

NPC Circular No. 2022-xx

DATE : _____

SUBJECT : **REGISTRATION OF PERSONAL DATA PROCESSING SYSTEM, NOTIFICATION REGARDING AUTOMATED DECISION-MAKING OR PROFILING, DESIGNATION OF DATA PROTECTION OFFICER, AND THE 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 System, 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 the operation becomes the sole basis for making decisions about a data subject, and when such decision would significantly affect the data subject;

WHEREAS, Sections 46 and 47, Rule XI of the IRR also require the effective and efficient monitoring of a Data Processing Systems that are likely to pose a risk to the rights and freedoms of data subjects including those that involve information likely to affect national security, public safety, public order, or public health or information required by applicable laws or rules to be confidential; 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, especially those involving automated decision-making or profiling;

WHEREFORE, in consideration of these premises, the NPC hereby issues this Circular governing the registration of Data Processing System and Data Protection Officer, notification regarding automated decision-making or profiling, and the NPC 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 definition of terms in the Data Privacy Act of 2012 and its IRR are adopted, and the following terms are defined, as follows:

- A. "Automated Decision-making" refers to a wholly or partially automated processing operation that can make decisions using technological means totally independent of human intervention; automated decision-making often involves profiling;
- B. "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;
- C. "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;
- D. "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;
- E. "Data sharing" is the sharing, disclosure, or transfer to a third party of personal data under the custody of a personal information controller to one or more other personal information controller/s.

In the case of a personal information processor, data sharing should only be allowed if it is carried out on behalf of and upon the instructions of the personal information controller it is engaged with via a subcontracting agreement. Otherwise, the sharing, transfer, or disclosure of personal data that is incidental to a subcontracting agreement between a personal information controller and a personal information processor should be excluded.

- F. "Government Agency" refers to a government branch, body, or entity, including national government agencies, instrumentalities, bureaus, or offices, constitutional commissions, local government units, government-owned and controlled corporations and subsidiaries, government financial institutions, state colleges and universities;
- G. "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;
- H. "Head of Organization" refers to the head or decision-making body of a private entity or organization;

For private organizations or government-owned and controlled corporations organized as private corporations, the Head of Organization may be the President, the Chief Executive Officer, or the Chairman of the Board of Directors or any officer of equivalent rank in the organization.

- I. "Individual Professional" refers to individuals who are self-employed and 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;
- J. "IRR" refers to the Implementing Rules and Regulations of the DPA;
- K. "Operating in the country" refers to PICs and PIPs who, although not founded 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;
- L. "Private entity" or "Private 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;
- M. "Profiling" refers to any form of automated processing of 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;
- N. "Registration information" refers to the completed registration details as inputted by the registrant into the NPC's official registration platform.

SECTION 3. Purpose. This Circular establishes the following:

- A. The framework for registration of Data Processing System in the Philippines, including online web-based and mobile applications that process 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. guarantee that information about Data Processing System owned by PICs, PIPs, and Individual Professionals operating in the country are made accessible to the Commission to enable a more efficient compliance monitoring process and uphold the exercise of data subject rights under the DPA; 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 an entity's Data Processing System 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 NPC are presumed to contain all required information on its Data Processing System 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 NPC on the identity and official contact details of the designated DPO shall remain effective unless otherwise 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 NPC 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 SYSTEM AND DATA PROTECTION OFFICER

SECTION 5. *Mandatory Registration.* A PIC or PIP shall register all Data Processing Systems operating in the country involved in the processing of personal information and sensitive personal information.

A Data Processing System that involves automated decision-making or profiling shall, in all instances, be registered with the Commission.

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

SECTION 6. *Voluntary Registration.* An application for registration by a PIC, PIP, or Individual Professional 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, PIP, or Individual Professional shall register its newly implemented Data Processing System or inaugural DPO in the NPC's official registration platform within twenty (20) 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 information, which includes updates on an existing Data Processing System, or a change in DPO, the PIC or PIP shall update the system within ten (10) days from the system update or effectivity of the appointment 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 one or more Compliance Officers for Privacy (COP) who shall then be indicated as such in the DPO registration. A COP shall always be under the direct supervision of the DPO.

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

Further, in cases where a COP is designated by the PIC or PIP, the registration shall be accompanied by the list of COP clearly indicating the branch, office, unit, or region to which they are assigned along with the official e-mail address and contact number.

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 PIP. In case the individual designated as DPO vacates the position, the PIC or PIP should designate an interim DPO to monitor any communications sent through the official DPO e-mail address.

