

NPC Circular No. 2022-xx

DATE : _____

SUBJECT : **REGISTRATION OF PERSONAL DATA PROCESSING SYSTEMS, NOTIFICATIONS REGARDING AUTOMATED DECISION-MAKING OR PROFILING, DESIGNATION OF DATA PROTECTION OFFICERS, AND NATIONAL PRIVACY COMMISSION SEAL OF REGISTRATION**

WHEREAS, Article II, Section 24, of the 1987 Constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II, Section 11 thereof emphasizes that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Section 2 of Republic Act No. 10173, also known as the Data Privacy Act of 2012 (DPA), provides that it is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth. The State also recognizes its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secure and protected;

WHEREAS, Section 16 of the DPA and Section 34 of its Implementing Rules and Regulations (IRR) provide that data subjects shall be furnished with and given access to their personal data that are being processed in data processing systems, as well as the purpose, scope, method, and manner of such processing, including the existence of automated decision-making;

WHEREAS, pursuant to Section 7 of the DPA, the National Privacy Commission (NPC) is charged with the administration and implementation of the provisions of the law, which includes ensuring the compliance by personal information controllers (PICs) with the provisions thereof, publishing a compilation of an agency's system of records and notices, and carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal data, in coordination with other government agencies and private entities;

WHEREAS, Section 9 of the IRR provides that, among the NPC's functions, is to develop, promulgate, review, or amend rules and regulations for the effective implementation of the DPA;

WHEREAS, Section 24 of the DPA states that, when entering into any contract that may involve accessing or requiring sensitive personal information from at least one thousand (1,000) individuals, a government agency shall require the contractor and its employees to register its personal information processing system with the NPC in accordance with the DPA and to comply with the law's provisions. Furthermore, Section 14 of the DPA mandates that personal information processors (PIPs) shall also comply with all requirements of the DPA and other applicable laws;

WHEREAS, in line with Sections 46 and 47 of the IRR, a PIC or PIP that employs fewer than two hundred fifty (250) persons shall not be required to register unless the processing it carries out is likely to pose a risk to the rights and freedoms of data subjects, is not occasional, or includes sensitive personal information of at least one thousand (1,000) individuals. Moreover, Section 48 thereof declares that a PIC carrying out any automated processing operation that is intended to serve a single or several related purposes must notify the NPC when said operation becomes the sole basis for making decisions about a data subject, and when such decision would significantly affect the data subject;

WHEREFORE, in consideration of these premises, the NPC hereby issues this Circular governing the registration of data processing systems and data protection officers, notifications

regarding automated decision-making or profiling, and the National Privacy Commission seal of registration:

PRELIMINARY PROVISIONS

SECTION 1. *Scope.* The provisions of this Circular shall apply to any natural or juridical person in the government or private sector processing personal data and operating in the Philippines, subject to the relevant provisions of the DPA, its IRR, and other applicable issuances of the NPC.

SECTION 2. *Definition of Terms.* For the purpose of this Circular, the following terms are defined, as follows:

- A. "Act" or "DPA" refers to Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012;
- B. "Automated Decision-making" refers to a wholly or partially automated processing operation that are able to make decisions using technological means totally independent of human intervention; automated decision-making often involves profiling;
- C. "Commission" or "NPC" refers to the National Privacy Commission;
- D. "Compliance Officer for Privacy" or "COP" refers to an individual that performs some of the functions of a DPO, as provided in NPC Advisory No. 22-xx;
- E. "Core Activity" refers to a key operation or process carried out by a PIC or PIP to achieve its mandate or function: Provided, that processing of personal data forms an integral and necessary part of such operations or processes;
- F. "Data Processing System" refers to a structure and procedure by which personal data is collected and further processed in an information and communications system or relevant filing system, including the purpose and intended output of the processing;
- G. "Data Protection Officer" or "DPO" refers to an individual designated by the head of agency or organization to ensure its compliance with the Act, its IRR, and other issuances of the Commission: Provided, that, except where allowed otherwise by law or the Commission, the individual must be an organic employee of the government agency or private entity: Provided further, that a government agency or private entity may not have more than one DPO;
- H. "Data sharing" is the disclosure or transfer to a third party of personal data under the control or custody of a PIC: Provided, that a PIP may be allowed to make such disclosure or transfer if it is upon the instructions of the PIC concerned.

