



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

*Training the Trainers Program
Procedural Guidelines*

Background

In 2018, the National Privacy Commission (NPC or Commission) launched its Data Protection Officer (DPO) Accountability, Compliance and Ethics (ACE) Program with the aim to establish a skills benchmark for DPOs to address the high demand for adequate capacity-building mechanisms for aspiring privacy professionals in the Philippines.

With the initial success of the DPO Level 1 Certification, the PHIL-DPO Program now seeks to expand the scope and breath of the DPO ACE Program through the Training the Trainers Program (T3).

Under the T3 Program, the NPC will recognize trainers that are able to demonstrate the capacity, expertise, and qualifications to educate the public on key concepts and correct interpretation of the Data Privacy Act of 2012 (DPA),¹ its Implementing Rules and Regulations (IRR), and other NPC issuances. The trainers will likewise be regularly trained by the NPC to ensure that they kept updated of emerging privacy concepts, trends, and developments.

The T3 Program form part of the Tier 1 approach of the NPC's Responsive Regulatory Framework, specifically on the support and capacity-building mechanisms of the NPC. Enabling and empowering future data privacy professionals will promote the culture of privacy nationwide and is fundamental to the mandate of the NPC to ensure compliance of personal information controllers with the provisions of the DPA.²

RULE 1 PRELIMINARY PROVISIONS

Section 1: *Title* - These guidelines shall be known as the "Training the Trainers Program Procedural Guidelines" or "T3 Guidelines."

Section 2: *Definition of Terms* - As used in this Guidelines, the following terms shall mean:

¹ R.A. 10173

² Section 7 (a), *id.*



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

- a) *Accreditation* - The recognition of the NPC accorded to trainers that are demonstrate the qualifications, expertise, and capabilities to train, educate and instruct the public on topics relating to data privacy, the DPA, its IRR, and other NPC Issuances.
- b) *Accredited Privacy Trainer (APT)* - An individual recognized by the NPC as a highly capable, qualified, and eligible person who will train, educate, and instruct trainees on topics regarding the DPA, its IRR, and relevant NPC issuances.
- c) *Institutional Privacy Trainer (IPT)* - A juridical entity recognized by the NPC as a highly capable, qualified, and eligible training services provider that will train, educate, and instruct trainees on topics regarding the DPA, its IRR, and relevant NPC issuances.

An IPT may either be a private entity, or a government entity including Government-owned—and—Controlled—Corporations—(GOCCs)—that—are authorized by its Charter or other existing laws to conduct training activities.

- d) *Data Protection Officer (DPO)* - An individual who is designated by a personal information controller or personal information processor to be accountable for ensuring compliance by the PIC or PIP with the DPA, its IRR, issuances by the NPC, and other applicable laws, rules and regulations relating to privacy and data protection.³ For the purposes of this Guidelines, the training of a DPO includes that of a Compliance Officer for Privacy (COP).⁴

Section 3: Objectives - These guidelines are issued to set the qualifications, application process, and other rules for the implementation of the T3 Program.

RULE 2 QUALIFICATIONS AND REQUIREMENTS

Section 4: Undertaking - To be eligible, applicants shall undertake to comply the following obligations:

³ NPC Advisory No. 2017-01

⁴ Pursuant to NPC Advisory No. 2017-01, except for items (a) to (c) of the Advisory on the Duties and Responsibilities Section, a COP shall perform all other functions of a DPO. Where appropriate, he or she shall also assist the supervising DPO in the performance of the latter's functions.



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

1. To submit training curriculum with course description, objectives and syllabi patterned after existing NPC DPO ACE Training and Certification Program;
2. To educate, train or instruct at least three hundred (300) individuals within the duration of the accreditation;
3. To ensure at least eighty percent (80%) passing rate of trainees who will undergo the DPO ACE Certification Exam to be conducted by the NPC;
4. To submit quarterly reports to NPC as to the progress of training and individuals enrolled;
5. To provide NPC with training schedules, meeting links and other means to allow NPC to periodically observe training sessions; and
6. To undergo trainings, seminars, and other capacity-building activities that NPC may require for Trainers.

