

Terms of Service Simplifier

Summary Report for SMC-Personal_Data_Privacy-Policy[05.10.17].pdf

Date: 7/19/2021

Time: 5:35:39pm

Total number of statements: 115

Collecting Data Category: 55

Using Data Category: 53

Sharing Data Category: 2

Updating ToS Category: 5

Collecting Data Statements

[1] Data Subject refers to an individual whose Personal Information, Sensitive Personal Information, or Privileged Information is processed.

[2] Personal Data collectively refers to Personal Information, Sensitive Personal Information, and Privileged Information.

[3] Processing refers to any operation or 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.

[4] Processing may be performed through automated means, or manual processing, if the Personal Data are contained or are intended to be contained in a filing system.

[5] The functions and responsibilities of the DPO shall particularly include, among others: 1. monitoring the Company's Personal Data Processing activities in order to ensure compliance with applicable Personal Data privacy laws and regulations, including the conduct of periodic internal audits and review to ensure that all the Company's data privacy policies are adequately implemented by its employees and authorized agents;

[6] Data Privacy Principles All Processing of Personal Data within the Company should be conducted in compliance with the following data privacy principles as espoused in the Data Privacy Act: a.

[7] The Data Subject must be aware of the nature, purpose, and extent of the Processing of his or her Personal Data by the Company, including

the risks and safeguards involved, the identity of persons and entities involved in Processing his or her Personal Data, his or her rights as a Data Subject, and how these can be exercised.

[8] Legitimate purpose. The Processing of Personal Data by the Company shall be compatible with a declared and specified purpose which must not be contrary to law, morals, or public policy.

[9] The Processing of Personal Data shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal Data shall be processed by the Company only if the purpose of the Processing could not reasonably be fulfilled by other means.

[10] Data Processing Records Adequate records of the Company's Personal Data Processing activities shall be maintained at all times.

[11] The DPO, with the cooperation and assistance of all the concerned business and service units involved in the Processing of Personal Data, shall be responsible for ensuring that these records are kept up-to-date. These records shall include, at the minimum: 1. information about the purpose of the Processing of Personal Data, including any intended future Processing or data sharing;

[12] 2. a description of all categories of Data Subjects, Personal Data, and recipients of such Personal Data that will be involved in the Processing;

[13] and 5. the name and contact details of the DPO, Personal Data processors, as well as any other staff members accountable for ensuring compliance with the applicable laws and regulations for the protection of data privacy and security.

[14] Management of Human Resources The DPO, with the cooperation of the Company's Corporate Human Resources department ("CHR"), shall develop and implement measures to ensure that all the Company's staff who have access to Personal Data will strictly process such data in compliance with the requirements of the Data Privacy Act and other applicable laws and regulations.

[15] The DPO, with the assistance of CHR, shall ensure that Company shall obtain the employee's informed consent, evidenced by written, electronic or recorded means, to: Personal Data Privacy Policy San Miguel Corporation_____ 5 5 1. The Processing of his or her Personal Data, for purposes of maintaining the Company's records;

[16] E. Data Collection Procedures The DPO, with the assistance of the Company's CHR and any other departments of the Company responsible for the Processing of Personal Data, shall document the Company's Personal Data Processing procedures.

[17] Such procedures shall also be regularly monitored, modified, and updated to ensure that the rights of the Data Subjects are respected, and that Processing thereof is done fully in accordance with the DPA and other applicable laws and regulations.

[18] Data Retention Schedule Subject to applicable requirements of the DPA and other relevant laws and regulations, Personal Data shall not be retained by the Company for a period longer than necessary and/or proportionate to the purposes for which such data was collected.

[19] PHYSICAL SECURITY MEASURES The DPO, with the assistance of CHR and the Corporate Information and Technology Management department ("CITM"), shall develop and implement policies and procedures for the Company to monitor and limit access to, and activities in, the offices of CHR, as well as any other departments and/or Personal Data Privacy Policy San Miguel Corporation_____ 6 6 workstations in the Company where Personal Data is processed, including guidelines that specify the proper use of, and access to, electronic media.

[20] The duties, responsibilities, and schedules of individuals involved in the Processing of Personal Data shall be clearly defined to ensure that only the individuals actually performing official duties shall be in the room or work station, at any given time. Further, the rooms and workstations used in the Processing of Personal Data shall, as far as practicable, be secured against natural disasters, power disturbances, external access, and other similar threats.

