
19th Congress

A Bill For An Act Entitled:

An Amendment to REPUBLIC ACT NO. 10173, Known as “Data Privacy Act of 2012”

Section 1. SHORT TITLE - Amendment of The “Data Privacy Act of 2012”

Sec 2. Section. 16 of R.A. 10173 is hereby amended to read as follows:

SEC. 16. Rights of the Data Subject. – The data subject is entitled to:

(a) Be informed **in a concise and clear manner** whether personal information pertaining to him or her shall be, are being or have been processed;

(b) 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:

(1) xxx

(9) **Description of the intended use of the information entered into the system.**

(c) Reasonable access to, upon demand, the following:

(1) xxx

(4) Manner by which such data were processed, **expressed in a manner where people outside of the field would understand;**

(9) **Date when his or her personal information was recorded.**

(e) Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from the personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information **and the party handling the data must notify any third parties who have received such processed personal information;** and

Sec 3. Section. 20 of R.A. 10173 is hereby amended to read as follows:

Sec 20. Security of Personal Information. –

(a) xxx

(c) The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation. Subject to guidelines as the Commission may issue from time to time, the measures implemented must include:

(1) xxx

(2) A security policy with respect to the processing of personal information, **made accessible to the person who imputed the data into the system and any third parties who gained accessed to the processed data;**

(5) **Notifying the person who imputed the data into the system and any third parties who gained access to the processed data when a security breach has occurred.**

Sec 4. Section. 21 of R.A. 10173 is hereby amended to read as follows:

SEC. 21. *Principle of Accountability.* – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

- (a) The personal information controller is accountable for complying with the requirements of this Act and shall use contractual or other reasonable means to provide a comparable level of protection while the information are being processed **and utilized** by a third party.
- (b) The personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with this Act. **The individual(s) assigned must be qualified to a reasonable level of skill to the subject data.** The identity of the individual(s) so designated shall be made known to any data subject upon request.

Sec 5. Section 22. Of R.A. 10173 is hereby amended to read as follows:

Sec 22. *Responsibility of Heads of Agencies.* – All sensitive personal information maintained by the government, its agencies and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission. The head of each government agency or

instrumentality shall be responsible for complying with the security requirements mentioned herein while the Commission shall monitor the compliance and may recommend the necessary action in order to satisfy the minimum standards. **The Commission is responsible for increasing the security above the minimum standards if the cost and implantation is reasonable.**