Section 5: Qualifications - All APT and IPT applicants shall possess the requisite qualifications as enumerated:

1. Business Registration:

APT	IPT
<ul style="list-style-type: none"> • Department of Trade and Industry (DTI) and Bureau of Internal Revenue (BIR) Registration as training instructor or consultant • Professional Regulation Commission (PRC) Registration as trainer or instructor as may be applicable 	<ul style="list-style-type: none"> • Valid Business Permit • DTI or Securities and Exchange Commission (SEC) Certificate of Registration • Articles of Incorporation or Partnership indicating training services as the purpose of business • Other supporting documents showing that the applicant conducts training services
	<p>* For government entities, including GOCCs and State Universities and Colleges (SUCs), the Charter shall be accepted in lieu of the foregoing</p>

2. Proof of Training Experience:

APT	IPT
<ul style="list-style-type: none"> • At least one (1) year experience as Trainer, Instructor or Teacher • Calendar of Activities as Trainer or 	<ul style="list-style-type: none"> • Proof of operations as training provider for at least one (1) year • Calendar of Annual Course Offerings



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

Instructor	or Programs
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3. Good Moral Character or Legal Standing

APT	IPT
<ul style="list-style-type: none"> • No pending criminal, civil or administrative case(s) before: <ul style="list-style-type: none"> ○ NPC ○ DTI ○ BIR ○ Courts/quasi-judicial agencies 	<ul style="list-style-type: none"> • No pending criminal, civil or administrative case(s) before: <ul style="list-style-type: none"> ○ SEC ○ BIR ○ Department of Labor and Employment ○ Courts/quasi-judicial agencies

4. Technical knowledge on Data Privacy

APT	IPT
<ul style="list-style-type: none"> • At least twenty-five (25) hours of attended trainings, seminars, orientations, or professional experience in the field of Data Privacy whether conducted by the NPC or external providers <p>*Preference is given to trainings conducted by the NPC</p>	<ul style="list-style-type: none"> • Each trainers, mentors, and educators of selected by the IPT must have at least twenty-five (25) hours of attended trainings, seminars, orientations, or professional experience in the field of Data Privacy whether conducted by the NPC or external providers <p>*Preference is given to trainings conducted by the NPC</p>

5. Curriculum

APT	IPT
<ul style="list-style-type: none"> • Must submit training curriculum with course description, objectives and syllabi patterned after existing DPO ACE Level 1 Training and Certification Program, or NPC's 5 Pillars of Compliance. Curriculum must contain essential provisions of the DPA, IRR, and NPC issuances. 	<ul style="list-style-type: none"> • Must submit training curriculum with course description, objectives and syllabi patterned after existing DPO ACE Level 1 Training and Certification Program, or NPC's 5 Pillars of Compliance. Curriculum must contain essential provisions of the DPA, IRR, and NPC issuances.

Section 6: Documentary Requirements – The following documentary requirements shall be submitted as proof of the qualifications provided in Section 5:



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

APT	IPT
One (1) original, fully accomplished APT Application Form (T3 Form No. 1a S. 2020)	One (1) original, fully accomplished IPT Application Form (T3 Form No. 1b S. 2020)
One (1) original, notarized APT Deed of Undertaking (T3 Form No. 3a S. 2020)	One (1) original, notarized IPT Deed of Undertaking (T3 Form No. 3b S. 2020)
Photocopies of Business Registration Documents	Photocopies of Business Registration Documents
Photocopies of documents proving training experience	Photocopies of documents proving training experience
One (1) original, notarized Affidavit of Good Moral Character (T3 Form No. 2a s. 2020)	Original, notarized Secretary Certificate on no pending cases with the agencies mentioned in Section 5
Two (2) testimonials of good moral character made by two disinterested parties (T3 Form No. 2b s. 2020)	
Photocopies of certificates, documents, and other proof that applicant has at least twenty-five (25) hours of attended trainings, seminars, or orientations relative to data privacy and the DPA, whether conducted by the NPC or external providers	Photocopies of certificates, documents, and other proof that trainers, educators, mentors assigned by the IPT must have at least twenty (25) hours of attended trainings, seminars, or orientations relative to data privacy and the DPA, whether conducted by the NPC or external providers
<ul style="list-style-type: none"> • Original training curriculum with course description, objectives and syllabi patterned after existing DPO ACE Level 1 Training and Certification Program, or NPC's five (5) Pillars of Compliance which may be reviewed by the NPC. It must contain essential provisions of the DPA, its IRR, and NPC issuances (circulars, advisories, bulletins, et.al.) • Original Proposed Calendar of Training Programs and Activities for DPO ACE Level 1 Program • Original Proposed schedule of training fees and list of training 	<ul style="list-style-type: none"> • Original training curriculum with course description, objectives and syllabi patterned after existing DPO ACE Level 1 Training and Certification Program, or NPC's five (5) Pillars of Compliance which may be reviewed by the NPC. It must contain essential provisions of the DPA, its IRR, and NPC issuances (circulars, advisories, bulletins, et.al.) • Original Proposed Calendar of Training Programs and Activities for DPO ACE Level 1 Program • Original Proposed schedule of training fees and list of training



