

The Data Privacy Act of 2012 for the Real Estate Sector

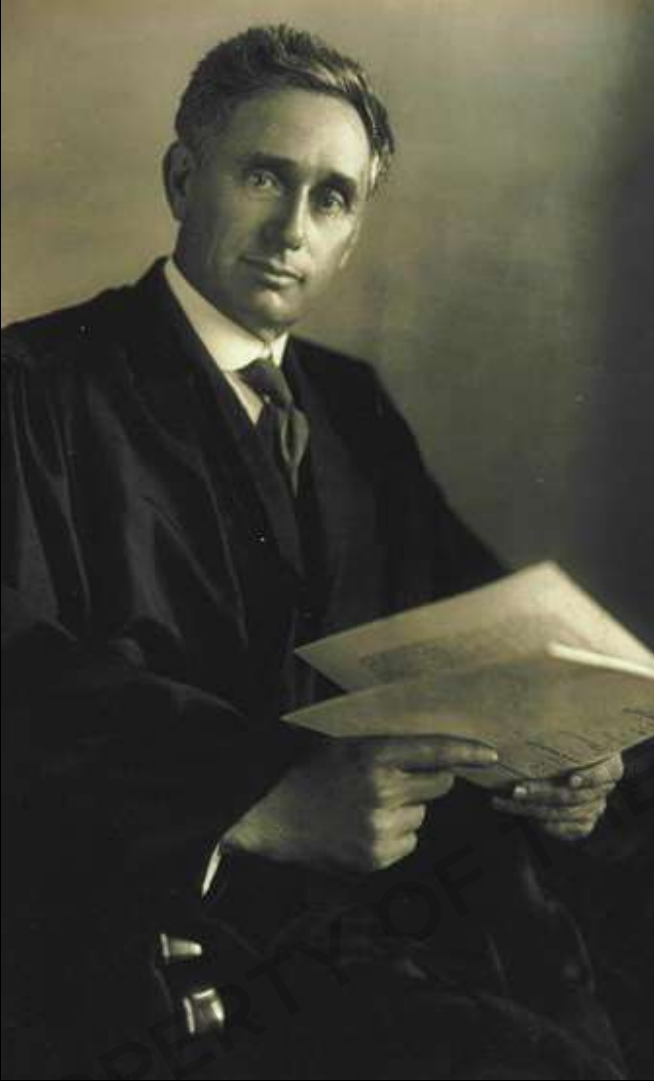
Raymund Enriquez Liboro
Privacy Commissioner
National Privacy Commission
September 27, 2018



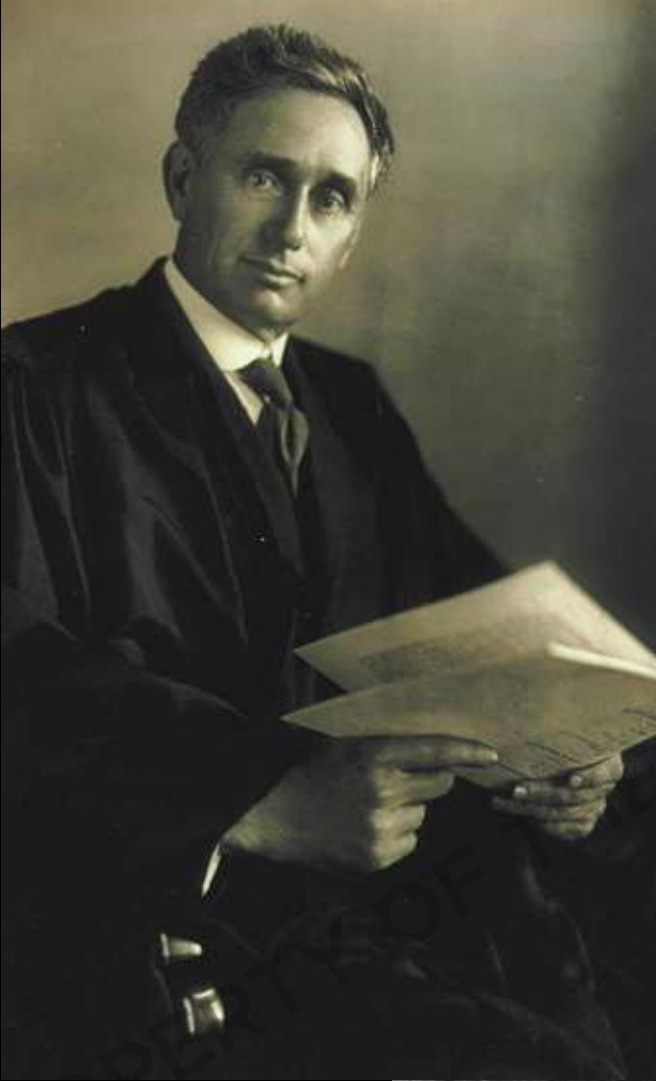
**What the law
is all about**



**How it will
affect you**



<https://timeline.com/how-the-first-mass-market-camera-led-to-the-right-to-privacy-and-roe-v-wade-4fb4cd87d7a>



RIGHT TO PRIVACY



“the right to be let alone - the most comprehensive of rights and the right most valued by civilized men”

[Brandeis J, dissenting in *Olmstead v. United States*, 277 U.S. 438 (1928)].

