

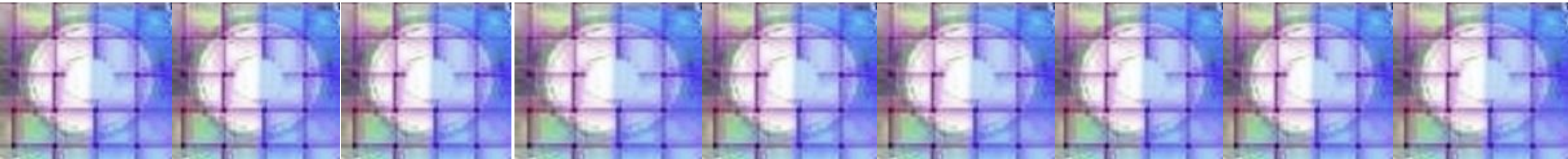
# DPA, DPO and Government

**Ivy D. Patdu, MD, JD**

*Deputy Privacy Commissioner*

NATIONAL PRIVACY COMMISSION

PROPERTY OF THE NATIONAL PRIVACY COMMISSION



# Right to Privacy



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# Which of the Following will you be willing to share with someone you just met?

Home Address

Diary

Credit Card Billing Statement

Browsing History

Phone Messages

Facebook Password



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**WHO IS WATCHING YOU?**





What can you “buy” with your personal data?

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# Sign Up

It's free and always will be.

PROPERTY OF THE INTERNATIONAL PRIVACY COMMISSION



SurveyCompare PH @SurveyComparePH · Jul 26

Be part of a market research study and earn up to ₱3000 a week. Sign up => [bit.ly/1nZDE2r](https://bit.ly/1nZDE2r)



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Sign Up Now and  
Earn Some Money Today!

Sex: \*

Male

Female

First Name \*

Last Name \*

Email Address \*

Postal code \*

Date of Birth \*

Day ▾

Month ▾

Year ▾

Sign Up and Start Earning ▶



We promise that your data will be protected - it says so in our

[Privacy Policy](#)

**90% of the world's  
data have been  
generated only in  
the last few years.**



SINTEF, Big Data, for better or worse: 90% of world's data generated over last two years (May 22, 2013) available at <https://www.sciencedaily.com/releases/2013/05/130522085217.htm> (last accessed Dec. 27, 2016).

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**“In this digital era,  
information is the  
currency of power  
– valuable,  
coveted, but at a  
very high risk.”**

-Senator Edgardo Angara,  
sponsorship speech  
for the Data Privacy Act

# RIGHT TO INFORMATION PRIVACY

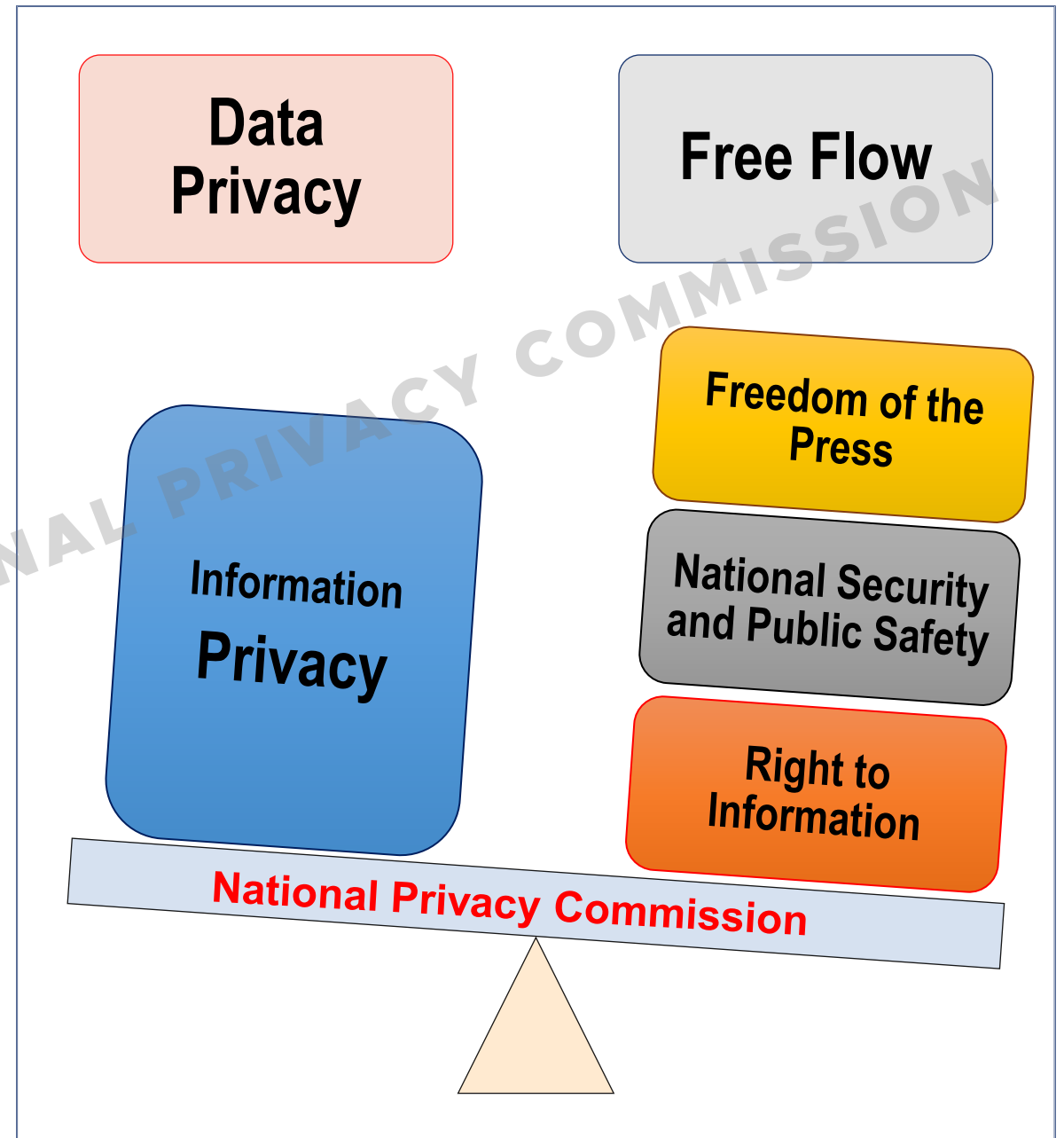
The individual's ability to control the flow of information concerning or describing him, which however must be overbalanced by legitimate public concerns. To deprive an individual of his power to control or determine whom to share information of his personal details would deny him of his right to his own personhood.

