PRIVACY IMPACT ASSESSMENT

Overview

A Privacy Impact Assessment (PIA) is an instrument for assessing the potential impacts on privacy of a process, information system, program, software module, device or other initiative which processes personal information and in consultation with stakeholders, for taking actions as necessary to treat privacy risk. A PIA report may include documentation about measures taken for risk treatment, for example, measures arising from the use of the information security management system (ISMS) in ISO/IEC 27001.

A PIA is more than a tool: its process that begins at the earliest possible stages of an initiative, when there are still opportunities to influence its outcome and thereby ensure privacy by design. It is a process that continues until, and even after, the project has been deployed. Initiatives vary substantially in scale and impact.[1]

This document is intended to provide scalable guidance that can be applied to all initiatives. Since guidance specific to all circumstances cannot be prescriptive, the guidance in this document should be interpreted with respect to individual circumstance. A Personal Information Controller may have a responsibility to conduct a PIA and may request a Personal Information Processor to assist in doing this, acting on the Personal Information Controller's behalf. A Personal Information Processor or a third party may also wish to conduct their own PIA.

[1] ISO/IEC 29134:2017 Information technology — Security techniques — Guidelines for privacy impact assessment

Privacy Impact Assessment
GUIDE

I. Project/System Description

a.Description

Describe the program, project, process, measure, system or technology product and its context. Define and specify what it intends to achieve. Consider the pointers below to help you describe the project.

- Brief Description of the project/system
  — Describe the process of the projects
  — Describe the scope and extent
  — Any links with existing programs or other projects
- The system/project's overall aims (purpose of the project/system)
  — What is the project/system aims to achieve?
  — What are the benefits for the organizations and data subjects?
- Any related documents to support the projects/system
  — Project/System Requirements Specification
  — Project/System Design Specification
  — Or any related documents

b. Scope of the PIA

This section should explain, what part or phase of the program the PIA covers and, where necessary for clarity, what it does not cover.

- What will the PIA cover?
- What areas are outside scope?
- Is this just a "desk-top" information gathering exercise, do I have to get information from a wide variety of sources?
- Who needs to be involved and when will they be available?
- Where does the PIA need to fit in the overall project plan and timelines?
- Who will make decisions about the issues identified by the PIA? What information do they need and how long will it take to get sign-off from them?
- Do I need to consult with anyone (for instance the individuals whose personal information the project will involve)? When and how should this happen?
- Are there any third parties involved and how long do I need to allow for them to play their part?

II. Threshold Analysis

The following questions are intended to help you decide whether a PIA is necessary. Answering 'yes' to any of these questions is an indication that a PIA would be a useful exercise. You can expand on your answers as the project develops if you need to.

a. Will the project or system involve the collection of new information about individuals?

○ No ○ Yes

b. Is the information about individuals sensitive in nature and likely to raise privacy concerns or expectations e.g. health records, criminal records or other information people would consider particularly private?

O No O Yes

c. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?

O No O Yes

d. Will the initiative require you to contact individuals in ways which they may find intrusive?

O No O Yes

e. Will information about individuals be disclosed to organizations or people who have not previously had routine access to the information?

O No O Yes

f. Does the initiative involve you using new technology which might be perceived as being privacy intrusive (e.g. biometrics or facial recognition)?

O No O Yes

g. Will the initiative result in you making decisions or taking action against individuals in ways which can have a significant impact on them?

O No O Yes

h. Are the personal data collected prior to August 2016?

O No O Yes

III. Stakeholder(s) Engagement

State all project stakeholders, consulted in conducting PIA. Identify which part they were involved. (Describe how stakeholders were engaged in the PIA process)

