

NINETEENTH CONGRESS )  
OF THE REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



**HOUSE OF REPRESENTATIVES**

**House Bill No. 898**

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**Introduced by Representative Christian Tell A. Yap**

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**EXPLANATORY NOTE**

Republic Act No. 10173 or the Data Privacy Act was enacted in 2012 with the intent of protecting individual information by imposing obligations and limitations on all those who collect and process such data.

However, with the exponential development of technology, data usage and processing have been more ubiquitous than ever. It is estimated that the digital universe is growing by a zettabyte of data every day (one zettabyte = one billion terabytes). As such, the proliferation of personal and sensitive data must be further protected in order to secure the interests of individual consumers from probable manipulative practices in advertising and marketing through big data and algorithms an example of which is hyper nudging.

Furthermore, a strong data protection regime aligned with international standards will provide trust and guarantee not only for the protection of Filipino data subjects but for foreign governments and their investment entities that will jumpstart national economic development. Strengthening data processing protection in the country will provide critical avenues for innovation and digital development that will ensure the capabilities of Filipinos to compete in a globalized and data-driven world economy.

This bill seeks to update the current Data Privacy Act in order to adapt to the evolving data and digital landscape of the present and for the future-proofing of data privacy laws in the country.

In view of the foregoing reasons, the approval of the bill is earnestly sought.

A handwritten signature in black ink, appearing to read 'Yap'.

**CHRISTIAN TELL A. YAP**

Representative, 2nd District of Tarlac

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AN ACT  
STRENGTHENING THE REGULATORY FRAMEWORK ON DATA PRIVACY  
PROTECTION, ALIGNING WITH INTERNATIONAL STANDARDS, CHALLENGES,  
AND OTHER CROSS-BORDER DATA PROCESSING CONCERNS, AMENDING FOR  
THE PURPOSE REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE “DATA  
PRIVACY ACT OF 2012”

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 **SECTION 1.** Section 3 of Republic Act No. 10173 is hereby amended to read as follows:

2 “SEC. 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall have the  
3 respective meanings hereafter set forth:

4 Xxx

5

6 (C) *BIOMETRIC DATA* REFERS TO PERSONAL DATA RESULTING FROM SPECIFIC  
7 TECHNICAL PROCESSING RELATING TO THE PHYSICAL, PHYSIOLOGICAL OR  
8 BEHAVIORAL CHARACTERISTICS OF A NATURAL PERSON, WHICH ALLOW OR  
9 CONFIRM THE UNIQUE IDENTIFICATION OF THAT NATURAL PERSON, SUCH AS  
10 FACIAL IMAGES OR DACTYLOSCOPIC DATA.

11 [(c)] (D) *Data subject* refers to [an individual] A NATURAL PERSON whose personal  
12 [information] DATA is processed.

1 [(d) Direct marketing refers to communication by whatever means of any advertising or  
2 marketing material which is directed to particular individuals.]

3 (e) *Filing system* refers to any set of information relating to natural or juridical persons to the  
4 extent that, although the information is not processed by equipment operating automatically in  
5 response to instructions given for that purpose, the set is structured, either by reference to  
6 individuals or by reference to criteria relating to individuals, in such a way that specific  
7 information relating to a particular person is readily accessible.

8 (F) *GENETIC DATA* REFERS TO PERSONAL DATA RELATING TO THE INHERITED  
9 OR ACQUIRED GENETIC CHARACTERISTICS OF A NATURAL PERSON WHICH  
10 GIVES UNIQUE INFORMATION ABOUT THE PHYSIOLOGY OR THE HEALTH OF  
11 THAT NATURAL PERSON AND WHICH, IN PARTICULAR RESULTS FROM AN  
12 ANALYSIS OF A BIOLOGICAL SAMPLE FROM THE NATURAL PERSON IN  
13 QUESTION.

14 [(f)] (G) *Information and Communications System* refers to a system for generating, sending,  
15 receiving, storing or otherwise processing electronic data messages or electronic documents  
16 and includes the computer system or other similar device by which data is recorded, transmitted  
17 or stored and any procedure related to the recording, transmission or storage of electronic data,  
18 electronic message, or electronic document.

19 (H) *PERSONAL DATA* REFERS TO ALL TYPES OF PERSONAL INFORMATION.

20 (I) *PERSONAL DATA BREACH* REFERS TO A BREACH OF SECURITY LEADING TO  
21 THE ACCIDENTAL OR UNLAWFUL DESTRUCTION, LOSS, ALTERATION,  
22 UNAUTHORIZED DISCLOSURE OF, OR ACCESS TO, PERSONAL INFORMATION  
23 TRANSMITTED, STORED OR OTHERWISE PROCESSED.

24 [(g)] (J) *Personal information* refers to any information whether recorded in a material form or  
25 not, from which the identity of an individual is apparent or can be reasonably and directly  
26 ascertained by the entity holding the information, or when put together with other information  
27 would directly and certainly identify an individual.

28 [(h)] (K) *Personal information controller* refers to a NATURAL OR JURIDICAL person, [or  
29 organization who controls the collection, holding,] PUBLIC AUTHORITY, AGENCY OR  
30 OTHER ENTITY WHICH, ALONE OR JOINTLY WITH OTHERS, DETERMINES THE  
31 PURPOSES AND MEANS OF THE processing [or use] of personal [information] DATA,  
32 including a NATURAL OR JURIDICAL person [or organization] who instructs another

1 NATURAL OR JURIDICAL person [or organization] to [collect, hold,] process, [use, transfer  
2 or disclose] personal [information] DATA. The term excludes:

3 xxx

4 [(i)] (L) *Personal information processor* refers to any natural or juridical person [qualified to  
5 act as such under this Act] to whom a personal information controller may outsource the  
6 processing of personal [information] DATA pertaining to a data subject.

7 [(j)] (M) *Processing* refers to any operation or any set of operations performed upon personal  
8 [information] DATA including the collection, recording, organization, storage, updating or  
9 modification, DISCLOSURE, retrieval, consultation, use, consolidation, blocking, erasure or  
10 destruction of data.

11 [(k)] *Privileged information* refers to any and all forms of data which under the Rules of Court  
12 and other personal laws constitute privileged communication.]

13 [(l)] (N) *Sensitive personal information* refers to personal information:

14 (1) About an individual's [race] RACIAL or ethnic origin, [marital status, age, color, and  
15 religious] RELIGION, philosophical BELIEF, LABOR or political affiliations;

16 (2) About an individual's health, genetic DATA, BIOMETRIC DATA FOR THE PURPOSE  
17 OF UNIQUELY IDENTIFYING A NATURAL PERSON, [or] sexual life, SEXUAL  
18 ORIENTATION of a person, or to any proceeding for any offense committed or alleged to  
19 have been committed by such person, the disposal of such proceedings, or the sentence of  
20 any court in such proceedings;

21 (3) CONSISTING OF UNIQUE IDENTIFIERS issued by government agencies peculiar to  
22 an individual which includes IDENTIFICATION NUMBERS, social security numbers,  
23 previous or current health records, AND licenses [or its denials, suspension or revocation,  
24 and tax returns]; and

25 (4) Specifically established by LAW, REGULATION OR executive order [or an act of  
26 Congress] to be [kept] classified OR CONFIDENTIAL, INCLUDING THOSE THAT  
27 CONSTITUTES PRIVILEGED COMMUNICATION.”

28  
29 **SECTION. 2.** Section 4 of Republic Act No. 10173 is hereby amended to read as follows:

30 “SEC.4.Scope. The Act shall apply to the processing of all types of personal [information and  
31 to] DATA IN INFORMATION AND COMMUNICATIONS SYSTEMS OR ANY FILING  
32 SYSTEM BY any natural and juridical person involved in personal [information] DATA

1 processing including those personal information controllers and processors who, although not  
2 found or established in the Philippines, use equipment that are located in the Philippines, or  
3 those who maintain an office, branch or agency in the Philippines subject to the immediately  
4 succeeding paragraph: Provided, That the requirements of Section 6 of this Act are complied  
5 with.