[21] TECHNICAL SECURITY MEASURES The DPO, with the cooperation and assistance of CITM, shall continuously develop and evaluate the Company's security policy with respect to the Processing of Personal Data.

[22] the ability to ensure and maintain the confidentiality, integrity, availability, and resilience of the Company's data processing systems and services;

[23] regular monitoring for security breaches, and a process both for identifying and accessing reasonably foreseeable vulnerabilities in the Company's computer network and system, and for taking preventive, corrective, and mitigating actions against security incidents that can lead to a Personal Data breach;

[24] the ability to restore the availability and access to Personal Data in a timely manner in the event of a physical or technical incident;

[25] encryption of Personal Data during storage and while in transit, authentication process, and other technical security measures that control and limit access thereto.

[26] RIGHTS OF THE DATA SUBJECT As provided under the DPA, Data Subjects have the following rights in connection with the Processing of their Personal Data: right to be informed, right to object, right to access, right to rectification, right to erasure or blocking, and right to damages.

[27] Right to be Informed The Data Subject has the right to be informed whether Personal Data pertaining to him or her shall be, are being, or have been processed.

[28] purposes for which they are being or will be processed, including

Processing for direct marketing, profiling or historical, statistical or scientific purpose;

[29] basis of Processing, when Processing is not based on the consent of the Data Subject;

[30] scope and method of the Personal Data Processing;

[31] methods utilized for automated access, if the same is allowed by the Data Subject, and the extent to which such access is authorized, including meaningful information about the logic involved, as well Personal Data Privacy Policy San Miguel Corporation_____ 8 8 as the significance and the envisaged consequences of such Processing for the Data Subject;

[32] the period for which the Personal Data will be stored;

[33] the existence of their rights as Data Subjects, including the right to access, correction, and to object to the Processing, as well as the right to lodge a complaint before the National Privacy Commission.

[34] Right to Object The Data Subject shall have the right to object to the Processing of his or her Personal Data, including Processing for direct marketing, automated Processing or profiling.

[35] The Data Subject shall also be notified and given an opportunity to withhold consent to the Processing in case of changes or any amendment to the information supplied or declared to the Data Subject in the preceding paragraph.

[36] 2. the Processing is for obvious purposes, including, when it is necessary for the performance of or in relation to a contract or service to which the Data Subject is a party, or when necessary or desirable in the context of an employer-employee relationship between the Company and the Data Subject;

[37] or 3. the Personal Data is being collected and processed to comply with a legal obligation.

[38] Right to Access The Data Subject has the right to reasonable access to, upon demand, the following: 1. Contents of his or her Personal Data that were processed;

[39] 4. Manner by which his or her Personal Data were processed;

[40] 6. Information on automated processes where the Personal Data will, or is likely to, be made as the sole basis for any decision that significantly affects or will affect the Data Subject;

[41] Right to Rectification The Data Subject has the right to dispute the inaccuracy or rectify the error in his or her Personal Data, and the Company shall correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the Personal Data has been corrected, the Company shall ensure the accessibility of both the new and the retracted Personal Data and the simultaneous receipt of the new and the retracted Personal Data by the intended recipients thereof: Provided, That recipients or third parties who have previously received such processed Personal Data shall be informed of its inaccuracy and its rectification, upon

reasonable request of the Data Subject.

[42] Personal Data Privacy Policy San Miguel Corporation_____ 10 10 (c) The Personal Data is no longer necessary for the purposes for which they were collected;

[43] (d) The Data Subject withdraws consent or objects to the Processing, and there is no other legal ground or overriding legitimate interest for the Processing by the Company;

[44] (f) The Processing is unlawful;

[45] 2. The DPO may notify third parties who have previously received such processed Personal Data that the Data Subject has withdrawn his or her consent to the Processing thereof upon reasonable request by the Data Subject.

[46] Data Portability Where his or her Personal Data is processed by the Company through electronic means and in a structured and commonly used format, the Data Subject shall have the right to obtain a copy of such data in an electronic or structured format that is commonly used and allows for further use by the Data Subject.

