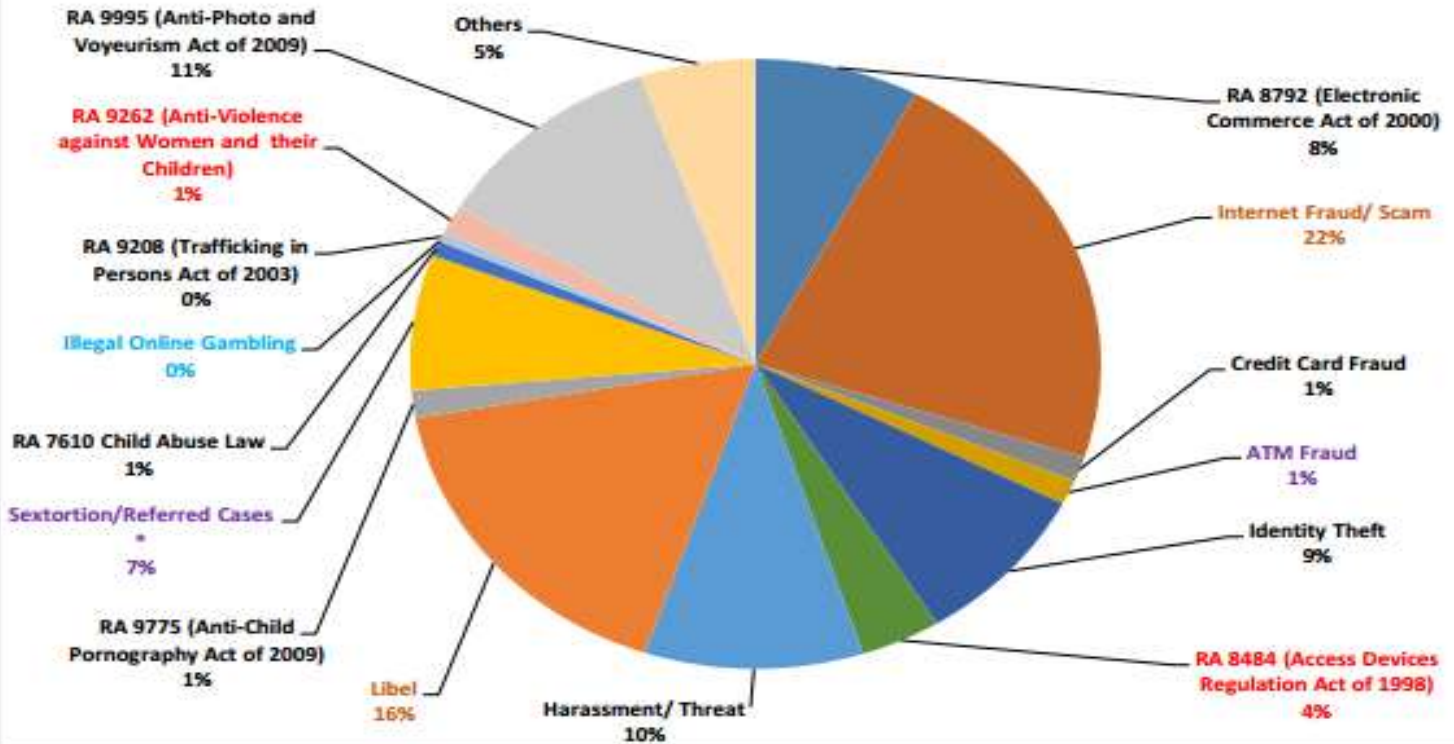


# Four people nabbed in Recto for producing counterfeit documents



Gerg Cahiles, CNN Philippines, Four people nabbed in Recto for producing counterfeit documents, available at <http://cnnphilippines.com/incoming/2017/02/16/Four-people-nabbed-in-Recto-for-producing-counterfeit-documents.html> (accessed Mar. 25, 2017)

## Distribution of Cybercrime for the year 2014



# Verizon responds to breach that affected millions of customer accounts

 CNBC



Verizon responded to a recent data breach that affected millions of customer accounts.

Source: <https://www.cnbc.com/2017/07/12/verizon-responds-to-breach-that-affected-millions-of-customer-accounts.html>

**TalkTalk has today said it will take a hit of up to £35m after last month's data breach. The attack saw the details of 156,959 customers (including names, emails and phone numbers) and 15,656 bank account numbers accessed by hackers.**

5/12/2016  
12:01 AM



Kelly Jackson  
Higgins  
News

## Healthcare Suffers Estimated \$6.2 Billion In Data Breaches

Nearly 90 percent of healthcare organizations were slammed by a breach in the past two years.

The 911 call has come in loud and clear for the healthcare industry: nearly 90% of all healthcare organizations suffered at least one data breach in the past two years with an average cost of \$2.2 million per hack.

## Update: TalkTalk offers compensation for data breach - but is it enough?



Kelly Jackson. Healthcare suffers estimated  
<http://www.darkreading.com/threat-intelligence/breaches/d/d-id/1325482>

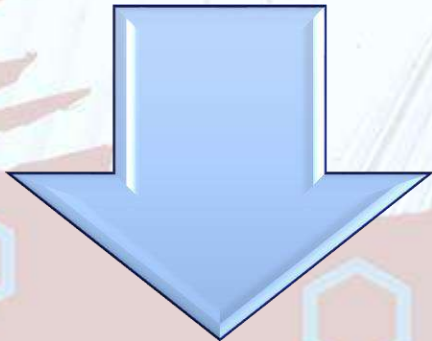
Source: <https://conversation.which.co.uk/technology/talktalk-cyber-attack-data-breach-compensation/>

# PRIVACY AND DATA PROTECTION

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**Benefits**



**Harms**



**THE PHILIPPINES IS COMMITTED TO  
PRIVACY AND DATA PROTECTION IN  
THE GLOBAL DIGITAL AGE**