



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

IN RE: PHILIPPINE SEVEN
CORPORATION (PSC)

CID BN 18-081

x-----x

RESOLUTION

NAGA, D.P.C.:

On 21 May 2020, the Commission issued a Resolution with a dispositive portion as follows:

WHEREFORE, premises considered, PSC is ordered by this Commission to SUBMIT a full breach report in compliance with Section 9 of NPC Circular 16-03, including the updates on the proposed remediation measures and post-breach review by the PSC, within fifteen (15) days from the receipt of this order.

On 07 August 2020, the PSC through its Data Protection Officer (DPO) complied with the aforementioned order when it sent its proposed remediation measures and post-breach review to the Commission.

PSC's post-breach review indicates the following actions that were already completed:

1. BDD completed the revision of its franchise qualification processes and forms aligned with PSC's data privacy manual;
2. Re-training of PSC personnel on Data Privacy;
3. BDD data controller issued a reminder of data privacy compliance immediately after the incident and completed training to BDD personnel on PSC's data privacy policies and security measures;
4. Information Technology Division (ITD) and BDD reviewed PSC's email settings and strictly implemented the following:

- i. Standard notices in email requesting unintended recipient to alert the sender and delete the message attachments
 - ii. 2-factor authentication for emails
 - iii. Cascading information on use of the confidential and undo function in Gmail as a security feature to Data Controllers
5. Human Resources Administration Division (HRAD) posted a video reminder in PSC's Data Privacy portal to remind all personnel of PSC on use of before sending emails to multiple recipients and included in the module for orientation of new employees a topic on data privacy with special reminder on proper use of email; and
6. Implementation of above action plans were complied with.

The Enforcement Division issued its findings on the compliance of PSC, *viz:*

Upon reviewing the report submitted by PSC, we found that the corporation has complied with the order and resolution of the Commission dated 21 May 2020 and NPC Circular No. 16-03 on Personal Data Breach Management.

xxx xxx xxx

WHEREFORE, premises considered, the Enforcement Division respectfully recommends to CLOSE the instant case, CID BN 18-091 **In The Matter Of The Philippine Seven Corporation Data Breach Notification Report.**

In addition, the Commission sternly reminds PSC that notifying data subject in cases of data breach should be swift and immediate to reduce the risk to the data subject arising from the personal data breach. There is no need for the personal information controller (PIC) or Personal Information Processor (PIP) to await any order or positive action from the Commission to make such notification.

Section 20 (f) of the Republic Act No. 10173 or the Data Privacy Act of 2012 provides:

“The personal information controller **shall promptly notify the Commission and affected data subjects** when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes that such unauthorized acquisition is likely to give rise”

Further Section 11 of the NPC Circular 16-03 provides:

“Notification shall be required upon knowledge of or when there is reasonable belief by the personal information controller or personal information processor that a personal data breach requiring notification has occurred, under the following conditions: ...”

The language of the abovementioned provisions are clear and direct. The PIC or PIP are required to promptly and immediately notify the affected data subject in case of a data breach. The act of notifying should be automatic. Hence, it is expected from PSC that the incidents that transpired in this case in relation to the notification of the affected data subject will no longer happen.

WHEREFORE, premises considered, it is resolved that the matter of CID BN 18-081 “In Re: Philippine Seven Corporation” is hereby considered **CLOSED**.

SO ORDERED.

Pasay City, Philippines;
10 September 2020.

(Sgd.)

JOHN HENRY D. NAGA
Deputy Privacy Commissioner

WE CONCUR:

(Sgd.)

RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

(Sgd.)

LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

COPY FURNISHED:

ESE

Data Protection Officer
Philippine Seven Corporation

COMPLAINTS AND INVESTIGATION DIVISION
ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
National Privacy Commission