1995

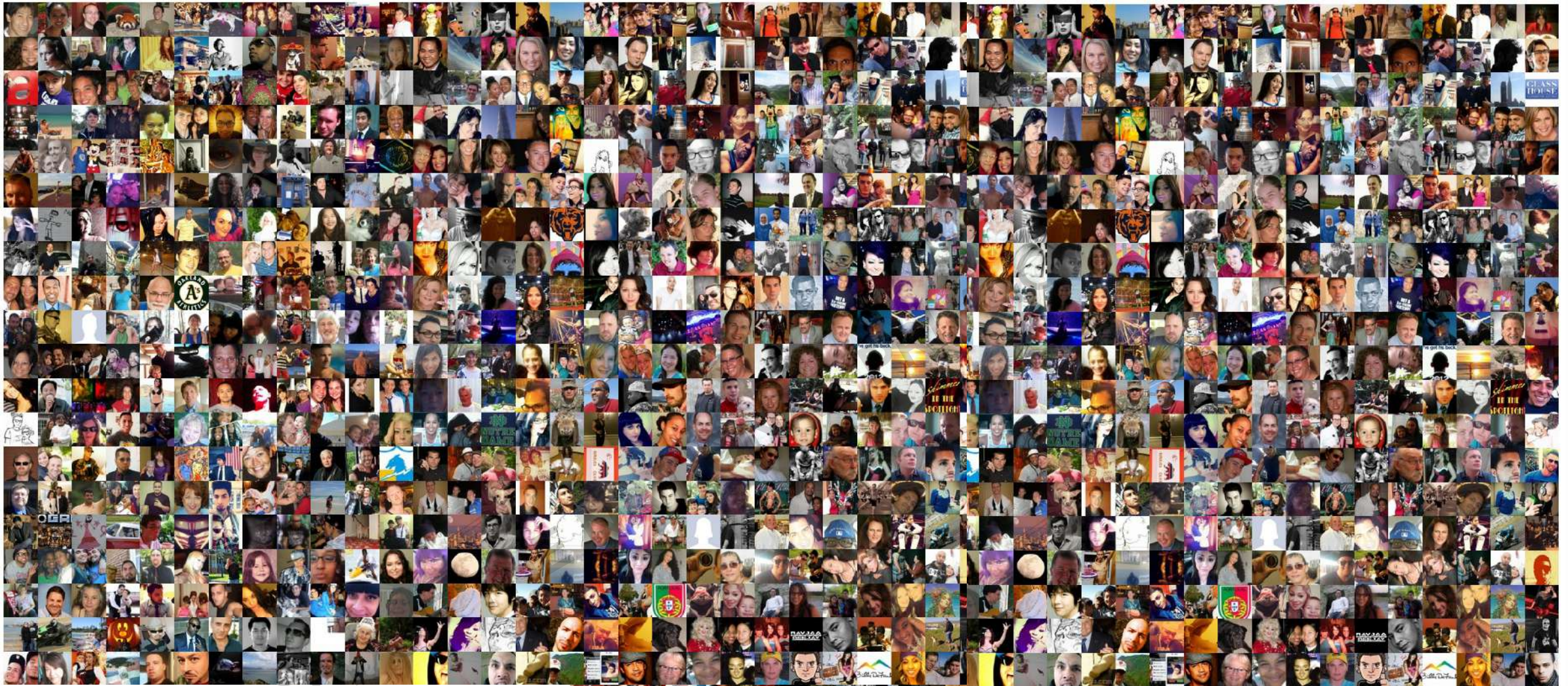


Picture from
<http://www.rappler.com/specials/pope-francis-ph/80492-pope-john-paul-assassination-plot>

2015



210 terabytes per
second in
2017



1.6 Billion Selfies a Minute

http://4.bp.blogspot.com/-s367TP8u6Mw/ULZmvTPEIN/AAAAAAAAACyk/ITGYJrzj9Q/s1600/friends_college.jpg

Reference: Computerworld Magazine as noted by the McKinsey Singapore Office

http://s17026.pcdn.co/wp-content/uploads/sites/11/2017/08/AdobeStock_135873223-634x0-c-default.jpeg



NATIONAL
PRIVACY
COMMISSION

From 2005 to 20015, cross-border data flow grew 45 times.