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

partners and/ or institutions	partners and/ or institutions
	<ul style="list-style-type: none"> • <u>Company profile, list of clients, and list of Speakers, mentors, educators...</u>

RULE 3
APPLICATION PROCEDURES

Section 7: Application Procedures - The following are the procedures to be undertaken by parties interested to be accredited by the NPC:

1. Any interested APTs or IPTs shall signify their intent to apply. The letter of intent (LOI) must be addressed to the PHIL-DPO Program Head and submitted by email to dpo.ace@privacy.gov.ph along with the appropriate completed Application Form.
2. ~~Within fifteen (15) business days from the submission of the LOI, applicants~~ must submit the documentary requirements provided in Section 6. Digital copies may be submitted thru dpo.ace@privacy.gov.ph. Failure to submit the complete documentary requirements after the lapse of fifteen (15) business days from submission of the LOI shall be construed as implied withdrawal of the application. In cases where digital copies are submitted, applicants must submit the hardcopies thereof to the PHIL-DPO Office within thirty (30) business days from the date of the submission of the LOI.
3. Within thirty (30) business days from the date of receipt of complete documents, the NPC shall evaluate, and verify the accuracy and genuineness of the documents.
4. Upon completion of the preceding step, the PHIL-DPO shall submit within three (3) business days to the Privacy Commissioner thru the Executive Director a recommendation for the approval or disapproval of the application for T3 accreditation.
5. Within one (1) business day from the approval by the Privacy Commissioner, the PHIL-DPO shall issue the digital copy of the Accreditation Certificate.



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

RULE 4
LEARNING CONTENT

Section 8: *Learning Content* – APTs and IPTs shall create a curriculum patterned after existing DPO ACE Level 1 Course Outline as provided hereunder.

Module 1 pertains to the key concepts about privacy, the DPA and the NPC:

1. Introduction to Privacy
 - Decisional Privacy
 - Locational Privacy
 - Information Privacy
2. Definition of Data Privacy
3. The Data Privacy Act of 2012 (R.A. 10173)
4. Key Definitions in the DPA:
 - Processing;
 - Data Subjects;
 - Personal Information Controller (PIC)
 - Personal Information Processor (PIP)
 - Data Protection Officer
 - Data Sharing
 - Outsourcing
5. National Privacy Commission;
6. Data Privacy Principles
 - Transparency
 - Legitimate Purpose
 - Proportionality
7. Security Measures
 - Organizational
 - Physical
 - Technical
8. Rights of the Data Subject
9. Penalties

Module 2 focuses on the deeper appreciation of the general privacy principles of transparency, proportionality, and legitimate purpose. Additionally, Module 2 discusses on the lawful criteria of processing and the data subject's rights:

1. Principle of Transparency in relation to right to information
2. Privacy notice and its contents
3. Role of the DPO in Transparency



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

4. Principle of Legitimate Purpose
 - Lawful processing of personal information
 - Lawful processing of sensitive personal information
5. Requisites of a valid Consent
6. Principle of Data Quality
7. Data subject's rights:
 - Right to be informed
 - Right to access
 - Right to object
 - Right to erasure
 - Right to rectification
 - Right to file a complaint
 - Right to damages
 - Right to portability
8. Principle of Proportionality
 - Oakes' Test

