



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

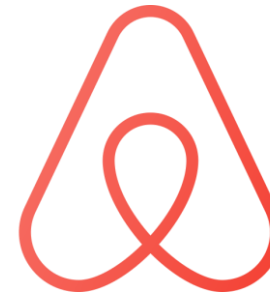
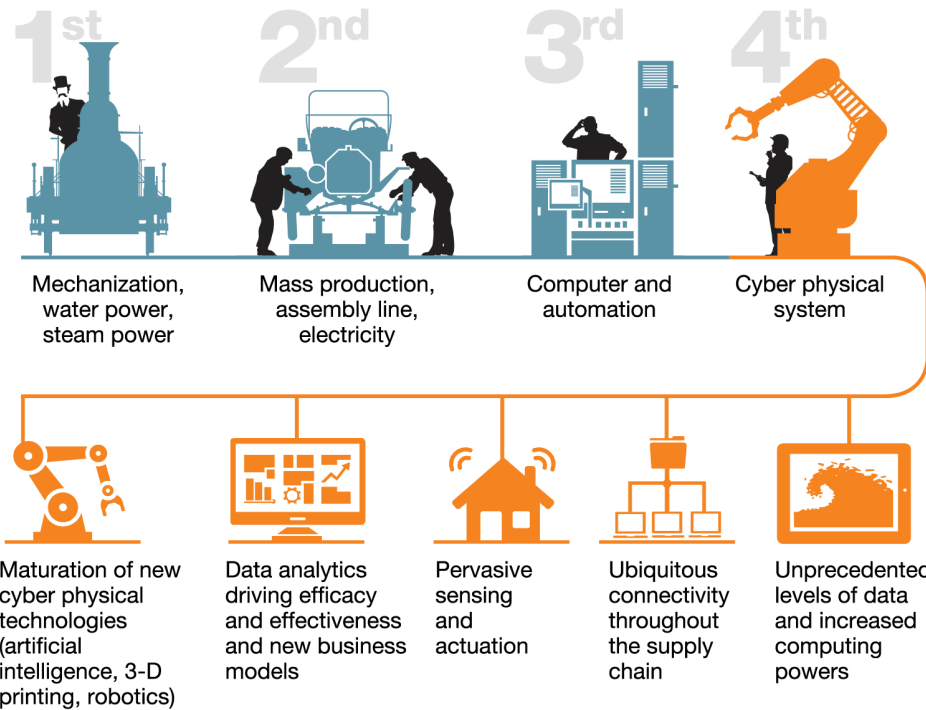


Data Privacy Act and Freedom of Expression: Role of the NPC

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National Privacy Commission

THE 4TH INDUSTRIAL REVOLUTION:

*Data as the **new oil** of the digital economy?*



McKinsey&Company | Source: *Forbes*; World Economic Forum

Source of picture : Available at <https://coconetinc.wordpress.com/2017/09/13/on-industry-4-0-and-4th-generation-maintenance-and-reliability-challenges/>



The world's largest taxi firm, Uber, owns no cars.

The world's most popular media company, Facebook, creates no content.

The world's most valuable retailer, Alibaba, carries no stock.

The world's largest accommodation provider, Airbnb, owns no property.



**The
Economist**

MAY 6TH-12TH 2017

Crunch time in France

Ten years on: banking after the crisis

South Korea's unfinished revolution

Biology, but without the cells

The world's most valuable resource

**Data and the new rules
of competition**



PRIVACY?



/ U.S.D.A. N.A.I.P.

Your Apps Know Where You Were Last
Night, and They're Not Keeping It Secret

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)].

OF THE CITY OF BOSTON, MASSACHUSETTS, PUBLISHED BY THE
GARDNER PUBLISHING COMPANY, BOSTON, MASSACHUSETTS, 1928.

