



NPC Circular Year-NO.

Date : **XX Month XXXX**

Subject : **Certification Scheme - Part II - Procedures for the Certification of Applicant Organizations under the Philippine Privacy Mark Certification Program**

WHEREAS, Section 2 of Republic Act No. 10173, also known as the Data Privacy Act of 2012 (DPA), provides that 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. The State recognizes the vital role of information and communications in nation-building and its inherent obligation to ensure that personal data in information and communications systems in the government and the private sector are secured and protected;

WHEREAS, pursuant to Section 7 of the DPA, the National Privacy Commission (NPC) is charged with the administration and implementation of the provisions of the law, which includes monitoring and ensuring compliance of the country with international standards set for data protection, and carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the country, in coordination with other government agencies and the private sector;

WHEREAS, the NPC established the Philippine Privacy Mark (PPM) Certification Program, a voluntary certification program, to assess public and private organizations that implement data privacy and protection management systems, to ensure the secure and protected processing of personal information;

WHEREAS, the NPC issued NPC Circular 2023-05 which governs the pre-requisites for certification of personal information controllers (PICs) or personal information processors (PIPs) and accreditation of certification bodies (CBs) under the PPM Certification Program;

WHEREAS, the NPC issued NPC Circular 2024-XX which governs the requirements for CBs for the application and audit process of the PPM Certification Program;

WHEREFORE, in consideration of these premises, the NPC hereby issues this Circular governing the procedures for the certification of applicant organizations under the PPM Certification Program.

SECTION 1. Scope. - This Circular specifies the procedures for the certification of applicant organizations under the PPM Certification Program. This includes the application process, eligibility of organizations, certification process, terms of use of PPM Certification Program materials, and certification validity and renewal process.

It applies to all interested organizations, whether public or private, domestically or abroad, which are PICs and PIPs processing personal data, within the scope of the DPA.

SECTION 2. *Definition of Terms.* - The definition of terms in the DPA and its IRR, as amended, and NPC Circular 2024-XX (PPM Certification Scheme for CBs), are adopted herein.

SECTION 3. *PPM Certification Program Application Process.* - The following steps govern the Philippine Privacy Mark Certification application process that applicant organizations shall undergo:

- A. **Eligible Organizations.** - All organizations processing personal data in the Philippines, whether as a PIC or a PIP, may apply for the PPM Certification Program. The certification is voluntary and can be applied to a management system of a PIC or a PIP.

B. Certification Process for Applicant Organizations

1. **Submission of Application.** - Applicant organizations shall choose a recognized CB to assess their data protection policies, procedures, and measures based on the Data Privacy and Protection Management System (DPPMS) criteria. Applicants organization shall:
 - a. Complete the PPM application form for applicant organizations
 - b. Provide the scope of their DPPMS
 - c. Pay the application fee based on the CB's rates
 - d. Attach a copy of their Certificate of Registration of DPO and Data Processing System issued by NPC
 - e. Attach a copy of their certification of the ISO/IEC 27001 and ISO/IEC 27701.
 - f. Organizations with pending cases before the NPC or courts stemming from DPA complaints cannot apply.
2. **Application Evaluation.** - The CBs shall evaluate the application based on completeness and inform the applicant if it is accepted or rejected. If accepted, the applicant will undergo the assessment process. If rejected, the applicant may re-submit with the lacking requirements.
3. **Audit Process.** - The recognized CB shall conduct the following audit activities:
 - a. Conduct desktop assessment which involves the review of submitted DPPMS documents;
 - b. Conduct on-site assessment which involves the audit of the applicant organization's conformance to DPPMS requirements, including interviews, inquiries to processes, inspection of facilities, network implementations, ICT resources, offices, etc.;
 - c. Remote assessment when on-site assessment is not feasible, all assessment can be done remotely;
 - d. Produce a report of the findings that can include major non-conformities, minor non-conformities, opportunities for improvement; and
 - e. Give applicant organizations the opportunities to address minor non-conformities and consider improvements.
4. **Conferment of the PPM.** - The PPM shall be conferred to the applicant organization once it has complied with all the DPPMS requirements and the audit findings based on the assessment conducted by the CB.

- a. The CB shall determine the certification decision based on the assessment result and furnish NPC a copy; and
- b. The CB shall issue the certification signed by its head. The CB has 6 months to complete the certification process from receipt of the application.

SECTION 4. *Terms of Use of Philippine Privacy Mark Materials.* – The CBs shall provide the certified organization the following PPM materials, subject to the terms of use below:

- A. Obtain PPM materials (certificate format and logo) from the NPC to give to certified organizations;
- B. Implement security measures so only certified organizations can access;
- C. Issue unique reference numbers as proof of certification;
- D. Have procedures for validating advertisements of certification status and PPM usage;
- E. Include terms and conditions of PPM usage;
- F. Copy furnish NPC when issuing materials;
- G. Certified organizations are granted a royalty-free, non-exclusive license to use the PPM logo to promote their certified DPPMS, subject to the following terms of use:
 1. No alterations to the PPM logo allowed;
 2. The PPM logo is non-transferable and cannot be shared with other organizations;
 3. Right to use terminates if certification is terminated or revoked;
 4. Must remove logo from all materials if certification ends;
 5. PPM does not absolve liability under the DPA;
 6. NPC retains regulatory powers over certified entities;
 7. List of certified organizations posted on NPC website (company name and logo only);
 8. Misuse of the PPM logo; and
 9. Results in termination of certification and legal action.

The NPC reserves the right to pursue legal action if the PPM logo is used in violation of the aforementioned terms.

SECTION 5. *Certification Validity and Renewal Process.* – To maintain PPM certification, certified organizations must comply with CB surveillance activities, adhere to the validity period, ensure prompt renewal and recertification, address complaints, appeal certification issues, and avoid actions that could lead to certification termination, suspension, or revocation.

- A. ***Surveillance activities.*** – CBs shall conduct annual surveillance audits on certified organizations for 3 years. This includes the following activities:
 1. Examining requirements of certification;
 2. Reviewing privacy policies/notices;
 3. Documented information;
 4. Surveillance audits;
 5. Complaints handling;
 6. Effectiveness of DPPMS;
 7. Use of PPM logo; and
 8. Other monitoring of performance.

B. Recertification. - Recertification audit confirms continued conformity and effectiveness of the organizations' DPPMS. Recertification shall be:

1. Subject to additional fees by the CB;
2. Valid for 3 years;
3. Be applied by organizations to the CBs at least 6 months before expiration.

C. Suspension, revocation, or withdrawal. - The CBs shall inform the NPC of any suspension or revocation of the organization's certification.

1. Grounds for suspension (up to 6 months):
 - a. Persistent failure to meet DPPMS requirements; and
 - b. Revocation if issues left unresolved after 6 months.
2. Grounds for Revocation:
 - a. Violation of certification terms;
 - b. Lacking DPPMS requirements; and
 - c. Invalid certification.
3. Withdrawal if the certified organization voluntarily withdraws its certification.

D. Appeal. - Certified organizations may request reconsideration of CB decisions through a documented appeals process aligned with ISO/IEC 17021-1. The CB shall handle appeals with defined timelines.

E. Prohibited acts. - The following acts are prohibited:

1. **Unauthorized Alterations.** - Making any modifications or changes to the PPM logo; and using variations or derivatives of the official PPM logo design;
2. **Misrepresentation and Transfer.** - Transferring or sharing the PPM logo to falsely imply certification of Data Privacy and Protection Management Systems (DPPMS) and make misleading claims about the scope or extent of PPM certification;
3. **Non-Compliance with the Terms of Use.** - Violating Section 4(G) of this Circular through the following acts:
 - a. Continued use of the PPM logo after certification expiration, termination, or revocation;
 - b. Failure to remove the PPM logo from all materials upon certification cessation; and
 - c. Using the PPM logo to suggest immunity from DPA compliance or NPC oversight.
4. **Fraudulent Display.** - Willfully displaying the PPM logo without valid certification, including the use of the PPM logo prior to the official certification approval; and
5. **Documentation Requirements.** - Failure to maintain proper documentation of PPM logo usage and non-compliance with the requests of the NPC for PPM logo usage verification.

Any violation of these prohibited acts may result in immediate revocation of certification, legal action under applicable laws, blacklisting from future certification

opportunities, public notice of the violation on the NPC website, and regulatory penalties as determined by the NPC

- F. ***Complaints Handling.*** - The CB is responsible for establishing a documented complaints handling process per ISO/IEC 17021-1 to address potential incidents and nonconformities. The NPC shall be informed of complaint decisions.

Approved:

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