For Individual Professionals, they shall register themselves as the DPO.

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 or Head of Agency. .
- 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 System owned by the PIC or PIP shall be encoded into the platform. All Data Processing System 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 in accordance with Section 3(A).
- 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, and indicate their principal business address and contact details.

Registration through physical submission of requirements is not allowed.

SECTION 10. *Mandatory Appointment of DPO in the Government.* A Government Agency is 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 of equivalent rank; at least Director II level in case the highest ranking official is an Assistant Secretary or a position of equivalent 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 PIP must be duly notarized and be accompanied by the following documents:

A. For government agencies.

Special or 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) (1) duly notarized Secretary's Certificate authorizing the appointment or designation of DPO, or (2) any other document demonstrating the validity of the appointment or designation of the DPO signed by the Head of the Organization with an accompanying valid document conferring authority to the Head of Organization to designate or appoint persons to positions in the organization.

b) SEC Certificate of Registration.

c) certified true copy of latest General Information Sheet.

d) valid business permit.

2. For One Person Corporation

a) (1) duly notarized Secretary's Certificate authorizing the appointment or designation of DPO, or (2) any other document that demonstrates the validity of the appointment or designation of DPO signed by the sole director of the One Person Corporation.

b) SEC Certificate of Registration.

c) valid business permit.

3. For Partnerships

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.

4. Sole Proprietorships

a) Duly notarized document appointing the DPO and signed by the sole proprietor, in case the same should elect to appoint or designate another person as DPO.

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 language other than English.

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

- a) Latest 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. *Details of Registration.* In the NPC's online registration platform, a PIC or PIP shall provide the following registration information:

A. details of the PIC or PIP, the Head of Agency or Organization, and the Data Protection Officer.

- 1.) name and contact details of the PIC or PIP, Head of Agency or Organization, and DPO as well as the designated COP, if any, with supporting documents.
- 2.) 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.
- 3.) primary purpose of the private entity or the constitutional or statutory mandate of the government agency.

B. brief description per Data Processing System:

- 1.) name of the system;
- 2.) basis for the processing of information;
- 3.) purpose or purposes of the processing;
- 4.) whether processing is being performed as a PIC or PIP, if an organization uses the same system as a PIC and as a PIP, then the organization shall register such usage separately;
- 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, Manner, or Mode of Collection, Retention Period, and Disposal/Destruction/Deletion Method/Procedure);
- 10.) whether personal data is transferred outside of the Philippines; and
- 11.) the existence of Data Sharing Agreements with other parties.

C. Identify all publicly facing online mobile or web-based applications, including internal apps with PIC or PIP employees as clients.

D. 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. Through a privacy sweep of publicly available information, notices of document submission or during on-site examination of the Data Processing System, 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 the applicable 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 without prejudice to any administrative finding of failure to register or to update registration.

Subject to reasonable fees that may be prescribed by the Commission, the Head of Agency or Head of 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, or board resolutions, within two (2) months from the date such cessation takes effect which shall be submitted electronically via email. 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 an Individual Professional registrant, withdrawal should be done by the next of kin through written notification with a copy of the death certificate attached as proof which shall be submitted electronically via email.

REGISTRY OF DATA PROCESSING SYSTEM

SECTION 23. *Maintenance of Registry.* The Commission shall maintain a registry of PICs and PIPs and of the Data Processing Systems and designated or appointed Data Protection Officers in electronic format.

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

Except for Section 24(E), the PIC or PIP is given fifteen (15) days from notice to answer and explain why its 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.

NOTIFICATION 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 specifying the specific law or regulation among others.

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

- i. consent form used; 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.* Notification 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 download.

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

- A. The word "Registered" indicating that the PIC or PIP 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 or 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 also required to display the Seal of Registration in its main website or at least the webpage specifically pertaining to the Philippines for global websites, and only as either (1) a clickable link leading to the privacy notice or (2) displayed directly on the privacy notice page.

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 wherein the Certificate of Registration has been revoked, or the registration of the PIC or PIP has been 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.

In cases of *motu proprio* revocation in Sections B or G, it shall be operative upon the administrative finding of liability for the infraction.

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, the certificate of registration shall be revoked.

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. *Transitory Period.* Notwithstanding the period in the first paragraph of Section 7 of this Circular; all covered PICs, PIPs, and Individual Professionals shall complete their Data Processing System registration within ninety (90) days from the effectivity of this Circular.

SECTION 40. *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 41. *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 42. *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
Privacy Commissioner

LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner