

The **Data Privacy Act of 2012 (Republic Act No. 10173)** was signed into law by **President Benigno S. Aquino III** on **August 15, 2012**. The law was also signed by:

- **Senate President Juan Ponce Enrile**
- **Speaker of the House Feliciano Belmonte Jr.**

The law was enacted to protect personal data in information and communications systems in both the government and private sectors. It established the **National Privacy Commission (NPC)**, which was officially created in **March 2016** under the administration of President Aquino, with **Raymund Liboro** serving as its first Privacy Commissioner.

Although the law was signed in **2012**, its full implementation took effect gradually, with the NPC becoming operational in **2016** to enforce its provisions.

Profiling

Direct Marketing

Rights of Data Subjects (Individuals)

1. **Right to Be Informed**
 - Must be notified of **what data is collected, purpose, and processing methods** (e.g., privacy notice).
2. **Right to Object**
 - Can **refuse or withdraw consent** (unless overridden by lawful basis like legal obligation).
3. **Right to Access**
 - Request a copy of their personal data.
4. **Right to Correct**
 - Demand correction of inaccurate/incomplete data.
5. **Right to Erasure/Blocking**
 - Request deletion if unlawfully processed.
6. **Right to Data Portability**
 - Obtain data in a structured format for transfer.
7. **Right to File a Complaint**
 - Report violations to the **NPC** via:
 - **Complaints Portal**: <https://privacy.gov.ph/complaints-main/>

A. Personal Information (PI)

- Any data that can identify an individual (e.g., **name, address, age, phone number, email, ID numbers**).

B. Sensitive Personal Information (SPI)

- **Race, religion, health records, biometrics, sexual orientation, political affiliations.**
- Requires **higher protection** and explicit consent.

C. Processing

- **Collecting, recording, organizing, storing, retrieving, sharing, destroying** data.

Personal Information Controller (PIC): Lawful basis (contract)

Legitimate Purpose: specific lawful purpose, not against moral laws

Proportionality: necessary, not excessive, least intrusive means

Data subject - stores government Personal Information, Sensitive Personal Information

Personal Information Controller - Accountable, Identified Purpose, Lawful Basis: Agreement/ Contract

Personal Information Processor - decides the information processed based on legitimate purpose.
(outsource)

4 consent: Freely given, specific, informed, induction of will

- Freely Given (Genuine Choice)
- Informed
- Personal data, extent purpose,
- induction of will
- evidenced - electronic, recorded, written
 - consent should not be bundled or hidden in list of purposes
- List of purposes: specific consent for each inducted purpose and meaningful choice

CBA and DPA

January 28 - Data Privacy Pay

Violation of DPA can result in fines of 500,000 to 5 million pesos