Name	Role	Involvement	Inputs/ Recommendations
*			

** add additional rows if needed.*

IV. Personal Data Flows

Sample Data Flow

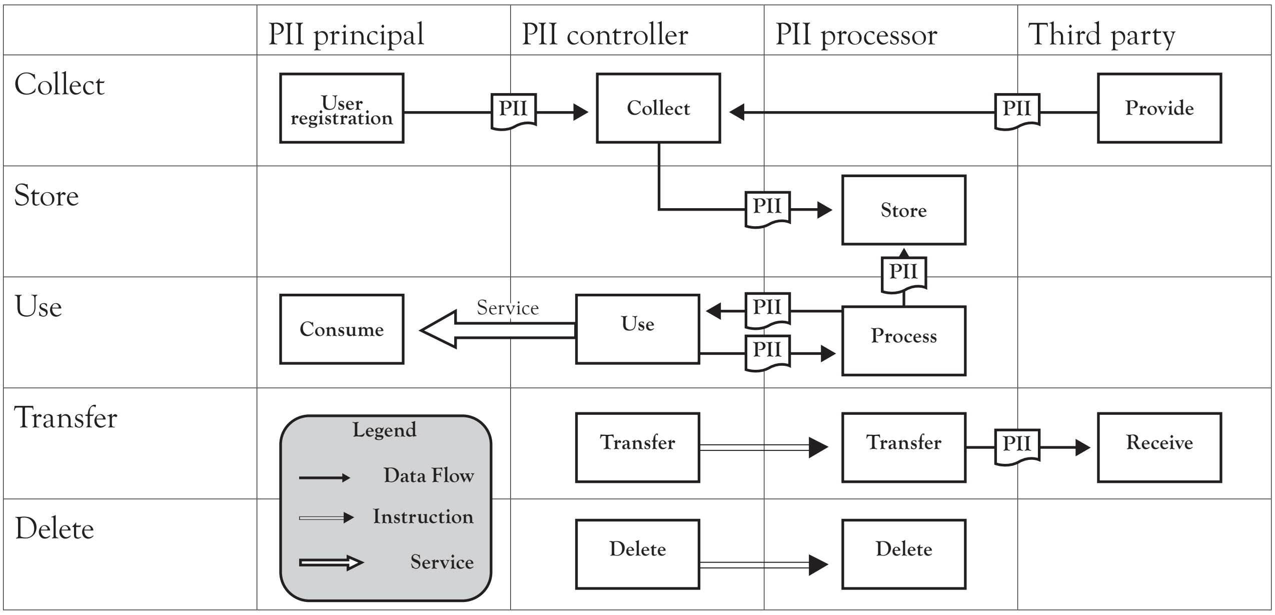


Figure 1. Information flow of personal information can be visualized in a work flow diagram on personal information processing.

- **Objective:** To identify information flows of personal information under assessment.

- **Input:** Description of the process and information system to be assessed.

- **Expected output:** Summary of findings on the information flow of personal information within the process.

- **Actions:** The person responsible for conducting a PIA should consult with others in the organization and perhaps external to the organization to describe the personal information flows and specifically:

  - how personal information is collected and the related source;
  - who is accountable and who is responsible within the organization for the personal information processing;
  - for what purpose personal information is processed;
  - how personal information will be processed;
  - personal information retention and disposal policy;
  - how personal information will be managed and modified;
  - how will personal information processors and application developers protect personal information;
  - identify any personal information transfer to jurisdictions where lower levels of personal information protection apply;
  - whether applicable, notify the relevant authorities of any new personal information processing and seek the necessary approvals.

Output of this process in terms of the information flow of personal information should be documented in the PIA report

- Implementation Guidance:

  Use of personal information (or transfer of personal information) may include approved data sharing flows of personal information to other parties.

  As an input to the PIA, the organization should describe the information flow in as detailed a manner as possible to help identify potential privacy risks. The assessor should consider the impacts not only on information privacy, privacy related regulations, e.g. telecommunications acts. The whole personal information life cycle should be considered.

Identify the personal data involved and describe the data flow from collection to disposal by answering the following questions below:

What personal data are being or will be processed by this project/system?

List all personal data (e.g. Personal Full Name, address, gender, phone number, etc.,) and state which is/are the sensitive personal information (e.g. race, ethnicity, marital status, health, genetic, government issued numbers).

All the information stated above will be in accordance to the next section.

