



RBAP 69th Annual National Convention and General Membership Meeting

Rural Banks' Resilience & Relevance: Rising Above The Challenges

Roadmap to Data Privacy Resilience

ISO 9001:2015 CERTIFIED



NPC: Responsive Regulator



**NATIONAL
PRIVACY
COMMISSION**



**RULE
MAKING**



ADVISORY



**PUBLIC
EDUCATION**



**COMPLIANCE
AND
MONITORING**



**COMPLAINTS
AND
INVESTIGATION**



ENFORCEMENT



**Promote Data
Privacy Rights**








**Protect Data
Subjects**



**Develop
capacities of
stakeholders**

5 PILLARS OF DATA PRIVACY ACCOUNTABILITY & COMPLIANCE

-  **1** **Appoint** a Data Protection Officer
-  **2** **Conduct** a Privacy Impact Assessment
-  **3** **Create** a Privacy Management Program
-  **4** **Implement** Data Privacy and Security Measures
-  **5** **Be ready** in case of a Data Breach

NPC DATA PRIVACY ACCOUNTABILITY AND COMPLIANCE FRAMEWORK



GOVERNANCE

A. Appoint your DPO



RISK ASSESSMENT

B. Register systems
C. Maintain records
D. Conduct a PIA



ORGANIZATION

E. Privacy Management Program
F. Privacy Manual



DAY-TO-DAY

G. Privacy Notice
H-O. Data Subjects' Rights
P. Data Life Cycle



DATA SECURITY

Q. Organizational
R. Physical
S. Technical



BREACH

T. Data Breach Management

- ▶ Security Policy
- ▶ Data Breach Response Team
- ▶ Incident Response Procedure
- ▶ Documentation
- ▶ Breach Notification



THIRD PARTIES

U. Third Parties

- ▶ Legal Basis for Disclosure
- ▶ Data Sharing Agreements
- ▶ Cross Border Transfer Agreement



HUMAN RESOURCES

V. Training and Capacity Building
W. Security Clearances and NDA



CONTINUITY

X. Continuing Assessment and Development

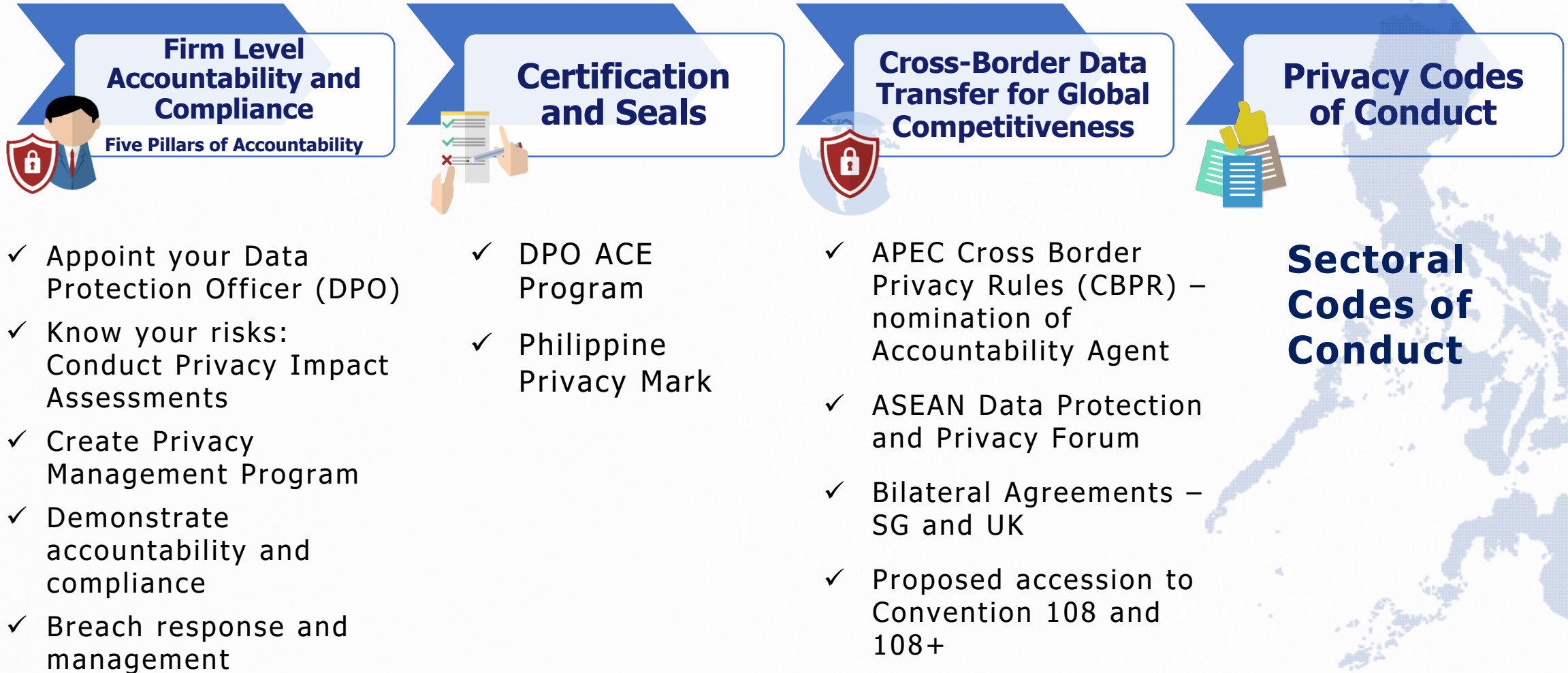
- ▶ Regular PIA
- ▶ Review Contracts
- ▶ Internal Assessments
- ▶ Review PMP
- ▶ Accreditations