Reference: Computerworld Magazine as noted by the McKinsey Singapore Office
http://s17026.pcdn.co/wp-content/uploads/sites/11/2017/08/AdobeStock_135873223-634x0-c-default.jpeg

Forbes Most Valuable Brands

2007



Exxon Mobil



Petrochina



General Electric



China Mobile



ICBC



Microsoft



Royal Dutch



GazProm



AT&T

2017



Apple



Google



Microsoft



Facebook



Coca Cola



Amazon



Disney



Toyota



McDonalds



Samsung

AGGREGATION OF PERSONAL DATA

age

name

net worth

internet searches

marital status

email

astrological sign

car owner

voting habits

kids in house

downloads

clicks

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PROPERTY OF THE NATIONAL PRIVACY COMMISSION

DISCRIMINATION

People are discriminated because of their race, color or ethnic origin

Stigmatization

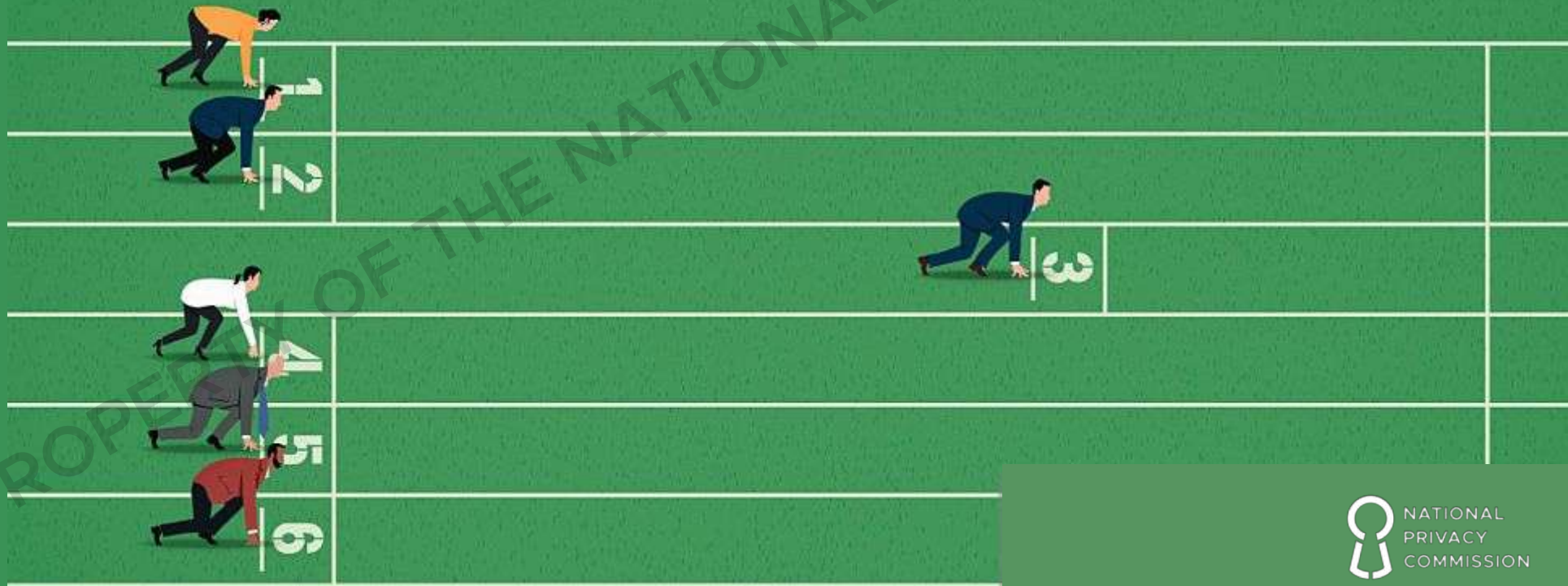


Unfair Decision-Making

Based on Profiling

Personal information such as **marital status, religious or political affiliations** affects the decision-making of companies in various cases.

In employment, some experience difficulties in getting hired while others are unfairly dismissed.



Sources of Data used in Profiling

| Types of data used in profiling:

- Internet search and browsing history
- Education and professional data
- Data derived from existing customer relationships
- Data collected for credit-worthiness assessments;
- Financial and payment data;
- Consumer complaints or queries
- Driving and location data
- Property ownership data
- Information from store cards and credit cards
- Consumer buying habits
- Wearable tech, such as fitness trackers
- Lifestyle and behavior data gathered from mobile
- Social network information
- Video surveillance systems
- Internet of things
- telematics



Identity Theft



Access to personal information such as name, date of birth, address, or email address can result to fraudsters victimizing individuals.