Module 3 focuses on the obligations to appoint a DPO, the DPO's roles and functions, and the mechanisms required by DPOs to operationalize the concept of data privacy within his accountable institution:

1. Definition of Data Protection Officer (DPO);
2. Legal basis for the designation of DPO;
3. General qualifications of DPO under NPC Advisory 2017-01;
4. Definition of Compliance Officer for Privacy (COP);
5. Instances where appointment of COPs are applicable;
6. Organizational structure of DPO and COP in the PIC/PIP;
7. Conflict of interest in the appointment of DPO;
8. Confidentiality on the functions of DPO;
9. Subcontracting functions of DPO;
10. Duties and responsibilities of DPO under NPC Advisory 2017-01; and
11. Obligations of PIC and PIP in supporting DPO.

Module 4 is centered on the key concepts in Privacy Impact Assessment, its definition, objectives, components, and other approaches to minimize data privacy risks, threats and harms:

1. Definition of Privacy Impact Assessment (PIA);
2. Objectives of conducting a PIA;
3. Components of PIA;
4. Benefits of conducting a PIA;



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

5. Records of Processing Activities;
6. PIA and Privacy by Design;
7. PIA and the principle of Accountability;
8. Data Life Cycle;
9. Identifying and rating privacy risks;
10. Approaches to risk management;
11. Duty of DPO in relation to PIA; and
12. PIA Process.

Module 5 focuses on the NPC's five (5) pillars of compliance, and includes the importance and other key concepts involving the creation, adoption, and implementation of the Privacy Management Program (PMP):

1. Five Pillars of NPC;
2. Data Privacy and Accountability Compliance Framework;
3. Definition of a PMP;
4. Importance of PMP;
5. PMP Guide;
6. Key Components of a PMP;
7. Contents and Structure of a PMP;
8. Supporting Documents of a PMP.

Module 6 revolves around security measures required by the DPA, including the operational, physical and technical security measures, the examples of measures in NPC Circular 16-01, and Data Sharing Agreements, among others:

1. Security Measures under the DPA
2. Organizational security measures
3. Physical security measures;
4. Technical security measures
5. Examples of Security Measures under NPC Circular 16-01
6. Managing Third Party Risks
 - Data Sharing
 - Outsourcing
7. Definition and General Principles of data sharing
8. Instances when consent of data subject is required for data sharing
9. Contents of DSA as required under the IRR
10. Termination of DSA
11. Definition of Outsourcing
12. Outsourcing Agreement and its required stipulations



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

Module 7 focuses on preventive measures, responsiveness, and subsequent requirements in case of a data breach as defined under existing NPC issuances:

1. Definition of Security Incident;
2. Definition of Personal Data Breach;
3. Personal Data Breach Management Guidelines;
4. Security Incident Management Policy;
5. Data Breach Response Team;
6. Elements of Mandatory Notification of Personal Data Breach;
7. Discussion of Offenses relating to Personal Data Breach under the IRR;
8. Annual Security Incident Report;
9. Filing of Annual Report to the NPC;

Section 9: Enhancement - APTs and IPTs may enhance and improve the existing NPC program; provided, that they must comply with the main framework in Section 8. Any additions to the curriculum after the grant of the accreditation may be allowed upon prior written approval by the PHIL-DPO Team. Requests for approval may be sent by email to dpo.ace@privacy.gov.ph.

Section 10: Continued Learning - APTs and the resource persons of IPTs must undergo regular trainings as may be required by the NPC to ensure their continued learning and qualifications. APTs and IPTs shall, at the request of NPC:

1. Attend roundtable discussions hosted by the NPC to discuss updates on the DPA, regulatory amendments, new issuances of the NPC, and other relevant topics that may impact the conduct of training and/or delivery of course modules;
2. Submit to NPC post-training evaluation forms to be accomplished by the training participants when required; and
3. Pass a program review that may be conducted by the NPC.