Dissenting Opinion of Justice Consuelo Ynares-Santiago in G.R No 167798 Kilusang Mayo Uno, et al., v. The Director General, National Economic Development Authority, et al., and G.R No. 167930 Bayan Muna Representatives Satur C. Ocampo, et al., v. Eduardo Ermita, et al. (19 April 2006

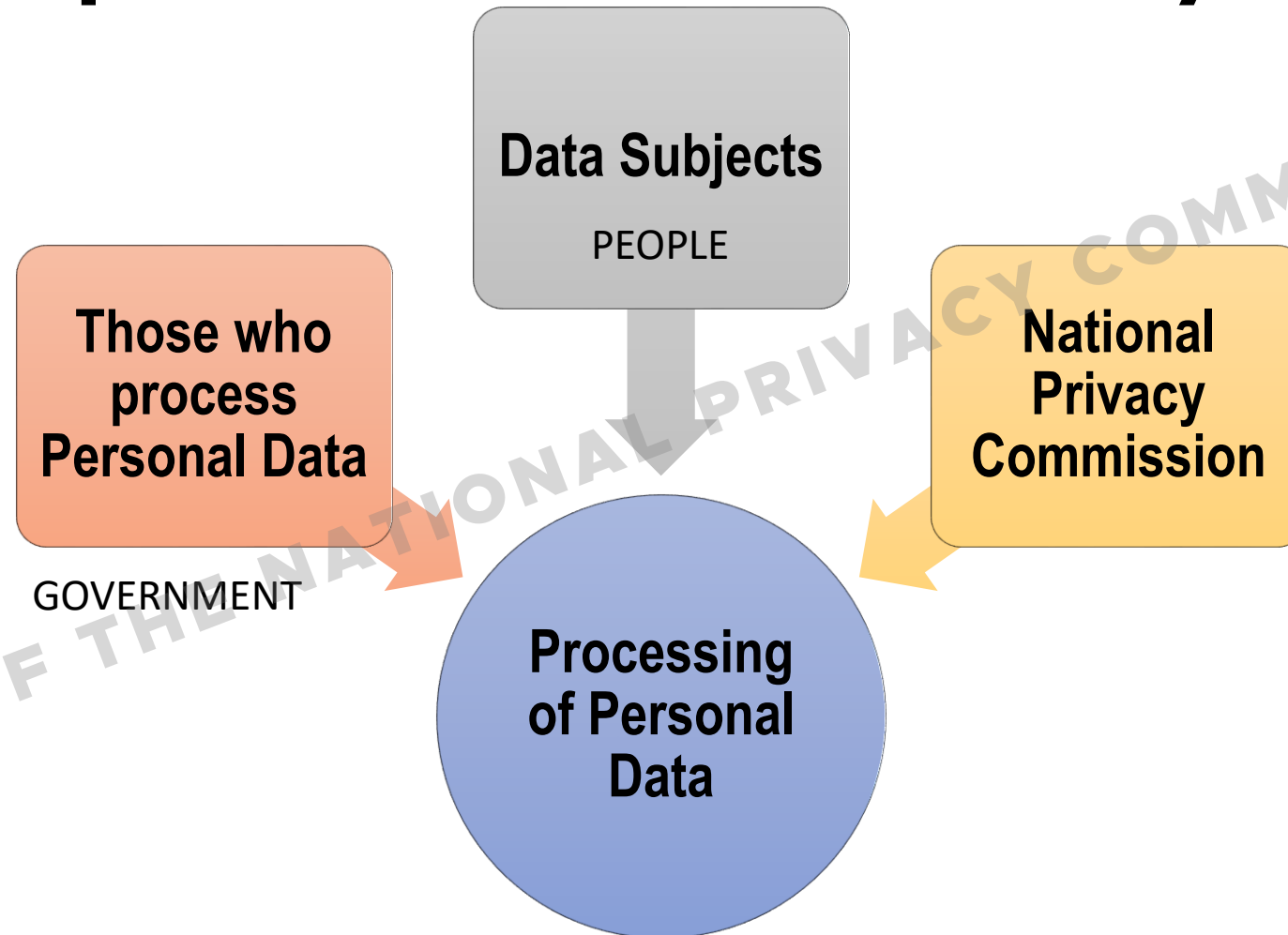
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# Data Privacy Act

It is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth.



# Scope of the Data Privacy Act



Data Privacy Act applies to the processing of personal data by any natural and juridical person in the government or private sector.

