

SOCIAL AND PROFESSIONAL ISSUES: Data Privacy Law

1. What is Republic Act No. 10173?

The *Republic Act No. 10173* is also known as the “Data Privacy Act of 2012”, an act protecting individual personal information in information and communications systems in the government and the private sector, creating for this purpose a national privacy commission, and for other purposes. 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.

2. What is the privacy of communication?

The *Privacy of Communication* and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise, as prescribed by law. The constitutional guarantee on privacy includes a bar on the use of improperly obtained private communication as evidence in any proceeding.

3. What is Republic Act No. 4200?

The *Republic Act No. 4200* is an act to prohibit and penalize wiretapping and other related violations of the privacy of communication, and for other purposes. It shall be unlawful for any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication.

4. What is Personal Information Controller? Give 3 examples of agencies?

Personal Information Controller or “PIC” refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. NBI (National Bureau of Investigation), PSA (Philippine Statistics Authority), and GSIS (Government Service Insurance System) are some of the agencies that are PIC.

5. What is privileged Information?

Privileged Information refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication. The established privileged communications are those between wife and husband, clergy and communicant, psychotherapist and patient, physician and patient, and attorney and client.

6. What are the penalties?

The unauthorized processing of personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

The unauthorized processing of personal sensitive information shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

7. What is data subject? What are the rights of the data subject?

Data subject refers to an individual whose personal information is processed. The data subject is entitled to be informed whether personal information pertaining to him or her shall be, are being or have been processed. Also, they are qualified to be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity, such as, the description of the personal information to be entered into the system, purposes for which they are being or are to be processed, and the scope and method of the personal information processing.