6 THE REQUIREMENTS UNDER SECTIONS 12 AND 13 OF this Act [does] SHALL not  
7 apply to the PROCESSING OF THE following PERSONAL DATA RECOGNIZED AS  
8 SPECIAL CASES:

9 (A) PROCESSING OF INFORMATION FOR THE PURPOSE OF ALLOWING PUBLIC  
10 ACCESS TO INFORMATION THAT FALL WITHIN MATTERS OF PUBLIC CONCERN,  
11 PERTAINING TO:

12 [(a)] (1) Information about any individual who is or was an officer or employee of [a] THE  
13 government [institution] that relates to the position or functions [of the individual] OF THE  
14 OFFICER OR EMPLOYEE, including [:] THOSE PERFORMING A SERVICE UNDER  
15 CONTRACT FOR A GOVERNMENT INSTITUTION IN SO FAR AS INFORMATION  
16 IS RELATED TO SUCH SERVICE; AND

17 [(1) The fact that the individual is or was an officer or employee of the government  
18 institution;

19 (2) The title, business address and office telephone number of the individual;

20 (3) The classification, salary range and responsibilities of the position held by the  
21 individual; and

22 (4) The name of the individual on a document prepared by the individual in the course of  
23 employment with the government;]

24 (2) INFORMATION RELATING TO A BENEFIT OF A FINANCIAL NATURE  
25 CONFERRED ON AN INDIVIDUAL UPON THE DISCRETION OF THE  
26 GOVERNMENT, INCLUDING THE NAME OF THE INDIVIDUAL AND THE EXACT  
27 NATURE OF THE BENEFIT: *PROVIDED*, THAT THEY DO NOT INCLUDE  
28 BENEFITS GIVEN IN THE COURSE OF AN ORDINARY TRANSACTION OR AS A  
29 MATTER OF RIGHT;

30 [(b) Information about an individual who is or was performing service under contract for a  
31 government institution that relates to the services performed, including the terms of the

1 contract, and the name of the individual given in the course of the performance of those  
2 services;

3 (c) Information relating to any discretionary benefit of a financial nature such as the granting  
4 of a license or permit given by the government to an individual, including the name of the  
5 individual and the exact nature of the benefit;]

6 [(d)] (B) Personal information processed for journalistic, artistic, OR literary purpose [or  
7 research purposes] IN ORDER TO UPHOLD FREEDOM OF SPEECH, EXPRESSION, OR  
8 THE PRESS;

9 (C) PROCESSING OF INFORMATION FOR RESEARCH PURPOSES, INTENDED FOR  
10 PUBLIC BENEFIT OR DEVELOPMENT OF KNOWLEDGE, SUBJECT TO THE  
11 REQUIREMENTS OF APPLICABLE LAWS, REGULATIONS, AND ETHICAL  
12 STANDARDS;

13 [(e)] (D) Information necessary in order to carry out the functions of public authority which  
14 includes the processing of personal data for the performance by the independent, central  
15 monetary authority and law enforcement and regulatory agencies of their constitutionally and  
16 statutorily mandated functions. Nothing in this Act shall be construed as to have amended or  
17 repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act;  
18 Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic  
19 Act No. 9510, otherwise known as the Credit Information System Act (CISA);

20 [(f)] (E) Information necessary for banks and other financial institutions under the jurisdiction  
21 of the independent, central monetary authority or *Bangko Sentral ng Pilipinas* to comply with  
22 Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-  
23 Money Laundering Act and other applicable laws; [and]

24 [(g)] (F) [Personal] THE PROCESSING PERTAINS TO information originally collected  
25 from residents of foreign jurisdictions BEING PROCESSED IN THE PHILIPPINES:  
26 PROVIDED, THAT THE PROCESSING IS in accordance with the laws of those foreign  
27 jurisdictions, including any applicable data privacy laws; [which is, being processed in the  
28 Philippines.]

29 (G) PROCESSING OF INFORMATION NECESSARY IN ORDER TO CARRY OUT THE  
30 FUNCTIONS OF PUBLIC AUTHORITIES, FOR INFORMATION SHARING  
31 NECESSARY IN THE INVESTIGATION AND PROSECUTION OF CHILD  
32 PORNOGRAPHY AND OTHER FORMS OF CHILD EXPLOITATION, TERRORISM

1 AND TRAFFICKING IN PERSONS, IN ACCORDANCE WITH THEIR  
2 CONSTITUTIONALLY OR STATUTORILY MANDATED FUNCTION: *PROVIDED*,  
3 THAT PROTECTION OF FUNDAMENTAL FREEDOMS ARE GUARANTEED;

4 (H) PROCESSING OF INFORMATION BY COURTS ACTING IN THEIR JUDICIAL  
5 CAPACITY, IN ORDER TO SAFEGUARD THE INDEPENDENCE OF THE JUDICIARY  
6 IN THE PERFORMANCE OF ITS JUDICIAL TASKS;

7 (I) INFORMATION NECESSARY FOR THE AUDIT FUNCTIONS AND TO  
8 SAFEGUARD THE INDEPENDENCE OF THE COMMISSION ON AUDIT (COA) IN  
9 THE PERFORMANCE OF ITS CONSTITUTIONAL MANDATE, AS WELL AS THOSE  
10 INFORMATION NECESSARY FOR DEPARTMENTS, BUREAUS, OFFICES,  
11 AGENCIES, AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT,  
12 LOCAL GOVERNMENT UNITS, GOVERNMENT-OWNED OR CONTROLLED  
13 CORPORATIONS, AND ALL OTHER ENTITIES, INCLUDING PRIVATE ENTITIES  
14 AFFECTED BY OR UNDER THE JURISDICTION OF THE COA, TO COMPLY WITH  
15 PRESIDENTIAL DECREE 1445, OTHERWISE KNOWN AS THE GOVERNMENT  
16 AUDITING CODE OF THE PHILIPPINES AND OTHER APPLICABLE LAWS; AND

17 (J) PROCESSING OF INFORMATION BY A NATURAL PERSON FOR THE PURPOSE  
18 OF A PURELY PERSONAL OR HOUSEHOLD ACTIVITY: *PROVIDED*, THAT THE  
19 REASONABLE FREEDOM GRANTED BY THIS ACT DOES NOT EXTEND TO  
20 PERSONAL INFORMATION CONTROLLERS OR PERSONAL INFORMATION  
21 PROCESSORS, WHO REMAIN SUBJECT TO THE REQUIREMENTS OF  
22 IMPLEMENTING SECURITY MEASURES FOR PERSONAL DATA PROTECTION:  
23 *PROVIDED, FURTHER*, THAT THE PROCESSING OF THE INFORMATION PROVIDED  
24 IN THE PRECEDING PARAGRAPHS SHALL BE EXEMPTED FROM THE  
25 REQUIREMENTS OF THE ACT ONLY TO THE MINIMUM EXTENT NECESSARY TO  
26 ACHIEVE THE SPECIFIC PURPOSE, FUNCTION, OR ACTIVITY.”

27  
28 **SECTION. 3.** Section 6 of the same Act is hereby amended to read as follows:

29 “SEC. 6. *Extraterritorial Application.* – This Act applies to an act done or practice engaged in  
30 and outside of the Philippines by an entity if:

31 [(a) The act, practice or processing relates to personal information about a Philippine  
32 citizen or a resident;

1 (b) The entity has a link with the Philippines, and the entity is processing personal  
2 information in the Philippines or even if the processing is outside the Philippines as long  
3 as it is about Philippine citizens or residents such as, but not limited to, the following:

4 (1) A contract is entered in the Philippines;

5 (2) A juridical entity unincorporated in the Philippines but has central management  
6 and control in the country; and

7 (3) An entity that has a branch, agency, office or subsidiary in the Philippines and the  
8 parent or affiliate of the Philippine entity has access to personal information; and

9 (c) The entity has other links in the Philippines such as, but not limited to:

10 (1) The entity carries on business in the Philippines; and

11 (2) The personal information was collected or held by an entity in the Philippines.]

12 (A) THE NATURAL OR JURIDICAL PERSON INVOLVED IN THE PROCESSING  
13 OF PERSONAL INFORMATION IS FOUND OR ESTABLISHED IN THE  
14 PHILIPPINES;

15 (B) THE PROCESSING OF PERSONAL INFORMATION IS BEING DONE IN THE  
16 PHILIPPINES;

17 (C) THE PROCESSING OF PERSONAL INFORMATION RELATES TO A  
18 PHILIPPINE CITIZEN OR RESIDENT WHO IS IN THE PHILIPPINES, WHERE THE  
19 PROCESSING ACTIVITIES OF A NATURAL OR JURIDICAL PERSON OUTSIDE  
20 THE PHILIPPINES INVOLVES OFFERING OF GOODS OR SERVICES, OR  
21 MONITORING OF BEHAVIOR WITHIN THE PHILIPPINES; OR

22 (D) THE PROCESSING RELATES TO PERSONAL INFORMATION OF A  
23 PHILIPPINE CITIZEN OR A RESIDENT, AND THE ENTITY:

24 1. USES OF EQUIPMENT LOCATED IN THE COUNTRY, OR MAINTENANCE  
25 OF AN OFFICE, BRANCH OR AGENCY IN THE PHILIPPINES FOR  
26 PROCESSING OF PERSONAL INFORMATION.

27 2. HAS ENTERED INTO A CONTRACT WITH ANOTHER ENTITY IN THE  
28 PHILIPPINES;

29 3. IS A JURIDICAL ENTITY THAT IS NOT INCORPORATED IN THE  
30 PHILIPPINES BUT WHICH EXERCISES CENTRAL MANAGEMENT AND  
31 CONTROL OVER OPERATIONS IN THE COUNTRY;



- 1           4. HAS A BRANCH, AGENCY, OFFICE OR SUBSIDIARY IN THE  
2           PHILIPPINES AND HAS ACCESS TO PERSONAL INFORMATION;  
3           5. CONDUCTS BUSINESS IN THE PHILIPPINES; OR  
4           6. COLLECTS OR HOLDS PERSONAL INFORMATION IN THE  
5           PHILIPPINES.”

6  
7 **SECTION. 4.** Section 7 of the same Act is hereby amended to read as follows:

8           “SEC. 7. *Functions of the National Privacy Commission.* – To administer and implement the  
9           provisions of this Act, and to monitor and ensure compliance of the country with  
10          international standards set for data protection, there is hereby created an independent body  
11          to be known as the National Privacy Commission, which shall have the following functions:

12          xxx

13          (b) Receive complaints, institute investigations, facilitate or enable settlement of complaints  
14          through the use of alternative dispute resolution processes, adjudicate, award indemnity on  
15          matters affecting any personal information, prepare reports on disposition of complaints and  
16          resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any  
17          such report: Provided, That in resolving any complaint or investigation except where  
18          amicable settlement is reached by the parties, the Commission shall act as a collegial body:

19          *PROVIDED, FURTHER, THAT THE COMMISSION SHALL HAVE PRIMARY*  
20          *JURISDICTION OVER CASES INVOLVING VIOLATIONS OF THIS ACT.* For this  
21          purpose, the Commission may be given access to personal information that is subject of any  
22          complaint and to collect the information necessary to perform its functions under this Act;

23          (C) *ISSUE SUMMONS, SUBPOENA AND SUBPOENA DUCES TECUM TO ANY*  
24          *PERSON TO COMPEL THEIR ATTENDANCE IN INVESTIGATIONS OR*  
25          *PROCEEDINGS BEFORE THE COMMISSION, AND TO HOLD AND PUNISH FOR*  
26          *CONTEMPT THOSE WHO DISREGARD ORDERS OR WRITS ISSUED IN THE*  
27          *COURSE OF THESE PROCEEDINGS;*

28          [(c) ] (D) Issue cease and desist orders, impose a temporary or permanent ban on the  
29          processing of personal information, upon finding that the processing will be detrimental to  
30          national security, public interest, OR IF IT IS NECESSARY TO PRESERVE AND  
31          PROTECT THE RIGHTS AND FREEDOMS OF DATA SUBJECTS;

1 (E) IMPOSE ADMINISTRATIVE SANCTIONS, INCLUDING MONETARY  
2 PENALTIES FOR VIOLATIONS OF THE PROVISIONS THIS ACT, ITS  
3 IMPLEMENTING RULES AND REGULATIONS, AND ISSUANCES PURSUANT  
4 THERETO OR FOR FAILURE OR REFUSAL TO COMPLY WITH COMPLIANCE  
5 ORDERS AND RESOLUTIONS OF THE COMMISSION: *PROVIDED*, THAT THE  
6 COMMISSION MAY PROMULGATE FINES AND PENALTIES TAKING INTO  
7 CONSIDERATION THE ATTENDANT CIRCUMSTANCES, SUCH AS NATURE AND  
8 GRAVITY OF THE VIOLATION AND NUMBER OF AFFECTED DATA SUBJECTS;  
9 [(d)] (F) Compel or petition any entity, government agency or instrumentality to abide by its  
10 orders or take action on a matter affecting data privacy, OR TO PROVIDE ASSISTANCE  
11 FOR THE EFFECTIVE IMPLEMENTATION OF THE ACT;  
12 [(e)] (G) Monitor the compliance of [other government agencies or instrumentalities]  
13 PERSONAL INFORMATION CONTROLLERS AND PERSONAL INFORMATION  
14 PROCESSORS on their security and technical measures and recommend the necessary  
15 action in order to meet minimum standards for the protection of personal information  
16 pursuant to this Act;  
17 [(f)] (H) Coordinate with other government agencies and the private sector on efforts to  
18 formulate and implement plans and policies to strengthen the protection of personal  
19 information in the country;  
20 (I) CONDUCT SEMINARS, CONFERENCES AND TRAININGS FOR AWARENESS  
21 AND CAPACITY BUILDING IN RELATION TO ITS MANDATE;  
22 [(g)] (J) Publish on a regular basis a guide to all laws relating to data protection, AND  
23 PREPARE REPORTS ON DISPOSITION OF COMPLAINTS AND RESOLUTION OF  
24 ANY INVESTIGATION IT INITIATES, AND, IN CASES IT DEEMS APPROPRIATE,  
25 PUBLICIZE ANY SUCH REPORT;  
26 [(h)] (K) Publish a compilation of agency system of records and notices, including index and  
27 other finding aids;  
28 [(i)] (L) Recommend to the Department of Justice (DOJ) the prosecution and imposition of  
29 penalties specified in [Sections 25 to 29 of] this Act;  
30 [(j)] (M) Review, approve, reject or require modification of privacy codes voluntarily  
31 adhered to by personal information controllers: *Provided*, That the privacy codes shall  
32 adhere to the underlying data privacy principles embodied in this Act: *Provided*, further,

1 That such privacy codes may include private dispute resolution mechanisms for complaints  
2 against any participating personal information controller. For this purpose, the Commission  
3 shall consult with relevant regulatory agencies in the formulation and administration of  
4 privacy codes applying the standards set out in this Act, with respect to the persons, entities,  
5 business activities and business sectors that said regulatory bodies are authorized to  
6 principally regulate pursuant to the law: Provided, finally. That the Commission may review  
7 such privacy codes and require changes thereto for purposes of complying with this Act;  
8 [(k)] (N) Provide assistance on matters relating to privacy or data protection at the request  
9 of a national or local agency, a private entity or any person;  
10 [(l)] (O) Comment on the implication on data privacy of proposed national or local statutes,  
11 regulations or procedures, issue advisory opinions and interpret the provisions of this Act  
12 and other data privacy laws;  
13 [(m)] (P) Propose legislation, amendments or modifications to Philippine laws on privacy or  
14 data protection as may be necessary;  
15 [(n)] (Q) Ensure proper and effective coordination with data privacy regulators in other  
16 countries and private accountability agents, participate in international and regional  
17 initiatives for data privacy protection;  
18 [(o)] (R) Negotiate and contract with other data privacy authorities of other countries for  
19 cross-border application and implementation of respective privacy laws;  
20 [(p)] (S) Assist Philippine companies doing business abroad to respond to foreign privacy or  
21 data protection laws and regulations; and  
22 [(q)](T) Generally perform such acts as may be necessary to facilitate cross-border  
23 enforcement of data privacy protection[.] IN ORDER TO PROTECT DATA SUBJECTS,  
24 AND TO ENSURE EFFECTIVE IMPLEMENTATION OF THIS ACT.”

25  
26 **SECTION 5.** Section 9 of the same Act is hereby amended to read as follows:

27 “SEC. 9. *Organizational Structure of the Commission.* – The Commission shall be attached  
28 to the Department of Information and Communications Technology (DICT) and shall be  
29 headed by a Privacy Commissioner, who shall also act as [Chairman] CHAIRPERSON of  
30 the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy  
31 Commissioners[, one to be responsible for Data Processing Systems and one to be  
32 responsible for Policies and Planning]. The Privacy Commissioner and the two (2) Deputy

1 Privacy Commissioners shall be appointed by the President of the Philippines for a term of  
2 [three (3)] FOUR (4) years, and may be reappointed for another term of [three (3)] FOUR  
3 (4) years. Vacancies in the Commission shall be filled up in the same manner in which the  
4 original appointment was made: *PROVIDED*, THAT WHEN THE TERM OF A  
5 COMMISSIONER OR DEPUTY COMMISSIONER HAS EXPIRED AND NO ONE HAS  
6 YET BEEN APPOINTED TO THE VACANCY, THE COMMISSIONER OR DEPUTY  
7 COMMISSIONER, AS THE CASE MAY BE, SHALL CONTINUE TO PERFORM THE  
8 FUNCTIONS OF THE OFFICE IN A HOLD-OVER CAPACITY UNTIL A PERSON HAS  
9 BEEN APPOINTED TO SUCH POSITION: *PROVIDED FURTHER*, THAT IN CASE A  
10 VACANCY OCCURS BEFORE THE EXPIRATION OF THE TERM OF OFFICE OF  
11 ANY OF THE COMMISSIONERS OR DEPUTY COMMISSIONERS, THE APPOINTEE  
12 TO SUCH VACANCY SHALL SERVE ONLY THE UNEXPIRED PORTION OF THE  
13 TERM OF THE PREDECESSOR.  
14 Xxx”  
15

16 **SECTION 6.** Section 11 of the same Act is hereby amended to read as follows:

17 “SEC.11. *General Data Privacy Principles.* The processing of personal information shall  
18 be allowed, subject to compliance with the requirements of the Act and other laws allowing  
19 disclosure of information to the public, and adherence to the principles of transparency,  
20 legitimate purpose, and proportionality.

21 Personal information must be:

22 Xxx

23 (c) Accurate[, relevant,] and, where necessary for purposes for which it is to be used the  
24 processing of personal information, kept up to date; inaccurate or incomplete data, having  
25 regard to the purposes for which they are processed, must be rectified, supplemented,  
26 destroyed or their further processing restricted;

27 (d) Adequate, RELEVANT, and not excessive in relation to the purposes for which they are  
28 collected and further processed;

29 Xxx

30 (f) Kept in a form which permits identification of data subjects for no longer than is necessary  
31 for the purposes for which the data were collected and processed: Provided, That personal  
32 information collected for other purposes may be processed OR STORED LONGER

1 SOLELY FOR ARCHIVING PURPOSES IN THE PUBLIC INTEREST, for historical,  
2 statistical or scientific purposes, and in cases laid down in law may be stored for longer  
3 periods [: Provided, further, That adequate safeguards are guaranteed by said laws  
4 authorizing their processing], SUBJECT TO IMPLEMENTATION OF ADEQUATE  
5 SAFEGUARDS FOR DATA PROTECTION[.]; AND  
6 (G) PROCESSED IN A MANNER THAT ENSURES APPROPRIATE SECURITY OF  
7 THE PERSONAL INFORMATION.

8 The personal information controller must ensure implementation of personal information  
9 processing principles set out herein.”

10  
11 **SECTION 7.** Section 12 of the same Act is hereby amended to read as follows:

12 “SEC. 12. *Criteria for Lawful Processing of Personal Information.* – The processing of  
13 personal information shall be permitted only if not otherwise prohibited by law, and when at  
14 least one (1) of the following conditions exists:

15 (a) The data subject has given consent: *PROVIDED*, THAT IN THE SPECIFIC CASE OF AN  
16 INFORMATION SOCIETY PROVIDER OFFERING SERVICES DIRECTLY TO A  
17 CHILD, THE PROCESSING OF THE PERSONAL INFORMATION OF A CHILD SHALL  
18 BE LAWFUL WHERE THE CHILD IS MORE THAN FIFTEEN (15) YEARS OLD.  
19 WHERE THE CHILD IS FIFTEEN (15) YEARS OLD OR BELOW, SUCH PROCESSING  
20 SHALL BE LAWFUL ONLY IF AND TO THE EXTENT THAT CONSENT IS GIVEN OR  
21 AUTHORIZED BY PERSONS EXERCISING PARENTAL AUTHORITY OVER THE  
22 CHILD;

23 (b) The processing [of personal information] is necessary and is related to the fulfillment of a  
24 contract with the data subject or in order to take steps at the request of the data subject prior to  
25 entering into a contract;

26 Xxx

27 (d) The processing is necessary to protect vitally important interest of the data subject or OF  
28 ANOTHER NATURAL PERSON, including life and health;

29 Xxx”

30  
31 **SECTION 8.** Section 13 of the same Act is hereby amended to read as follows:

1 “SEC. 13. *Sensitive Personal Information and Privileged Information.* – The processing of  
2 sensitive personal information and privileged information shall be prohibited, except in the  
3 following cases:

4 (a) WHEN the data subject has given consent, specific to the purpose prior to the processing,  
5 or in the case of privileged information, all parties to the exchange have given their consent  
6 prior to processing, EXCEPT IF A SPECIFIC LAW PROVIDES THAT THE  
7 PROHIBITION FROM PROCESSING MAY NOT BE LIFTED BY THE DATA  
8 SUBJECT;

9 (B) WHEN THE PROCESSING OF INFORMATION IS NECESSARY FOR THE  
10 PERFORMANCE OF A CONTRACT FREELY ENTERED INTO BY THE DATA  
11 SUBJECT AND PERSONAL INFORMATION CONTROLLER, OR IS NECESSARY  
12 PURSUANT TO THE REQUEST OF A DATA SUBJECT PRIOR TO ENTERING INTO  
13 A CONTRACT: *PROVIDED*, THAT THE PERFORMANCE OF THE CONTRACT OR  
14 PROVISION OF THE SERVICE IS NOT MADE CONDITIONAL ON THE DATA  
15 SUBJECT’S CONSENT TO THE PROCESSING OF SENSITIVE PERSONAL  
16 INFORMATION THAT IS NOT NECESSARY TO THE OBJECT OF THE  
17 CONTRACT;

18 [(b)] (C) WHEN THE [The] processing of the same is provided for by existing laws and  
19 regulations: *Provided*, That such regulatory enactments OR THE RULES ISSUED TO  
20 IMPLEMENT THEM guarantee the protection of [the] sensitive personal information and  
21 [the] privileged information: *Provided, further*, That the consent of the data subjects is not  
22 required by law or regulation permitting the processing of the sensitive personal information;

23 [(c)] (D) WHEN THE [The] processing is necessary to protect the life and health of the data  
24 subject or another person, and the data subject is not legally or physically able to express  
25 consent prior to the processing[;], OR WHEN: IN THE INTEREST OF PUBLIC SAFETY,  
26 PROCESSING IS NECESSARY, SUCH AS WHEN THE DATA SUBJECT IS A THREAT  
27 TO ONE’S SELF OR TO OTHERS;

28 [(d)] The processing is necessary to achieve the lawful and non-commercial objectives of public  
29 organizations and their associations: *Provided*, That such processing is only confined and  
30 related to the *bona fide* members of these organizations or their associations: *Provided*,  
31 *further*, That the sensitive personal information are not transferred to third parties: *Provided*,  
32 *finally*, That consent of the data subject was obtained prior to processing;]

1 (E) THE PROCESSING IS CARRIED OUT WITH APPROPRIATE SAFEGUARDS BY A  
2 FOUNDATION, ASSOCIATION OR ANY OTHER NON-PROFIT INSTITUTION WITH  
3 A CHARITABLE, RELIGIOUS, PROFESSIONAL OR SIMILAR PURPOSE, IN THE  
4 COURSE OF ITS LEGITIMATE ACTIVITIES AND ON CONDITION THAT THE  
5 PROCESSING RELATES SOLELY TO THE MEMBERS OR TO FORMER MEMBERS  
6 OF THE BODY, OR TO PERSONS WHO HAVE REGULAR CONTACT WITH IT IN  
7 CONNECTION WITH ITS PURPOSES, AND THAT THE PERSONAL INFORMATION  
8 IS NOT DISCLOSED OUTSIDE THAT BODY WITHOUT THE CONSENT OF THE  
9 DATA SUBJECTS;

10 [(e)] (F) The processing is necessary for the purpose of medical DIAGNOSIS AND treatment,  
11 PREVENTIVE OR OCCUPATIONAL MEDICINE, AND THE MANAGEMENT AND  
12 QUALITY ASSURANCE OF HEALTH OR SOCIAL CARE SYSTEMS AND SERVICES,  
13 AND is carried out by a [medical practitioner or a medical treatment] HEALTH CARE  
14 institution, [and an adequate level of protection of personal information is ensured] HEALTH  
15 CARE PROVIDER, OR A PERSON UNDER THEIR RESPONSIBILITY WHO IS BOUND  
16 BY A PROFESSIONAL OR LEGAL OBLIGATION OF CONFIDENTIALITY,  
17 *PROVIDED*: THAT ADEQUATE SECURITY MEASURES ARE IMPLEMENTED FOR  
18 THE PROTECTION OF SENSITIVE PERSONAL INFORMATION;