[47] The exercise of this right shall primarily take into account the right of Data Subject to have control over his or her Personal Data being processed based on consent or contract, for commercial purpose, or through automated means.

[48] Data Breach Notification All employees and agents of the Company involved in the Processing of Personal Data are tasked with regularly monitoring for signs of a possible data breach or Security Incident.

[49] OUTSOURCING AND SUBCONTRACTING AGREEMENTS Any Personal Data Processing conducted by an external agent or entity (third-party service provider) on behalf of the Company should be evidenced by a valid written contract with the Company.

[50] Such contract should expressly set out the Personal Data Privacy Policy San Miguel Corporation_____ 12 12 subject matter and duration of the Processing, the nature and purpose of the Processing, the type of Personal Data and categories of Data Subjects, the obligations and rights of the Company, and the geographic location of the Processing under the contract.

[51] process the Personal Data only upon the documented instructions of the Company, including transfers of Personal Data to another country or an international organization, unless such transfer is required by law;

[52] ensure that an obligation of confidentiality is imposed on persons and employees authorized by the external agent/entity and subcontractor to process the Personal Data;

[53] E. not engage another processor without prior instruction from the Company: Provided, that any such arrangement shall ensure that the same

obligations for data protection under the contract or legal act are implemented, taking into account the nature of the Processing;

[54] assist the Company in ensuring compliance with the Data Privacy Act and other issuances of the National Privacy Commission, taking into account the Personal Data Privacy Policy San Miguel Corporation_____ 13 13 nature of Processing and the information available to the external party who acts as a Personal Information Processor as defined under the Data Privacy Act;

[55] at the choice of the Company, delete or return all Personal Data to it after the end of the provision of services relating to the Processing: Provided, that this includes deleting existing copies unless storage is authorized by the Data Privacy Act or other applicable laws or regulations;

Using Data Statements

[1] Data Subject refers to an individual whose Personal Information, Sensitive Personal Information, or Privileged Information is processed.

[2] Processing refers to any operation or 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.

[3] Processing may be performed through automated means, or manual processing, if the Personal Data are contained or are intended to be contained in a filing system.

[4] The functions and responsibilities of the DPO shall particularly include, among others: 1. monitoring the Company's Personal Data Processing activities in order to ensure compliance with applicable Personal Data privacy laws and regulations, including the conduct of periodic internal audits and review to ensure that all the Company's data privacy policies are adequately implemented by its employees and authorized agents;

[5] Data Privacy Principles All Processing of Personal Data within the Company should be conducted in compliance with the following data privacy principles as espoused in the Data Privacy Act: a.

[6] The Data Subject must be aware of the nature, purpose, and extent of the Processing of his or her Personal Data by the Company, including the risks and safeguards involved, the identity of persons and entities involved in Processing his or her Personal Data, his or her rights as a Data Subject, and how these can be exercised.

[7] Any information and communication relating to the Processing of Personal Data should be easy to access and understand, using clear and plain language. b.

[8] The Processing of Personal Data shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal Data shall be processed by the Company only if the purpose of the Processing could not reasonably be fulfilled by other

means.

[9] Data Processing Records Adequate records of the Company's Personal Data Processing activities shall be maintained at all times.

[10] The DPO, with the cooperation and assistance of all the concerned business and service units involved in the Processing of Personal Data, shall be responsible for ensuring that these records are kept up-to-date. These records shall include, at the minimum: 1. information about the purpose of the Processing of Personal Data, including any intended future Processing or data sharing;

[11] 2. a description of all categories of Data Subjects, Personal Data, and recipients of such Personal Data that will be involved in the Processing;

[12] and 5. the name and contact details of the DPO, Personal Data processors, as well as any other staff members accountable for ensuring compliance with the applicable laws and regulations for the protection of data privacy and security.

[13] Management of Human Resources The DPO, with the cooperation of the Company's Corporate Human Resources department ("CHR"), shall develop and implement measures to ensure that all the Company's staff who have access to Personal Data will strictly process such data in compliance with the requirements of the Data Privacy Act and other applicable laws and regulations.