# Which are personal data?

A. "Man born on June 19, 1861"

B. "Philippine national hero born on June 19, 1861"

C. "Jose Protacio Rizal"

D.



Jose Rizal, available at  
[https://en.wikipedia.org/wiki/Jos%C3%A9\\_Rizal](https://en.wikipedia.org/wiki/Jos%C3%A9_Rizal)

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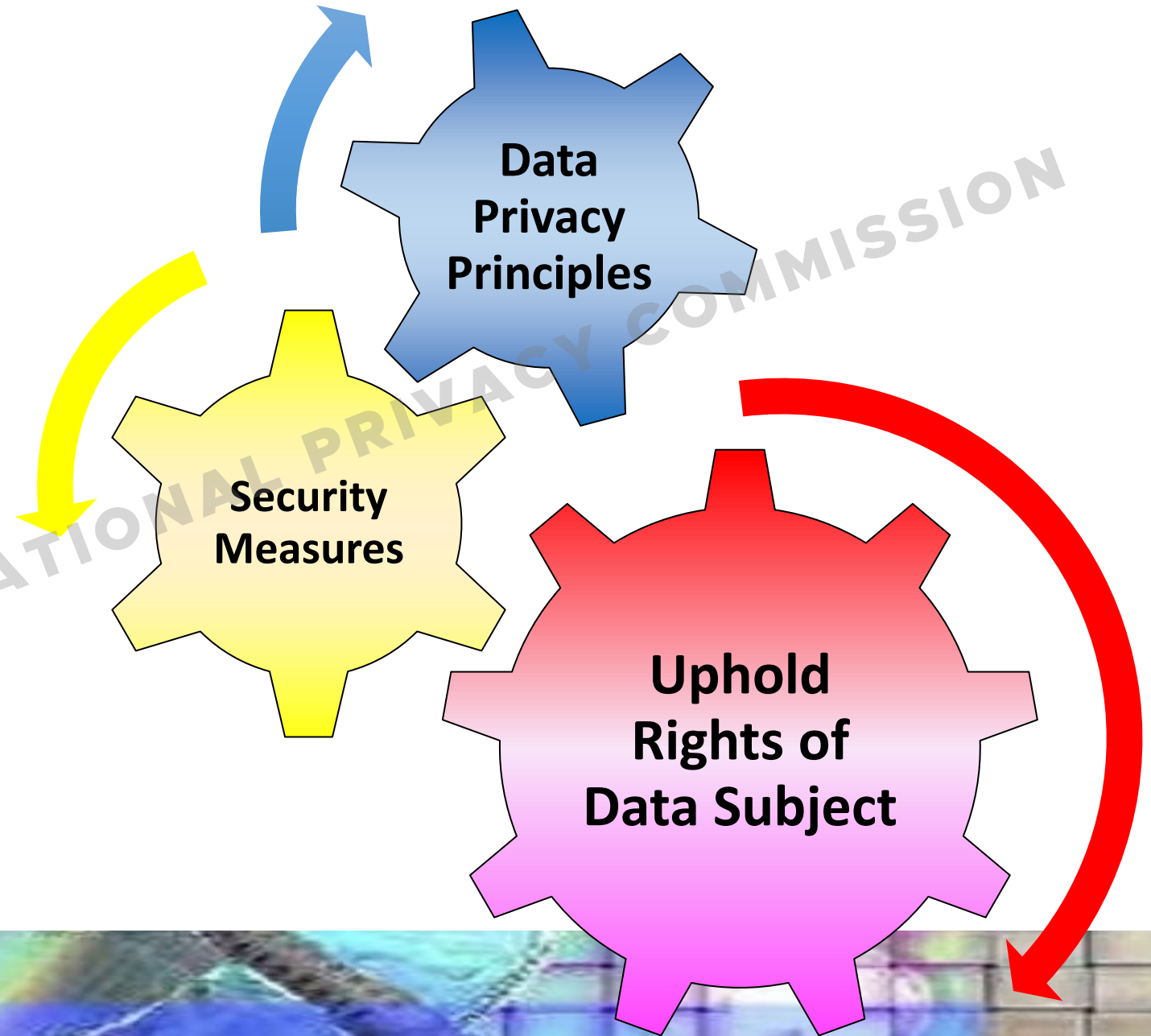
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# DATA PRIVACY ACT



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# DATA PRIVACY PRINCIPLES

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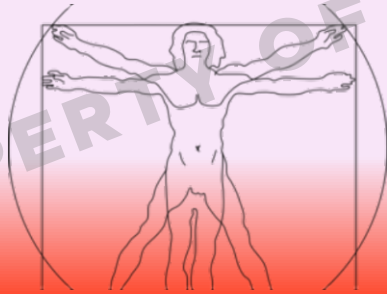




**TRANSPARENCY**



**LEGITIMATE PURPOSE**

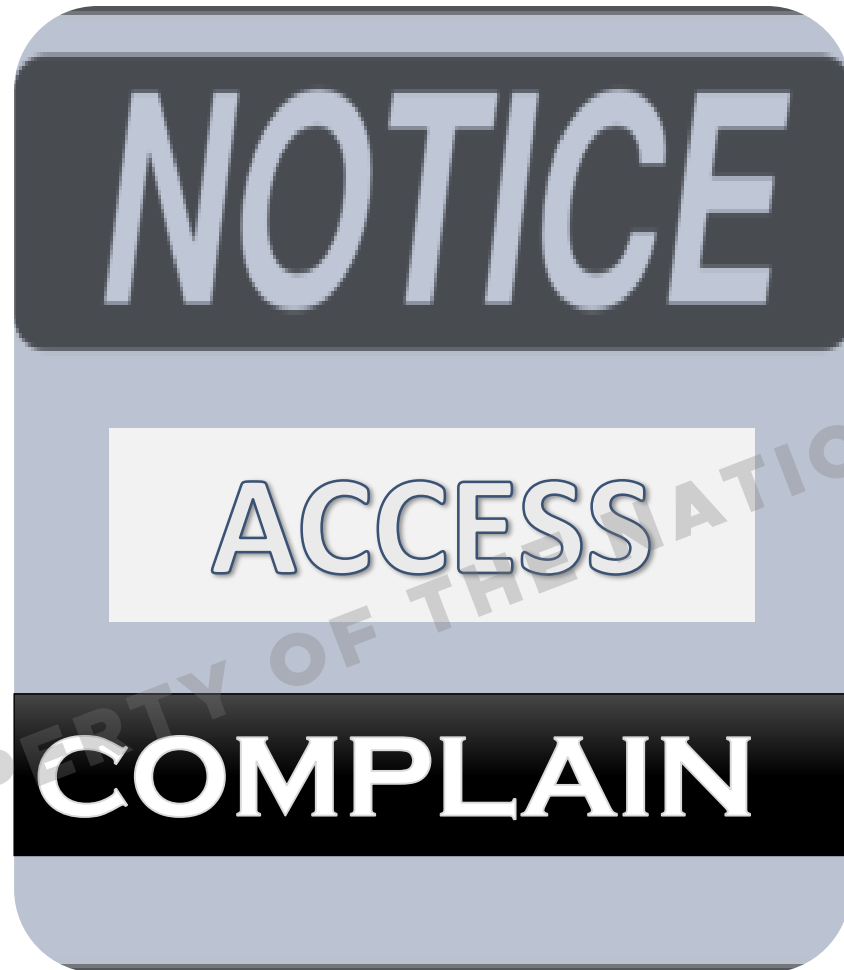


**PROPORTIONALITY**

PROPERTY OF THE NATIONAL DATA PROTECTION AND FREEDOM INFORMATION COMMISSION



# Rights of Data Subjects



1. Right to Information
2. Right to Object
3. Right to Access
4. Right to Correct
5. Right to Erase
6. Right to Damages
7. Right to Data Portability
8. Right to File a Complaint

If It's **NOT**

CLEAR

It's **NOT** Consent

- CONSENT refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her
- The consent shall be evidenced by written, electronic or recorded means.

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**TAXES**

**Sometimes, Consent is NOT necessary.**



AMLA



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So, you  
want to buy a  
dog?  
Fill in the form  
please.



## Application to Buy a Dog

- Name: \_\_\_\_\_
- Birthday: \_\_\_\_\_
- Address: \_\_\_\_\_
- TIN No.: \_\_\_\_\_
- SSS No.: \_\_\_\_\_
- PRC ID No.: \_\_\_\_\_
- No. of Cars owned: \_\_\_\_\_
- Father's name: \_\_\_\_\_
- Mother's maiden name:  
\_\_\_\_\_

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**PARA MAKAUTANG..**  
(PLEASE BRING THIS REQUIREMENTS)

- 6pcs 2x2 PICTURE
- 4pcs 1x1 PICTURE (WHOLE BODY)
- 3 VALID ID'S
- BRGY. CLEARANCE
- NBI CLEARANCE
- MAYORS PERMIT
- MEDICAL
- CEDULA
- BIRTH CERTIFICATE (NSO)
- SSS/TIN
- CO-MAKER
- X-RAY (WHOLE BODY)
- POLICE CLEARANCE
- PROOF OF BILLING
- FORM 137

PROPERTY OF THE



**Ninja Pepe**

Like This Page · February 8 · Edited ·



COMMISSION

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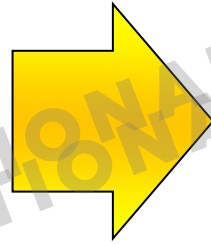
# SECURITY MEASURES

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# SECURITY MEASURES

Organizational  
Physical  
Technical



Confidentiality  
Integrity  
Availability

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# ORGANIZATIONAL SECURITY MEASURES

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# Data Protection Officer

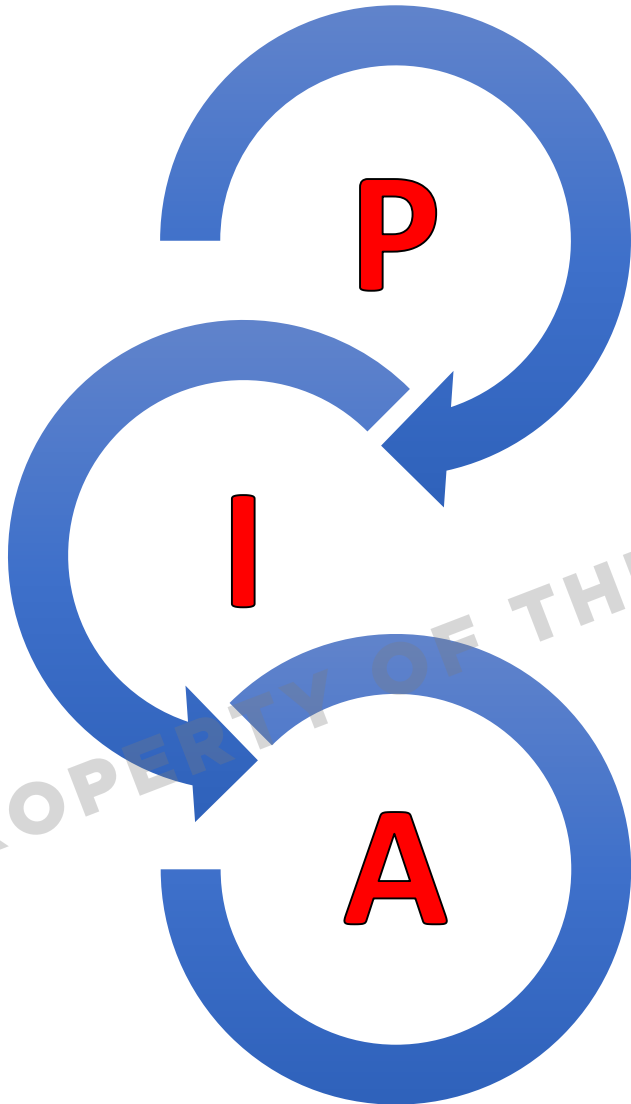
- Expertise in relevant privacy or data protection policies and practices
- Understanding of the processing operations being carried out by the PIC or PIP
- Knowledge of Sector