19 (G) THE PROCESSING IS NECESSARY FOR REASONS OF PUBLIC INTEREST IN THE  
20 AREA OF PUBLIC HEALTH OR HUMANITARIAN EMERGENCIES, *PROVIDED*:  
21 THAT SUCH PROCESSING IS COVERED BY OFFICIAL REGULATIONS ON  
22 PROCESSING AND IMPLEMENTATION OF APPROPRIATE SAFEGUARDS FOR  
23 DATA PROTECTION;

24 [(f)] (H) The processing [concerns such personal information as] is necessary for the protection  
25 of lawful rights and interests of natural or legal persons in court proceedings, WHENEVER  
26 COURTS ARE ACTING IN THEIR JUDICIAL CAPACITY, or the establishment, exercise  
27 or defense of legal claims IN CIVIL, CRIMINAL, ADMINISTRATIVE, AND OTHER  
28 SIMILAR PROCEEDINGS, [or] [when provided to government or public authority]; AND

29 (I) THE PROCESSING IS NECESSARY SOLELY FOR ARCHIVING PURPOSES IN THE  
30 PUBLIC INTEREST, SUCH AS FOR SCIENTIFIC OR HISTORICAL RESEARCH OR  
31 STATISTICAL PURPOSES, TO THE EXTENT PROPORTIONATE TO THE AIM  
32 PURSUED AND CONSISTENT WITH ETHICAL PRINCIPLES, WHICH SHALL  
33 PROVIDE FOR APPROPRIATE MEASURES TO SAFEGUARD THE FUNDAMENTAL  
34 RIGHTS AND THE INTERESTS OF THE DATA SUBJECT.”

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**SECTION 9.** Section 16 of the same Act is hereby amended to read as follows:

“SEC.16. *Rights of the Data Subject.* – The data subject is entitled to THE FOLLOWING RIGHTS:

(a) *RIGHT TO BE INFORMED.* THE DATA SUBJECT SHALL BE [Be] informed ON whether personal information [pertaining to him or her shall be, are being or have been processed,] INCLUDING INTENTIONS TO FURTHER PROCESS THE PERSONAL INFORMATION FOR A PURPOSE OTHER THAN THAT FOR WHICH THE PERSONAL INFORMATION WERE COLLECTED;

[(B)] THE DATA SUBJECT SHALL BE [Be furnished] PROVIDED the information indicated hereunder OR WHERE PERSONAL INFORMATION IS OBTAINED FROM A THIRD PARTY before the entry of personal information into the processing system of the personal information controller, or [where personal information[is obtained from a third party,] at the next practical opportunity:

- (1) Description of the personal information to be entered into the system;
- (2) THE EXISTENCE OF AUTOMATED DECISION-MAKING, INCLUDING PROFILING, AS WELL AS THE SIGNIFICANCE AND THE ENVISAGED CONSEQUENCES OF SUCH PROCESSING FOR THE DATA SUBJECT;
- [(2)] (3) Purposes [for which they are being or are to be processed] and lawful basis of processing;
- [(3)] (4) Scope and method of the personal information processing;
- (5) SOURCES OF PERSONAL INFORMATION, AND WHERE APPLICABLE, WHETHER IT CAME FROM PUBLICLY ACCESSIBLE SOURCES;
- [(4)] (6) The recipients or classes of recipients [to whom they are or may be disclosed] OF PERSONAL INFORMATION;
- [(5)] Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;]
- (7) TRANSFERS OR INTENDED TRANSFERS OF PERSONAL INFORMATION TO ANOTHER COUNTRY OR TO AN INTERNATIONAL ORGANIZATION;
- [(6)] (8) The identity and contact details of the personal information controller or its representative;
- (9) CONTACT DETAILS OF DATA PROTECTION OFFICER;



1           [(7)] (10) The period for which the information will be stored OR CRITERIA USED TO  
2           DETERMINE SUCH PERIOD; and

3           [(8)] (11) [The existence of their] THEIR rights as DATA SUBJECTS, to access[,  
4           correction,] AND CORRECT PERSONAL INFORMATION IN THE PROCESSING  
5           SYSTEM OF THE PERSONAL INFORMATION CONTROLLER, as well as the right to  
6           lodge a complaint before the Commission.

7           Any information supplied or declaration made to the data subject on these matters shall not  
8           be amended without prior notification of data subject: Provided, That the notification [under  
9           subsection (b)] shall not apply should the personal information be needed pursuant to  
10          a subpoena or when the collection and processing are for obvious purposes, including when it  
11          is necessary for the performance of or in relation to a contract or service or when necessary or  
12          desirable in the context of an employer-employee relationship, between the collector and the  
13          data subject, or when the information is being collected and processed as a result of a legal  
14          obligation;

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

16           Xxx

17          (d) Dispute the inaccuracy or error in the personal information and have the personal  
18          information controller correct it immediately and accordingly, unless the request is vexatious  
19          or otherwise unreasonable. If the personal information have been corrected, the personal  
20          information controller shall ensure the accessibility of both the new and the retracted  
21          information and the simultaneous receipt of the new and the retracted information by  
22          recipients thereof: Provided, That the third parties who have previously received such  
23          processed personal information shall be informed of its inaccuracy and its rectification upon  
24          reasonable request of the data subject;

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

31          (f) Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated,  
32          false, unlawfully obtained or unauthorized use of personal information.]

1 (B) *RIGHT TO REASONABLE ACCESS*. THE DATA SUBJECT HAS THE RIGHT TO  
2 REASONABLE ACCESS TO THE INFORMATION PROVIDED IN THE PRECEDING  
3 PARAGRAPH. THE DATA SUBJECT MAY OBTAIN A COPY OF THE PERSONAL  
4 INFORMATION UNDERGOING PROCESSING: *PROVIDED*, THAT THE RIGHT TO  
5 OBTAIN A COPY SHALL NOT ADVERSELY AFFECT THE RIGHTS AND FREEDOMS  
6 OF OTHERS.

7 (C) *RIGHT TO OBJECT*. THE DATA SUBJECT SHALL HAVE THE RIGHT TO OBJECT  
8 AT ANY TIME TO THE PROCESSING OF PERSONAL INFORMATION, ON GROUNDS  
9 RELATING TO A PARTICULAR SITUATION. THE DATA SUBJECT MAY OBJECT TO  
10 THE PROCESSING FOR DIRECT MARKETING PURPOSES, PROFILING OR TO HAVE  
11 DECISIONS MADE AFFECTING HIM OR HER BASED SOLELY ON AUTOMATED  
12 DECISION MAKING. THE PERSONAL INFORMATION CONTROLLER SHALL CEASE  
13 PROCESSING THE PERSONAL INFORMATION UNLESS THE CONTROLLER  
14 DEMONSTRATES COMPELLING LEGITIMATE GROUNDS FOR SUCH PROCESSING  
15 WHICH OVERRIDE THE INTERESTS, RIGHTS, AND FREEDOMS OF THE DATA  
16 SUBJECT, OR FOR THE ESTABLISHMENT, EXERCISE OR DEFENSE OF LEGAL  
17 CLAIMS.

18 THE DATA SUBJECT SHALL ALSO BE NOTIFIED AND GIVEN AN  
19 OPPORTUNITY TO WITHHOLD CONSENT TO THE PROCESSING IN CASE OF  
20 CHANGES OR ANY AMENDMENT TO THE INFORMATION SUPPLIED OR  
21 DECLARED TO THE DATA SUBJECT IN THE PRECEDING PARAGRAPHS.

22 WHEN A DATA SUBJECT OBJECTS OR WITHHOLDS CONSENT, THE PERSONAL  
23 INFORMATION CONTROLLER SHALL NO LONGER PROCESS THE PERSONAL  
24 INFORMATION, UNLESS THE PROCESSING IS REQUIRED BY RELEVANT LAW  
25 AND REGULATION OR THE PROCESSING FALLS IN ANY OF THE ALLOWABLE  
26 INSTANCES UNDER SECTIONS 4, 12 AND 13 OF THIS ACT.

27 (D) *RIGHT TO RECTIFICATION*. THE DATA SUBJECT HAS THE RIGHT TO DISPUTE  
28 INACCURACY OR ERROR IN THE PERSONAL INFORMATION AND HAVE THE  
29 PERSONAL INFORMATION CONTROLLER CORRECT IT ACCORDINGLY WITHOUT  
30 DELAY, UNLESS THE REQUEST IS VEXATIOUS OR OTHERWISE UNREASONABLE.  
31 IF THE PERSONAL INFORMATION HAS BEEN CORRECTED, THE PERSONAL  
32 INFORMATION CONTROLLER SHALL ENSURE THE ACCESSIBILITY OF BOTH THE

1 NEW AND THE RETRACTED INFORMATION AND THE SIMULTANEOUS RECEIPT  
2 OF THE NEW AND THE RETRACTED INFORMATION BY RECIPIENTS  
3 THEREOF: *PROVIDED*, THAT THE THIRD PARTIES WHO HAVE PREVIOUSLY  
4 RECEIVED SUCH PROCESSED PERSONAL INFORMATION SHALL BE INFORMED  
5 OF ITS INACCURACY AND ITS RECTIFICATION UPON REASONABLE REQUEST OF  
6 THE DATA SUBJECT.

7 TAKING INTO ACCOUNT THE PURPOSES OF THE PROCESSING, THE DATA  
8 SUBJECT SHALL HAVE THE RIGHT TO PROVIDE ADDITIONAL PERSONAL  
9 INFORMATION INCLUDING BY MEANS OF PROVIDING A SUPPLEMENTARY  
10 STATEMENT.

11 (E) *RIGHT TO ERASURE*. THE DATA SUBJECT SHALL HAVE THE RIGHT TO  
12 SUSPEND OR RESTRICT PROCESSING, OR ORDER THE BLOCKING, REMOVAL OR  
13 DESTRUCTION OF PERSONAL INFORMATION FROM THE PERSONAL  
14 INFORMATION CONTROLLER'S FILING SYSTEM, WHERE:

- 15 1) THE PERSONAL INFORMATION IS INCOMPLETE, OUTDATED, FALSE, OR  
16 UNLAWFULLY OBTAINED;
- 17 2) THE PERSONAL INFORMATION IS BEING USED FOR PURPOSE NOT  
18 AUTHORIZED BY THE DATA SUBJECT;
- 19 3) THE PERSONAL INFORMATION IS NO LONGER NECESSARY FOR THE  
20 PURPOSES FOR WHICH IT WAS COLLECTED OR AS REQUIRED BY LAW;
- 21 4) THE DATA SUBJECT WITHDRAWS CONSENT OR OBJECTS TO THE  
22 PROCESSING, AND THERE IS NO OTHER LEGAL GROUND OR OVERRIDING  
23 LEGITIMATE INTEREST FOR THE PROCESSING;
- 24 5) THE PERSONAL INFORMATION CONCERNS PRIVATE INFORMATION THAT  
25 IS PREJUDICIAL TO DATA SUBJECT, UNLESS JUSTIFIED BY FREEDOM OF  
26 SPEECH, EXPRESSION, OR THE PRESS OR OTHERWISE AUTHORIZED;
- 27 6) THE PROCESSING IS UNLAWFUL; OR
- 28 7) THE PERSONAL INFORMATION CONTROLLER OR PERSONAL  
29 INFORMATION PROCESSOR VIOLATED THE RIGHTS OF THE DATA  
30 SUBJECT.

1 THE PERSONAL INFORMATION CONTROLLER MAY NOTIFY THIRD PARTIES  
2 WHO HAVE PREVIOUSLY RECEIVED SUCH PROCESSED PERSONAL  
3 INFORMATION; AND

4 (F) *RIGHT TO CLAIM DAMAGES*. THE DATA SUBJECT HAS THE RIGHT TO BE  
5 INDEMNIFIED FOR ANY DAMAGE SUSTAINED DUE TO SUCH INACCURATE,  
6 INCOMPLETE, OUTDATED, FALSE, UNLAWFULLY OBTAINED OR  
7 UNAUTHORIZED USE OF PERSONAL INFORMATION.”

8 SECTION 10. Section 19 of the same Act is hereby amended to read as follows:

9 “SEC. 19. [*Non-applicability*] *LIMITATION ON RIGHTS OF DATA SUBJECTS*. – The  
10 [immediately preceding sections are not applicable] RIGHTS OF DATA SUBJECT MAY BE  
11 LIMITED if the processed personal information IS [are] used only for the needs of scientific  
12 and statistical research, ARCHIVING PURPOSES IN THE PUBLIC INTEREST, and, on the  
13 basis of such, no activities are carried out and no decisions are taken regarding the data subject:  
14 Provided, That [the personal information shall be held under strict confidentiality]  
15 ADEQUATE SAFEGUARDS ARE IN PLACE and THE PERSONAL INFORMATION  
16 shall be used only for the declared purpose. [Likewise, the immediately preceding sections  
17 are not applicable to the] THE LIMITATION ALSO APPLIES WHEN SPECIFICALLY  
18 PROVIDED BY LAW, OR REGULATION, WHEN NECESSARY TO PROTECT LIFE  
19 AND HEALTH OF DATA SUBJECTS, OR WHERE THE processing of personal  
20 information gathered for the purpose of investigations in relation to any criminal,  
21 administrative or tax liabilities of a data subject.”

22 SECTION 11. Section 20 of the same Act is hereby amended to read as follows:

23 “SEC. 20. *Security of Personal Information*.

24 Xxx

25 (f) The personal information controller shall [promptly] notify the Commission and  
26 affected data subjects [when sensitive personal information or other information that  
27 may, under the circumstances, be used to enable identity fraud are reasonably believed  
28 to have been acquired by an unauthorized person, and the personal information  
29 controller or the Commission believes that such unauthorized acquisition is likely to  
30 give rise to a real risk of serious harm to any affected data subject] WITHIN SEVENTY-  
31 TWO (72) HOURS UPON BEING AWARE OF OR UPON REASONABLE BELIEF  
32 THAT A PERSONAL DATA BREACH INVOLVING SENSITIVE PERSONAL

1 INFORMATION OR OTHER INFORMATION THAT MAY BE USED TO ENABLE  
2 IDENTITY FRAUD OCCURRED. The notification shall at least describe the nature of  
3 the breach, the [sensitive] personal information possibly involved, and the measures  
4 taken by the [entity] PERSONAL INFORMATION CONTROLLER to address the  
5 breach. [Notification may be delayed only to the extent necessary to determine the scope  
6 of the breach, to prevent further disclosures, or to restore reasonable integrity to the  
7 information and communications system.] WHERE SUCH NOTIFICATION CANNOT  
8 BE ACHIEVED WITHIN SEVENTY-TWO (72) HOURS, THE REASONS FOR THE  
9 DELAY SHOULD ACCOMPANY THE NOTIFICATION AND INFORMATION  
10 MAY BE PROVIDED IN PHASES WITHOUT ANY FURTHER DELAY.

11 [(1) In evaluating if notification is unwarranted, the Commission may take into account  
12 compliance by the personal information controller with this section and existence of good  
13 faith in the acquisition of personal information.]

14 [(2)] (1) The Commission may exempt a personal information controller from [notification]  
15 NOTIFYING THE DATA SUBJECT where, in its reasonable judgment, such notification  
16 would not be in the public interest or in the interests of the affected data subjects. IN  
17 EVALUATING IF NOTIFICATION IS UNWARRANTED, THE COMMISSION MAY  
18 TAKE INTO ACCOUNT COMPLIANCE BY THE PERSONAL INFORMATION  
19 CONTROLLER WITH THIS ACT AND EXISTING SECURITY MEASURES  
20 SHOWING THAT THE PERSONAL DATA BREACH IS UNLIKELY TO RESULT IN  
21 A RISK TO THE RIGHTS AND FREEDOMS OF NATURAL PERSONS.

22 [(3)] (2) The Commission may authorize postponement of notification where it may hinder  
23 the progress of a criminal investigation related to a serious breach. NOTIFICATION OF  
24 DATA SUBJECTS MAY BE DELAYED ONLY TO THE EXTENT NECESSARY TO  
25 DETERMINE THE SCOPE OF THE BREACH, PREVENT FURTHER DISCLOSURES,  
26 OR RESTORE REASONABLE INTEGRITY TO THE INFORMATION AND  
27 COMMUNICATIONS SYSTEM. WHERE THE PERSONAL DATA BREACH IS  
28 LIKELY TO RESULT IN A HIGH RISK TO THE RIGHTS AND FREEDOMS OF THE  
29 DATA SUBJECT, THE CONTROLLER SHOULD COMMUNICATE TO THE DATA  
30 SUBJECT THE PERSONAL DATA BREACH WITHOUT UNDUE DELAY, IN ORDER  
31 FOR THE DATA SUBJECT TO TAKE THE NECESSARY PRECAUTIONS.

