

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress

First Regular Session



5307

Introduced by **Rep. DANILO RAMON S. FERNANDEZ**

EXPLANATORY NOTE

The increasing use of social media platforms, such as but not limited to Facebook, Twitter, Instagram and the likes, nowadays have reached massive heights. One of its notable signs is the fact that in every household almost all of its inhabitants, especially children in their early stages of development, know how to access and use the social media.

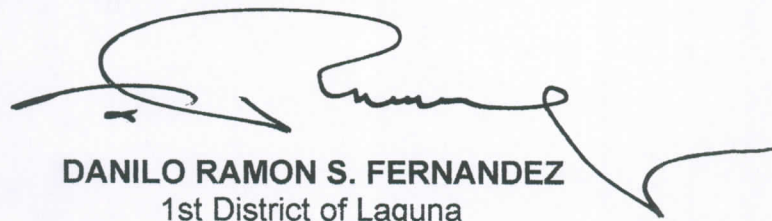
With the advent and creation of social media, children and adolescents' every move is monitored online, and even the youngest are bombarded with advertising when they go online to do their homework, talk with friends, and play.

This demonstrates that in the digital age of the internet, social media corporations create a global footprint that easily influences our modern conceptions of choice, leisure and reality. Children and teens are at the epicenter of a pervasive-driven digital marketing system that is woven into the very fabric of their lives.

Hence, there is a need to pass a legislation that puts children's well-being on the top priority. If anything, children deserve a strong and effective protections online.

This legislation not only strengthens privacy and security specifically for children and minors but also champions consumer protection.

In view of the foregoing, the approval of this bill is earnestly recommended.


DANILO RAMON S. FERNANDEZ
1st District of Laguna

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**AN ACT REGULATING THE USE OF SOCIAL MEDIA, PROVIDING
PROTECTION FOR CHILDREN, MINORS AND CONSUMERS, AND FOR OTHER
PURPOSES**

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

SECTION 1. Short Title- This Act shall be known as the "Social Media Regulation and Protection Act of 2019".

SECTION 2. Declaration of Policy – It shall be the policy of the State to supervise and regulate the flow of information on all types of media platforms with its citizenry. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to support and protect the fundamental rights of individuals to privacy and confidentiality of their personal information and communication while ensuring free flow of information to promote innovation and growth.

SECTION 3. It is hereby declared that the following shall be compulsory:

- (a) Social media companies to provide age restrictions and limitations on the use of all social media platforms;
- (b) Social media companies to provide adequate and efficient notification mechanisms on declared parents of a child;
- (c) Social media companies to strengthen its features restricting users under 13 years of age;

- (d) Prohibiting social media companies from collecting personal and location information from anyone under 13 years of age without parental consent, and from anyone between 13 to 17 years old without the user's consent;
- (e) Requiring social media platforms to include "natural stopping points" for users, which would basically end scrolling after a certain amount of content;
- (f) Requiring social media companies to make it easier for users to track the amount of time they spend on their platforms;
- (g) Automatically limiting the time users can spend on a platform across all devices to 30 minutes a day. Users would be able change the limits, but they would have to do so every week.

SECTION 4. *Monitoring and Enforcement* - To attain the objectives of this Act and as the agency tasked for consumer protection, the Department of Information and Communications Technology (DICT) shall:

1. Ensure and protect the rights and welfare of consumers and business users to privacy, security and confidentiality in matters relating to Information Communication Technology (ICT) by adopting a monitoring and reporting system to track violators; impose fines and penalties for any the violation of this Act;
2. Cause or initiate criminal or administrative prosecution with concerned government agencies for violations of this Act.

SECTION 5. *Department of Health* - to promote a data-driven approach to investigating the idea of social media addiction. This legislation would authorize the Department of Health (DOH) to head a research program on the effects of technology and social media on children.

SECTION 6. *National Privacy Commission* - the National Privacy Commission (NPC) with its function to monitor and ensure compliance of the country with international standards set for data protection in accordance with Republic Act No. 10173 or the Data Privacy Act of 2012 shall:

- (a) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report;
- (b) Issue cease and desist orders, impose a temporary or permanent ban on the processing of personal information, upon finding that the processing will be detrimental to national security and public interest;
- (c) Compel or petition any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy;
- (d) Monitor the compliance of other government agencies or instrumentalities on their security and technical measures and recommend the necessary action in order to meet minimum standards for protection of personal information pursuant to this Act;
- (e) Provide assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person.

SECTION 7. *Implementing Rules and Regulations* - The DICT and other government agencies concerned shall issue the necessary rules and regulations to implement the provisions thereof within ninety (90) days after the Approval of this Act.

SECTION 8. *Separability Clause* - If any portion of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected hereby.

SECTION 9. *Repealing Clause* - All laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 10. *Effectivity*- This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.