

A BRIEF INTRODUCTION TO

Data Privacy

IN THE PHILIPPINES

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fitness band

tv

telco

bank

toll authority

*public
hospital*

Facebook

Twitter

PDI

CNN PH

Google

CSC

OMB

CCTVs

Apple

insurance co.

scammer



Which of
these things
have to do with
data privacy?

all of them.



COMMENTARY

2/3/2016
01:06 PM



Fitbit, Other Fitness Trackers Leak Personal Data: Study

How Twitter is putting an end to private lives

The ridicule of an actor, a marriage split and... on social media. Should...

People's Deepest, Darkest Google Searches Are Being Used Against Them

On the Internet, search queries are used to target vulnerable consumers.

ADRIENNE LAFRANCE | NOV 3, 2015 | TECHNOLOGY

Everyone's Trying to Track What You Do on the Web: Here's How to Stop Them



Alan Henry
2/22/16

Philippine Email Cellphone Number Database Leads for Sale

Posted by JerickCorea / updated 3 days ago 4:22am

Info Video Ask Me (0)

For Dating Agencies

Develop your business with international dating company.

Price:	5,000.00
Condition:	New
Warranty:	Yes
Phone:	09055702523
Location:	Santa Rosa City, Laguna, Philippines



BRIAN X. CHEN GEAR 04.21.11 5:44 PM

WHY AND HOW APPLE IS COLLECTING YOUR IPHONE LOCATION DATA

15 5:12am EDT

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6

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Samsung's small print says that its Smart TV's voice recognition capture your private conversations, but also pass them onto third parties.

PNP deploys more CCTV cameras

Julie M. Aurelio
@inquirerdotnet

Philippine Daily Inquirer 9:07 AM | Saturday, May 30th, 2015

SHARES



839.0K

169

13

Smart Privacy RFID Toll Tags

...the signature of the state's governor, would codify how... could handle data collected from FasTrak transponders.

Connor

Automotive, Payment Systems

According to one recent U.S. study, **1,798** large data breaches (at least 500 persons) in patient information occurred during a **7-yr period** (2009-2016).

- each incident affected between **872 to 4,859** patients
- **216** hospitals reported **257** breaches
- **33** hospitals experienced multiple breaches
- **2** hospitals reported at least **4** data breaches

2016 IBM Cyber Security Index ranked the healthcare industry as the **most frequently attacked** industry. This began in 2015 when it jumped ahead of manufacturing, financial services and government. Before that, it wasn't even in the top 5.

The average healthcare organization had over **73M** security events, or **36%** more than the average organization in other industries.

Huge data breach at health system leads to biggest ever settlement

5/12/2016
12:01 AM



Kelly Jackson Higgins
News

Healthcare Suffers Estimated \$6.2 Billion In Data Breaches

Nearly 90 percent of healthcare organizations were slain in the past two years.

The 911 call has come in loud and clear. 90% of all health...

Medical group fined \$140K for tossing patients' health records into public dump

15 JAN 2013
Data loss, Law & order, Privacy

Advocate Health Care to Pay \$5.5M in HIPAA Penalties

HealthLeaders Media News, August 5, 2016



It is the largest fine for a single entity, stemming from three separate breaches of the electronic health records of more than 4 million patients.

NEWS

Hackers are coming for your healthcare records -- here's why

1 in 13 patients will have their records stolen after a healthcare provider data breach



JUN 30, 2016 12:54 PM PT

Two Years Later: Beth Israel Fined \$100K for Data Breach

Nov 26, 2014 by Dimitri Vlachos

DEC 31, 2015 @ 09:11 PM 34,371

The Little Black Book of Billionaire Secrets

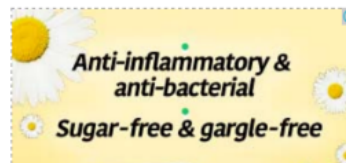
Data Breaches In Healthcare Totaled Over 112 Million Records In 2015



Dan Munro, CONTRIBUTOR

I write about the intersection of healthcare innovation and policy. FULL BIO

Opinions expressed by Forbes Contributors are their own.



Kaiser Hospital Fined \$250,000 for Privacy Breach in Octuplet Case

by Charles Ornstein
ProPublica, May 15, 2009, 4:55 a.m.