1004



30



2



0



Public school teacher in debt because of identity theft

Published February 26, 2016 10:48pm

A public school teacher may be a victim of identity theft as he owes three banks P800,000 for loans he did not apply for, according to a report by John Consulta on GMA-7's "24 Oras" on Friday.

~~Mark Joseph Lontok~~ said he received notifications from three banks saying that he borrowed a total of P800,000 in salary loans. He denied applying for the loans.

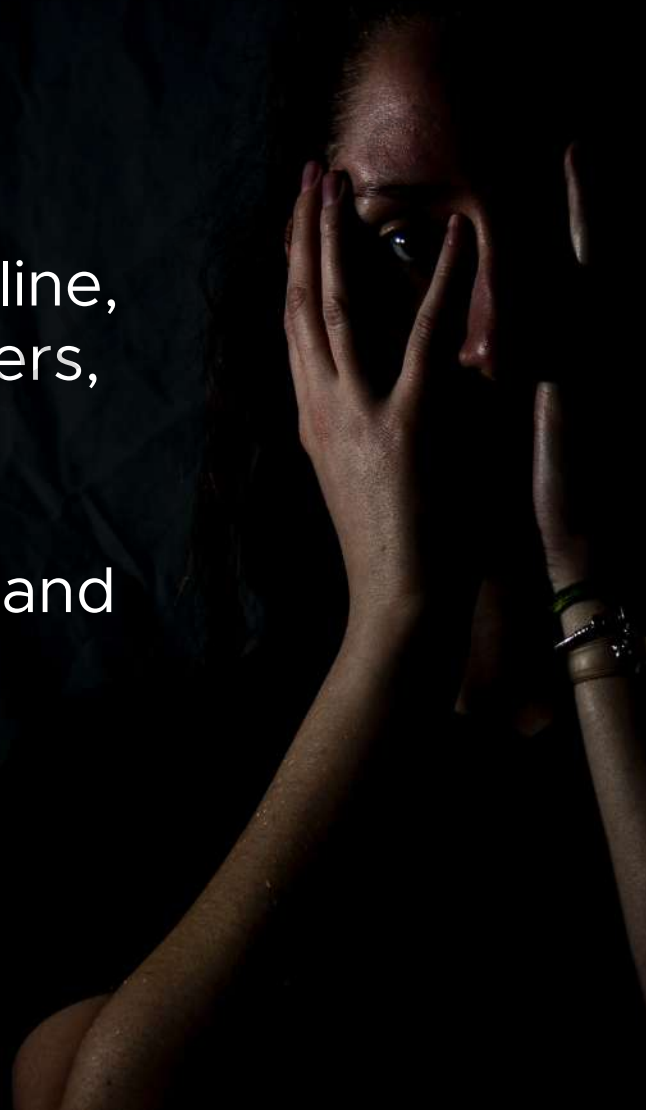
However, ~~Lontok~~ remembered posting a photo of his Professional Regulation Commission (PRC) ID online.

(Facebook) sa sobrang tuwa ko po," he said.

"Wala naman akong ginagawang masama," he added.

Loss of Reputation

People have experienced stalking or harassment online, trouble with family members, lost a job or educational opportunity because of something posted online, and even as grave as physical danger.





CANISTER SCANDAL: 90-day suspension of 2 docs, nurse ends



- Helen Flores, Ghio Ong () - September 6, 2008 - 12:00am

<https://www.philstar.com/nation/2008/09/06/398622/canister-scandal-90-day-suspension-2-docs-nurse-ends>

Health Undersecretary Alexander Padilla said yesterday the three medical practitioners who were linked to the "canister scandal" at a Cebu hospital were allowed to go back to work after serving the three-month suspension imposed on them by the Department of Health (DOH).

Dr. Philipps Leo Arias, Dr. Joseph Montecillo and nurse Carmenia Sapio reported for duty at the government-run Vicente Sotto Memorial Medical Center sometime last month.

Padilla said the DOH has already imposed enough sanctions on the three and that the matter is already in the hands of the Ombudsman.

Loss of Autonomy

ABS-CBN NEWS

Top Gear sorry for identifying wrong suspect in road rage


MANILA - The editor of Top Gear Philippines has **apologized** for posting on its Facebook page a link to the social media account of the wrong person being linked to a **fatal road rage incident** in Quiapo, Manila last Monday.

Top Gear editor Vernon Sarne took full responsibility for posting the link to the Facebook profile of Nelson Punzalan, who had been apparently falsely accused as the killer of cyclist Mark Vincent Geralde. Top Gear also posted a photo of Punzalan's car, which was coincidentally a Hyundai Eon model, similar to the car in the incident.

"I was responsible for posting the photo of Mr. Punzalan's vehicle, and I realize now that I shouldn't have done so. I accept full responsibility. This is all on me," Sarne said.