The term excludes outsourcing, or the disclosure or transfer of personal data by a PIC to a PIP;

- I. "Data Subject" refers to an individual whose personal, sensitive personal, or privileged information is processed;
- J. "Encryption Method" refers to the technique that renders data or information unreadable, ensures that it is not altered in transit, and verifies the identity of its sender;
- K. "Filing system" refers to any set of information relating to a natural or juridical person to the extent that, although the information is not processed by equipment operating

automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible;

- L. "Government Agency" refers to a government branch, body, or entity, including national government agencies, bureaus, or offices, constitutional commissions, local government units, government-owned and controlled corporations, government financial institutions, state colleges and universities;
- M. "Head of Agency" refers to:
 - 1. the head of the government entity or body, for national government agencies, constitutional commissions or offices, or branches of the government;
 - 2. the governing board or its duly authorized official for government-owned and -controlled corporations, government financial institutions, and state colleges and universities;
 - 3. the local chief executive, for local government units;
- N. "Head of Organization" refers to the head or decision-making body of a private entity or organization;
- O. "Individual Professional" refers to individuals who derive income practicing their professions, with or without license from a regulatory board or body, not being part of a partnership, firm, or other organization, which should otherwise be registered as a personal information controller, and which practice includes the processing of personal data. The individual professional is the de facto data protection officer;
- P. "Information and Communications System" refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages, or electronic documents, and includes the computer system or other similar device by which data is recorded, transmitted, or stored, and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document;
- Q. "IRR" refers to the Implementing Rules and Regulations of the DPA;
- R. "Operating in the country" refers to PICs and PIPs who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines.
- S. "Personal data" refers to all types of personal information;
- T. "Personal information" refers to 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;
- U. "Personal information controller" or "PIC" refers to 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. The term excludes:
 - 1. a natural or juridical person, or any other body, who performs such functions as instructed by another person or organization; or
 - 2. a natural person who processes personal data in connection with his or her personal, family, or household affairs;

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;

- V. "Personal information processor" or "PIP" refers to any natural or juridical person or any other body to whom a PIC may outsource or instruct the processing of personal data pertaining to a data subject;
- W. "Private entity" or "organization" refers to any natural or juridical person that is not a unit of the government, including, but not limited to, a corporation, partnership, company, non-profit organization, or any other legal entity;
- X. "Privileged information" refers to all forms of data, which, under the Rules of Court and other pertinent laws, constitute privileged communication;
- Y. "Profiling" refers to any form of automated processing of personal data consisting of the use of personal data, such as an individual's economic situation, political or religious beliefs, behavioral or marketing activities, personal preferences, electronic communication data, location data, and financial data, among others, in order to evaluate, analyze, or predict his or her performance, qualities, and behavior, among others;
- Z. Sensitive personal information refers to personal information:
 - 1. about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 2. about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 3. issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - 4. specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3. Purpose. This Circular establishes the following:

- A. The framework for registration of data processing systems in the Philippines, including online web-based and mobile applications, requiring the processing of personal data;
- B. The mandatory or voluntary registration of data protection officers (DPO) in both the government and private entities as hereby prescribed in the succeeding sections, and;
- C. The imposition of other requirements to achieve the following objectives:
 - 1. ensure that PICs and PIPs covered by this Circular and as provided for in the succeeding sections are able to register its DPO;
 - 2. ensure that PICs and PIPs keep a record of their data processing activities;
 - 3. for information about data processing systems of PICs and PIPs operating in the country are made accessible to both the Commission and data subjects to enable a more efficient compliance monitoring process and more effective exercise of rights under the DPA, respectively; and

4. promote transparency and accountability in the processing of personal data.