1 FOR PURPOSES OF THIS SECTION, THE PERSONAL INFORMATION  
2 PROCESSOR WILL PROMPTLY REPORT TO THE PERSONAL INFORMATION  
3 CONTROLLER THE OCCURRENCE OF A PERSONAL DATA BREACH TO ALLOW  
4 FOR NOTIFICATION OF THE COMMISSION AND DATA SUBJECTS WITHIN THE  
5 PRESCRIBED PERIOD. IF THE PERSONAL INFORMATION CONTROLLER IS  
6 OUTSIDE THE PHILIPPINES AND IS UNABLE TO COMPLY WITH THE  
7 NOTIFICATION REQUIREMENTS, THE PERSONAL INFORMATION  
8 CONTROLLER MAY AUTHORIZE THE PERSONAL INFORMATION PROCESSOR,  
9 OR ANY OTHER THIRD PARTY, IN WRITING, TO SUBMIT THE BREACH  
10 NOTIFICATION TO THE COMMISSION, ON BEHALF OF THE PERSONAL  
11 INFORMATION CONTROLLER.”

12  
13 **SECTION 12.** Section 21 of the same Act is hereby amended to read as follows:

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

18 a) The personal information controller is accountable for complying with the  
19 requirements of this Act and shall use contractual or other reasonable means to provide a  
20 comparable level of protection while the information are being processed by a third party.

21 b) The personal information controller shall designate A DATA PROTECTION  
22 OFFICER or an individual or individuals who are accountable for the organization’s  
23 compliance with THE PROVISIONS OF this Act. The identity of the individual(s) so  
24 designated shall be made known to any data subject upon request.”

25  
26 **SECTION 13.** Section 24 of the same Act is hereby amended to read as follows:

27 “SEC. 24. *Applicability to Government Contractors.* ACCESS TO PERSONAL  
28 INFORMATION BY INDEPENDENT CONTRACTORS, CONSULTANTS, OR  
29 SERVICE PROVIDERS ENGAGED BY A GOVERNMENT AGENCY SHALL BE  
30 GOVERNED BY STRICT PROCEDURES CONTAINED IN FORMAL CONTRACTS,  
31 WHICH PROVISIONS MUST COMPLY WITH THE ACT. In entering into any contract  
32 that may involve accessing or requiring sensitive personal information from one thousand

1 (1,000) or more individuals, an agency shall require a contractor and its employees to register  
2 their personal information processing system with the Commission in accordance with this  
3 Act and to comply with the other provisions of this Act including the immediately preceding  
4 section, in the same manner as agencies and government employees comply with such  
5 requirements.”

6  
7 **SECTION 14.** Section 25 of the same Act is hereby amended to read as follows:

8 “SEC. 25. *Unauthorized Processing [of Personal Information and Sensitive Personal*  
9 *Information.* – (a) The unauthorized processing of personal information shall be penalized  
10 by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five  
11 hundred thousand pesos (Php500,000.00) but not more than Two million pesos  
12 (Php2,000,000.00) shall be imposed on persons] - ANY PERSON who SHALL process  
13 personal information without ANY LAWFUL [the consent of the data subject,] or without  
14 being authorized under this Act or any existing law SHALL BE PENALIZED BY  
15 IMPRISONMENT RANGING FROM ONE (1) YEAR TO THREE (3) YEARS OR A FINE  
16 OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) BUT  
17 NOT MORE THAN TWO MILLION PESOS (PHP2,000,000.00), OR BOTH.

18 [(b) The unauthorized processing of personal sensitive information shall be penalized by]  
19 THE PENALTY OF imprisonment ranging from three (3) years to six (6) years [and] OR a  
20 fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four  
21 million pesos (Php4,000,000.00), OR BOTH, shall be imposed [on persons who process  
22 personal information without the consent of the data subject, or without being authorized  
23 under this Act or any existing law.] IF SUCH UNAUTHORIZED PROCESSING  
24 INVOLVES SENSITIVE PERSONAL INFORMATION.”

25  
26 **SECTION 15.** Section 26 of the same Act is hereby amended to read as follows:

27 “SEC. 26. *PROVIDING ACCESS TO [Accessing] Personal Information and Sensitive*  
28 *Personal Information Due to Negligence.* – [(a) Accessing personal information due to  
29 negligence shall be penalized by imprisonment ranging from one (1) year to three (3) years  
30 and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than  
31 Two million pesos (Php2,000,000.00) shall be imposed on persons] ANY PERSON who,  
32 due to GROSS negligence, provided access to personal information without being authorized

1 under this Act or any existing law SHALL BE PENALIZED BY IMPRISONMENT  
2 RANGING FROM ONE (1) YEAR TO THREE (3) YEARS OR A FINE OF NOT LESS  
3 THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) BUT NOT MORE  
4 THAN TWO MILLION PESOS (PHP2,000,000.00), OR BOTH.

5 [(b) Accessing sensitive personal information due to negligence shall be penalized by]  
6 THE PENALTY OF imprisonment ranging from three (3) years to six (6) years [and] OR a  
7 fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four  
8 million pesos (Php4,000,000.00), OR BOTH shall be imposed [on persons who, due to  
9 negligence, provided access to personal information without being authorized under this Act  
10 or any existing law] IF SUCH UNAUTHORIZED ACCESS INVOLVES SENSITIVE  
11 PERSONAL INFORMATION.”

12  
13 **SECTION 16.** Section 27 of the same Act is hereby amended to read as follows:

14 “SEC. 27. *Improper Disposal.* – [of Personal Information and Sensitive Personal  
15 Information. – (a) The improper disposal of personal information shall be penalized by  
16 imprisonment ranging from six (6) months to two (2) years and a fine of not less than One  
17 hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos  
18 (Php500,000.00) shall be imposed on persons] ANY PERSON who knowingly or  
19 negligently disposeS[,] OR discardS [or abandon the] personal information of an individual  
20 in [an] A PHYSICAL area OR ONLINE PLATFORM accessible to the public [or has  
21 otherwise placed the personal information of an individual in its container for trash  
22 collection.] SHALL BE PENALIZED BY IMPRISONMENT RANGING FROM SIX (6)  
23 MONTHS TO TWO (2) YEARS OR A FINE OF NOT LESS THAN ONE HUNDRED  
24 THOUSAND PESOS (PHP100,000.00) BUT NOT MORE THAN FIVE HUNDRED  
25 THOUSAND PESOS (PHP500,000.00), OR BOTH.

26 [(b) The improper disposal of sensitive personal information shall be penalized by] THE  
27 PENALTY OF imprisonment ranging from one (1) year to three (3) years [and] OR a fine  
28 of not less than One hundred thousand pesos (Php100,000.00) but not more than One million  
29 pesos (Php1,000,000.00), OR BOTH shall be imposed [on persons who knowingly or  
30 negligently dispose, discard or abandon the personal information of an individual in an area  
31 accessible to the public or has otherwise placed the personal information of an individual in



1 its container for trash collection.] IF SUCH IMPROPERLY DISPOSED OR DISCARDED  
2 DOCUMENTS CONTAIN SENSITIVE PERSONAL INFORMATION.”

3  
4 **SECTION 17.** Section 28 of the same Act is hereby amended to read as follows:

5 “SEC. 28. *Processing [of Personal Information and Sensitive Personal Information] for*  
6 *Unauthorized Purposes.* – [The processing of personal information for unauthorized  
7 purposes shall be penalized by imprisonment ranging from one (1) year and six (6) months  
8 to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00)  
9 but not more than One million pesos (Php1,000,000.00) shall be imposed on persons] ANY  
10 PERSON WHO, HAVING ACCESS TO PERSONAL INFORMATION, SHALL  
11 process[ing] SUCH personal information for purposes not authorized by the data subject, or  
12 otherwise authorized under this Act or under existing laws SHALL BE PENALIZED BY  
13 IMPRISONMENT RANGING FROM ONE (1) YEAR AND SIX (6) MONTHS TO FIVE  
14 (5) YEARS OR A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS  
15 (PHP500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (PHP1,000,000.00),  
16 OR BOTH.

17 [The processing of sensitive personal information for unauthorized purposes shall be  
18 penalized by] THE PENALTY OF imprisonment ranging from two (2) years to seven (7)  
19 years [and] OR a fine of not less than Five hundred thousand pesos (Php500,000.00) but not  
20 more than Two million pesos (Php2,000,000.00), OR BOTH shall be imposed [on persons  
21 processing sensitive personal information for purposes not authorized by the data subject, or  
22 otherwise authorized under this Act or under existing laws] IF SUCH PROCESSING FOR  
23 UNAUTHORIZED PURPOSE INVOLVES SENSITIVE PERSONAL INFORMATION.”