"The buck stops here. This is all my fault," he added.



July 25, 2016 –A jostle in the road between a car driver and cyclist led to a fist fight ended into a gun shooting, leaving the cyclist dead at P. Casal Street in Quiapo, Manila. Suspect left the scene of the crime leaving the dead victim lying on the street.  Nikon Celis, ABS-CBN News

21st Century Hazards and Risks



Norse – Superior Attack Intelligence

Norse maintains the world's largest dedicated threat intelligence network. With over eight million sensors that emulate over six thousand applications – from Apple laptops, to ATM machines, to critical infrastructure systems, to closed-circuit TV cameras – the Norse Intelligence Network gathers data on who the attackers are and what they're after. Norse delivers that data through the Norse Appliance, which pre-emptively blocks attacks and improves your overall security ROI, and the Norse Intelligence Service, which provides professional continuous threat monitoring for large networks.

The Data Privacy Act of 2012



DATA PRIVACY ACT OF 2012

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Second Regular Session

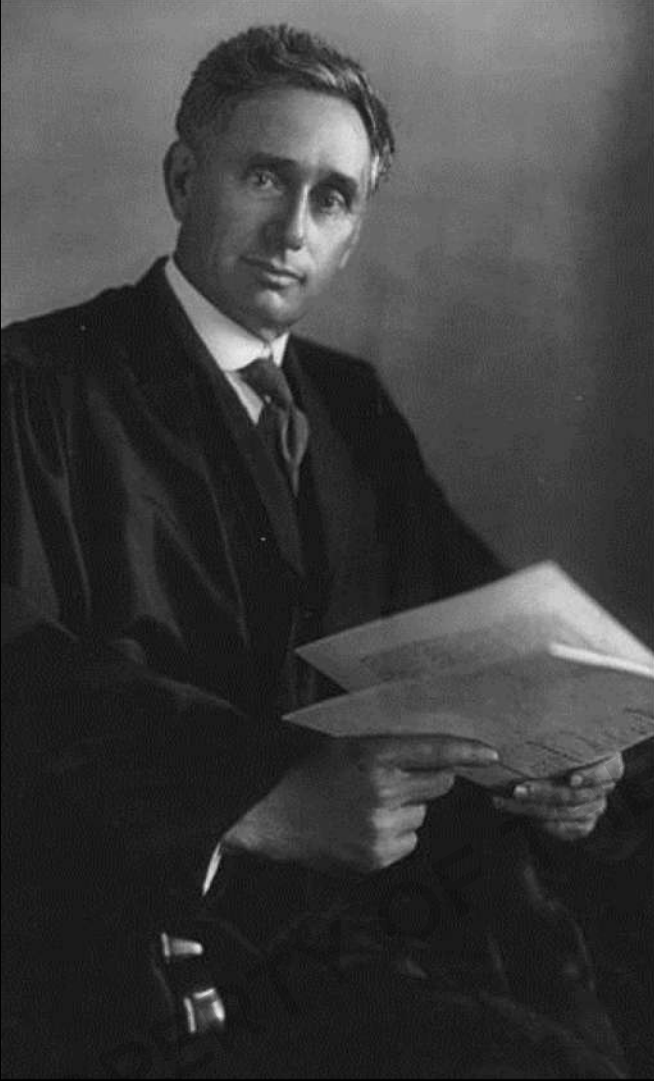


in and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.

REPUBLIC ACT NO. 10173

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES

Be it enacted, by the Senate and House of Representatives of the Philippines in Congress assembled:





The Data Privacy Act makes it mandatory for all data collectors — whether public or private — to protect the security, integrity and confidentiality of all the personal information they collect. **By doing this, we help usher in a truly knowledge-driven economy.**

SENATOR EDGARDO ANGARA

The Data Privacy Act (“DPA”) of 2012

Data privacy - acknowledging the rights of Data Subjects over their data and enforcing the responsibilities of entities who process them





