



# **DATA PRIVACY ACT OF 2012**

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# MISCONCEPTIONS

1

"Data privacy only applies to the cyberworld"

3

"This won't affect me because I did not give my consent"

2

"Private interactions on social media are under the Data Privacy Act"





# WHAT IS PRIVACY?

## **Olmstead v. United States:**

- The right to be let alone—the most comprehensive of rights and the right most valued by civilized men

## **Katz v. United States:**

- The protection of a person's general right to privacy -- his right to be let alone by other people.



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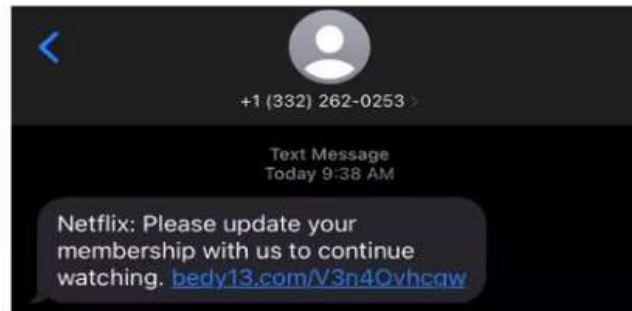
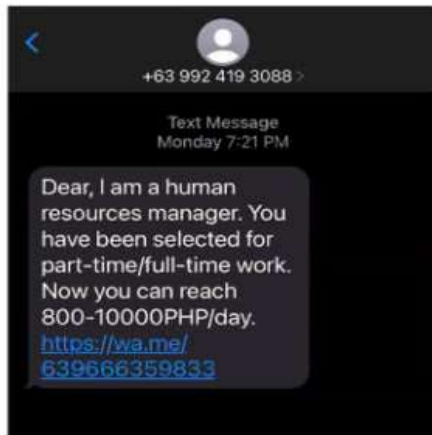


# GOOD PRIVACY



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# BAD PRIVACY



# DATA PRIVACY ACT OF 2012

Free flow of information is allowed to promote innovation and growth.

The State must protect our fundamental right to privacy.







# MOST IMPORTANT ASPECT OF DATA PRIVACY

## DATA SUBJECT

- Data subject refers to an individual whose personal information is processed.
- General Rule, only Data Subjects can exercise their rights. Heirs or assigns may do so in certain cases.

## CONSENT

- Without consent, the collector of information would have no basis to collect such information.
- There are exceptions to consent

# OBJECTIVES OF PROPER DATA PRIVACY POLICIES



## CONFIDENTIALITY

The information is available to authorized processors and for the legitimate purpose



## INTEGRITY

The information is accurate, complete and untampered



## AVAILABILITY

Freedom of access by the information controller or data subject



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# AUTHORIZED PROCESSING

Basis	Personal Information	Sensitive Personal Information
Consent of the Data Subject	Given prior to collection	Given prior to processing for the specified and legitimate purpose
Contractual Agreement	To fulfill obligations, or steps taken at the request of the data subject prior to entering the contract	
Legal Obligation	PIC Compliance with legal obligation	As provided for by existing laws and regulations that do not require consent but guarantee the protection of data
To protect vital interests	To protect vitally important interests of the data subject included to his life and health	To protect the life and health of the data subject or person who is unable to express consent

# AUTHORIZED PROCESSING

Medical Treatment		Processing is necessary for medical treatment but must be limited to medical practitioners.
Lawful and noncommercial objectives		Processing is confined to the members of the organization and any transfer of information is with the consent of the data subject.
Public Order and Safety	National Emergencies	
Legitimate Interests of the PIC	Legitimate interests of the PIC/PIP, unless there are fundamental rights involved.	
Public Authority		For the protection of lawful rights and interests in court or legal proceedings, or when provided for by law.
DOES NOT APPLY	When information relates to scientific or statistical purposes, or when there is a criminal or administrative case, or tax liability involved.	



