

Rights of the Data Subjects and Lawful Processing of Personal Data

Data Subject

refers to an **individual** whose personal, sensitive personal, or privileged information is being processed





Because...
Living life to the fullest is more
than just reading and writing...



Because...
A healthy life is a happy life.



Because...
Business is the life of the economy
we will keep it running all the time...



WHO ARE YOUR DATA SUBJECTS?



Because...
We will not allow you to have
traffic jam for breakfast



Because...
Serving the Dabawenyos
makes life more meaningful



Because...
When the city is asleep, we keep our
eyes open to safeguard your lives



PROV



Transparency: Rights of the Data Subject

Right to INFORMATION



COMMISSION

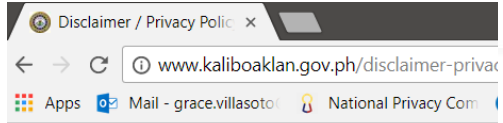
WHAT INFORMATION MUST BE SUPPLIED?	WHEN SHOULD INFORMATION BE PROVIDED?
1. Description of the personal data	<ul style="list-style-type: none"> before the entry of personal data into the processing system or at the next practical opportunity
2. Purposes for processing; including: direct marketing, profiling, or historical, statistical or scientific purpose	
3. Basis of processing (legal mandate, contract, etc.)	
4. Scope and method of the processing	
5. Recipients/classes of recipients to whom the personal data are or may be disclosed	
6. Identity and contact details of the personal information controller	
7. Retention period	
8. Existence of rights as data subjects.	

PROPER

NPC's Privacy Notice

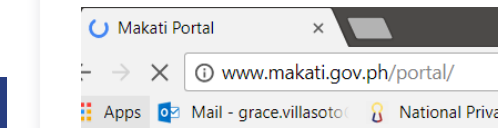
Personal Information

We collect the following personal information from



• Privacy Policy

Thank you for visiting the Official Website of *Bayan ng Kalibo*. We take your right to p



Privacy P

The Makati Ci use, disclose, questions.

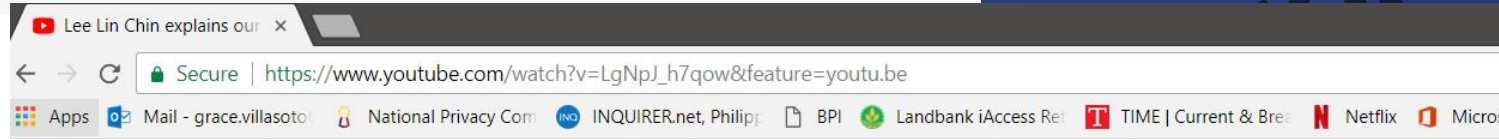
Information

Personal infor Portal, it is our

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What perso

The only personal information that we collect is what you decide to give us by signing up, sending us an email, and subscribing to our email subscription services. If you choose to provide us with personal information — like filling out a Contact Us form and submitting it to us through the website — we use that information to respond to your message, and to help get you the information you requested. Similarly, when you sign up for an account with us; we will collect your name, email address, alternate email, birthdate, gender, address, occupation, and mobile number.



Lee Lin Chin explains our deal with your data

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Privacy notice

Details of what information we collect from you, what we do with it and who it might be shared with.

What information do we collect from you?

Why do we collect this information?

Who might we share your information with?

What do we do with your information?

How long do we keep hold of your information?

How can I access the information you hold about me?

PROPERTY

Transparency: Rights of the Data Subject

Right to OBJECT

When does the right to object apply?

- processing is based on consent (includes direct marketing)
- processing is based on legitimate interest

If processing is for direct marketing purposes:

PIC must stop processing upon receipt of data subject's objection.



Transparency: Rights of the Data Subject

Right to OBJECT

When a data subject objects/withholds consent, the PIC shall no longer process the personal data, unless the processing is:

1. Pursuant to a subpoena;
2. For obvious purposes, i.e. contract, employer-employee relationship, etc.; or
3. Result of a legal obligation.