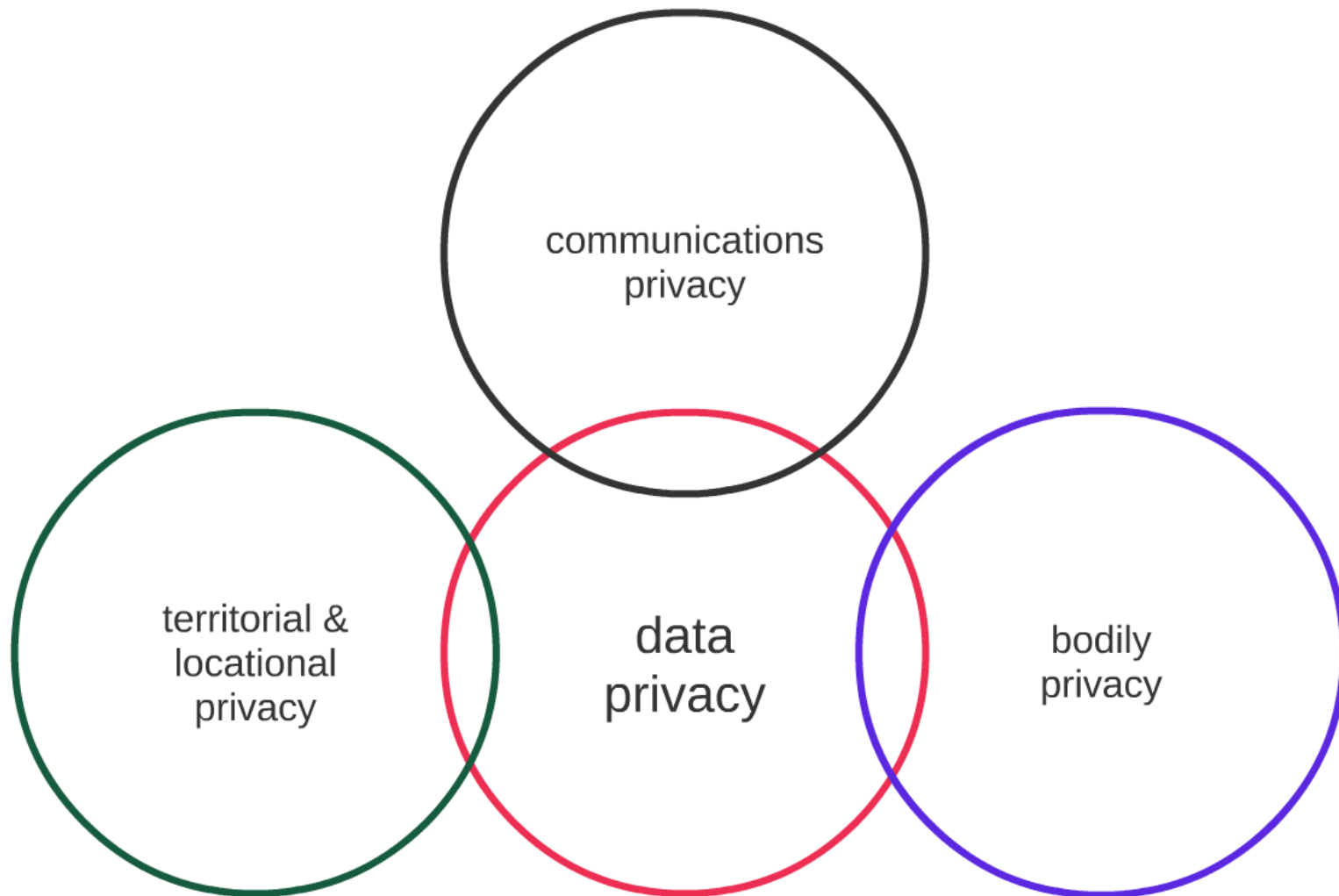
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Data Privacy