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# RIGHTS OF THE DATA SUBJECT

- Right to be Informed
- Right to Object
- Right to Correct
- Right to Access





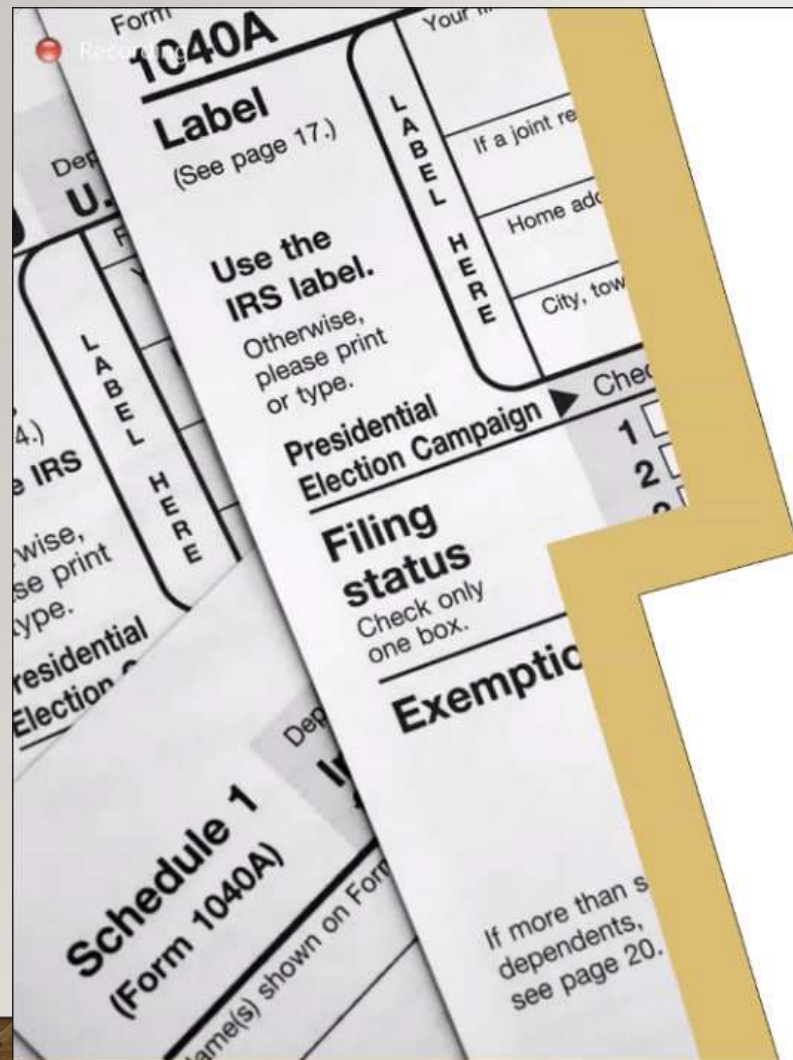


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# RIGHTS OF THE DATA SUBJECT

- Right to Block
- Right to Portability
- Right to File a Complaint
- Right to Damages