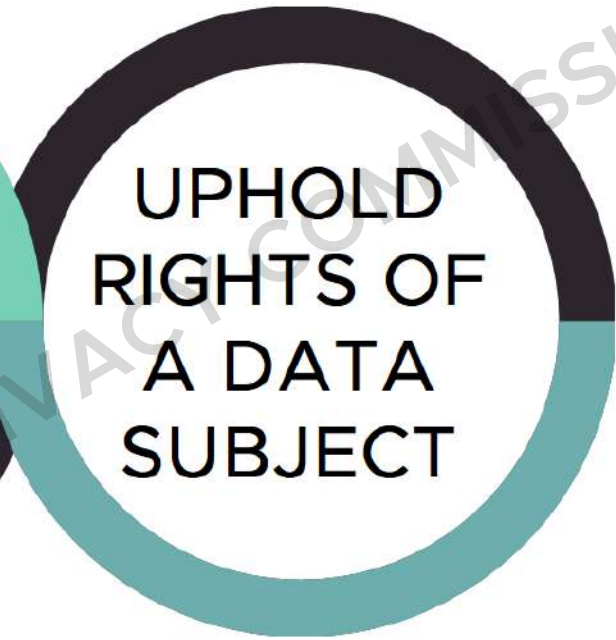
DATA
PRIVACY
PRINCIPLES

- TRANSPARENCY
- LEGITIMATE PURPOSE
- PROPORTIONALITY



SECURITY
MEASURES

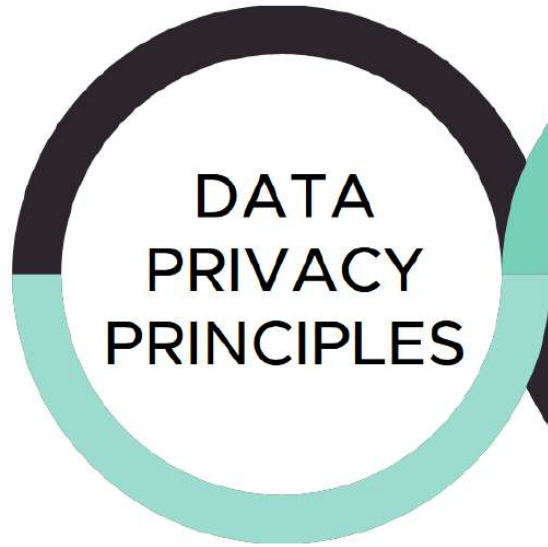
- SECURITY
- ACCOUNTABILITY



UPHOLD
RIGHTS OF
A DATA
SUBJECT

- CHOICE
- NOTICE
- ACCESS
- REMEDY

Transparency, Legitimate Purpose and Proportionality



- TRANSPARENCY
- LEGITIMATE PURPOSE
- PROPORTIONALITY

a. **Transparency** – The data subject must be aware of the nature, purpose, and extent of the processing of his or her personal data, including the risks and safeguards involved, the identity of personal information controller, his or her rights as data subjects, and how these can be exercised. Any information and communication relating to the processing of personal data should be easy to access and understand, using clear and plain language.

a. **Legitimate Purpose** – The processing of information shall be compatible with a declared and specific purpose which must not be contrary to law, morals, or public policy.

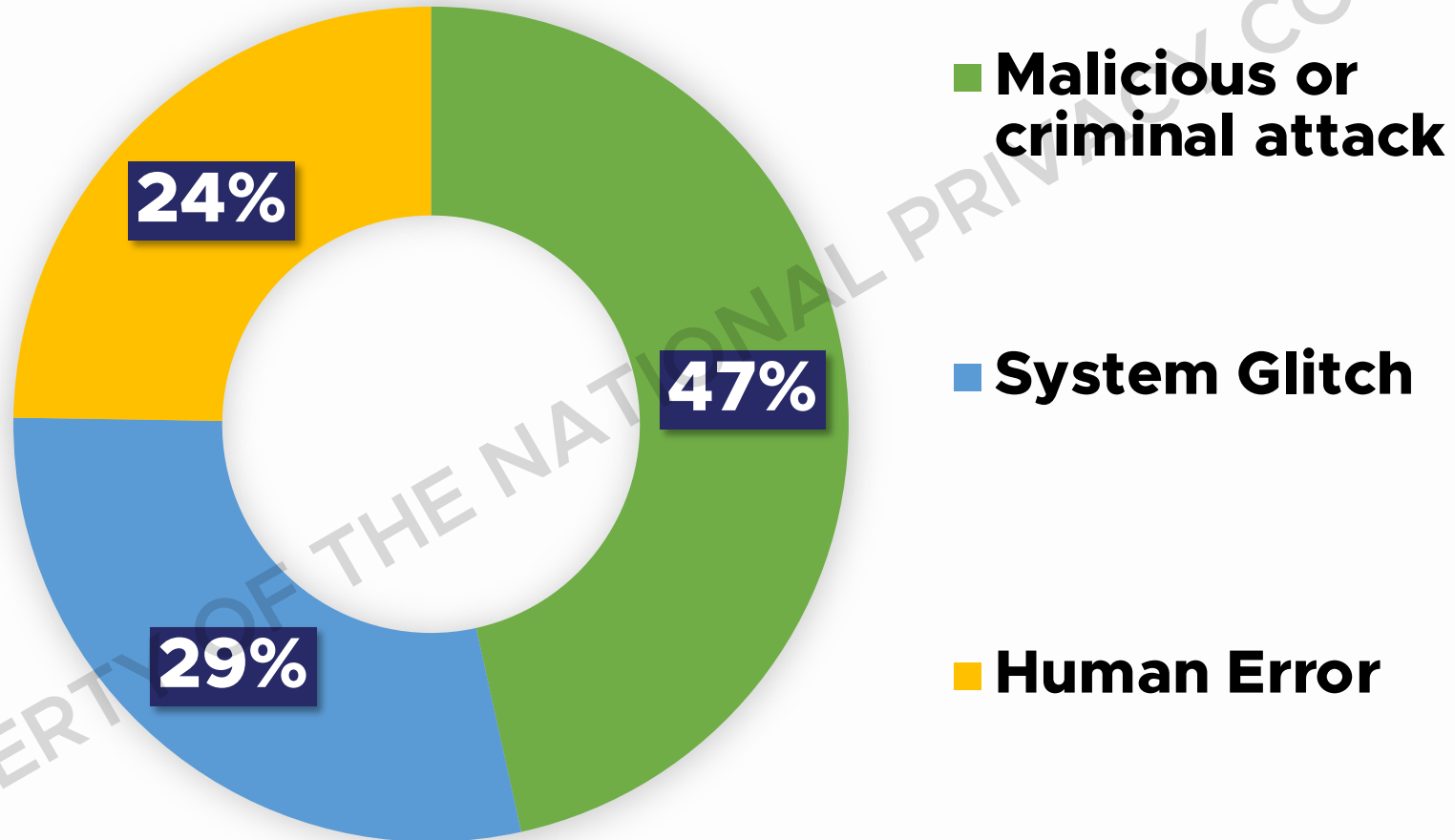
b. **Proportionality** – the processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal data shall be processed only if the purpose of the processing could not reasonably be fulfilled by other means.