THE DPO SHOULD POSSESS SPECIALIZED KNOWLEDGE AND DEMONSTRATE RELIABILITY NECESSARY FOR THE PERFORMANCE OF HIS OR HER DUTIES AND RESPONSIBILITIES.



Picture from <http://www.computerweekly.com/news/450402719/GDPR-will-require-75000-DPOs-worldwide-study-shows>

# Privacy Impact Assessment



- Personal Data Flow
  - Source and Collection
  - Accountable and responsible persons
  - Purpose of processing
  - Personal Data Processing
  - Security measures
  - Transfer outside country
- Identify and Assess Privacy Risks
  - Privacy Risk Identification
  - Privacy Risk Analysis
  - Privacy Risk Evaluation (Level of Impact and Likelihood of Risks)
- Address risks

# CREATE YOUR DATA PRIVACY MANUAL

- Records of Processing Activities
  - ◆(1) Purpose of processing
  - ◆(2) Data subjects and Type of Data
  - ◆(3) Data flow
  - ◆(4) Security measures
  - ◆(4) Contact persons
- Data Protection Policies and Security Measures
- Rights of Data Subject
- Regular review and Monitoring

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# TRAINING AND CAPACITY BUILDING



Villupuram nurses jump on to technological bandwagon at <http://www.thehindu.com/news/national/tamil-nadu/villupuram-nurses-jump-on-to-technological-bandwagon/article5699852.ece>

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# PHYSICAL SECURITY MEASURES

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# Records room and work stations should have limited access.



Innovative Electronic Medical Record System Expands in Malawi (2014) available at <http://www.cdc.gov/globalaids/success-stories/innovativemalawi.html> (last accessed June 20, 2016).

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News / Hong Kong / Politics / DATA THEFT

# Laptops containing 3.7 million Hong Kong voters' data stolen after chief executive election

## Devices contained ID card numbers, addresses and mobile numbers

PUBLISHED : Tuesday, 28 March, 2017, 12:30am

UPDATED : Tuesday, 28 March, 2017, 1:42am

COMMENT:



<http://www.scmp.com/news/hong-kong/politics/article/2082566/laptops-containing-37-million-hong-kong-voters-data-stolen>



Secure against natural disasters, power disturbances, external access, and other similar threats.

Picture available at <http://www.symbianize.com/showthread.php?t=706016&page=3>





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# TECHNICAL SECURITY MEASURES

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# Technical Security Measures

- There is a need for security measures that can easily be implemented to strengthen data processing systems.



# Ransomware Hijacks Hotel Smart Keys to Lock Guests Out of their Rooms

📅 Saturday, January 28, 2017 👤 Mohit Kumar

 77  Like 4.9K  Share 6648  Tweet 1491  Share 1300  Share 9617



What's the worst that could happen when a Ransomware hits a Hotel?

Recently, hundreds of guests of a luxurious hotel in Austria were locked in or out of their rooms when ransomware hit the hotel's IT system, and the hotel had no choice left except paying the attackers.

Available at <http://thehackernews.com/2017/01/ransomware-hotel-smart-lock.html>

# Technical Security Measures



SECURITY POLICY  
SYSTEM MONITORING



SAFEGUARDS:  
ENCRYPTION,  
AUTHENTICATION  
PROCESS



INCIDENT  
RESPONSE,  
CORRECT AND  
MITIGATE BREACH,  
RESTORE SYSTEM



## BREACH NOTIFICATION (complaints@privacy.gov.ph)

What is subject to the notification requirements.

A security breach that:

1. Involves sensitive personal information, or information that may be used to enable identity fraud
2. There is reason to believe that information have been acquired by an unauthorized person
3. The unauthorized acquisition is likely to give rise to a real risk of serious harm

Who should notify.

The personal information controller.

When should notification of Commission be done.

Within 72 hours from knowledge of the personal data breach, based on available information.

When should data subjects or individuals be notified.

Within seventy-two (72) hours from knowledge of the breach, unless there is a reason to postpone or omit notification, subject to approval of the Commission.

# What should the notification contain?

1. Nature of breach
2. Personal data involved
3. Measures taken by the entity to address breach
4. Measures taken to reduce harm or consequences of breach
5. Representatives of PIC from whom the data subjects can inquire about the situation
6. Assistance to be provided



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# WHY SHOULD PERSONAL DATA BE PROTECTED?