Transparency: Rights of the Data Subject

Right to ACCESS



Reasonable access to the following:

1. Contents of personal data;
2. Sources of personal data;
3. Names & addresses of recipients of the personal data;
4. Manner by which such data were processed;
5. Reasons for the disclosure of the personal data, if any;
6. Information on automated processes: where the data will or likely to be made as the sole basis for any decision that significantly affects the data subject;
7. Date when his or her personal data concerning the data subject were last accessed/modified; and
8. Name and address of the PIC.

Transparency: Rights of the Data Subject

Right to ACCESS

What is the purpose of the right of access?

The reason for allowing individuals to access their personal data is so that they are aware of and can verify the lawfulness of the processing.



Transparency: Rights of the Data Subject

Right to ERASURE OR BLOCKING



When does the right apply?

- a. When personal data is:
 - incomplete, outdated, false, or unlawfully obtained
 - used for unauthorized purpose
 - no longer necessary for the purpose
- b. Data subject withdraws consent/objects to the processing, and there is no other legal ground/legitimate interest for processing.
- c. Processing is unlawful.
- d. PIC or PIP violated the rights of the data subject

Transparency: Rights of the Data Subject

Right to RECTIFICATION

- Right to dispute the inaccuracy or error in the personal data and have the PIC correct it immediately, unless the request is vexatious or otherwise unreasonable.
- **If personal data was disclosed to third parties:** PIC must inform them of the rectification upon reasonable request of the data subject.



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Right to DATA PORTABILITY

What is this right?

Right to obtain from the PIC a copy of personal data in an electronic/ structured format that is commonly used/allows further use by the data subject.

What are the conditions for this right to apply?

- ✓ personal data requested concerns the data subject making the request;
- ✓ personal data is processed electronically; and
- ✓ processing is based on consent or contract.



Transparency: Rights of the Data Subject

Right to DATA PORTABILITY

What is the purpose of this right?

In order for the data subject to have control over his or her personal data being processed based on consent or contract, for commercial purpose, or through automated means.



Transparency: Rights of the Data Subject

Right to DAMAGES

The data subject shall be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal data, taking into account any violation of his or her rights and freedoms as data subject.

See: NPC Circular No. 16-04 – Rules of Procedure



Lawful Processing of Personal and Sensitive Personal Info

Is consent always needed?

- No. Consent is just one criterion for lawful processing of both personal and sensitive personal information.
- Consent will not always be the most appropriate basis for processing personal data.
- PICs should choose the lawful basis that most closely reflects the true nature of the relationship with the individual and the purpose of the processing.



What are the alternatives to consent?

For processing of personal information:

- **Contract with the individual**: to supply goods or services they have requested, or to fulfil your obligations under an employment contract. This also includes steps taken at their request before entering into a contract
- **Compliance with a legal obligation**: if you are required by law to process the data for a particular purpose
- **Vital interests**: you can process personal information if it is necessary to protect the data subject's life and health
- **National emergency**: to respond to national emergency or to comply with the requirements of public order and safety
- **Public task**: if you need to process personal information to carry out public function or service and you have a legal basis for the processing
- **Legitimate interests**: for the *private sector*, you can process personal data without consent if you have a genuine and legitimate reason, unless this is overridden by fundamental rights and

What are the alternatives to consent?

For processing of sensitive personal information:

- **Existing law and regulation:** you can process sensitive personal information (SPI) when there is a law which requires the processing of such data
- **Protection of life and health:** to protect someone's life – the data subject or another person – and the data subject is not legally/physically able to express consent
- **Public organizations:** refers to processing done by non-stock, non-profit organizations, cooperatives, and the like, where processing is only confined and related to the bona fide members of these organizations
- **Medical treatment:** when processing is carried out by a by a medical practitioner or a medical treatment institution, and there is adequate level of protection of SPI
- **Lawful rights and interests:** when processing is necessary to protect lawful rights and interests of in court proceedings, the establishment/ exercise/ defense of legal claims, or when provided to government or public authority.

Thank you!

**For invitations : (02) 920-0101 loc.
7001**

For complaints : (02) 517-7806

For compliance : (02) 517-7810

**For public assistance : (02) 920-0101 loc.
7021**

<https://privacy.gov.ph/>

info@privacy.gov.ph

PROPERTY OF NATIONAL PRIVACY COMMISSION