PRIVACY ECOSYSTEM

Y. New technologies and standards
Z. New legal requirements

Roadmap to Data Privacy Resilience



Opportunities and Challenges

Increased digitalization of the economy

- Innovation
- Efficiency
- Cost effectiveness



- ✓ **Ensuring transparency, legitimate purpose, and proportionality**
- ✓ **Implementing safeguards**
- ✓ **Mechanisms for data subjects to exercise their rights**

Updates on NPC issuances

Circular on Administrative Fines

Total imposable fine shall not exceed Five Million Pesos (Php 5,000,000.00)

- Online Public Consultation attended by more than 160 stakeholders from various sectors – 22 March 2022
- Extension of Submission of Comments on the Draft Guidelines on Administrative Fines – until 21 April 2022
- Currently undergoing the Regulatory Impact Assessment (RIA) by the Legal Division of the NPC

Updates on NPC issuances

Circular on Administrative Fines

Admin Fine: 0.5 % to 3 % of the annual gross income of the immediately preceding year of the violation

Grave Violations (where the total number of affected data subject exceeds one thousand (1,000):

- violation of any of the **general privacy principles** in the processing of personal data, pursuant to Section 11 of the DPA
- violation of any of the **data subject rights** pursuant to Section 16 of the DPA
- any repetition of the same infraction, penalized under this Circular

Updates on NPC issuances

Circular on Administrative Fines

Admin Fine: 0.25% to 2% of the annual gross income of the immediately preceding year of the violation

Major Violations:

- violation of any of the **general privacy principles** in (not exceed 1,000 data subjects)
- violation of any of the **data subject rights** (not exceed 1,000 data subjects)
- Any **failure by a personal information controller to implement reasonable and appropriate measures** to protect the security of personal information
- Any **failure by a personal information controller to ensure that third parties processing personal information on their behalf shall implement security measures**
- Any **failure by a personal information controller to notify the Commission and affected data subjects of personal data breaches** pursuant to Section 20 (f) of the DPA, unless otherwise punishable by Section 30 of the DPA.

Updates on NPC issuances

Circular on Administrative Fines

Other violations

Fine: not less than Fifty Thousand Pesos (Php 50,000) but not exceeding Two Hundred Thousand Pesos (Php 200,000): The failure to register true and updated information with the Commission the identity and contact details of the PIC, the data processing system, and information on automated decision making

Fine not exceeding Fifty Thousand Pesos (Php 50,000): Failure to comply with any Order of the Commission, or of any of its duly-authorized officers; the fine to be imposed as a result of this infraction shall be in addition to the fine-imposed for the original infraction/s subject of the Order of the Commission


Thank **you!**



5th Floor, Delegation Building
Philippine International Convention Center
PICC Complex, Roxas Boulevard, Manila, 1307

 privacy.gov.ph

 info@privacy.gov.ph

 234-22-28

 privacy.gov.ph

 PrivacyPH

 privacygovph

