



DATA PRIVACY ACT OF 2012 (RA 10173)

MEMBERS :

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DATA PRIVACY BACKGROUND (ABOUT/HISTORY)



President Benigno S. Aquino III signed Republic Act No. 10173 or the Data Privacy Act of 2012 on August 15, 2012. The law was influenced by the Data Protection Directive and the APEC Privacy Framework. **The Privacy Act of 2012 (Republic Act No. 10173)**, the first comprehensive privacy law in the Philippines, came into effect on September 8, 2012. It was introduced by the **National Privacy Commission (NPC)** in early 2016.



The **National Privacy Commission (NPC)** is an independent agency established under Republic Act 10173 or the Data Privacy Act of 2012, tasked with administering and implementing the provisions of the Act., and monitor and ensure the country's compliance with established international standards for data protection.



Data privacy/Data protection is a comprehensive and stringent data protection law designed to protect fundamental human rights to privacy and communication while ensuring the free flow of information to foster innovation and growth.

Philippine law takes the approach that “processing of personal data is permissible subject to the principles of **transparency, legitimate purpose and proportionality**”.

DATA PRIVACY PRINCIPLES

SECTION 17. GENERAL DATA PRIVACY PRINCIPLES

The processing of personal data shall be allowed, subject to compliance with the requirements of the Act and other laws allowing disclosure of information to the public, and adherence to the principles of transparency, legitimate purpose, and proportionality.

SECTION 18. TRANSPARENCY, LEGITIMATE PURPOSE, AND PROPORTIONALITY

DATA PRIVACY PRINCIPLES

SECTION 18.

TRANSPARENCY

The data subject must be aware of the nature, purpose, and extent of the processing of his or her personal data, including the risks and safeguards involved, the identity of personal information controller, his or her rights as a data subject, and how these can be exercised

LEGITIMATE PURPOSE

The processing of information shall be compatible with a declared and specified purpose which must not be contrary to law, morals, or public policy.

PROPORTIONALITY

The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose.

DATA PRIVACY PRINCIPLES

SECTION 19.

GENERAL PRINCIPLES IN COLLECTION, PROCESSING, AND RETENTION

- a. Collection must be for a declared, specified, and legitimate purpose
- b. Personal data shall be processed fairly and lawfully
- c. Processing should ensure data quality.
- d. Personal data shall not be retained longer than necessary
- e. Any authorized further processing shall have adequate safeguards

DATA PRIVACY PRINCIPLES

SECTION 20.

GENERAL PRINCIPLES FOR DATA SHARING

- a.** Data sharing shall be allowed when it is expressly authorized by law
- b.** Data Sharing shall be allowed in the private sector if the data subject consents to data sharing
- c.** Data collected from parties other than the data subject for purpose of research shall be allowed when the personal data is publicly available, or has the consent of the data subject for purpose of research
- d.** Data sharing between government agencies for the purpose of a public function or provision of a public service shall be covered a data sharing agreement.

IMPORTANCE OF DATA PRIVACY ACT OF 2012 (RA 10173)

THE DATA PRIVACY ACT OF 2012 INTENDS TO PROTECT PERSONAL INFORMATION. WITH MOST OF THE INFORMATION NOWADAYS ARE PROCESSED ONLINE, THERE IS NO DOUBT THAT THE DATA PRIVACY ACT COMPLIANCE IS NOW A NECESSITY IN THE BUSINESS SECTOR.

DATA, AN IMPORTANT CORPORATE ASSET, NEEDS TO BE PROTECTED. NONCOMPLIANCE TO THE DATA PRIVACY ACT CAN HAVE SERIOUS CONSEQUENCES TO YOU AND TO YOUR BUSINESS. ACCORDING TO THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT No. 10173, RULE XIII. THE PENALTY OF IMPRISONMENT AND THE FINE CAN RANGE FROM, SIX (6) MONTHS) TO SEVEN (7) YEARS AND PHP 500,000 TO PHP 2,000,000, RESPECTIVELY, DEPENDING ON THE SEVERITY OF OFFENSES

ADVANTAGE

PROTECTING / ENFORCING CONSUMER RIGHTS. CONSUMERS DESERVE TO HAVE AWARENESS OF AND CONTROL OVER HOW THEIR PERSONAL INFORMATION IS COLLECTED/SHARED/TRACKED, IN-PERSON AND ONLINE. DATA PRIVACY LAWS ENSURE THAT THERE EXISTS LEGAL RE COURSE FOR CONSUMERS TO FIGHT BACK AGAINST VIOLATIONS OF THOSE PRIVACY RIGHTS.