SECTION 4. *General Principles.* This Circular shall be governed by the following general principles:

- A. Registration of its data processing systems and DPO with the Commission shall be one of the means through which a PIC or PIP demonstrates its compliance with the DPA, its IRR, and other relevant issuances of the NPC.
- B. Registration information submitted by a PIC, PIP, or Individual Professional to the Commission are presumed to contain all required information on its data processing systems that are active or existing during the validity of such registration. Any information excluded therefrom are deemed nonexistent.
- C. Registration information submitted by a PIC or PIP to the Commission on the identity and official contact details of the designated DPO shall remain effective unless otherwise officially amended or updated in accordance with the process in this Circular.
- D. Unless otherwise provided in this Circular, any information, file, or document submitted by a PIC, PIP, or Individual Professional to the Commission shall be kept confidential.
- E. Any doubt in the interpretation of the provisions of this Circular shall be liberally interpreted in a manner that would uphold the rights and interests of data subjects.

REGISTRATION OF DATA PROCESSING SYSTEMS AND DATA PROTECTION OFFICER

SECTION 5. *Mandatory Registration.* A PIC or PIP shall register its data processing systems if it is processing personal data and operating in the country under any of the following conditions:

- A. the processing is likely to pose a risk to the rights and freedoms of data subjects. Processing operations that pose a risk to data subjects include those that involve:
 1. information that would likely affect national security, public safety, public order, or public health;
 2. information required by applicable laws or rules to be confidential;
 3. vulnerable data subjects like minors, the mentally ill, asylum seekers, the elderly, patients, those involving criminal offenses, or in any other case where an imbalance exists in the relationship between a data subject and a PIC or PIP;
 4. automated decision-making; or
 5. profiling;
- B. When processing is not occasional as:
 1. It constitutes a core activity of a PIC or PIP, or is integral, which means that the incorporation of data processing is essential to complete the core activity, thereto; or

2. It is necessary and desirable to the overall business scheme of the PIC or PIP, including PIC or PIP doing business within the scope, under Sections 4 and 5 of the Data Privacy Act of 2012, and Rule II Sections 4 and 5 of its IRR.

Processing of personal data is occasional when:

1. It is only incidental to the main business, mandate, or function of the PIC or PIP; and
2. It is not regularly performed by the PIC or PIP.

Data processing systems that involve automated decision-making or profiling shall, in all instances, be registered with the Commission.

- C. A PIC or PIP, who is an Individual Professional meeting any of the above criteria, shall register with the Commission. For this purpose, the following shall be considered:
 1. The Individual Professional is self-employed and practicing his or her profession as defined under this Circular;
 2. The business establishment, if registered as a PIC and operating under a different business name, partnership, firm, or other organization, shall not be registered separately as an Individual Professional;
 3. The Individual Professional shall be considered as the *de facto* DPO.

SECTION 6. *Voluntary Registration.* An application for registration by a PIC or PIP whose data processing system does not operate under any of the conditions set out in the preceding Section may register voluntarily following the process outlined below.

SECTION 7. *When to Register.* A covered PIC or PIP shall register its newly implemented data processing system or newly appointed DPO in the official registration platform within ten (10) days from the commencement of such system or the effectivity date of such appointment. In the event a covered PIC or PIP seeks to apply minor amendments to its existing registration or appoint a new DPO, it shall update the system within ten (10) days from the effectivity of the amendment or designation of the new DPO.

SECTION 8. *Authority to Register.* A PIC or PIP shall file its application for registration through its designated DPO. A PIC or PIP shall only be allowed to register one (1) DPO, provided that in cases where a PIC or PIP has several branches, offices, or has a wide scope of operations, the PIC or PIP may designate Compliance Officers for Privacy (COP) who shall then be indicated as such in the DPO registration. COPs shall always be under the direct supervision of the DPO.

Under no circumstance shall the registered COPs be treated as a DPO unless the DPO registration is amended to reflect such changes.

Further, in cases where COPs are designated by the PIC or PIP, the registration shall be accompanied by the list of COPs clearly indicating the branch/office/unit/region to which they are assigned along with their official e-mail addresses and contact numbers.