[14] The DPO, with the assistance of CHR, shall ensure that Company shall obtain the employee's informed consent, evidenced by written, electronic or recorded means, to: Personal Data Privacy Policy San Miguel Corporation_____ 5 5 1. The Processing of his or her Personal Data, for purposes of maintaining the Company's records;

[15] E. Data Collection Procedures The DPO, with the assistance of the Company's CHR and any other departments of the Company responsible for the Processing of Personal Data, shall document the Company's Personal Data Processing procedures.

[16] Such procedures shall also be regularly monitored, modified, and updated to ensure that the rights of the Data Subjects are respected, and that Processing thereof is done fully in accordance with the DPA and other applicable laws and regulations.

[17] The DPO, with the assistance of the Company's CHR and any other departments of the Company responsible for the Processing of Personal Data, shall be responsible for developing measures to determine the applicable data retention schedules, and procedures to allow for the withdrawal of previously given consent of the Data Subject, as well as to safeguard the destruction and disposal of such Personal Data in accordance with the DPA and other applicable laws and regulations.

[18] PHYSICAL SECURITY MEASURES The DPO, with the assistance of CHR and the Corporate Information and Technology Management department ("CITM"), shall develop and implement policies and

procedures for the Company to monitor and limit access to, and activities in, the offices of CHR, as well as any other departments and/or Personal Data Privacy Policy San Miguel Corporation_____ 6 6 workstations in the Company where Personal Data is processed, including guidelines that specify the proper use of, and access to, electronic media.

[19] The duties, responsibilities, and schedules of individuals involved in the Processing of Personal Data shall be clearly defined to ensure that only the individuals actually performing official duties shall be in the room or work station, at any given time. Further, the rooms and workstations used in the Processing of Personal Data shall, as far as practicable, be secured against natural disasters, power disturbances, external access, and other similar threats.

[20] TECHNICAL SECURITY MEASURES The DPO, with the cooperation and assistance of CITM, shall continuously develop and evaluate the Company's security policy with respect to the Processing of Personal Data.

[21] the ability to ensure and maintain the confidentiality, integrity, availability, and resilience of the Company's data processing systems and services;

[22] regular monitoring for security breaches, and a process both for identifying and accessing reasonably foreseeable vulnerabilities in the Company's computer network and system, and for taking preventive, corrective, and mitigating actions against security incidents that can lead to a Personal Data breach;

[23] e. a process for regularly testing, assessing, and evaluating the effectiveness of security measures;

[24] encryption of Personal Data during storage and while in transit, authentication process, and other technical security measures that control and limit access thereto.

[25] RIGHTS OF THE DATA SUBJECT As provided under the DPA, Data Subjects have the following rights in connection with the Processing of their Personal Data: right to be informed, right to object, right to access, right to rectification, right to erasure or blocking, and right to damages.

[26] Right to be Informed The Data Subject has the right to be informed whether Personal Data pertaining to him or her shall be, are being, or have been processed.

[27] purposes for which they are being or will be processed, including Processing for direct marketing, profiling or historical, statistical or scientific purpose;

[28] basis of Processing, when Processing is not based on the consent of the Data Subject;

[29] scope and method of the Personal Data Processing;

[30] methods utilized for automated access, if the same is allowed by the Data Subject, and the extent to which such access is authorized,

including meaningful information about the logic involved, as well Personal Data Privacy Policy San Miguel Corporation_____ 8 8 as the significance and the envisaged consequences of such Processing for the Data Subject;

[31] the existence of their rights as Data Subjects, including the right to access, correction, and to object to the Processing, as well as the right to lodge a complaint before the National Privacy Commission.

[32] Right to Object The Data Subject shall have the right to object to the Processing of his or her Personal Data, including Processing for direct marketing, automated Processing or profiling.

[33] The Data Subject shall also be notified and given an opportunity to withhold consent to the Processing in case of changes or any amendment to the information supplied or declared to the Data Subject in the preceding paragraph.

[34] 2. the Processing is for obvious purposes, including, when it is necessary for the performance of or in relation to a contract or service to which the Data Subject is a party, or when necessary or desirable in the context of an employer-employee relationship between the Company and the Data Subject;

[35] or 3. the Personal Data is being collected and processed to comply with a legal obligation.