Section 11: Reportorial Requirements - APTs and IPTs shall submit quarterly report of training/seminars within thirty (30) days following each quarter via email to dpo.ace@privacy.gov.ph. The report should contain the following details at the minimum:

1. Name of Training Provider
2. Accreditation Number
3. Date(s) and Venue(s) of trainings conducted
4. Attendance sheets
5. Group photo(s)



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

6. Speakers, Mentors, Educators who conducted the training

In addition, APTs and IPTs are required to generate a summary report of speaker's evaluation for every training session conducted which should be made readily available to the NPC upon request.

The NPC may increase or decrease the type and nature of information that it may require from accredited parties as NPC deems necessary.

**RULE 5
LIMITATIONS**

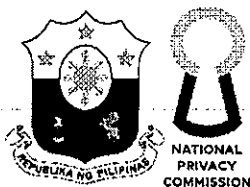
Section 12: *Alternative Learning* - APTs and IPTs are encouraged to conduct alternative learning approaches, other than traditional classroom-type discussions, such as online learning.

Section 13: *Additional Requirements for IPTs* - As provided in Section 6, IPTs shall submit a list of speakers, mentors, and educators prior to the accreditation. Any change in the list, after the grant of the accreditation, must be notified to the PHIL-DPO at dpo.ace@privacy.gov.ph.

Section 14: *Visitation and Monitoring* - APTs and IPTs shall grant NPC personnel access, audience, or entry during training sessions to allow the NPC to periodically observe and monitor of the trainings upon sufficient notice.

Section 15: *Limitations on Partnerships* - APTs and IPTs may enter into a partnership and provide joint training services upon prior approval of the NPC. Intent to enter a joint training or partnership must be addressed to the PHIL-DPO, submitted to dpo.ace@privacy.gov.ph. The individual undertakings of APT and IPT pursuant to Section 4 will subsist and each partner-APT/IPT will have a solidary responsibility to meet their respective undertakings.

Section 16: *Exclusivity of Accreditation* - The accreditation shall be exclusive to the APT and IPT. In no case shall APTs and IPTs be allowed to assign, transfer, or allow other individuals, entities, or organizations to benefit from the accreditation afforded by NPC. Any violation of the exclusivity of the accreditation may result in its forfeiture.



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

RULE 6
RESERVATIONS

Section 17: *Validity of the Accreditation* - The recognition shall be valid for a period of one (1) calendar year counted from the date of accreditation. This shall be revocable for just and legal causes, including but are not limited to the violations of the conditions for accreditation in this Guidelines, the DPA and its IRR, and other NPC issuances.

Section 18: *Automatic Revocation* - The accreditation shall expire after one (1) calendar year counted from the date of the grant of accreditation unless an application for renewal is filed within sixty (60) days prior to its expiration date.

Section 19: *Voluntary Termination* - APTs and IPTs may elect to voluntarily terminate their accreditation by submitting a Letter of Intent to the PHIL-DPO via dpo.ace@privacy.gov.ph. The LOI must contain a written explanation and its supporting documents when circumstances warrant. The approval of voluntary termination will disqualify the APT or IPT from applying for accreditation for a period of one (1) calendar year from the date of the voluntary termination.

Section 20: *General Reservations* - The NPC reserves the right to revoke the accreditation of any APTs and IPTs that are found to be non-compliant with the T3 Guidelines. Within thirty (30) days from notice, APTs and IPTs shall cease to make use of the accreditation granted by NPC, return to NPC all documents issued by NPC pertaining to the T3 Program, and destroy the digital and physical copies of the documents issued by the NPC pertaining to the T3 Program including the digital copies of the accreditation certificate.

The Privacy Commissioner shall have the power to amend, modify or revoke the provisions of this Guidelines, or impose further conditions, as may be necessary in the public interest. Nothing in this Guidelines shall be construed to limit, decrease or restrain NPC's authority and mandate under RA 10173, the Revised Administrative Code, and other existing laws, rules and regulations, and issuances.

Section 21. *Separability Clause* - In the event that any provision or part of these Guidelines is declared unconstitutional, invalid, illegal or unenforceable by the courts, the constitutionality, validity, legality, and enforceability of those provisions not affected by such declaration shall remain valid and in force.

Section 22. *Effectivity Clause* - This Guidelines shall take effect immediately.



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

Signed this day _____ of April 2021.


RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner