Foundation for Media Alternatives

A Civil Society Guide to the

PHILIPPINE IDENTIFICATION SYSTEM

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Table of Contents

Use and Authentication 20

Security and Safeguards.........................24

Acronyms

ACRONYM	NAME
DPA	Data Privacy Act of 2012
GFI	government financial institution
GOCC	government-owned and -controlled corporation
IRR	Implementing Rules and Regulations (of the PhilSys Act)
LGU	local government unit
PhilSys Act	Philippine Identification System Act
PSA	Philippine Statistics Authority
PSN	PhilSys Number
PSPCC	PhilSys Policy and Coordination Council
RA 11055	Republic Act No. 11055, also known as the PhilSys Act
SUC	state universities and colleges

Chapter 1
General

What is the PhilSys?[1]

The PhilSys is also known as the Philippine Identification System. It is the Philippine government's central identification platform for all citizens and resident aliens of the Philippines. A person's record in the PhilSys shall be considered as official and sufficient proof of his or her identity.

What are the objectives of the PhilSys?[2]

1. To establish a single identification system for all covered persons[3]
2. To provide a valid proof of identity for all covered persons in order to simplify transactions[4]
3. To eliminate the need to present other forms of identification when transacting with the government and the private sector, subject to the appropriate authentication measures based on biometric identification system[5]
4. To be a social and economic platform through which all public and private services can be availed of[6]
5. To promote seamless service delivery, to enhance administrative governance, to reduce corruption, to strengthen financial inclusion, and to promote ease of doing business[7]

What are the key components of the PhilSys?

The PhilSys has three key components: (a) PhilSys Number; (b) PhilSys Registry; and (c) PhilID.[8]

What is the PhilSys Number?

The PhilSys Number (PSN) is a randomly generated, unique, and permanent identification number that will be assigned by the PSA to every citizen or resident alien upon birth or registration.[9] All government agencies and GOCCs must incorporate the PSN of every covered person into their identification systems and databases, as it shall be the standard number for that individual across all government agencies.[10]
Once a person has been issued a PSN, the number—whether in print or electronic format—shall be accepted as sufficient proof his or her identity, subject to authentication.[11]

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[1] §6, RA 11055; *see also*: §5, IRR.
[2] §3, RA 11055; *see also*: §3, IRR.
[3] §3(a), IRR; *see also*: §2, RA 11055.
[4] §3(b), IRR; *see also*: §3, RA 11055.
[5] §3(c), IRR; *see also*: §3, RA 11055.
[6] §3(d), IRR; *see also*: §3, RA 11055.
[7] §3(e), IRR; *see also*: §3, RA 11055.
[8] §7, RA 11055; *see also*: §6, IRR.
[9] §7(a), RA 11055; *see also*: §6(A), IRR.
[10] §7(a), RA 11055; *see also*: §6(A), IRR.
[11] §7(a), §12, RA 11055; *see also*: §6(A), IRR.

A person can neither choose his or her PSN,[12] nor have more than one PSN.[13] It cannot also be pre-determined or pre-assigned to any individual.[14]

The PSN of a minor will be linked to that of his or her parents or guardian.[15]

COMMENTS/QUESTIONS

1. Won't linking a minor's PSN to his/her parents or guardian amount to an additional data point to that minor and his/her parents' registered information in the PhilSys? If so, won't this effectively circumvent the limitation in the number and types of information required to be registered in the PhilSys?
2. By "guardian", is the IRR also referring to anyone exercising substitute parental authority over a minor?
3. How about other individuals who require a guardian? Will their PSN also be linked to their respective guardians?

Is the assignment of a PSN mandatory for all Filipinos and resident aliens?

YES. As defined in the law, the assignment of a PSN appears to be mandatory for every citizen and resident alien of the Philippines.[16]

Can a PSN be deactivated?

YES. A PSN will be deactivated on the following grounds:[17]

1. loss of Filipino Citizenship by the registered person
2. loss of Resident Alien Status by the registered person
3. failure of the registered person to have his or her biometric information recaptured at age five (5), if he or she was registered while below five (5) years old
4. failure of the registered person to have his or her biometric information recaptured at age fifteen (15), if her or she was registered while below fifteen (15) years old
5. death of the registered person
6. upon request of the registered person

A PSN may also be deactivated on the following grounds:[18]

1. presentation of false or fictitious supporting document/s during registration, or during application for change of entries
2. misrepresentation in any form during and after registration in the Philsys
3. fraudulent application of the biometric exception

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[12] §6(A), IRR.
[13] §6(A), IRR.
[14] §6(A), IRR.
[15] §8(A), IRR.
[16] §7(a), RA 11055; *see also*: §6(A), IRR.
[17] §9(A), IRR.
[18] §9(B), IRR.

After it is deactivated, a PSN cannot be assigned to another person.[19] Also, a person with a deactivated PSN will not be given a new PSN.[20]

Can a PSN be reactivated?

YES. According to the IRR, the PSA may reactivate the PSN of a registered person upon his or her submission of satisfactory proof for its reactivation under the guidelines to be set by the agency.[21]

What is the PhilSys Registry?

The PhilSys Registry contains the following: (1) PSN; (2) registered records; (3) record history; and (4) registered information of all persons registered in the PhilSys.[22]

It shall be kept, owned, managed, and administered by the PSA as separate and distinct from all its other databases.[23]

An individual who has been registered in the PhilSys is referred to as a registered person.[24]

What are registered records?

Registered Records are the electronic copies of completed application forms submitted during the registration process, as well as all succeeding updates.[25]

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[19] §9, IRR.
[20] §9, IRR.
[21] §10, IRR.
[22] §7(b), RA 11055; *see also*: §6(B), IRR.
[23] §6(B), IRR.
[24] §5(k), RA 11055; *see also*: §4(l), IRR.
[25] §6(B), IRR.

What is the record history?[26]

The record history refers to an entry in the PhilSys consisting of information regarding a registered person in connection with his or her entries in the System and his or her PhilID. It includes:

1. date of filing of the application for registration and its particulars
2. date of filing of every application for modification and its particulars
3. modification of entry made, the date of such modification, and the documents or other proof presented in support thereof
4. reason/s for the omission of any entry
5. dates of issuance, reissuance, and cancellation of the PhilID, including the reasons therefor
6. details of authentication requests processed by the PSA, which shall be limited to:
7. date the request was made and processed by the PSA
8. identity of the requesting entity
9. response provided by PhilSys
10. disclosure, conveyance, dissemination, publication, and use of information by third parties
11. other relevant information as determined necessary and approved by the PSPCC regarding the registration, modification, and authentication of personal information of a citizen or resident alien under the PhilSys Act

What is registered information?

Registered information refers to any personal information[27] regarding a registered person.[28] It includes those demographic and biometric information required by law to be registered in the PhilSys.[29]

More specifically, the information to be collected and stored in the PhilSys Registry shall be limited to the following:[30]

Demographic Information

1. full name
2. sex
3. date of birth
4. place of birth
5. blood type
6. address
7. permanent address
8. present address (optional)
9. Filipino or resident alien
10. marital status (optional)
11. mobile number (optional)
12. email address (optional)

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[26] §5(i), RA 11055; *see also*: §4(j), IRR.
[27] Personal information is defined as "any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual as defined in Republic Act No. 10173, otherwise known as the 'Data Privacy Act of 2012'". For purposes of the PhilSys Act, the term also includes sensitive personal information, as defined in the PDA. [*see*: §5(g), RA 11055; §4(h), IRR]
[28] §5(j), RA 11055; *see also*: §4(k), IRR.
[29] §5(j), RA 11055; *see also*: §4(k), IRR.
[30] §8, RA 11055; *see also*: §7, IRR.

Biometric Information[31]

1. front-facing photograph
2. full set of fingerprints
3. iris scan

According to the PhilSys Act, other identifiable features of an individual (i.e., other biometric information) may also be collected and stored in the PhilSys Registry, as may be determined in the IRR.[32]

Meanwhile, the IRR requires that all captured biometric information must conform to relevant international standards, as determined by the PSA.[33]

COMMENTS/QUESTIONS

It would seem that at least three (3) additional data points were added by the IRR into the PhilSys Registry, at least for some people: (1) parents of a registered person who is a minor; (2) qualified introducer of a registered person, if applicable; and/or (3) all registered persons endorsed by a qualified introducer.

What is the PhilID?

The PhilID is a nontransferable card that shall *preferably* be issued to all registered persons, subject to the guidelines to be issued by the PSA.[34] It shall convey essential information about a registered person's identity. On its face, the following information may be found:[35]

1. PSN
2. Full name
3. sex
4. date of birth
5. place of birth
6. blood type
7. address
8. marital status (optional)
9. front-facing photograph

All information appearing on the PhilID should match with the registered information in the PhilSys (Registry).[36]

The PhilID shall also feature a QR Code containing at least the PSN and any two fingerprint information of the registered person.[37] Apart from this, the IRR states that the PhilID must also include other security measures that provide safeguards in terms of data privacy and security, and protect against the proliferation of

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[31] §5(c), RA 1055; *see also*: §4(c), IRR.
[32] §8(b)(4), RA 11055.
[33] §7, IRR.s
[34] §7(c), RA 11055; *see also*: §6(C), IRR.
[35] §7(c)(1), RA 11055; *see also*: §6(C)(1), IRR.
[36] §7(c)(1), RA 11055.
[37] §6(C)(1), IRR; *see also*: §7(c)(1), RA 11055.

fraudulent or falsified identification.[38] Such measures must be at par with technological advances and international standards.[39]

According to the PhilSys Act, the PSA, in consideration of advances in technology, utility, security, and confidentiality, may provide registered persons with mobile PhilID, subject to appropriate guidelines.[40]

A registered person who has been issued (and is therefore in possession of) a PhilID is called a cardholder.[41]

What is the purpose of the PhilID?

The PhilID shall serve as the official government-issued identification document of cardholders when dealing with national government agencies, LGUs, GOCCs, GFIs, SUCs, and all private sector entities.[42]

For purposes of establishing proof of one's identity when transacting business with such entities, the presentation of the PhilID (or the PSN) shall be deemed sufficient, subject to proper authentication.[43]

Is the issuance of a PhilID mandatory for all registered persons?

That does not appear to be the case, if one will rely on the language of both the PhilSys Act and its IRR.[44] This is confirmed by another provision in the law which appears to state that registration is deemed complete even without the issuance of a PhilID. Note:

> "Registration in the PhilSys is deemed successful and complete upon the issuance of the PSN and confirmation of registration by the PSA."[45] (underscoring supplied)

That said, according to the IRR,[46] once a person has been successfully registered, he or she shall be issued a PhilID in a manner to be prescribed by the PSA.

COMMENTS/QUESTIONS

All the way up to the IRR, it is still not clear whether, in fact, the issuance of a PhilID will be mandatory for all registered persons.

Is the issuance of a PhilID free of charge?

In the case of Filipinos, the initial issuance and renewal of the PhilID is free of charge.[47] Renewal pertains to the replacement of the PhilID after the biometric information of a registered person is recaptured or updated.[48]

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[38] §6(C)(1), IRR.
[39] §6(C)(1), IRR.
[40] §7(c)(1), RA 11055.
[41] §5(d), RA 11055; *see also*: §4(d), IRR.
[42] §7(c)(2), RA 11055; *see also*: §6(C)(2), IRR
[43] §12, RA 11055.
[44] §7(c), RA 11055; *see also*: §6(C), IRR.
[45] §9, RA 11055.
[46] §8(D), IRR.
[47] §7(c)(3), RA 11055; *see also*: §6(C)(3), IRR.
[48] §6(C)(3), IRR.

The policy is less clear when it comes to replacing an existing PhilID due to other reasons. According to the PhilSys Act, the PSA may identify instances when fees for the issuance of a replacement card may be waived.[49] The IRR takes this up and implies that a fee may be imposed if the need for a replacement PhilID is due to loss, damage, or change of entries. Nonetheless, it states that the fee may be waived if the registered Filipino is able to present a Certificate of Indigency issued by a City/Municipal Social Welfare Office.[50]

In the case of resident aliens, the initial issuance, renewal, and replacement of PhilID due to loss, damage, or change of entries shall be for a fee, in accordance with guidelines to be issued by the PSA.[51]

What information can be seen on the face of the PhilID?

The following information will be visible on the face of a PhilID:[52]

1. PSN
2. Full name
3. Sex
4. Blood type
5. Place of birth
6. Data of birth
7. Address
8. Front facing photograph
9. Marital status (optional)

The card will also feature a QR Code which shall contain fingerprint information, among others.[53]

What happens to the PhilID if its corresponding PSN is deactivated?

The cardholder must surrender his or her PhilID to the PSA if his or her PSN is deactivated.[54]

Will a registered person be given a PhilID if his or her PSN is reactivated?

According to the IRR, the reactivation of a person's PSN will entitle him or her to the reissuance of his or her PhilID.[55]

COMMENTS/QUESTIONS

As in the case of PhilID issuance, it is also unclear if a registered person will automatically be given a PhilID once his or her PSN is reactivated. The language of the IRR (i.e., "entitled") appears to support the theory that the issuance (and reissuance) of a PhilID is not mandatory.

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[49] §7(c)(3), RA 11055.
[50] §6(C)(3), IRR.
[51] §7(c)(3), RA 11055; *see also*: §6(C)(3), IRR.
[52] §7(c)(1), RA 11055; *see also*: §6(C)(1), IRR.
[53] §7(c)(1), RA 11055; *see also*: §6(C)(1), IRR.
[54] §9, IRR.
[55] §10, IRR.

Chapter 2
Registration

Who are required to register with the PhilSys?

To register, a person must either be:[56]

1. a Filipino Citizen, as defined in the Philippine Constitution, whether residing in the Philippines or abroad.[57] It includes those with dual or multiple citizenships.[58] According to the 1987 Philippine Constitution, a Filipino citizen is someone:[59]

   1.1. who is a citizen of the Philippines at the time of the adoption of the 1987 Constitution
   1.2. whose father or other is a citizen of the Philippines
   1.3. who was born before 17 January 1973 of a Filipino mother, and elected Philippine citizenship upon reaching the age of majority (18 years old)
   1.4. who is naturalized in accordance with the law

2. a Resident Alien. A resident alien is someone who is not a Filipino citizen but:
   2.1. has an appropriate immigrant visa or has established residence in the Philippines for an aggregate period of more than 180 days;[60] and
   2.2. has an Alien Certificate of Registration (ACR) I-Card.[61]

Minors, insane or demented persons, and deaf-mutes who do not know how to write shall be accompanied by their parent/s or legal guardian/s who must be of legal age during registration. If both parents of a minor are minors themselves, a person exercising substitute parental authority must accompany said minor during registration.[62]

According to the Family Code, the following persons, the exact order, shall exercise substitute parental authority over a minor:[63]

1. a surviving grandparent. If there are several, it shall be the one designated by a court. The court shall take into account all relevant considerations, including the choice of the minor if he or she is over seven (7) years old;
2. the oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
3. the minor's actual custodian, over twenty-one years of age, unless unfit or disqualified.

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[56] §9, RA 11055; *see also*: §8(A), IRR.
[57] §4(e), RA 11055; *see also*: 4(e), IRR.
[58] §5(e), RA 11055; *see also*: §4(e), IRR.
[59] §1, Article IV, 1987 Philippine Constitution.
[60] §5(n), RA 11055; *see also*: §4(o), IRR.
[61] §4(o), IRR.
[62] §8(A), IRR.
[63] §216, Executive Order No. 209 (6 July 1987).

> **COMMMENTARY**
>
> It is worth noting that, for registration purposes, the person tasked to assist the minor or individual incapable of giving consent need not be a registered person. However, for purposes of correcting or changing registered information, the "assistant" must be a registered person.

Where can one register for the PhilSys?[64]

An individual must register personally at any of the following registration centers,[65] provided these have the necessary facilities to capture the information that need to be stored in the PhilSys:

1. PSA Regional and Provincial Offices
2. Local civil registry offices
3. Government insurance corporation system (GSIS), but only for its members and their dependents
4. Social security system (SSS), but only for its members and their dependents
5. Philippine Health Insurance Corporation (PhilHealth)
6. Home Development Mutual Fund (HDMF)
7. Commission on Elections (COMELEC)
8. Philippine Postal Corporation (PhilPost)
9. Nearest Philippine embassy, Philippine Foreign Service post,[66] or other registration center designated by the Department of Foreign Affairs in coordination with the PSA, for Filipino citizens residing abroad.[67]

PSA may further assign other government agencies and GOCCs as registration centers.[68]

According to the IRR, the registration centers must be made available within one (1) year after the effectivity of the law.[69] The list of registration centers are to be posted on the PSA website.[70]

Mobile registration centers are transportable registration centers that may be used by the PSA and other agencies to facilitate the registration of citizens and resident aliens with the PhilSys.[71] The PSA may also conduct mobile registration activities under circumstances it shall determine.[72]

According to the IRR, the PSA shall also issue guidelines on the special arrangements, for the registration of minors, senior citizens, persons with disability, indigenous persons, and persons in institutional households, persons in remote areas, and foundlings.[73] For this purpose, it shall coordinate with all appropriate agencies.[74]

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[64] §9, RA 11055; *see also*: §8(A), §8(D), IRR.

[65] The DPA defines registration centers as "necessary facilities to capture both demographic and biometrics information required for PhilSys…" [see: §5(m), RA 11055; *see also*: §4(n), IRR]

[66] A Philippine Embassy or Philippine Foreign Service Post is defined as a diplomatic mission or consular office of the Republic of the Philippines in a foreign country, including an economic and cultural office of the Philippines, and the like, in a foreign territory. [*see*: §5(h), RA 11055; §4(i), IRR]

[67] §9, RA 11055; *see also*: §8(A), IRR.

[68] §9(i), RA 11055; *see also*: §8(A)(9), IRR.

[69] §8(A), IRR.

[70] §8(A), IRR.

[71] §4(g), IRR; *see also*: §5(f), RA 11055.

[72] §8(B), IRR; *see also*: §9, RA 11055.

[73] §8(B), IRR; *see also*: §9, RA 11055.

[74] §8(B), IRR.

What does a person need in order to register?

To register, one must be able to present:[75]

1. a duly accomplished application form (also known as "PhilSys Registration Form" or "Form No. 1")[76]
2. an original copy of *any* of the following:

    If a Filipino citizen:[77]

    1. PSA-issued birth certificate[78] **and** one government-issued identification document with full name, photo, and signature or thumbmark[79]; **or**
    2. Philippine ePassport issued by the DFA[80]; **or**
    3. Unified Multi-Purpose Identification (UMID) Card issued by the GSIS or SSS[81]; **or**
    4. Other equivalent document the PSA may determine in subsequent guidelines[82]

    If a Resident Alien:[83]

    1. Alien Certificate of Registration (ACR); **or**
    2. ACR ID

If one is unable to provide any of these documents, one can present identification documents issued by the private sector, but these must comply with requirements set by the PSA.

If a married woman presenting a document reflecting one's maiden name, one will also be required to present a PSA-issued marriage certificate if one wants to adopt the surname of one's husband and have this reflected in one's registered information with the PhilSys.[84]

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[75] §8(c), IRR; NOTE: In §10, RA 1055, it merely states that, if you are a Filipino citizen, you need to present your birth certificate. If you are a resident alien, you need to produce proof of your residence in the Philippines. However, alternative or additional documents may be allowed as proof of identity.
[76] §8(C)(1), IRR.
[77] §8(C)(2), IRR.
[78] *see*: §10, RA 11055.
[79] §8(C)(2)(a), IRR.
[80] §8(C)(2)(b), IRR.
[81] §8(C)(2)(c), IRR.
[82] §8(C)(2)(d), IRR.
[83] §8(C)(2), IRR; *see also*: §10, RA 11055.
[84] §8(C)(2), IRR.

Both the PhilSys Act and the IRR state that appropriate guidelines and mechanisms must be issued to ensure that the registration process is not prohibitive and restrictive as to unduly defeat the purpose of the law.[85]

COMMENTS/QUESTIONS

1. Section 8(c) of the IRR states that if one is unable to produce any of the primary set of supporting documents—including a PSA-issued birth certificate and a government-issued ID—one can instead present, among others, either a PSA-issued birth certificate or a government-issued ID. *Are the Rules simply saying that if you cannot present both, just present one? If so, then why not just allow the presentation of one document instead of two?*
2. The PSA has yet to issue any guidelines regarding the presentation of identification documents issued by the private sector.
3. The IRR is not clear whose duty it is to issue "appropriate guidelines and mechanisms" that will "ensure that the registration is not prohibitive and restrictive". Is it the PSA's?

What happens if there are discrepancies between the information stated in a person's Application Form and that in the Supporting Documents?[86]

According to the IRR, if there are discrepancies in the information featured in one's Application Form and in the supporting document/s one presents, the data reflected in the supporting documents will prevail. This will not necessarily be the case if the discrepancy has to do with your address.

COMMENTS/QUESTIONS

One can only assume that the logic behind the rule taking exception to the case of a person's address is that a person can easily change addresses. That said, the IRR is not clear how a discrepancy relating to one's address will be resolved, if at all.

Can a person still register with the PhilSys if he or she cannot present any supporting document?[87]

YES. If a person is unable to present any of the documents necessary to support one's application to register with the PhilSys, he or she can still register if he or she is endorsed by a qualified Introducer in accordance with the guidelines to be set by the PSA.

As a minimum requirement, a qualified Introducer must be an adult and a registered person.[88]

According to the IRR, the PSA will maintain a record of all qualified Introducers, each of whom shall be linked to all registered persons they have endorsed. Meanwhile, all persons registered with the PhilSys through a qualified Introducer shall be tagged as such.

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[85] §10, RA 11055; *see also*: §8(C)(4), IRR.
[86] §8(D), IRR.
[87] §8(C)(4), IRR.
[88] §8(C)(4), IRR.

What information will be collected from a person during registration?[89]

Refer to Question #11.

For children aged below five (5) years old, only their demographic information and front-facing photograph will be collected.[90]

For children aged between five (5) to fourteen (14) years old, their demographic information and complete set of biometric information will already be collected. However, their biometric information will once again be recaptured once they reach fifteen (15) years old.[91]

What happens if, during registration, a person's demographic information and biometric information are not found to be unique?

If, after collection, one's demographic and biometric information are not found to be unique, the PSA will conduct further verification.[92]

What happens if a person's biometric information cannot be collected or captured?

PSA shall allow exceptions to the collection or capturing of biometric information if a visual or physical impairment on the part of the applicant renders it impossible.[93]

Those instances when it is physically impossible for a citizen or resident alien to give a complete set of biometric information, or when the complete set does not meet the minimum threshold standards and yet the individual is nevertheless registered in the PhilSys are called biometrics exceptions.[94]

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[89] §8, RA 11055; *see also*: §7, IRR.
[90] §8(A), IRR.
[91] §8(A), IRR.
[92] §8(D), IRR.
[93] §8, RA 11055; *see also*: §7, IRR.
[94] §5(b), RA 11055; *see also*: §4(b), IRR.

When is registration with the PhilSys deemed successful?[95]

A person is considered to have successfully registered with the PhilSys once this is confirmed by the PSA and he or she is issued a PSN.

A PSN will be generated for a person after his or her demographic and biometric information have been collected and are found to be unique during the registration process.[96]

How does one make changes or corrections to one's registered information?

The PhilSys Act defers to the IRR as far as the procedure for the updating of registration information is concerned.[97] In the IRR, it states that if a person seeks to effect changes or make corrections to his or her registered information, he or she abide with the following procedure:[98]

If the change involves a person's name, sex, date of birth, place of birth, or marital status:

1. by filing a PhilSys Registration or Correction Form;
2. by submitting an annotated PSA-issued birth certificate or marriage certificate, as the case may be; **and**
3. by submitting to biometric authentication

If the change involves a person's citizenship:

1. by filing a PhilSys Registration or Correction Form;
2. by submitting appropriate support documents; **and**
3. by submitting to biometric authentication

If the change involves a person's address, mobile number, or email address:

1. by filing a PhilSys Registration or Correction Form; **and**
2. by submitting to authentication.

   Filing in this case may be done at any PSA registration center or at a web-based portal that may be provided by the PSA.

   Authentication in this case shall be carried out through the use of one-time password and biometrics such as facial image scanning.

If the change involves typographical errors, or the updating or recapturing of biometric information:

1. by submitting to proper authentication; **and**
2. by submitting to validation in accordance with the procedure for PhilSys registration

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[95] §9, RA 11055; *see also*: §8(D), IRR.
[96] §8(D), IRR.
[97] §11, RA 11055.
[98] §11, IRR.

If the change concerns a minor or a person incapable of giving consent, the latter shall be assisted by his or her PhilSys-registered parent or guardian. In the absence of a PhilSys-registered parent or guardian, he or she must be assisted by a PhilSys-registered person exercising substitute parental authority over him or her.

COMMENTS/QUESTIONS

One assumes that a change or correction of entry involving citizenship, as contemplated in the IRR, means acquisition of a second (or third) citizenship. This, since acquisition of a new citizenship should actually result in the "deactivation" of one's PSN.

Chapter 3
Use and Authentication

Use

When does a person use his or her PSN or PhilID?

A person can use his or her PhilID or PSN in all transactions requiring proof or verification of his or her identity.[99]

Can a person use his or her PSN even without presenting a PhilID?

YES. The PSN and biometrics of an individual, as authenticated through the PhilSys, shall be honored and accepted, even if he or she is unable to present a PhilID.[100]

In what kinds of transactions may the PhilID or PSN be used?

The PhilID or PSN will be honored and accepted in all transactions that require proof of a person's identity.[101] Examples of these transactions include:

1. application for eligibility and access to social welfare and benefits granted by the government
2. application for services and benefits offered by the GSIS, SSS, PhilHealth, HDMF, and other government agencies
3. application for passports or travel documents
4. application for driver's license
5. tax-related transactions
6. registration and voting identification purposes
7. admission to any government hospital, health center, or similar institutions
8. all other government transactions
9. application for admission in schools, colleges, learning institutions, and universities, whether public or private
10. application and transaction for employment purposes
11. application for opening of bank accounts and other transactions with banks and other financial institutions
12. application for clearances with the appropriate government agencies

Are there limitations to the use of the PhilID or PSN?

YES. Even if a person is able to successfully prove his or her identity using such items, proof of identity shall not be construed as:[102]

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[99] §13, RA 11055.
[100] §13, RA 11055.
[101] §13, RA 11055.
[102] §14, RA 11055; *see also*: §14, IRR.

1. proof of that person's eligibility to avail of certain benefits and services
2. incontrovertible proof of that person's citizenship

In these instances, all applicable rules and regulations of the concerned government agencies shall still govern.

Can the PSA use the data collected for the PhilSys?[103]

YES. The IRR provides that the PSA may use all data it has collated under the PhilSys in order to generate aggregate data or statistical summaries. However, it must do so while upholding the confidentiality provisions of RA 10625, or the Philippine Statistical Act of 2013. As such, said summaries must not refer to the identity of any specific individual.

Authentication

How does a person establish his or her identity?

For purposes of establishing proof of one's identity in order to transact or conduct business with any government agency or private entity, one need only present one's PhilID or PSN, subject to proper authentication.[104]

Who can request for the authentication of a PSN?

Any authorized government agency or private entity can be a requesting entity, or an entity that sends out an authentication request.[105] Authorization is acquired by obtaining the consent of the individual presenting the PSN. A requesting entity must also have a data sharing agreement with the PSA.[106]

How can entities verify the identity of a registered person?

Entities that want to verify the identity of a registered person will have to perform authentication. Authentication is the process of verifying the identity of an individual against his or her registry information in the PhilSys or in his or her PhilID. It may be conducted online or offline.[107]

What is online authentication?

In online authentication, the identity of an individual is validated real-time against the PhilSys registry.[108] More specifically, the PSA authenticates the PSN of that individual, as submitted by a requesting entity, in relation to

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[103] §18, RA 11055; *see also*: §23, IRR.
[104] §12, RA 11055; *see also*: §12, IRR.
[105] §12, RA 11055; *see also*: §12, IRR.
[106] §12, IRR.
[107] §5(a), RA 11055; *see also*: §4(a), §12, IRR.
[108] §4(a)(1), IRR.

his or her biometric or demographic information.[109] The PSA may make use of any of the following combinations:[110]

1. PSN and biometric information; or
2. PSN and demographic information; or
3. PSN, biometric, and demographic information

According to the PhilSys Act, the requesting entity shall perform authentication via a secure connection.[111] The IRR further provides that the entity shall conform with the standards and guidelines set by the PSA, in consultation with the DICT to ensure the security, efficiency, and integrity of the authentication process.[112]

What is offline authentication?

In offline authentication, a requesting entity simply validates the identity of a registered person against the information contained in his or her PhilID.[113] More specifically, the requesting entity asks for a person's PhilID and matches the data stored in the QR code it contains in order to validate the identity of the registered person.[114]

COMMENTS/QUESTIONS

This appears to suggest that entities will be allowed to have copies of the PhilSys database. Otherwise, they won't have anything to match the data stored in a PhilID's QR code with.

Can requesting entities choose the type of authentication they will adopt?[115]

YES. A requesting entity can choose the suitable mode(s) of authentication it will adopt for a particular service or transaction. Such mode/s may involve the use of multiple factors like demographic information, biometric information, one-time password (OTP), and PhilID.

Can the identity of a registered person be authenticated even if he or she cannot produce or present a PhilID?

YES. His or her identity can be verified using his or her PSN, together with:[116]

1. his or her biometric information; **or**
2. his or her demographic information; **or**
3. both his or her demographic and biometric information

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[109] §12, RA 11055; *see also*: §12, IRR.
[110] §12, IRR.
[111] §4(a)(1), IRR.
[112] §12, IRR.
[113] §4(a)(2), IRR.
[114] §12, IRR.
[115] §12, IRR.
[116] §12, IRR; *see also*: §7(a), §12, RA 11055; §6(A), IRR.

Can the identity of a registered person be authenticated even if he or she cannot produce or present a PhilID *and* a PSN?

YES. In exceptional cases determined by the PSA where a person cannot present even his or her PSN, his or her biometric and demographic information may be used to authenticate his or her identity.[117]

> **COMMENTS/QUESTIONS**
>
> The PSA has yet to identify these so-called "exceptional cases".

How does a requesting entity carry out a proper authentication request?

A requesting entity must first obtain the consent of an individual before collecting his/her information for the purpose of authentication. It shall also inform that individual of the following:[118]

1. the nature of the information that may be shared upon authentication, and
2. the uses to which the information received during authentication may be put to by the requesting entity.

There must also be a data sharing agreement between the requesting entity and the PSA.[119]

Once the identity of an individual has been authenticated and established, the requesting entity may then request for his or her personal data for a legitimate, expressed, and specific purpose.[120] Such data, once disclosed, must only be used for the purpose for which it was requested.[121]

What happens if authentication is not possible due to no fault of the registered person?