In all cases, PICs and PIPs are required to provide their DPOs dedicated e-mail address that should be separate and distinct from the personal and work e-mail of the personnel assigned as a DPO. The DPO's dedicated e-mail address must be maintained at all times to ensure that the Commission is able to communicate with the PIC and PIPs. In case the individual designated as DPO vacates the position, the PIC or PIP should designate an interim DPO or designate an

existing COP as acting DPO to monitor any communications sent through the official DPO e-mail address.

SECTION 9. *Registration Process.* A PIC or PIP shall create an account by signing up in the NPC's official registration platform where it shall provide details about the entity.

- A. Upon signing up, the PIC or PIP shall input the name and contact details of the DPO together with a unique and dedicated email address, specific to the position of DPO pursuant to the provisions of the last paragraph of Section 8.
- B. During registration proper, the PIC or PIP shall encode the name and contact details of the Head of the Organization.
- C. The prescribed application form shall be accomplished and shall be uploaded together with all supporting documents as provided under Section 11.
- D. The details of all Data Processing Systems used by the PIP or PIP shall be encoded into the platform. All Data Processing Systems of the PIC or PIP at the time of initial registration must be encoded into the system.
- E. The PIC or PIP shall identify and register all publicly facing online mobile or web-based applications.
- F. The submissions of the PIC or PIP shall undergo review and validation by the Commission. In case of any deficiency, the PIC or PIP shall be informed of the same and shall be given five (5) days to submit the necessary requirements. Once the submissions have been validated and considered complete, the PIC or PIP shall be informed that the Certificate of Registration is available for download.

For Individual Professionals, they shall register only under their name, indicating their business name, business address, and contact details. If the Individual Professional maintains various branches or offices, such fact shall be indicated in his or her registration.

Registration through physical submission of requirements shall not be allowed.

SECTION 10. *Mandatory Appointment of DPO in the Government.* All units and components comprising the Government such as agencies, instrumentalities, or branches of the Republic of the Philippines, Government-owned or controlled corporations and subsidiaries, and State Universities and Colleges are required to designate and register a DPO with a rank not lower than an Assistant Secretary or Executive Director IV, in case the highest ranking official is a Department Secretary or a position of equivalent rank; at least Director IV level in case the highest ranking official is an Undersecretary or a position equivalent in rank; at least Director II level in case the highest ranking official is an Assistant Secretary or a position equivalent in rank; and at least a Division Chief in case the highest ranking official is a Regional Director or a position of equivalent rank.

For Local Government Units (LGUs), the Provincial, City and Municipal levels shall designate and register a DPO with a rank not lower than Department Head.

Cities and Municipalities can designate a COP at the Barangay level, provided that the COP shall be under the supervision of the DPO of the corresponding City, or Municipality that the Barangay is part of.

SECTION 11. *Application Form.* An application for registration filed by a PIC or must be duly notarized and accompanied by the following documents:

A. For government agencies:

Special/Office Order, or any similar document, designating or appointing the DPO of the PIC or PIP;

B. For domestic private entities:

1. For Corporations:

a) duly notarized Secretary's Certificate authorizing the appointment or designation of DPO, or any other document that demonstrates the validity of the appointment or designation signed by the highest ranking official or the head of the organization.

b) SEC Certificate of Registration.

c) certified true copy of current General Information Sheet.

d) valid business permit.

2. For Partnerships and Sole Proprietorships:

a) duly notarized Partnership Resolution or Special Power of Attorney authorizing the appointment or designation of DPO, or any other document that demonstrates the validity of the appointment or designation.

b) DTI Certificate of Registration.

c) valid business permit.

C. For foreign private entities:

1. Authenticated copy or Apostille of Secretary's Certificate authorizing the appointment or designation of DPO, or any other document that demonstrates the appointment or designation, with an English translation thereof if in a foreign language other than English.

2. Authenticated copy or Apostille of the following documents, with an English translation thereof if in foreign language other than English, where applicable:

a) current General Information Sheet or any similar document.

b) Registration Certificate (Corporation, Partnership, Sole Proprietorship) or any similar document.

c) valid business permit or any similar document.

SECTION 12. Primary Purpose of the Private Entity or the Constitutional or Statutory Mandate of the Government Entity. In the Commission's online registration platform, a PIC or PIP shall provide the following registration information:

A. name and contact details of the PIC or PIP, Head of Agency or Organization, and DPO as well as any designated COPs with supporting documents.

- B. a unique and official email address specific to the position of DPO of the PIC or PIP, and not with the person who is the DPO.
- C. primary purpose of the private entity or the constitutional or statutory mandate of the government agency;
- D. brief description of all data processing systems:
 - 1.) name of the system;
 - 2.) basis for the processing of information;
 - 3.) purpose or purposes of the processing;
 - 4.) whether processing is being done as a PIC, PIP, or both;
 - 5.) whether the system is outsourced or subcontracted, and if so, the name and contact details of the PIP;
 - 6.) description of the category or categories of data subjects, and their personal data or categories thereof;
 - 7.) recipients or categories of recipients to whom the personal data might be disclosed;
 - 8.) description of security measures (Organizational, Physical, and Technical)
 - 9.) general information on the Data Life Cycle (Time of Collection, Retention Period, and Disposal/Destruction/Deletion Method/Procedure)
 - 10.) whether personal data is transferred outside of the Philippines; and
 - 11.) any existing Data Sharing Agreements with other parties;
- E. Identify all publicly facing online mobile or web-based applications, including internal apps with PIC or PIP employees as clients.
- F. Notification regarding any automated decision-making operation or profiling.

SECTION 13. *Certificate of Registration.* The Commission shall issue a Certificate of Registration in favor of a PIC, PIP, or Individual Professional that has successfully completed the registration process. The Certificate of Registration shall only be considered as proof of such registration and not a verification of the contents thereof.

Any party may request, in writing, an authenticated copy of the Certificate of Registration of a PIC or PIP, subject to payment of reasonable fees covered by a separate issuance for this specific purpose.

SECTION 14. *Validity.* A Certificate of Registration shall be valid for one (1) year from its date of issuance; provided, that the certificate may be revoked by the Commission upon the concurrence of any of the grounds provided for under Section 35 of this Circular and upon service of a Notice of Revocation to the PIC or PIP.

SECTION 15. *Verification.* The Commission may, at any time, verify any or all registration information provided by a PIC or PIP through its compliance check function under NPC Circular 18-02. Thru a privacy sweep of publicly available information, notices of document submission or during on-site examination of the data processing systems, all relevant documents shall be made available to the Commission.

SECTION 16. *Amendments or Updates.* Subject to reasonable fees that may be prescribed by the Commission, major amendments to registration information shall be made within thirty (30) days from the date such changes take into effect. Major amendments are the changes to the following:

- (a) Name of the PIC or PIP; and
- (b) the Office Address of the PIC or PIP.

Minor updates shall be made within ten (10) days from the date such changes take into effect. Updates shall include all other information other than those covered as a major amendment.

The PIC or PIP shall fill-up the necessary form and submit accompanying supporting documents when required.

SECTION 17. *Non-Registration.* A PIC or PIP shall be considered as unregistered under the following circumstances:

- A. failure to register with the Commission in accordance with Section 7 of this Circular;
- B. expiration and non-renewal of Certificate of Registration;
- C. non submission of any deficiency in supporting documents within five (5) days from notice;
- D. rejection or disapproval of an application for registration, or an application for renewal of registration; or
- E. revocation of the Certificate of Registration.

SECTION 18. *Renewal.* A PIC or PIP may only renew its registration thirty (30) days before the expiration of the one (1) year validity of its Certificate of Registration.

SECTION 19. *Reasonable Fees.* To recover administrative costs, the Commission may require the payment of reasonable fees for registration, renewal, and other purposes in accordance with a schedule that shall be provided in a separate issuance.

SECTION 20. *Imposition of Administrative Fines.* All PICs and PIPs covered by Mandatory Registration who shall be in violation of the same, shall be subject to the corresponding fine in accordance with NPC rules and issuances.