Collection

1. State who collected or will be collecting the personal information and/or sensitive information.

2. How the personal information/sensitive personal information is collected and from whom it was collected?
   - » *If personal information is collected from some source other than the individual?*

3. What is/are the purpose(s) of collecting the personal data?
   - » *Be clear about the purpose of collecting the information*
   - » *Are you collecting what you only need?*

4. How was or will the consent be obtained?
   - » *Do individuals have the opportunity and/or right to decline to provide data?*
   - » *What happen if they decline?*

Storage

1. Where is it currently being stored?
   - » *Is it being stored in a physical server or in the cloud?*

2. Is it being stored in other country?
   - » *If it is subject to a cross-border transfer, specify what country or countries.*

3. Is the storage of data being outsourced?
   - » *Specify if the storing process is being done in-house or is it handled by a service provider*

Usage

1. How will the data being used or what is the purpose of its processing?
   - » *Describe how the collected information is being used or will be used*
   - » *Specify the processing activities where the personal information is being used.*

Retention

1. How long are the data being retained? And Why?
   - » *State the length of period the data is being retained?*
   - » *What is the basis of retaining the data that long? Specify the reason(s)*

2. The data is being retained by the organization or is it being outsourced?
   - » *Specify if the data retention process is being done in-house or is it handled by a servic*e provider

Disclosure/Sharing

1. To whom it is being disclosed to?

2. Is it being disclosed outside the organization? Why is it being disclosed?
   - » Specify if the personal information is being shared outside the organization
   - » What are the reasons for disclosing the personal information

Disposal/Destruction

1. How will the data be disposed?
   - » Describe the process of disposing the personal information

2. Who will facilitate the destruction of the data?
   - » State if the process is being managed in-house or if it is a third party

V. Privacy Impact Analysis

Each program, project or means for collecting personal information should be tested for consistency with the following Data Privacy Principles (as identified in Rule IV, Implementing Rules and Regulations of Republic Act No. 10173, known as the "Data Privacy Act of 2012"). Respond accordingly with the questions by checking either the "Yes" or "No" column and/or listing the what the questions may indicate.

Transparency	Yes	No	Not applicable
1. Are data subjects aware of the nature, purpose, and extent of the processing of his or her personal data?			
2. Are data subjects aware of the risks and safeguards involved in the processing of his or her personal data?			

3. Are data subjects aware of his or her rights as a data subject and how these can be exercised? Below are the rights of the data subjects: ✓ Right to be informed ✓ Right to object ✓ Right to access ✓ Right to correct ✓ Right for erasure or blocking ✓ Right to file a complaint ✓ Right to damages ✓ Right to data portability			
4. Is there a document available for public review that sets out the policies for the management of personal data? *Please identify document(s) and provide link where available:* ____ ____			
5. Are there steps in place to allow an individual to know what personal data it holds about them and its purpose of collection, usage and disclosure?			
6. Are the data subjects aware of the identity of the personal information controller or the organization/entity processing their personal data?			
7. Are the data subjects provided information about how to contact the organization’s Data Protection Officer (DPO)?			
Legitimate Purpose	**Yes**	**No**	**Not applicable**
1. Is the processing of personal data compatible with a declared and specified purpose which are not contrary to law, morals, or public policy?			
2. Is the processing of personal data authorized by a specific law or regulation, or by the individual through express consent?			
Proportionality	**Yes**	**No**	**Not applicable**
1. Is the processing of personal data adequate, relevant, suitable, necessary and not excessive in relation to a declared and specified purpose?			
2. Is the processing of personal data necessary to fulfill the purpose of the processing and no other means are available?			

Collection	Yes	No	Not applicable
1. Is the collection of personal data for a declared, specified and legitimate purpose?			
2. Is individual consent secured prior to the collection and processing of personal data? If no, specify the reason ____ ____			
3. Is consent time-bound in relation to the declared, specified and legitimate purpose?			
4. Can consent be withdrawn?			
5. Are all the personal data collected necessary for the program?			
6. Are the personal data anonymized or de-identified?			
7. Is the collection of personal data directly from the individual?			
8. Is there authority for collecting personal data about the individual from other sources?			
9. Is it necessary to assign or collect a unique identifier to individuals to enable your organization to carry out the program?			
10. Is it necessary to collect a unique identifier of another agency? *e.g. SSS number, PhilHealth, TIN, Pag-IBIG, etc.,*			
Use and Disclosure	**Yes**	**No**	**Not applicable**
1. Will Personal data only be used or disclosed for the primary purpose?			
2. Are the uses and disclosures of personal data for a secondary purpose authorized by law or the individual?			