If authentication cannot be performed, without any fault on the part of the registered person presenting his or her PhilID or PSN, the PSA must ensure that that person will not be disadvantaged or prejudiced thereby.[122]

> **COMMENTS/QUESTIONS**
>
> It is still not clear what the PSA has planned for this scenario.

Is authentication free of charge?

That would appear to be the case. There is nothing in the law and its IRR that states fees or charges will be imposed on authentication requests.

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[117] §12, IRR.
[118] §12, RA 11055.
[119] §12, IRR.
[120] §12, IRR.
[121] §12, RA 11055; *see also*: §12, IRR.
[122] §12, RA 11055. *see also*: §12, IRR.

Chapter 4
Security and Safeguards

Can information registered in the PhilSys be used by, disclosed to, or accessed by third parties? [123]

As a general rule, the information of a registered person may **not** be disclosed, collected, recorded, conveyed, disseminated, published, used, or disclosed to third parties or entities (including law enforcement agencies, national security agencies, or units of the Armed Forces of the Philippines). However, it may be possible in **either** of the following circumstances:

1. The registered person has given his or her prior consent, specific only to the disclosed particular purpose; **or**
2. A competent court orders such use or disclosure, subject to the following conditions:
   a. there is a compelling public health or public safety interest; **and**
   b. significant harm to the public is established; **and**
   c. the individual concerned must be notified within 72 hours upon such access or disclosure

If or when information is disclosed, it shall not be used except for the specific purpose for which it was authorized and shall not be divulged by any person to any third party other than the person so authorized. [124]

Nonetheless, it is noted that both the law[125] and the IRR[126] state that nothing in the PhilSys Act shall be construed as prohibiting or limiting the sharing or transfer of any personal data already authorized or required by law.

How does a registered person give his or her consent?[127]

Consent is a freely given, specific, and informed indication of will of a registered person. It must be evidenced by written, electronic, or recorded means. It may be given on his or her behalf by an agent he or she has specifically authorized.

COMMENTS/QUESTIONS

1. Can anyone be authorized by a registered person?
2. What constitutes proper authorization?

What are the consequences if there is unlawful disclosure of information registered in the PhilSys?

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[123] §17, RA 11055; *see also*: §21, IRR.
[124] §17, RA 11055.
[125] §18, RA 11055.
[126] §23, IRR.
[127] §4(f), IRR.

The person or persons responsible for the disclosure may be held liable under the PhilSys Act and other applicable laws. Also, the information subject of the unlawful disclosure shall be inadmissible in any judicial, quasi-judicial, or administrative proceedings.[128]

Can a registered person access his or her own registered information?

YES. Registered persons may request the PSA to provide access to their own registered information and record history subject to guidelines and regulations to be issued by the PSA.[129]

COMMENTS/QUESTIONS

The PSA has yet to issue the guidelines and regulations that will govern access by registered persons to their registered information.

What are some of the security measures offered by the PhilSys Act and its IRR?

In general, the PSA, with the technical assistance of the DICT and other relevant agencies, is instructed to implement reasonable and appropriate organizational, technical, and physical security measures that will ensure the integrity of the PhilSys, as well as the information gathered and stored in the system, and to protect it from unauthorized access, use, or disclosure, and accidental or intentional loss, destruction, or damage.[130]

Some of the other security measures offered by the law and its IRR include the following:

1. The PSA is required to designate a separate Data Protection Officer for the PhilSys.[131]
2. The PSA is instructed to make nsure that individuals are adequately informed upon registration as to how their data will be used and how they can access their registered information and record history.[132]
3. Information in the PhilSys Registry must be classified in a manner that allows safeguards for data privacy and security, access controls, and change management.[133]
4. The PSA shall provide guidelines on authentication assurance levels based on international standards and best practices.[134]
5. Any information from the PhilSys that has been lawfully disclosed must only be used for the specific purpose for which its disclosure was authorized. Neither can it be disclosed to any other person or third party.[135]
6. The PSA is explicitly tasked to ensure that any information in the PhilSys shall only be used in accordance with its intended purpose.[136]
7. The details of each authentication request must be destroyed one (1) year from the date of authentication, unless the registered person involved chooses a shorter period.[137]

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[128] §17, RA 11055; *see also*: §21, IRR.
[129] §17, RA 11055; *see also*: §21, IRR.
[130] §18, RA 11055; *see also*: §22, IRR.
[131] §22, IRR.
[132] §18, RA 11055.
[133] §7(b), RA 11055; *see also*: §6(B), IRR.
[134] §12, IRR.
[135] §21, IRR.
[136] §17, RA 11055; *see also*: §21, IRR.
[137] §21, IRR.

8. All applicable rights of registered persons are to be upheld.[138]
9. The PhilSys shall be used appropriately and only for its specified purpose. It cannot process personal information and any other data from external systems and databases.[139]

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[138] §22, IRR.
[139] §22, IRR.

Chapter 5
Offenses and Penalties

What are the prohibited acts under the PhilSys Act and their corresponding penalties?