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THE RIGHT TO PRIVACY

ornaments were a string of gold beads around her throat. Her hair was of white roses, and the

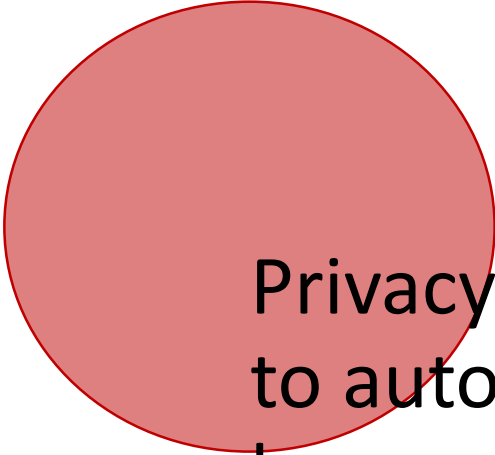
by Samuel D. Warren and Louis D. Brandeis to the . . . The ayard, Miss draws, resses e null,

Section 11, Article II of the 1987 Constitution



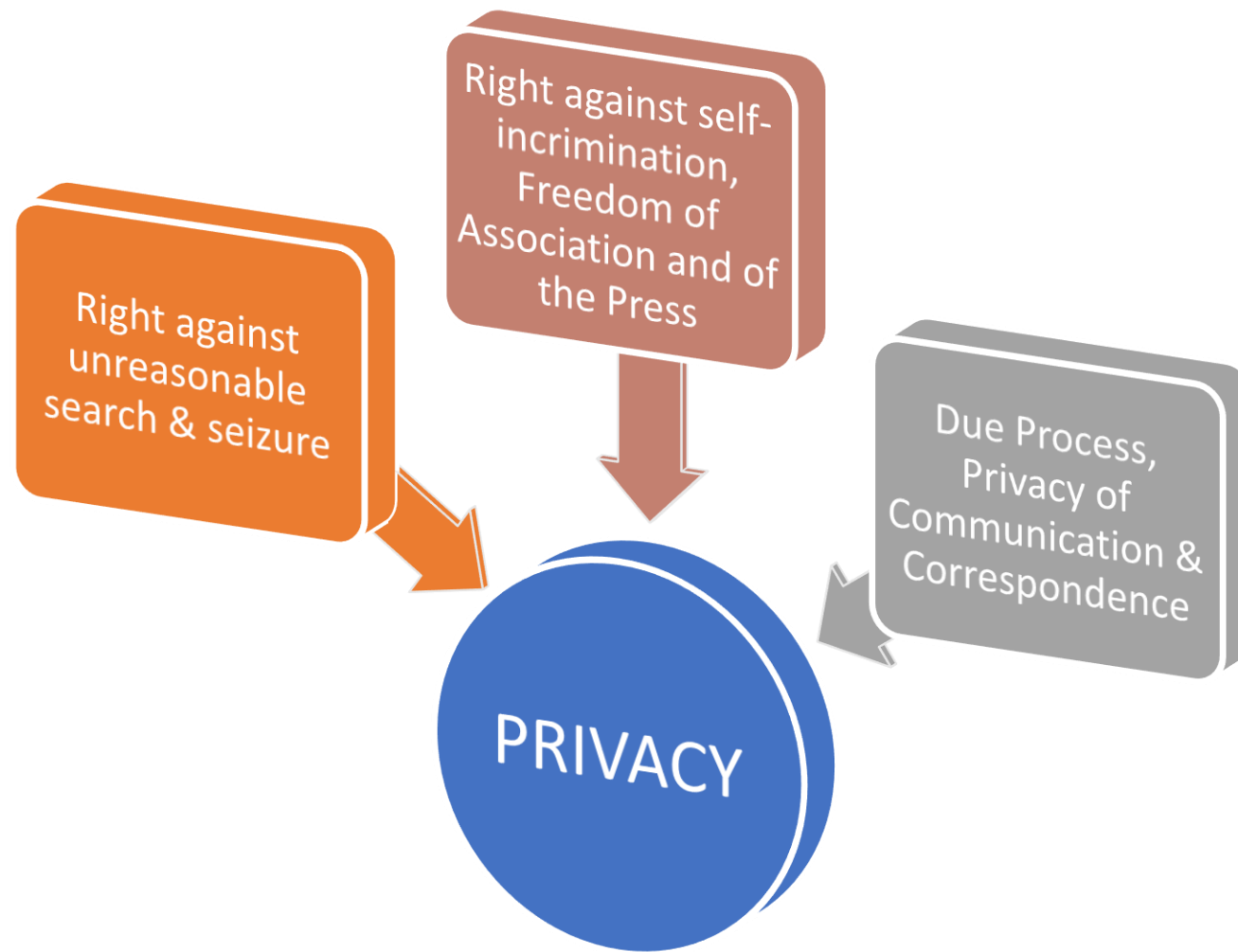
The State values the dignity of every human person and guarantees full respect for human rights.

