

ROLE OF THE DATA PROTECTION OFFICER

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PROPERTY OF NATIONAL PRIVACY COMMISSION

APPOINTING A DPO (LEGAL BASES)

- Data Privacy Act of 2012 (DPA), Section 21(b)
- DPA IRR, Section 26(a)
- DPA IRR, Section 50(b)

A PIC & PIP shall designate an individual or individuals who are accountable for the organization's compliance with DPA. (Data Protection Officer)



WHY APPOINT A DPO?

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Commit to Comply:
**APPOINT A DATA
PROTECTION
OFFICER**

Personal information controllers and personal information processors are required to appoint or designate a **data protection officer** or compliance officer. DPOs will be accountable for ensuring compliance with applicable laws and regulations relating to data privacy.

COMPLIANCE OFFICER FOR PRIVACY (Advisory 17-01)

Compliance Officer for Privacy (COP)

- An individual or individuals who perform some of the functions of a DPO in **particular cases**.
- The minimum qualifications for a **COP** shall be proportionate to his or her functions, as provided in NPC Advisory 2017-01.



COP for LGU's

- Aside from having a DPO, a component city, municipality, or barangay can designate a COP, as long as the COP shall be under the supervision of the DPO.

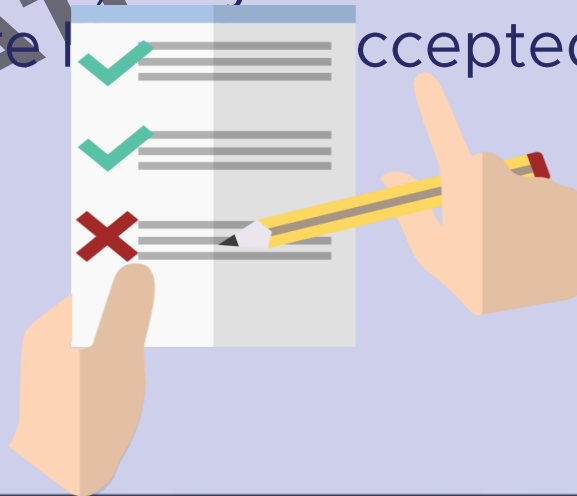
Example:

A DPO in an HUC (Highly Urbanized City) and a COP in each barangay under its jurisdiction



QUALIFICATIONS OF A DPO/COP

- Specialized knowledge and demonstrate reliability
- Sufficient understanding of the processing operations being carried out by the PIC or PIP
- Knowledge by the DPO/COP of the field/sector of the PIC/PIP
- Full-time or organic employee of PIC/PIP
- In the government, may be career or appointive. Designations are l accepted



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DUTIES AND RESPONSIBILITIES OF A DPO/COP



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DUTIES AND RESPONSIBILITIES

1. **Monitor** the PIC's or PIP's compliance with the DPA, its IRR, issuances by the NPC and other applicable laws and policies. For this purpose he/she may:
 - a) collect information
 - b) analyze and check the compliance
 - c) inform, advise, and issue recommendations to the PIC or PIP;
 - d) ascertain renewal of accreditations or certifications
 - e) advice the PIC or PIP as regards the necessity of executing a Data Sharing Agreement

DUTIES AND RESPONSIBILITIES



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2. Ensure the conduct of **Privacy Impact Assessments** relative to activities, measures, projects, programs, or systems of the PIC or PIP;

3. **Advice** the PIC or PIP regarding complaints and/or the exercise by data subjects of their rights



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DUTIES AND RESPONSIBILITIES

4. Ensure proper data breach and security incident management by the PIC or PIP, including the latter's preparation and submission to the NPC of reports and other documentation concerning security incidents or data breaches within the prescribed period;

5. Inform and cultivate awareness on privacy and data protection within the organization of the PIC or PIP, including all relevant laws, rules and regulations and issuances of the NPC;



DUTIES AND RESPONSIBILITIES



6. **Advocate** for the development, review and/or revision of policies, guidelines, projects and/or programs of the PIC or PIP relating to privacy and data protection, by adopting a privacy by design approach;

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7. Serve as the **contact person** of the PIC or PIP vis-à-vis data subjects, the NPC and other authorities in all matters concerning data privacy or security issues or concerns and the PIC or PIP;

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DUTIES AND RESPONSIBILITIES

8. Cooperate, coordinate and seek advice of the NPC regarding matters concerning data privacy and security; and
9. Perform other duties and tasks that may be assigned by the PIC or PIP that will further the interest of data privacy and security and uphold the rights of the data subjects



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DUTIES AND RESPONSIBILITIES

Except for items (1) to (3), 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.

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SUBCONTRACTING THE FUNCTIONS OF DPO/COP

- Outsourcing or subcontracting is allowed.
- DPO or COP must oversee the performance of the third-party service provider.
- DPO or COP shall remain the contact person



SUPPORTING THE DPO

DATA PROTECTION
PRIVACY
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PROCESS OWNERS

- Own/maintain their respective privacy impact assessments
- Consult on strategic projects involving the use of personal data (“privacy by design”)
- Conduct breach drill regularly – test each privacy impact at least once a year



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HUMAN RESOURCE

- Roll-out training on privacy and data protection
- Issue security clearances to staff processing personal data (such clearance to be made contingent on passing the privacy training). DPOs must have access to all security clearances issued.
- Implement the recommended organizational controls



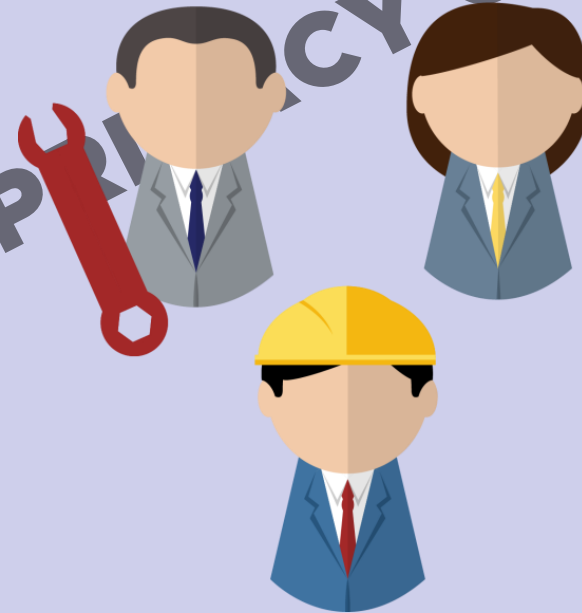
LEGAL DIVISION

- Ensure that all PIP/service provider contracts, job orders, etc. are compliant. For example, all PIPs must also have their own DPO.
- Ensure that all external sharing of data meets the required guidelines of the NPC.



OTHER SUPPORT TEAMS

- **IT** to implement the recommended technical controls
- **Security** to implement the recommended physical controls
- **Internal audit** to test internally for compliance



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TOP MANAGEMENT

- Budget support for security controls (technical, organizational, physical), for compliance tools and technology, for informational and training activities, for consultants, external auditors, advisors
- Incorporating compliance into the performance bonus parameters of those concerned, especially for those handling personal data
- Drive the message throughout the organization



• Drive the urgency (e.g. like the epidemic, when everyone started in hand sanitizers)

SALAMAT PO!

Questions? Contact us at:

Trunk line: 920-0101

Extension Numbers:

OPC – 7001 | FAO – 7011

PIAD – 7021 | CID - 7031

CMD - 7041

or

Email us at

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