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Data Privacy Law (Republic Act 10173)

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Data Privacy Law (Republic Act 10173)

- Data subject refers to an individual whose personal information is processed.”

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- Personal information controller refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:
 - A person or organization who performs such functions as instructed by another person or organization; and
 - An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

Data Privacy Law (Republic Act 10173)

- Personal information processor refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.”

Data Privacy Law (Republic Act 10173)

- It applies to processing of personal information (section 3g) and sensitive personal information (Section 3L).”

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- Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.”

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- Sensitive personal information refers to personal information:
 - Race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - Health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - Issued by government agencies peculiar to an individual. E.g. social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - Specifically established by an executive order or an act of Congress to be kept classified.

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- Created the National Privacy Commission to monitor the implementation of this law. (section 7)

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- Gave parameters on when and on what premise can data processing of personal information be allowed. Its basic premise is when a data subject has given direct consent. (section 12 and 13)

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- Companies who subcontract processing of personal information to 3rd party shall have full liability and can't pass the accountability of such responsibility. (section 14)

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- Data subject has the right to know if their personal information is being processed. The person can demand information such as the source of info, how their personal information is being used, and copy of their information. One has the right to request removal and destruction of one's personal data unless there is a legal obligation that required for it to be kept or processed. (Section 16 and 18)

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- If the data subject has already passed away or became incapacitated (for one reason or another), their legal assignee or lawful heirs may invoke their data privacy rights. (Section 17)

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- Personal information controllers must ensure security measures are in place to protect the personal information they process and be compliant with the requirements of this law. (Section 20 and 21)

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- In case a personal information controller systems or data got compromised, they must notify the affected data subjects and the National Privacy Commission. (Section 20)

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- Heads of government agencies must ensure their system compliance to this law (including security requirements). Personnel can only access sensitive personal information off-site, limited to 1000 records, in government systems with proper authority and in a secured manner. (Section 22)

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- Government contractors who have existing or future deals with the government that involves accessing of 1000 or more records of individuals should register their personal information processing system with the National Privacy Commission. (Section 25)

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- Provided penalties (up to 5 million as per sec. 33) on the processing of personal information and sensitive personal information based on the following acts:
 - Unauthorized processing (sec. 25)
 - Negligence (sec. 26)
 - Improper disposal (sec. 27)
 - Unauthorized purposes (sec. 28)
 - Unauthorized access or intentional breach (sec. 29)
 - Concealment of security breaches (sec. 30)
 - Malicious (sec. 31) and unauthorized disclosure (sec. 32)

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- If at least 100 persons are harmed, the maximum penalty shall apply (section 35).

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- For public officers (working in government), an accessory penalty consisting in the disqualification to occupy public office for a term double the term of criminal penalty imposed shall be applied. (sec. 36)



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