SECTION 21. *Inaccessible DPO Accounts.* In case a DPO account was not properly transferred, or in cases of inaccessibility to the registration platform due to lost credentials, or upon failure of a prior DPO to properly turn over the accountability to the registration platform, the PIC or PIP shall submit a notarized letter of explanation or any similar document as justification as to why the DPO account was lost or not properly transferred.

Subject to reasonable fees that may be prescribed by the Commission, the Head of the Organization may request the retrieval of the account.

SECTION 22. *Withdrawal of Registration.* Withdrawal of registration of information due to cessation of business, or in cases when personal data processing is no longer done or for other similar reasons, shall be made in writing and accompanied by supporting documents such as certified photocopy of SEC Certificates of Dissolution of corporation, board resolutions, and the like, within two (2) months from the date such cessation takes effect. It shall be presumed that the PIC or PIP is still processing personal information or is still operating its business in the absence of an application for the withdrawal of registration. Verily, a PIC or PIP may still be a subject of a compliance check absent any showing that such withdrawal has been applied for.

In case of death of Individual Professional registrant, withdrawal should be done thru written notification with a copy of the death certificate attached as proof.

REGISTRY OF DATA PROCESSING SYSTEMS

SECTION 23. *Maintenance of Registry.* The Commission shall maintain a registry of PICs and PIPs; the data processing systems and its designated or appointed data protection officer in electronic format.

SECTION 24. *Removal from Registry.* The registration information of a PIC or PIP may be removed, upon prior notice by the Commission, from the registry on any of the following grounds:

- A. Incomplete registration;
- B. Expiration and non-renewal of registration;
- C. Revocation of certificate of registration;
- D. Expired and void registration; or
- E. Withdrawal of Registration by the PIC due to cessation of business, cessation of personal data processing, or death of the individual professional registrant.

The PIC or PIP is given 15 days from notice, to answer and explain why removal should not be effected.

SECTION 25. *Non-inclusion of Confidential Information.* Information classified by the Constitution or any statute as confidential shall not be included in the registry.

NOTIFICATIONS REGARDING AUTOMATED DECISION-MAKING OR PROFILING

SECTION 26. *Notification of Automated Decision-Making or Profiling.* A PIC or PIP that carries out any automated decision-making operation or profiling shall indicate in its registration record and identify the data processing system involved in the automated decision-making or profiling operation.

The PIC or PIP shall also include information on the following:

A. lawful basis for processing personal data;

1. Other relevant information pertaining to the specified lawful basis.

If consent is used as the basis for processing, submission of the following:

- i. consent form used; and/or
- ii. other manner of obtaining consent.

B. retention period for the processed data;

C. methods and logic utilized for automated processing; and

D. possible decisions relating to the data subject based on the processed data, particularly if the decisions would significantly affect the data subject's rights and freedoms.

SECTION 27. *When to Notify.* Notifications regarding automated decision-making and profiling shall be included in the registration information that will be provided by a PIC or PIP, as indicated in Section 12 of this Circular, or through amendments or updates to such registration information, as per Section 16 of this Circular, within the prescribed periods.

SECTION 28. *Availability of Additional Information.* Upon request by the Commission, a PIC or PIP shall make available additional information and supporting documents pertaining to its automated decision-making or profiling operation.

NATIONAL PRIVACY COMMISSION SEAL OF REGISTRATION

SECTION 29. *Issuance of Seal of Registration.* The Seal of Registration shall be issued simultaneously with the Certificate of Registration which will also be available for downloading.

SECTION 30. *Standard Information.* The Seal of Registration shall contain the following information:

- A. The word "Registered" indicating that the PIC or PIC has registered its DPS and DPO with the Commission;
- B. The validity period of the registration;
- C. A unique QR code for easy verification of registration indicating the following:
 1. Name of the PIC/PIP
 2. Registered DPO email; and
 3. Validity of registration

SECTION 31. *Validity.* The Seal of Registration shall be valid for one (1) year from the date of issuance thereof.