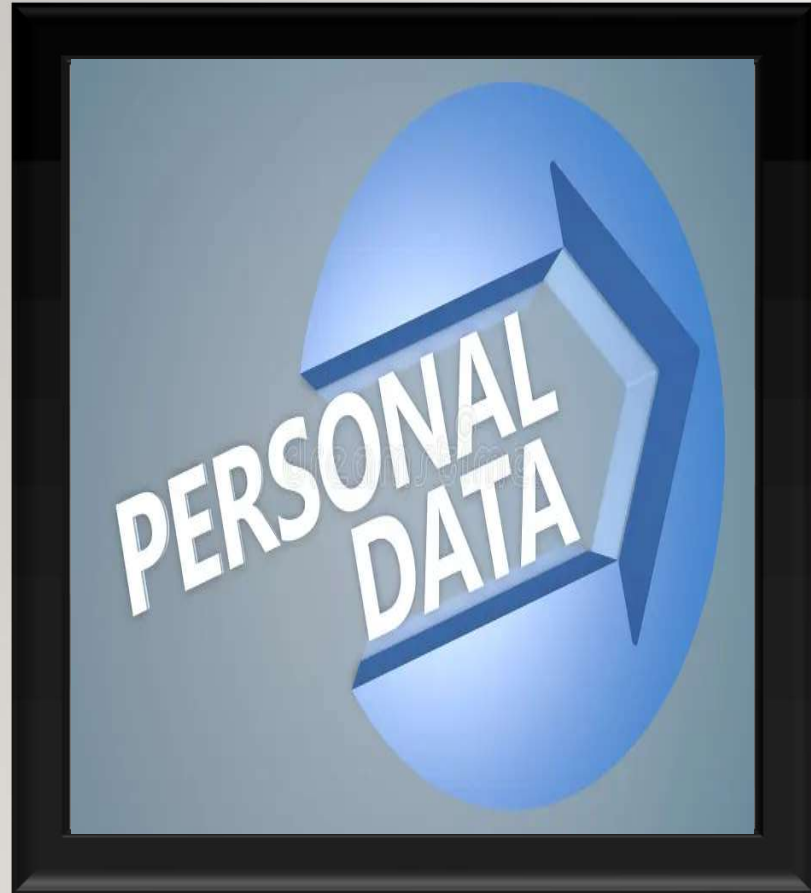




# HOW IS DATA STORED AND COLLECTED?

## PERSONAL DATA FORMS

- These can be in both physical and digital forms.
- In relation to your company, there are procurement forms, logbooks, personal data sheets
- The website and any information gathered via e-mail is considered data collection.



## EXAMPLES OF PERSONAL DATA

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- Name and surname
- Home address
- Email address such as [name.surname@company.com](mailto:name.surname@company.com)
- Identification card number
- Location data (e.g location data function on a mobile phone)
- Internet Protocol (IP) address
- Cookie ID
- Advertising identifier of your phone
- Etc.



## **DATA COLLECTION AND PROCESSING IS A MANAGEMENT DECISION!**

- Collection and Processing is determined by management
- Employees are the frontliners in ensuring proper collection and processing
- At the employee level, collection and processing is normally mandatory, meaning no decisions are made at that level.

# HOW CAN I BEST PROTECT DATA?

We are here to prevent:

## **LOSS**

- Physical or digital

## **ACCIDENTAL OR DELIBERATE DISCLOSURE**

- Ensuring that the Privacy Notice and Policies are up to date

## **ALTERATION**

- Ensure integrity

## **DESTRUCTION**

- May only be done after the legitimate purpose or upon lawful request of the data subject!



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# **PENALTIES**

## **UNAUTHORIZED PROCESSING**

- Done without consent or legal basis
- Accessing Personal Information due to Negligence
- Unauthorized persons gaining access to information
- Files left in the open or no locks on cabinet

## **IMPROPER DISPOSAL**

- Left in the trash without proper destruction
- Or deleted from a computer without erasing the file itself



# DPA 2012 Penalties?

- **Unauthorized Access or Intentional Breach:** The penalties for this offense are **imprisonment for a period of two to seven years** and a fine of not less than **₱500,000.00** but not more than **₱2,000,000.00**.
- **Concealment of Security Breaches Involving Sensitive Personal Information:** The penalties for this offense are **imprisonment for a period of one to four years** and a fine of not less than **₱200,000.00** but not more than **₱1,000,000.00**.
- **Malicious Disclosure:** The penalties for this offense are **imprisonment for a period of two to seven years** and a fine of not less than **₱500,000.00** but not more than **₱2,000,000.00**.
- **Unauthorized Disclosure:** The penalties for this offense are **imprisonment for a period of one to four years** and a fine of not less than **₱200,000.00** but not more than **₱1,000,000.00**.
- **Processing of Personal Information or Sensitive Personal Information for Unauthorized Purposes:** The penalties for this offense are **imprisonment for a period of two to seven years** and a fine of not less than **₱500,000.00** but not more than **₱2,000,000.00**.
- **Improper Disposal of Personal Information or Sensitive Personal Information:** The penalties for this offense are **imprisonment for a period of one to four years** and a fine of not less than **₱200,000.00** but not more than **₱1,000,000.00**.

# WHEN TO REPORT

- Must be reported to the NPC within 72 hours
- The individual Data Subjects must also be informed.
- 72 Hour requirement is mandatory, except:
  - When delay is used to determine the scope, nature and extent of the breach.

**REMEMBER!**

**DON'T COLLECT  
INFORMATION YOU  
CAN'T PROTECT!**



# **END OF PRESENTATION**

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**THANK YOU!**