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CRIME		IMPRISO NMENT	FINE
Processing of Personal/Sensitive Information for Unauthorized Purpose	Processing information when purpose not authorized	1yr 6mos – 7 years	Php500,000 to Php2,000,000
Access to Personal/Sensitive Information due to Negligence	Persons who provide access due to negligence shall be liable	1-6 years	Php500,000 to Php4,000,000
Concealment of Security Breach	Duty to notify Privacy Commission in case of breach	1yr 6mos – 5 years	Php500,000 to Php1,000,000
Improper Disposal	Negligently dispose, discard or abandon personal data of an in an area accessible to the public or placed in its container for trash collection.	6 months – 3 years	Php 100,000 to Php 1,000,000

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[Ask a Question](#)

## Can I sue my bank for privacy violation.?

📍 Lake Worth, FL | on May 16, 2012

The teller gave my ex the number of accts i have, under who's name they are, and my balance. This resulted in some assaults on my phone and Facebook which are very degrading. I need to know what to do in that case. He is not listed on my accts. I went to the bank and all they offered is to change my acct and coach the teller...

[+ Read More](#)

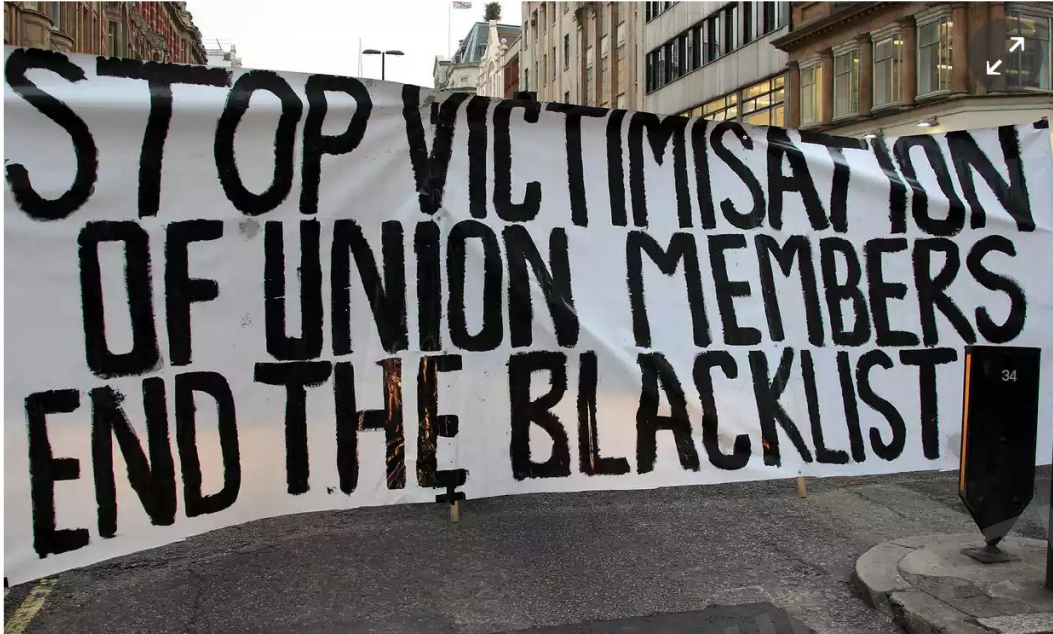
# Four people nabbed in Recto for producing counterfeit documents



Gerg Cahiles, CNN Philippines, Four people nabbed in Recto for producing counterfeit documents, available at <http://cnnphilippines.com/incoming/2017/02/16/Four-people-nabbed-in-Recto-for-producing-counterfeit-documents.html> (accessed Mar. 25, 2017)

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Balfour Beatty and Sir Robert McAlpine among the building giants that have agreed to compensate trade union members for denying them work



**i** More than 3,000 individuals were targeted and payouts could be as high as £200,000. Photograph: Hot Shots/Alamy Live News

About £10m will be paid in compensation to more than 250 building workers who were “blacklisted” by some of Britain’s biggest construction firms under a settlement to be announced on Monday.

# Blacklisted workers win £10m payout from construction firms

“During 2008/09 the ICO carried out an investigation into employment blacklisting in the construction industry. As part of that investigation, the ICO seized information from a company called The Consulting Association. Some of the information we seized amounted to a 'blacklist' of individuals who were considered to pose a risk to their employers if employed within the construction industry.”

1. Terry Macalister, **Blacklisted workers win £10m payout from construction firms** (May 9, 2016) available at <https://www.theguardian.com/business/2016/may/09/blacklisted-workers-win-10m-payout-from-construction-firms> (last accessed 2/21/17).
2. Information Commissioner’s Office, **Blacklist**, available at <https://ico.org.uk/for-the-public/construction-blacklist/> (last accessed 2/21/17).

5/12/2016  
12:01 AM



Kelly Jackson  
Higgins  
News

## Healthcare Suffers Estimated \$6.2 Billion In Data Breaches

**Nearly 90 percent of healthcare organizations were slammed by a breach in the past two years.**

The 911 call has come in loud and clear for the healthcare industry: nearly 90% of all healthcare organizations suffered at least one data breach in the past two years with an average cost of \$2.2 million per hack.

Cybercrime-based attacks remain the number one cause of data breaches, and they were up 5% to 50% this year, the report says. The rest were rooted in insider woes: 41% via a lost or stolen device and 36% via an “unintentional” employee act. Around 13% cite a malicious insider attack.