Data Quality	Yes	No	Not applicable
1. Please identify all steps taken to ensure that all data that is collected, used or disclosed will be accurate, complete and up to date:			
1.1 *Please identify all steps taken to ensure that all data that is collected, used or disclosed will be accurate, complete and up to date:			
1.2 *The system is regularly tested for accuracy			
1.3 *Periodic reviews of the information			
1.4 *A disposal schedule in place that deletes information that is over the retention period			
1.5 *Staff are trained in the use of the tools and receive periodic updates			
1.6 *Reviews of audit trails are undertaken regularly			
1.7 *Independent oversight			
1.8 *Incidents are reviewed for lessons learnt and systems/ processes updated appropriately			
1.9 *Others, please specify ____ ____			

Data Security	Yes	No	Not applicable
1. Do you have appropriate and reasonable organizational, physical and technical security measures in place? *organizational measures - refer to the system's environment, particularly to the individuals carrying them out. Implementing the organizational data protection policies aim to maintain the availability, integrity, and confidentiality of personal data against any accidental or unlawful processing (i.e. access control policy, employee training, surveillance, etc.,)* *physical measures – refers to policies and procedures shall be implemented to monitor and limit access to and activities in the room, workstation or facility, including guidelines that specify the proper use of and access to electronic media (i.e. locks, backup protection, workstation protection, etc.,)* *technical measures - involves the technological aspect of security in protecting personal information (i.e. encryption, data center policies, data transfer policies, etc.,)*			

Organizational Security	Yes	No	Not applicable
*Have you appointed a data protection officer or compliance officer?			
*Are there any data protection and security measure policies in place?			
*Do you have an inventory of processing systems? Will you include this project/system?			
*Are the users/staffs that will process personal data through this project/system under strict confidentiality if the personal data are not intended for public disclosure?			
*If the processing is delegated to a Personal Information Processor, have you reviewed the contract with the personal information processor?			
Physical Security	**Yes**	**No**	**Not applicable**
*Are there policies and procedures to monitor and limit the access to this project/system?			
*Are the duties, responsibilities and schedule of the individuals that will handle the personal data processing clearly defined?			
*Do you have an inventory of processing systems? Will you include this project/system?			
Technical Security	**Yes**	**No**	**Not applicable**
*Is there a security policy with respect to the processing of personal data?			
*Do you have policies and procedures to restore the availability and access to personal data when an incident happens?			
*Do/Will you regularly test, assess and evaluate the effectiveness of the security measures of this project/system?			
*Are the personal data processed by this project/system encrypted while in transit or at rest?			

2. The program has taken reasonable steps to protect the personal data it holds from misuse and loss and from unauthorized access, modification or disclosure?			
3. If yes, which of the following has the program undertaken to protect personal data across the information lifecycle:			
3.1 * Identifying and understanding information types			
3.2 * Assessing and determining the value of the information			
3.3 * Identifying the security risks to the information			
3.4 * Applying security measures to protect the information			
3.5 * Managing the information risks.			
Disposal	**Yes**	**No**	**Not applicable**
1. The program will take reasonable steps to destroy or de-identify personal data if it is no longer needed for any purpose. *If YES, please list the steps* ____ ____			
Cross-border Data Flows (optional)	**Yes**	**No**	**Not applicable**
1. The program will transfer personal data to an organization or person outside of the Philippines *If YES, please describe* ____ ____			
2. Personal data will only be transferred to someone outside of the Philippines if any of the following apply: a. The individual consents to the transfer b. The organization reasonably believes that the recipient is subject to laws or a contract enforcing information handling principles substantially similar to the DPA of 2012 c. The transfer is necessary for the performance of a contract between the individual and the organization d. The transfer is necessary as part of a contract in the interest of the individual between the organization and a third party e. The transfer is for the benefit of the individual;			

3. The organization has taken reasonable steps so that the information transferred will be stored, used, disclosed and otherwise processed consistently with the DPA of 2012 *If YES, please describe* ____________________________________ ____________________________________			

VI. Privacy Risk Management

For the purpose of this section, a risk refers to the potential of an incident to result in harm or danger to a data subject or organization. Risks are those that could lead to the unauthorized collection, use, disclosure or access to personal data. It includes risks that the confidentiality, integrity and availability of personal data will not be maintained, or the risk that processing will violate rights of data subjects or privacy principles (transparency, legitimacy and proportionality).