What is Privacy?



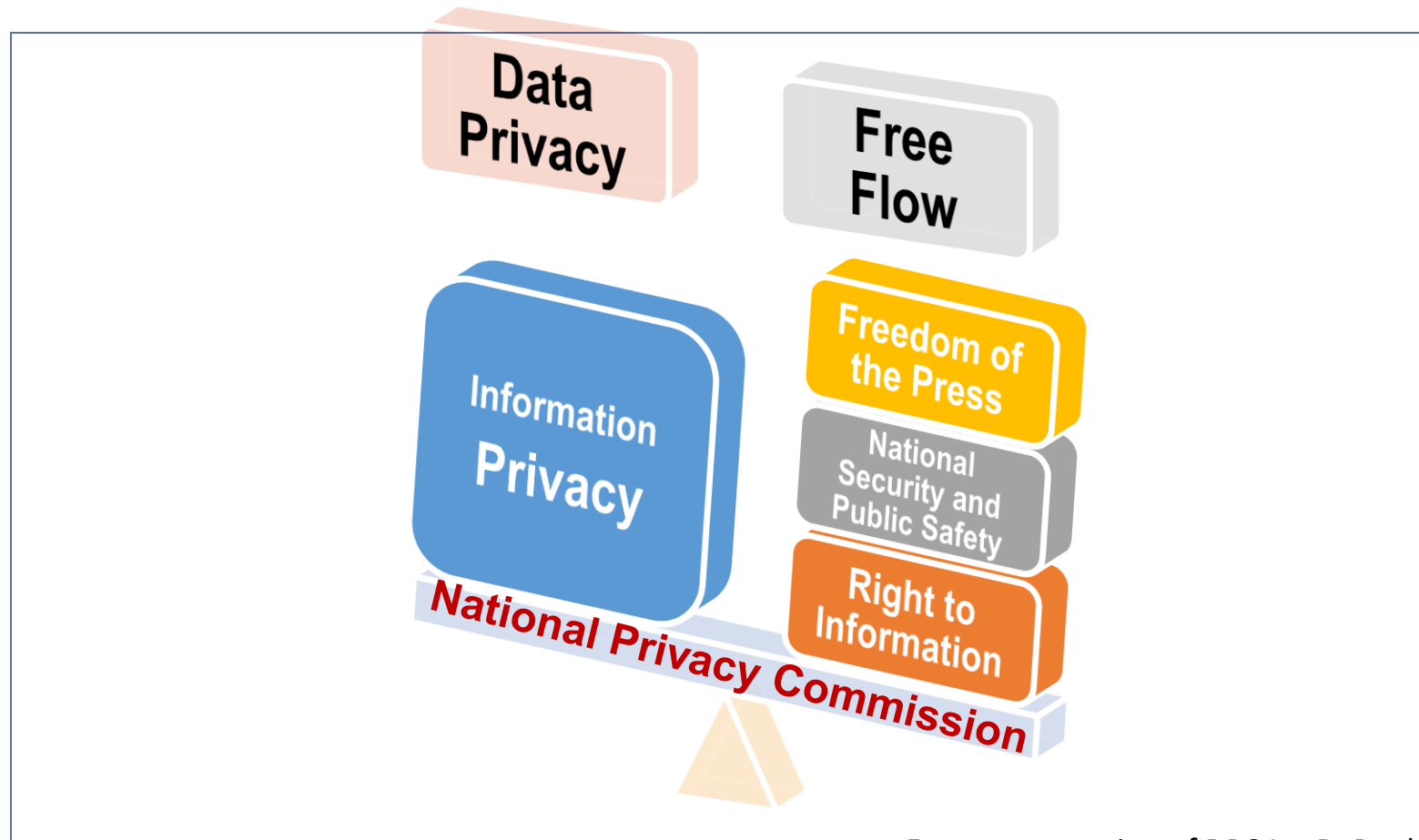
Privacy is a fundamental right, essential to autonomy and the protection of human dignity, serving as the foundation upon which many other human rights are built.