DISADVANTAGES

POTENTIAL FOR ABUSE. AS WITH ANY LEGALLY PROTECTED RIGHTS, THE JUSTICE SYSTEM CAN BE EXPLOITED. SOME WORRY THAT INTRODUCING/TIGHTENING DATA PROTECTION LAW WILL CREATE NEW OPPORTUNITIES FOR "FRIVOLOUS" LEGAL ACTION FROM SOME UNSCRUPULOUS CONSUMERS THAT CAN COST CORPORATIONS A LOT OF TIME AND FINANCES.

REAL-LIFE SCENARIOS OF DATA PRIVACY ACT

ON DECEMBER 23 2021 THE NATIONAL PRIVACY COMMISSION ('NPC') ANNOUNCED, THE POSSIBLE DATA BREACH OF BDO UNIBANK INC., ACCOUNTS. IN PARTICULAR, THE NPC HIGHLIGHTED THE INVESTIGATION OF BDO COMMENCED ON DECEMBER 11 2021 REGARDING POTENTIAL UNAUTHORISED TRANSACTIONS AND UNAUTHORISED PROCESSING OF PERSONAL DATA RESULTING FROM COMPROMISED BDO ACCOUNTS. IN ADDITION, THE NPC OUTLINED AN INVESTIGATION IS PROVIDED FOR UNDER NPC CIRCULAR No. 2021-01 '2021 RULES OF PROCEDURE OF THE NATIONAL PRIVACY COMMISSION', WHICH ALLOWS THE NPC TO INITIATE AN INVESTIGATION EVEN WITHOUT A FORMAL COMPLAINT FROM THE PUBLIC OR A THIRD PARTY.

MORE SPECIFICALLY, THE NPC NOTED THAT BDO's TEN-YEAR-OLD SECURITY SYSTEM WAS THE FOCUS OF THE INVESTIGATION, AND WHETHER SUFFICIENT TECHNICAL, ORGANISATIONAL, AND PHYSICAL SAFEGUARDS WERE IN PLACE TO PREVENT UNAUTHORISED DISCLOSURE OF PERSONAL INFORMATION THAT MAY HAVE BEEN CONTAINED WITHIN THE SYSTEM. FURTHERMORE, THE NPC HAS REQUESTED THAT BDO APPEAR BEFORE ITSELF ON, JANUARY 4 2022, TO VERIFY AND CLARIFY THE EVIDENCE SUBMITTED IN RELATION TO THE INVESTIGATION.

FOLLOW UP QUESTIONS

1.THE PROCESSING OF INFORMATION SHALL BE COMPATIBLE WITH A DECLARED AND SPECIFIED PURPOSE WHICH MUST NOT BE CONTRARY TO LAW, MORALS, OR PUBLIC POLICY.

ANSWER:

LEGITIMATE PURPOSE

FOLLOW UP QUESTIONS

2. IT IS CREATED TO MONITOR THE IMPLEMENTATION OF DATA PRIVACY ACT OF 2012 (RA 10173).

ANSWER:

National Privacy Commission (NPC)

FOLLOW UP QUESTIONS

3. DESIGNED TO PROTECT FUNDAMENTAL HUMAN RIGHTS TO PRIVACY AND COMMUNICATION WHILE ENSURING THE FREE FLOW OF INFORMATION TO FOSTER INNOVATION AND GROWTH.

ANSWER:

Data privacy/Data protection

FOLLOW UP QUESTIONS

4. THE FIRST COMPREHENSIVE PRIVACY LAW IN THE PHILIPPINES, CAME INTO EFFECT ON ?

ANSWER:
SEPTEMBER 8, 2012.

FOLLOW UP QUESTIONS

5. WHO SIGNED REPUBLIC ACT No. 10173 OR THE DATA PRIVACY ACT OF 2012 ?

ANSWER:

PRESIDENT BENIGNO S. AQUINO III