Kelly Jackson. Healthcare suffers estimated 6.2 Billion in Data Breaches. Available at [http://www.darkreading.com/threat-intelligence/healthcare-suffers-estimated-\\$62-billion-in-data-breaches/d/d-id/1325482](http://www.darkreading.com/threat-intelligence/healthcare-suffers-estimated-$62-billion-in-data-breaches/d/d-id/1325482)

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Lifestyle › Health & Families › Health News

# HIV status of nearly 800 patients accidentally disclosed by NHS clinic

The disclosure is believed to be the largest of its kind and will likely lead to a major investigation

Alexandra Sims | Wednesday 2 September 2015 |  2 comments



Daily Mail U.K. 

@DailyMailUK

 Follow

Identities of nearly 800 HIV-positive patients revealed after email blunder at NHS clinic [dailym.ai/1PLgN1F](http://dailym.ai/1PLgN1F)

# A Violation of Privacy is an affront to Human Dignity

Unauthorized use or disclosure may put data subjects at risk for unwanted publicity, discrimination, identity theft and other acts prejudicial to the data subjects.

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# Government Data Woes: 2016 Compromised Records Surpass Total for Last Three Years Combined

August 10, 2016 | By Michelle Alvarez



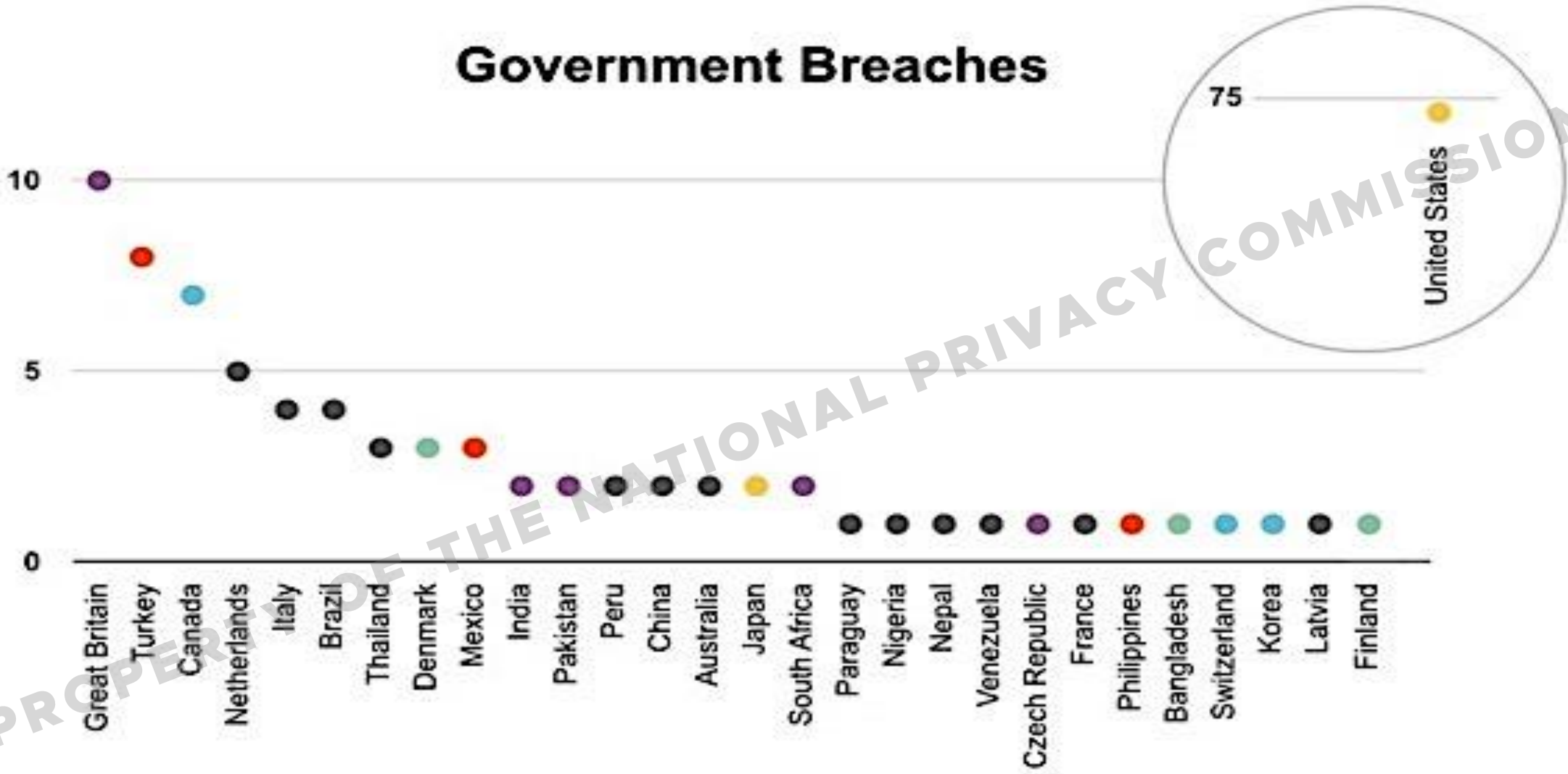
We are only a little over halfway through 2016, and yet according to the latest IBM X-Force data, 200 million government records worldwide were already compromised by July 31 of this year. That's nearly 60 million more than all the records compromised from 2013 through 2015 — combined

<https://securityintelligence.com/government-data-woes-2016-compromised-records-surpass-total-for-last-three-years-combined/> last accessed 4/1/2017