Right to Privacy



Human Rights



Aspects of Privacy

why

who

data privacy

what

the right to control
one's personal
information

when

how

IMPORTANCE OF DATA PRIVACY

autonomy

free expression

creativity

vs. identity theft

vs. unwarranted surveillance

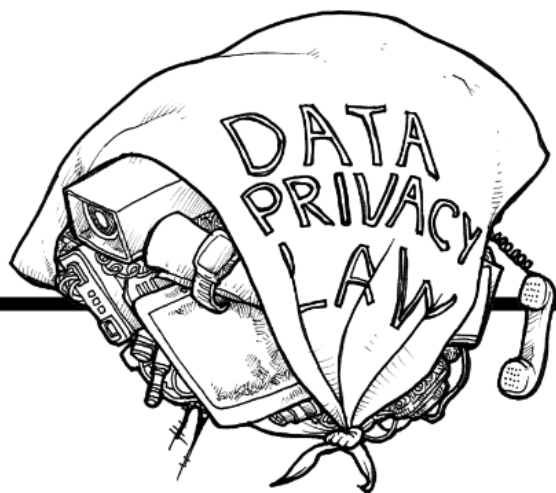
vs. profiling and discrimination

DATA PRIVACY ACT OF 2012

REPUBLIC ACT NO. 10173

+

**Implementing Rules
and Regulations**



SCOPE

***The law applies to the processing
of all types of personal data and
all persons engaged in it.***



***limited application
to persons located
outside of the
Philippines***

personal information controller

- any person (natural or juridical) who controls the processing of personal info

personal information processor

- includes a person who instructs another person to conduct the processing (personal information processor)

data subject

- an individual whose personal, sensitive personal, or privileged information is processed

processing

- any operation/s performed on personal info
- includes collection, recording, organization, storage, updating, modification, retrieval, consultation, use, consolidation, blocking, erasure and destruction



personal data

personal information

any information from which the identity of an individual is apparent or can be reasonably and directly ascertained, or, when put together with other information would directly and certainly identify an individual

sensitive personal information

- **race**, ethnic origin, **marital status**, **age**, color, and religious, philosophical or political affiliations
- **health**, education, **genetic/sexual life**, any proceeding for any offense committed (alleged or actual), including the disposal thereof or the sentence of a court in relation thereto
- issued by gov't to an individual (e.g., licenses, **health records**, social security numbers, tax returns, etc.)
- specifically **mandated by an EO/RA** to be kept classified

privileged information

data, which, under the Rules of Court and other pertinent laws constitute privileged communication

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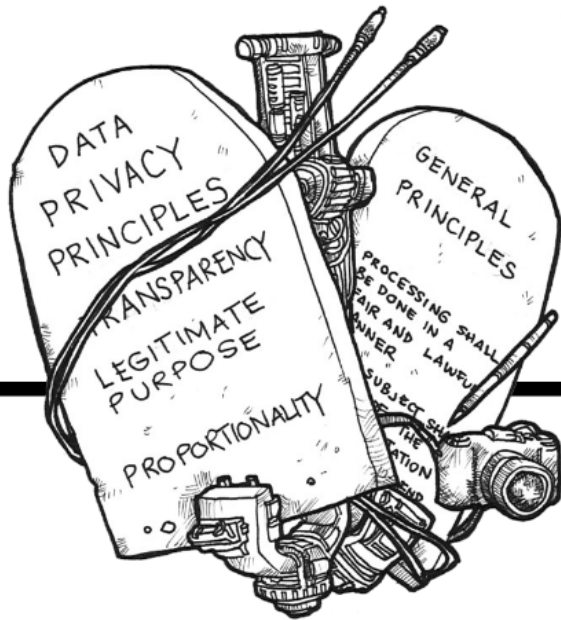
privileged information

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communication**

The law does not apply to the following:

- information within matters of **public concern**
- personal info processed for **journalistic, artistic or literary** purpose, subject to applicable laws
- personal info processed for **research** purposes, subject to applicable laws and ethical standards

- info necessary to carry out functions of a **public authority**
- info necessary for **banks and financial institutions** to comply with the law
- personal info collected from residents of **foreign jurisdictions** in accordance with the laws of those jurisdictions



DATA PRIVACY PRINCIPLES

Transparency

An individual must be aware of the nature, purpose, and extent of the processing of his or her personal data.

Legitimate Purpose

Processing must be compatible with a declared and specified purpose & not be contrary to law, morals, or public policy.

Proportionality

Processing must be adequate, relevant, suitable, necessary, and not excessive vis-a-vis the declared and specified purpose.

General Principles in the Processing of Personal Data



Collection must be for a declared, specified and legitimate purpose.



Personal data must be processed fairly and lawfully.