24  
25 **SECTION 18.** Section 29 of the same Act is hereby amended to read as follows:

26  
27 “SEC. 29. *Unauthorized Access or Intentional Breach.* – [The penalty of imprisonment  
28 ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand  
29 pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be  
30 imposed on persons] ANY PERSON who knowingly and unlawfully, or violating [data]  
31 confidentiality [and] OR security OF data systems, breaks in any way into any system where  
32 personal [and] OR sensitive personal information is stored SHALL BE PENALIZED BY

1 IMPRISONMENT RANGING FROM ONE (1) YEAR TO THREE (3) YEARS OR A FINE  
2 OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00) BUT  
3 NOT MORE THAN TWO MILLION PESOS (PHP2,000,000.00), OR BOTH.”

4  
5 **SECTION 19.** Section 30 of the same Act is hereby amended to read as follows:

6 “SEC. 30. *Concealment of [Security] PERSONAL DATA Breaches [Involving Sensitive*  
7 *Personal Information.* – The penalty of imprisonment of one (1) year and six (6) months to  
8 five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but  
9 not more than One million pesos (Php1,000,000.00) shall be imposed on] - ANY person[s]  
10 who, after having knowledge of a [security] PERSONAL DATA breach and of the obligation  
11 to notify the Commission pursuant to Section 20(f), intentionally or by omission conceals  
12 the fact of such [security] PERSONAL DATA breach SHALL BE PENALIZED BY  
13 IMPRISONMENT OF ONE (1) YEAR AND SIX (6) MONTHS TO FIVE (5) YEARS OR  
14 A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (PHP500,000.00)  
15 BUT NOT MORE THAN ONE MILLION PESOS (PHP1,000,000.00), OR BOTH.”

16  
17 **SECTION 20.** Section 31 of the same Act is hereby amended to read as follows:

18 “SEC. 31. *Malicious Disclosure.* – Any [personal information controller or] personal  
19 information processor OR PERSONAL INFORMATION CONTROLLER or any of its  
20 officials, employees or agents, who, with malice or in bad faith, discloses unwarranted or  
21 false information relative to any personal information or [personal] sensitive PERSONAL  
22 information obtained by him or her, shall be subject to imprisonment ranging from one (1)  
23 year and six (6) months to five (5) years [and] OR a fine of not less than Five hundred  
24 thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00),  
25 OR BOTH.”

26  
27 **SECTION 21.** Section 32 of the same Act is hereby amended to read as follows:

28 “SEC. 32. *Unauthorized Disclosure.* –[(a)]Any [personal information controller or] personal  
29 information processor OR PERSONAL INFORMATION CONTROLLER or any of its  
30 officials, employees or agents, who discloses to a third party personal information not  
31 covered by the immediately preceding section without [the consent of the data subject]  
32 BEING AUTHORIZED UNDER THIS ACT OR ANY EXISTING LAW, shall be subject

1 to imprisonment ranging from one (1) year to three (3) years [and] OR a fine of not less than  
2 Five hundred thousand pesos (Php500,000.00) but not more than One million pesos  
3 (Php1,000,000.00), OR BOTH.

4 [(b) Any personal information controller or personal information processor or any of its  
5 officials, employees or agents, who discloses to a third party sensitive personal information  
6 not covered by the immediately preceding section without the consent of the data subject,  
7 shall be subject to] THE PENALTY OF imprisonment ranging from three (3) years to five  
8 (5) years [and] OR a fine of not less than Five hundred thousand pesos (Php500,000.00) but  
9 not more than Two million pesos (Php2,000,000.00), OR BOTH SHALL BE IMPOSED IF  
10 SUCH DISCLOSURE INVOLVES SENSITIVE PERSONAL INFORMATION.”

11  
12 **SECTION 22.** Section 33 of the same Act is hereby amended to read as follows:

13 “SEC. 33. *Combination or Series of Acts.* – Any combination or series of acts as defined in  
14 Sections 25 to 32 shall make the person subject to imprisonment ranging from three (3) years  
15 to six (6) years [~~and~~] OR a fine of not less than One million pesos (Php1,000,000.00) but not  
16 more than Five million pesos (Php5,000,000.00), OR BOTH.”

17  
18  
19 **SECTION 23.** Section 34 of the same Act is hereby amended to read as follows:

20 “SEC. 34. *Extent of Liability.* – If the offender is a corporation, partnership or any juridical  
21 person, the penalty shall be imposed upon the responsible officers, as the case may be, who  
22 participated in, or by their gross negligence, allowed the commission of the crime. If the  
23 offender is a juridical person, the court may suspend or revoke any of its rights under this  
24 Act. If the offender is an alien, [he or she shall,] in addition to the penalties herein prescribed,  
25 be deported without further proceedings after serving the penalties prescribed. If the offender  
26 is a public official or employee [and he or she is found guilty of acts penalized under Sections  
27 27 and 28 of this Act, he or she shall], in addition to the penalties prescribed herein, SHALL  
28 suffer perpetual or temporary absolute disqualification from office, as the case may be.”

29  
30 **SECTION 24.** Section 36 of the same Act is hereby amended to read as follows:

31 “SEC. 36. *Offense Committed by Public Officer.* – When the offender or the person  
32 responsible for the offense is a public officer as defined in the Administrative Code of the

1 Philippines COMMITS THE OFFENSE DURING [in] the exercise of [his or her] ONE’S  
2 duties, an accessory penalty consisting in the disqualification to occupy public office for a  
3 term double the term of criminal penalty imposed shall be applied.

4 LIKEWISE, THE PUBLIC OFFICER, WHETHER SERVING IN A CASUAL,  
5 TEMPORARY, HOLDOVER, OR PERMANENT CAPACITY FOUND TO HAVE  
6 COMMITTED THE OFFENSE WILL BE SUBJECT TO ADMINISTRATIVE PENALTIES  
7 UNDER THE REPUBLIC ACT NO. 6713, OTHERWISE KNOWN AS THE “CODE OF  
8 CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND  
9 EMPLOYEES.”

10  
11 **SECTION 25.** Section 37 of the same Act is hereby amended to read as follows:

12 “SEC. 37. *Restitution AND ADMINISTRATIVE SANCTIONS.* – THE COMMISSION  
13 SHALL PUBLISH AND REGULARLY UPDATE A SCHEDULE OF ADMINISTRATIVE  
14 FINES AS MAY BE DETERMINED BY THE COMMISSION TO BE APPROPRIATE,  
15 TAKING INTO CONSIDERATION THE ATTENDANT CIRCUMSTANCES, SUCH AS  
16 THE NATURE AND GRAVITY OF THE VIOLATION, AND NUMBER OF AFFECTED  
17 DATA SUBJECTS.

18  
19 AFTER DUE NOTICE AND HEARING, THE COMMISSION SHALL IMPOSE  
20 SANCTIONS, INCLUDING ADMINISTRATIVE FINES, WARNING OR REPRIMAND,  
21 UPON ANY PERSON FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, THE  
22 RULES AND REGULATIONS ISSUED TO IMPLEMENT IT, OR FOR FAILURE OR  
23 REFUSAL TO COMPLY WITH NPC ORDERS, RESOLUTIONS AND OTHER  
24 ISSUANCES.

25  
26 [Restitution for any aggrieved party shall be governed] IN AWARDING OF CIVIL  
27 INDEMNITY TO DATA SUBJECTS AND PROVIDING RESTITUTION TO THE  
28 AGGRIEVED PARTY, THE COMMISSION SHALL BE GUIDED by the provisions of the  
29 New Civil Code.

30  
31 THE IMPOSITION OF THE ADMINISTRATIVE SANCTIONS OR AWARD OF  
32 CIVIL INDEMNITY SHALL BE WITHOUT PREJUDICE TO THE FILING OF

1 CRIMINAL CHARGES AGAINST THE PERSONS RESPONSIBLE FOR THE  
2 VIOLATION.”

3  
4 **SECTION 26. *Separability Clause.*** – If any provision or part hereof is held invalid or  
5 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
6 valid and subsisting.

7  
8 **SECTION 27. *Repealing Clause.*** – All other laws, decrees, executive orders, proclamations  
9 and administrative regulations or parts thereof inconsistent herewith are hereby repealed or  
10 modified accordingly.

11  
12 **SECTION 28. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in  
13 the Official Gazette or in a newspaper of general circulation.

14  
15 *Approved,*  
16  
17