PARA MAKAUTANG..

(PLEASE BRING THIS REQUIREMENTS)

- 6pcs 2x2 PICTURE
- 4pcs 1x1 PICTURE (WHOLE BODY)
- 3 VALID ID'S
- BRGY. CLEARANCE
- NBI CLEARANCE
- MAYORS PERMIT
- MEDICAL
- CEDULA
- BIRTH CERTIFICATE (NSO)
- SSS/TIN
- CO-MAKER
- X-RAY (WHOLE BODY)
- POLICE CLEARANCE
- PROOF OF BILLING
- FORM 137

ROOT CAUSES OF BREACH

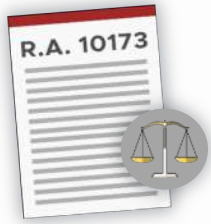


HOW DO PRIVACY BREACHES OCCUR?

- **lost or stolen laptops**, removable storage devices, or paper records containing personal information
- **hard disk drives and other digital storage** media (integrated in other devices, for example, multifunction printers, or otherwise) being disposed of or returned to equipment lessors without the contents first being erased
- **databases containing personal information** being ‘hacked’ into or otherwise illegally accessed by individuals outside of the agency or organization

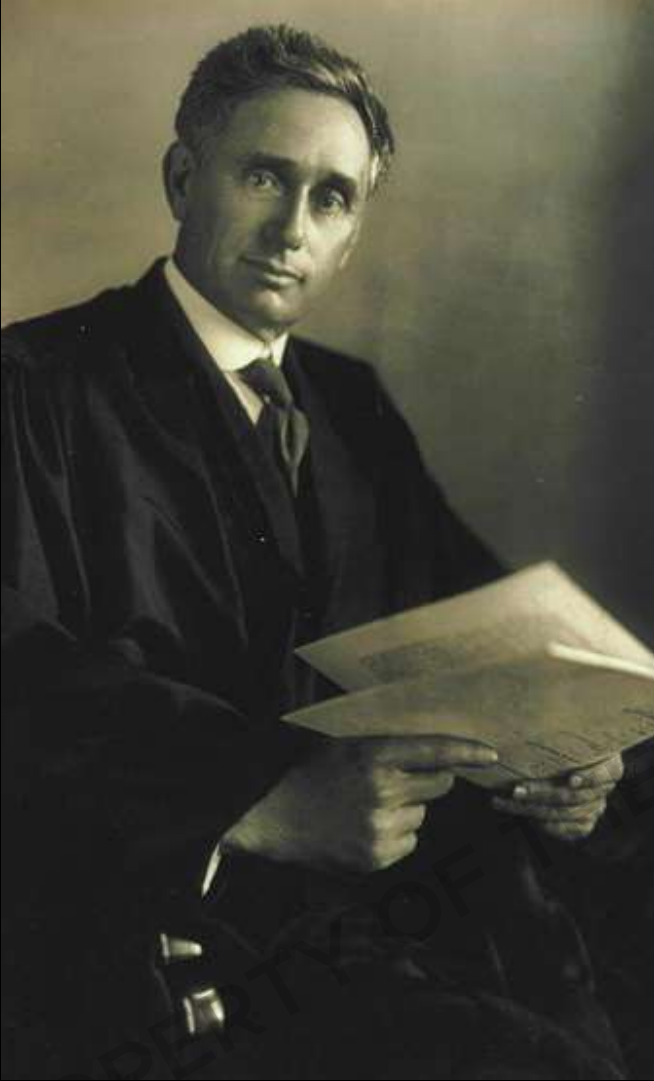
HOW DO PRIVACY BREACHES OCCUR?