<https://www.privacyinternational.org/node/54>



DUAL MANDATE of The NPC:

It is the policy of the State to protect the fundamental human right of **privacy of communication** while ensuring **free flow of information** to promote innovation and growth. –Sec.2, RA 10173



NATIONAL PRIVACY COMMISSION

- Section 9. *Functions.* The National Privacy Commission shall have the following functions:
 - a. Rule Making. The Commission shall develop, promulgate, review or amend rules and regulations for the effective implementation of the Act.

- **Security Measures**

- Organizational
- Physical
- Technical

- **Personal Data**

- Confidentiality
- Integrity
- Availability



-against any accidental or unlawful destruction, alteration, and disclosure, as well as against any other unlawful processing

NATIONAL PRIVACY COMMISSION

b. Advisory. The Commission shall be the advisory body on matters affecting protection of personal data.

- Comment on local legislation taking into account Data Privacy
- Issuance of Advisory Opinions
- Privacy Codes

Accountability, Compliance, Ethics



The National Privacy Commission (NPC) today unveiled its DPO Accountability, Compliance, and Ethics (ACE) Program, aimed at establishing a skills benchmark for local privacy professionals, amid the spike in demand for high-quality data privacy trainings in the country.

Around 50 practicing Data Protection Officers (DPOs) from leading government offices and top corporations attended the pilot class of the DPO ACE Program, which is comprised of 3 days of intensive lectures and workshops beginning December 12 to 14, at the 2nd Floor, Secretariat Building, Philippine International Convention Center, Manila.

NATIONAL PRIVACY COMMISSION

e. Complaints and Investigations. The Commission shall adjudicate on complaints and investigations on matters affecting personal data: xx

- Cases filed with the Commission
- Adjudicate on issues raised– case to case basis

For the love of Art: how Foster v. Svenson places artistic expression over privacy

POSTED ON **JUNE 20, 2015** BY **COPY**

by Jameel Odom

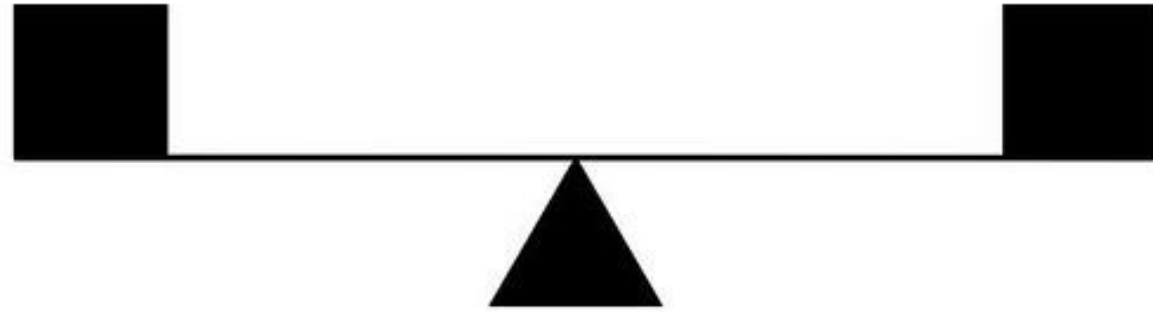
On April 9th, the New York Appellate Division of the Supreme Court upheld the Supreme Court's dismissal of a family's right of privacy issue because of an artist's freedom of expression.

In 2013, Martha and Matthew Foster filed a claim that alleged a breach of their privacy by photographer Arne Svenson after learning that they, and their two children, were the subjects of Svenson's new series of photographs and exhibit entitled "The Neighbors." In order to capture the images for the series, Svenson used a camera with a telephoto lens to take pictures of the Foster family's glass apartment across the street from his home. Svenson took the pictures without the knowledge or permission of the Foster family. The Fosters eventually found out about the images through a local news source that was promoting Svenson's new work and show.

The Supreme Court of New York granted Svenson's motion to dismiss Fosters' claims for injunctive relief and damages

SEC. 38. *Interpretation.* – Any doubt in the interpretation of any provision of this Act shall be liberally interpreted in a manner mindful of the rights and interests of the individual about whom personal information is processed.