The first step in managing risks is to identify them, including threats and vulnerabilities, and by evaluating its impact and probability.

The following definitions are used in this section,

> *Risk - "the potential for loss, damage or destruction as a result of a threat exploiting a vulnerability";*
> *Threat - "a potential cause of an unwanted incident, which may result in harm to a system or organization";*
> *Vulnerability - "a weakness of an asset or group of assets that can be exploited by one or more threats";*
> *Impact - severity of the injuries that might arise if the event does occur (can be ranked from trivial injuries to major injuries); and*
> *Probability - chance or probability of something happening;*

Impact		
Rating	Types	Description
1	Negligible	The data subjects will either not be affected or may encounter a few inconveniences, which they will overcome without any problem.
2	Limited	The data subject may encounter significant inconveniences, which they will be able to overcome despite a few difficulties.
3	Significant	The data subjects may encounter significant inconveniences, which they should be able to overcome but with serious difficulties.
4	Maximum	The data subjects may encounter significant inconveniences, or even irreversible, consequences, which they may not overcome.

Probability		
1	Unlikely	Not expected, but there is a slight possibility it may occur at some time.
2	Possible	Casual occurrence. It might happen at some time.
3	Likely	Frequent occurrence. There is a strong possibility that it might occur.
4	Almost Certain	Very likely. It is expected to occur in most circumstances.

Select the appropriate level or criteria of impact and probability to better assess the risk. Kindly refer to the table below for the criteria.

Note: Try to itemize your risks by designating a reference number. This will be used as a basis on the next sections (VII. Recommended Privacy Solutions and VIII. Sign off and Action Plan). Also, base the risks on the violation of privacy principles, rights of data subjects and confidentiality, integrity and availability of personal data.

Ref#	Threats/ Vulnerabilities	Impact				Probability				Risk Rating	
		1	2	3	4	1	2	3	4		
		1	2	3	4	1	2	3	4		
		1	2	3	4	1	2	3	4		
		1	2	3	4	1	2	3	4		

**add additional rows if needed*

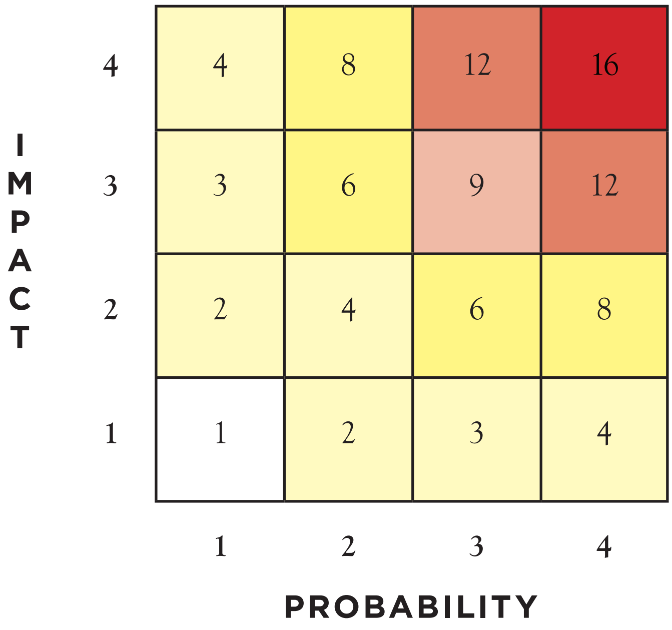
Kindly follow the formula below for getting the Risk Rating:

Risk Rating = Impact x Probability

Kindly refer to the table below for the criteria.

Rating	Types
1	Negligible
2 to 4	Low Risk
6 to 9	Medium Risk
10-16	High Risk

PRIVACY RISK MAP



IMPACT				
4	4	8	12	16
3	3	6	9	12
2	2	4	6	8
1	1	2	3	4
	1	2	3	4

PROBABILITY

VII. Recommended Privacy Solutions

From the risks stated in the previous section, identify the recommended solution or mitigation measures. You can cite your existing controls to treat the risks in the same column.

Recommended Solutions (Please provide justification)

**add additional rows if needed*