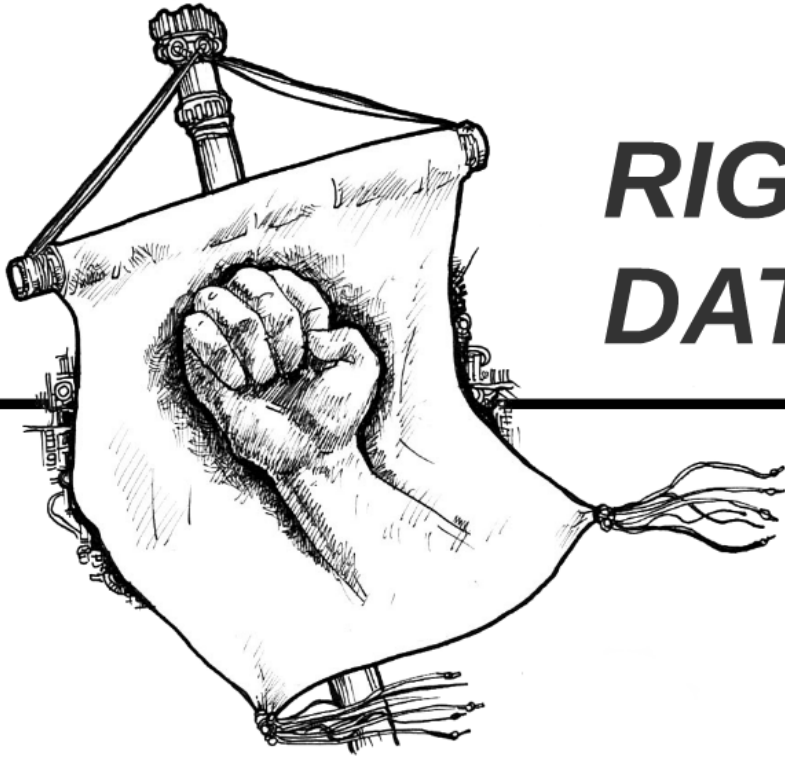
Processing should ensure data quality.



Personal data should not be retained longer than necessary.



***Authorized further processing
must have adequate safeguards.***



RIGHTS OF THE DATA SUBJECT



TO BE INFORMED

- *of processing*
- *of details/terms of processing*
 - personal data
 - purpose
 - scope & method
 - recipients (or classes)
 - method for automated access
 - personal information controller
 - retention period
 - existence of rights

2

TO OBJECT



TO ACCESS (INFO)

3

- personal data
 - sources
 - method
 - recipients (contact info)
 - automated processes
 - date last accessed/modified
 - personal information controller
-
- includes the right to data portability

4

TO RECTIFICATION

TO ERASURE OR BLOCKING

5

- incomplete
- outdated
- false
- unlawfully obtained
- used for unauthorized purposes
- not necessary to purpose

6

TO DAMAGES

- includes the right to file a complaint

HOW TO COMPLY?

- Appoint a **Data Protection Officer** now!
- Conduct **Privacy Impact Assessments**
- Draft a **Privacy Manual**
- Make use of **Privacy Notices/Policies**
- Maintain **Data Breach and Security Incident Management Protocols**
- **Register** your Data Processing Systems
- **Notify** the Commission regarding Automated Processing Operations

OFFENSES & PENALTIES

re: processing

- unauthorized processing (1-3y & 500k-2M)[3-6y & 500k-4M]
- processing for unauthorized purposes (1.6-5y & 500k-1M)[3-5y & 500k-1M]

re: access

- unauthorized access (1-3y & 500k-2M)
- allowing access due to negligence (1-3y & 500k-2M)[3-6y & 500k-4M]
- concealment of unauthorized access involving SPI (1-3y & 500k-1M)
[3-5y & 500k-1M]

re: disclosure

- malicious disclosure (1.6-5y & 500k-1M)
- unauthorized disclosure (1-3yrs & 500k-1M)[3-5y & 500k-1M]

re: disposal

- improper disposal (6mos-2y & 100k-500k)[1-3y & 100k-1M]

extent of liability

- if offender is a juridical person, penalty is imposed on officers who **participated** in the crime, or who, thru **gross negligence**, allowed its commission



additional/higher penalties

- higher penalties when committed:
 - in large scale (involving personal info of **100 or more** persons)
 - involving a **combination or series** of acts
- additional penalty of deportation for alien offenders
- additional penalty of **perpetual/temporary absolute disqualification** from office for public officer/employee-offenders



"Privacy will remain important, if for no other reason than it is often about information, and we are living in the information age, witnessing a revolution in technologies that run on information."

Neil Richards,
Intellectual Privacy

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