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# Government Breaches

Number of Incidents



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> 50 million

1 - 50 million

100,000 - 999,000

35,000 - 99,999

10,000 - 35,000

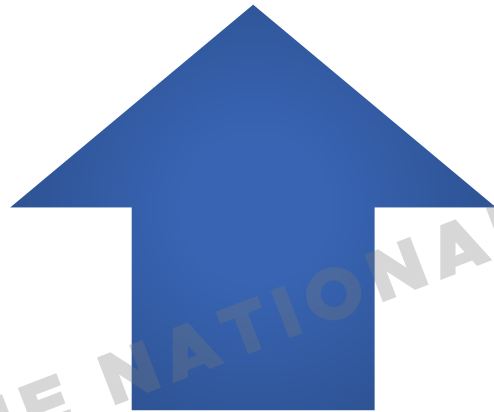
< 10,000

Records Leaked

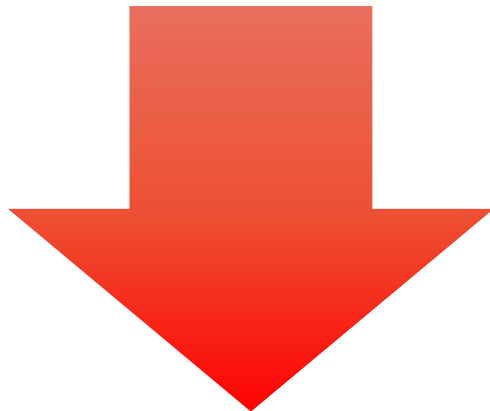


# GOVERNMENT GOAL

Personal Data



Benefits



Harms

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# National Privacy Commission Issuances

16-01 SECURITY OF PERSONAL DATA IN GOVERNMENT AGENCIES

16-02 DATA SHARING AGREEMENTS INVOLVING GOVERNMENT AGENCIES

16-03 PERSONAL DATA BREACH MANAGEMENT

Advisory 17-01  
DESIGNATION OF DATA PROTECTION OFFICERS

16-04 RULES OF PROCEDURE OF THE NATIONAL PRIVACY COMMISSION

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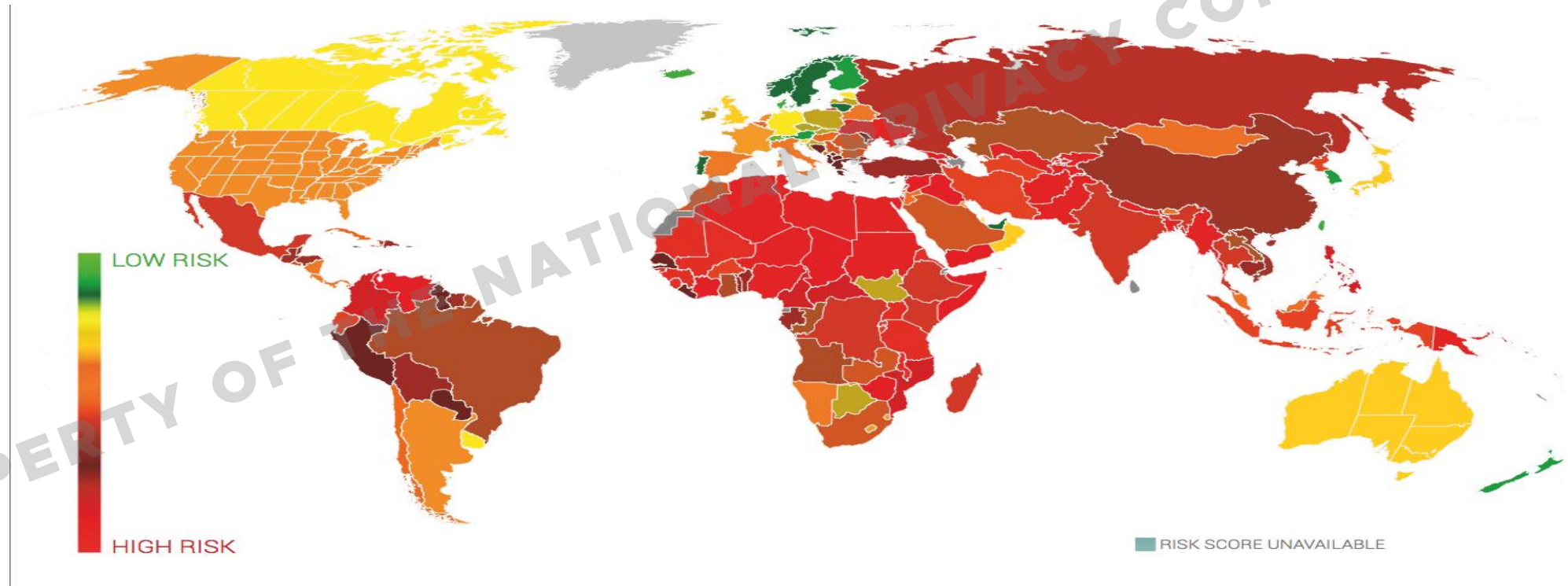
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**In August, 2016, in a report titled “Data Danger Zones”, the Philippines is ranked as No. 143 out of over 170 nations evaluated on the ability “to keep digital information safe, private and secure.**



Available at <http://www.telecomasia.net/content/only-four-asian-nations-safe-data-storage>

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**THE PHILIPPINES IS COMMITTED TO  
PRIVACY AND DATA PROTECTION  
IN THE GLOBAL DIGITAL ECONOMY**

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# Embracing a Privacy Culture



Source of picture: available at <http://www.pmcgregor.com/building-habits-keeping-them/>

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**Thank  
you!**

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