Right to
Privacy and
Freedom of
Expression



- How does the DPA strike balance?

Paramount Consideration given to Freedom of expression including freedom of the press

Section 5. *Special Cases*. The Act and these Rules shall not apply to the following specified information, only to the minimum extent of collection, access, use, disclosure or other processing necessary to the purpose, function, or activity concerned:

- b. Personal information processed for journalistic, artistic or literary purpose, in order to uphold freedom of speech, of expression, or of the press, subject to requirements of other applicable law or regulations;
- c. Personal information that will be processed for research purpose, intended for a public benefit, subject to the requirements of applicable laws, regulations, or ethical standards;

Journalists

Section 7. *Protection Afforded to Journalists and their Sources.*

- a. Publishers, editors, or duly accredited reporters of any newspaper, magazine or periodical of general circulation shall not be compelled to reveal the source of any news report or information appearing in said publication if it was related in any confidence to such publisher, editor, or reporter.

- b. Publishers, editors, or duly accredited reporters who are likewise personal information controllers or personal information processors within the meaning of the law are still bound to follow the Data Privacy Act and related issuances with regard to the processing of personal data, upholding rights of their data subjects and maintaining compliance with other provisions that are not incompatible with the protection provided by Republic Act No. 53.

NPC reminds media: Balance freedom of press, right to privacy

The National Privacy Commission also says data privacy should not be used as a 'shield' against valid freedom of information requests



Michael Bueza
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Published 7:30 PM, August 29, 2017

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DATA PRIVACY. NPC Deputy Commissioner Ivy Patdu talks about media and privacy during the DPO6 assembly of data protection officers in Pasay City on August 29, 2017. Photo by Michael Bueza/Rappler

Exception is not to be considered absolute.

- Transparency
- Legitimate purpose
- Proportionality

PDEA, media hit for disclosure of drug suspect's HIV status

By Rosette Adel (philstar.com) | Updated November 28, 2017 - 5:42pm

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A lawmaker, the Commission on Human Rights and HIV Awareness advocate group all expressed concerns after PDEA conducted an HIV test on the drug suspects while a number of media outlets disclosed the HIV status and posted mug shots of the suspects. **STAR/Miguel De Guzman, file**

Source:

<http://www.philstar.com/headlines/2017/11/28/1763331/pdea-media-hit-disclosure-drug-suspects-hiv-status>

Where do we draw the line?



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PGH doctors cry foul over Ramon Tulfo 'cyberbullying, doctor shaming'

ABS-CBN News

Posted at Aug 19 2018 10:21 PM | Updated as of Aug 20 2018 12:33 AM



Yeng Constantino called out for 'doctor-shaming,' but praises Siargao local gov't for addressing husband's accident

INCLUDED DATE / 02:25 PM July 21 2010

CEBU

3 Tuburan hospital nurses terminated; midwife under probe



CEBU, Tuburan District Hospital. (Image from Google Street View)



February 19, 2019

Privacy by Design

PRIVACY BY DESIGN





NPC conducts hearings on 48 online lending apps after over 400 harassment complaints

May 21, 2019 | 4:08 PM GMT+0800 Last Edit: May 21, 2019

Over 400 complaints of alleged harassment and shaming by various mobile online lending operators have swamped the National Privacy Commission (NPC) recently, with borrowers crying foul over perceived reputational harm and abuse of their data privacy rights.

**“We want to comply not because we have to, but because it is the
right thing to do.”**

- International Rice Research Institute

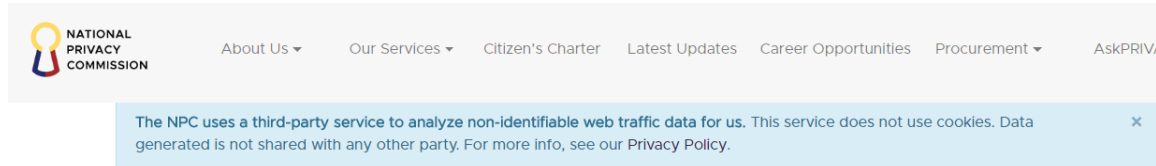
Embracing a Privacy Culture



Source of picture: available at <http://www.pmcgregor.com/building-habits-keeping-them/>

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