[36] Right to Access The Data Subject has the right to reasonable access to, upon demand, the following: 1. Contents of his or her Personal Data that were processed;

[37] 4. Manner by which his or her Personal Data were processed;

[38] 6. Information on automated processes where the Personal Data will, or is likely to, be made as the sole basis for any decision that significantly affects or will affect the Data Subject;

[39] Right to Rectification The Data Subject has the right to dispute the inaccuracy or rectify the error in his or her Personal Data, and the Company shall correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the Personal Data has been corrected, the Company shall ensure the accessibility of both the new and the retracted Personal Data and the simultaneous receipt of the new and the retracted Personal Data by the intended recipients thereof: Provided, That recipients or third parties who have previously received such processed Personal Data shall be informed of its inaccuracy and its rectification, upon reasonable request of the Data Subject.

[40] (b) The Personal Data is being used for purpose not authorized by the Data Subject;

[41] (d) The Data Subject withdraws consent or objects to the Processing, and there is no other legal ground or overriding legitimate interest for the Processing by the Company;

[42] (f) The Processing is unlawful;

[43] 2. The DPO may notify third parties who have previously received such

processed Personal Data that the Data Subject has withdrawn his or her consent to the Processing thereof upon reasonable request by the Data Subject.

[44] Data Portability Where his or her Personal Data is processed by the Company through electronic means and in a structured and commonly used format, the Data Subject shall have the right to obtain a copy of such data in an electronic or structured format that is commonly used and allows for further use by the Data Subject.

[45] The exercise of this right shall primarily take into account the right of Data Subject to have control over his or her Personal Data being processed based on consent or contract, for commercial purpose, or through automated means.

[46] Data Breach Notification All employees and agents of the Company involved in the Processing of Personal Data are tasked with regularly monitoring for signs of a possible data breach or Security Incident.

[47] OUTSOURCING AND SUBCONTRACTING AGREEMENTS Any Personal Data Processing conducted by an external agent or entity (third-party service provider) on behalf of the Company should be evidenced by a valid written contract with the Company.

[48] Such contract should expressly set out the Personal Data Privacy Policy San Miguel Corporation_____ 12 12 subject matter and duration of the Processing, the nature and purpose of the Processing, the type of Personal Data and categories of Data Subjects, the obligations and rights of the Company, and the geographic location of the Processing under the contract.

[49] process the Personal Data only upon the documented instructions of the Company, including transfers of Personal Data to another country or an international organization, unless such transfer is required by law;

[50] ensure that an obligation of confidentiality is imposed on persons and employees authorized by the external agent/entity and subcontractor to process the Personal Data;

[51] E. not engage another processor without prior instruction from the Company; Provided, that any such arrangement shall ensure that the same obligations for data protection under the contract or legal act are implemented, taking into account the nature of the Processing;

[52] assist the Company in ensuring compliance with the Data Privacy Act and other issuances of the National Privacy Commission, taking into account the Personal Data Privacy Policy San Miguel Corporation_____ 13 13 nature of Processing and the information available to the external party who acts as a Personal Information Processor as defined under the Data Privacy Act;

[53] at the choice of the Company, delete or return all Personal Data to it

after the end of the provision of services relating to the Processing: Provided, that this includes deleting existing copies unless storage is authorized by the Data Privacy Act or other applicable laws or regulations;

Sharing Data Statements

[1] The DPO, with the cooperation and assistance of all the concerned business and service units involved in the Processing of Personal Data, shall be responsible for ensuring that these records are kept up-to-date. These records shall include, at the minimum: 1. information about the purpose of the Processing of Personal Data, including any intended future Processing or data sharing;

[2] e. the recipients or classes of recipients to whom the Personal Data are or may be disclosed or shared;

Updating ToS Statements

[1] Processing refers to any operation or 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.

[2] These measures may include drafting new or updated relevant policies of the Company and conducting training programs to educate employees and agents on data privacy related concerns.

[3] The DPO shall ensure that such procedures are updated and that the consent of the Data Subjects (when required by the DPA or other applicable laws or regulations) is properly obtained and evidenced by written, electronic or recorded means.

[4] Such procedures shall also be regularly monitored, modified, and updated to ensure that the rights of the Data Subjects are respected, and that Processing thereof is done fully in accordance with the DPA and other applicable laws and regulations.

[5] The form and procedure for notification shall conform to the regulations and circulars issued by the National Privacy Commission, as may be updated from time to time. B.

---END OF REPORT---