SECTION 32. *Mandatory display of Seal of Registration.* The Seal of Registration must be displayed at the main entrance of the place of business, office or at the most conspicuous place to ensure visibility to all data subjects.

PICs or PIPs are required also to display the Seal of Registration in its main website, and only as a clickable link leading to the privacy notice of the PIC and/or displayed on the Privacy Notice page or portion.

SECTION 33. *Use of Seal of Registration.* The Seal of Registration shall be exclusively used by the registered PIC or PIP.

The use of the Seal of Registration by any person other than the PIC or PIP for whatever purpose is prohibited.

SECTION 34. *Automatic revocation or withdrawal.* In all instances that the Certificate of Registration be revoked, or the registration of the PIC or PIP be validly withdrawn, the Seal of Registration shall automatically be revoked or otherwise invalidated.

SANCTIONS AND PENALTIES

SECTION 35. *Revocation of Certificate of Registration.* The Commission may revoke the registration of a PIC or PIP on any of the following grounds:

- A. failure to comply with any of the provisions of the DPA, its IRR, or any relevant issuances of the Commission;
- B. *motu proprio* revocation upon failure to comply with any order, condition, or restriction imposed by the Commission;
- C. loss of authority to operate or conduct business, due to the revocation of its license, permit, franchise, or any other similar requirement provided by law;
- D. cessation of operations or of personal data processing;
- E. lack of capacity or inability to securely process personal data in accordance with the DPA as determined by the Commission thru its compliance check function;
- F. issuance by the Commission of a temporary or permanent ban on data processing against the PIC or PIP: *Provided*, that in the case of a temporary ban, such prohibition is still in effect at the time of filing of the application for renewal of registration;
- G. *motu proprio* revocation for providing false information in the registration or misrepresenting material information in the registration.

Provided, that, prior to revocation, the Commission shall give the PIC or PIP an opportunity to explain why its Certificate of Registration should not be revoked.

SECTION 36. *Notice of Revocation.* Where the registration of a PIC or PIP is revoked, the Commission shall issue a Notice of Revocation of Registration, which shall be served upon the PIC or PIP.

SECTION 37. *Penalties and Fines.* A PIC or PIP whose Certificate of Registration has been revoked or that is determined to have violated the registration requirements provided in this Circular may, upon notice and hearing, be subject to compliance and enforcement orders, cease and desist orders, temporary or permanent bans on the processing of personal data, or payment of fines in accordance with a schedule to be issued by the Commission. For this purpose, the registration requirements shall pertain to the provisions on mandatory registration, amendments and updates, and renewal of registration.

Under the voluntary registration system, failure to comply by a PIC or PIP with the requirements on amendments and renewal, shall render its certificate of registration void.

SECTION 38. *Cease and Desist Order.* When the Commission, upon notice and hearing, has determined that a PIC or PIP violated this Circular, such as the failure to disclose its automated decision-making or profiling operation through the appropriate notification processes set out in this Circular and noncompliance on the mandatory display of the seal of registration, the Commission may cause upon the PIC or PIP the service of a Cease and Desist Order on the processing of personal data: *Provided*, that this is without prejudice to other processes or reliefs as the Commission may be authorized to initiate pursuant to Section 7 of the DPA and any other administrative, civil, or criminal penalties that the PIC or PIP may incur under the DPA and other applicable laws.

MISCELLANEOUS PROVISIONS

SECTION 39. *Repealing Clause.* – This Circular supersedes in its entirety NPC Circular No. 17-01. The provisions of the IRR and all other issuances contrary to or inconsistent with the provisions of this Circular are deemed repealed or modified accordingly.

SECTION 40. *Separability Clause.* If any portion or provision of this Circular is declared null and void, or unconstitutional, the other provisions not affected thereby shall continue to be in force and effect.

SECTION 41. *Publication and Effectivity.* This Circular shall take effect fifteen (15) days after its publication in the Official Gazette or two newspapers of general circulation and the submission of a copy hereof to the Office of the National Administrative Register of the University of the Philippines.

Approved:

JOHN HENRY D. NAGA
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LEANDRO ANGELO Y. AGUIRRE
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