- **employees accessing** or disclosing personal information outside the requirements or authorization of their employment
- **paper records stolen** from insecure recycling or garbage bins
- an agency or organization **mistakenly providing personal information** to the wrong person, for example by sending details out to the wrong address, and
- an **individual deceiving an agency** or organization into improperly releasing the personal information of another person.



The Rights of the Data Subject

✓ Right to be informed	Why are you processing my data?
✓ Right to object	I don't want to do this survey anymore Stop videotaping me.
✓ Right to access	What do you know about me?
✓ Right to correct/rectify	I want to amend/correct my details.
✓ Right to block/remove	Remove me from your database.
✓ Right to data portability	I want a copy of my data.
✓ Right to file a complaint	
✓ Right to be indemnified	





THE FIVE PILLARS OF ACCOUNTABILITY AND COMPLIANCE



Commit to Comply:
Appoint a **Data Protection Officer (DPO)**



Know Your Risk:
Conduct a **Privacy Impact Assessment (PIA)**



Be Accountable:
Create your **Privacy Management Program and Privacy Manual**



Demonstrate Your Compliance: Implement your **privacy and data protection (PDP)** measures.



Be Prepared for Breach: Regularly exercise your **Breach Reporting Procedures (BRP)**.

2018

Road to Data Privacy Resilience



Five Pillars of Compliance & Accountability

- (1) Appoint a DPO
- (2) Know your Risks: Conduct a Privacy Impact Assessment
- (3) Create a Privacy Management Program and Privacy Manual
- (4) Demonstrate accountability and compliance through Privacy and Data Protection Measures
- (5) Breach Management



Certification And Seals


Domestic

- Philippine DPO Certification
- The 5 Star Accountability and Compliance (ACE) program



Global Certification

- CBPR: Cross-border Privacy regulations
- GDPR adequacy



Sectoral Code of Conduct

- Privacy code of conduct



Sectors

**Non-Compliant
Personal Information
Controllers/Processor**

**Compliant
Personal Information
Controllers/Processor**

**Willful Violators;
Evading Compliance**

**Ignorant Violators;
Non-Compliant**

**Paper Compliance;
Non-Operational**

**Operational Compliance
Accountability and
Assurance**

Enforcement

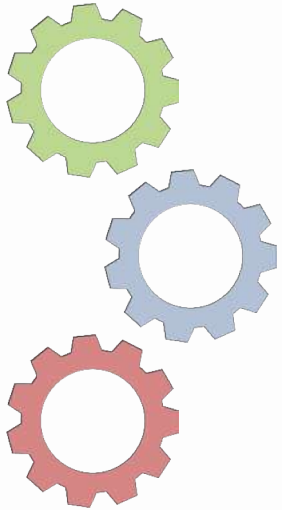
**Awareness
Campaigns;
30-60-90 day**

**Data Privacy Council
building proper
accountability and
assurance**

**Aim of the
Commission**

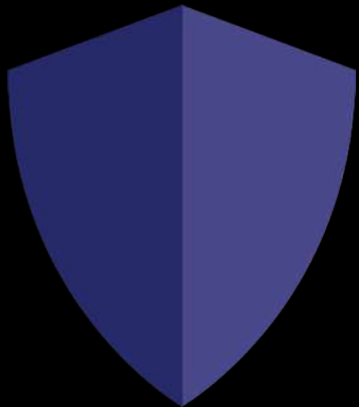


Building a Culture of Privacy



- 1. Privacy management is a top to bottom approach;**
- 2. You should appoint a data protection officer and be sure to listen to them;**
- 3. Conduct a privacy impact assessment on your organization;**
- 4. Develop privacy policies within your organization and Construct your privacy management program to guide your organization**
- 5. Start building a culture of privacy within your organizations by implementing organizational, Technical and physical measures to protect personal data;**
- 6. Build capacity among your staff.**
- 7. Be prepared for breach.**

The Data Privacy Golden Rule



If you Can't Protect It...

DONT Collect It.





Thank you for listening!

facebook.com/privacy.gov.ph
twitter.com/privacyPH
info@privacy.gov.ph