As committed by anyone		
Refusal to accept, acknowledge, and/or recognize the PhilID or PSN, subject to authentication, as the only official proof of identity of a person, without just and sufficient cause		Five hundred thousand pesos (PhP500,000.00)

1. Use of the PhilID or PSN in an unlawful manner
2. Use of the PhilID or PSN to commit any fraudulent act
3. Use of the PhilID or PSN for any other unlawful purpose
		Subject to the discretion of the court:
		  1. Imprisonment of six (6) months up to two (2) years; **OR**
		  2. Fine of fifty thousand pesos (PhP50,000.00) up to five hundred thousand pesos (PhP500,000.00); **OR**
		  3. Both

Willful submission of or causing the submission of a fictitious name or false information in the application, renewal, or updating of registration in the PhilSys		Imprisonment of three (3) to six (6) years imprisonment **AND** Fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00).
Unauthorized issuance of a PSN, or unauthorized printing, preparation, or issuance of a PhilID		Imprisonment of three (3) to six (6) years imprisonment **AND** Fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00).
Willful falsification, mutilation, alteration, or tampering of a PhilID		Imprisonment of three (3) to six (6) years imprisonment **AND** Fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00).

Offense	Penalty
1. Use of the PhilID of another person to whom it was issued without any reasonable excuse 2. Unauthorized possession of the PhilID of another person to whom it was issued without any reasonable excuse 3. Possession of a fake, falsified, or altered PhilID	Imprisonment of three (3) to six (6) years imprisonment **AND** Fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00).
Willful transfer of the PhilID or PSN to another person	Imprisonment of three (3) to six (6) years imprisonment **AND** Fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00).
Collection or use of personal data in violation of Section 12 of the PhilSys Act and its IRR	Imprisonment of six (6) years up to ten (10) years **AND** Fine of three million pesos (PhP3,000,000.00) up to five million pesos (PhP5,000,000.00) If the offense resulted in financial profit, there shall be an additional fine twice the amount gained.
Willful use or disclosure of data or information in violation of Section 17 of the PhilSys Act and its IRR	Imprisonment of six (6) years up to ten (10) years **AND** Fine of three million pesos (PhP3,000,000.00) up to five million pesos (PhP5,000,000.00) If the offense resulted in financial profit, there shall be an additional fine twice the amount gained.
Accessing the PhilSys, or the processing of data or information it contains without any authority (apart from the last two items)	Imprisonment of six (6) years up to ten (10) years **AND** Fine of three million pesos (PhP3,000,000.00) up to five million pesos (PhP5,000,000.00) If the offense resulted in financial profit, there shall be an additional fine twice the amount gained.
As committed by officials, employees, or agents who have custody of or have the responsibility of maintaining the PhilSys	

Malicious disclosure of data or information	Ten (10) to fifteen (15) years imprisonment and a fine of five million pesos (PhP5,000,000.00) up to ten million pesos (PhP10,000,000.00). If the offense resulted in financial profit, there shall be an additional fine twice the amount gained.

Negligence resulting in:
   a. the PhilSys being accessed by unauthorized persons; or
   b. data or information contained in the PhilSys being processed without authorization from the PhilSys Act, its IRR, or any other law
	Three (3) years to six (6) years imprisonment and a fine of one million pesos (PhP1,000,000.00) up to three million pesos (PhP3,000,000.00)

Are there additional penalties for government officials or employees?

YES. In all instances, if the offender is a government official or employee, there shall be the additional penalty of perpetual absolute disqualification from public office or employment, including in any GOCC or its subsidiaries.[140]

Do the penalties under the PhilSys Act preclude the imposition of penalties based on other laws?

NO. The penalties imposed under the PhilSys Act shall be in addition to those that may be imposed on acts or omissions punishable by other existing laws.[141]

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[140] §19, RA 11055; *see also*: §24.8, IRR.
[141] §19, RA 11055; *see also*: §24.9, IRR.

Chapter 6

Administration and Implementation

Who is in responsible for managing the PhilSys?

The PSA is the primary implementing agency of the law.[142] It is also responsible for the overall planning, managing and administering the System.[143] Among its specific responsibilities are:

1. issue rules in the implementation and enhancement of the System, including but not limited to registration, authentication, and data governance[144]
2. ensure the integrity and security of the System in accordance with the PhilSys Act and other applicable laws and policies[145]
3. create and maintain a PhilSys Registry that will contain the PSN, registered records, and information of all persons registered in the PhilSys.[146]
4. issue guidelines and undertake measures meant to ensure a secure, reliable, and efficient authentication system[147]
5. collaborate with LGUs, other government agencies, and GOCCs in order to ensure the registration and enrolment of all citizens and resident aliens, including indigenous cultural communities / indigenous peoples (ICCs/IPs) and those located in remote localities[148]
6. adopt new and more effective technology in furtherance of the PhilSys Act[149]
7. ensure that information in the PhilSys is used only in accordance with its intended purpose as stated in the law[150]

It shall own, manage, maintain, and administer the PhilSys, with the technical assistance of the DICT.[151] As such, it is considered the repository and custodian of all data therein.[152]

During registration, the PSA shall have direct control and supervision of the entire registration process, subject only to the provisions of the Memoranda of Agreement[153] it will enter into with other government agencies that will act as or provide registration centers.[154] While the agencies are expected to allot an area for the setting up of registration centers, it is the PSA that must actually provide the necessary facilities, manpower, equipment, registration system, and resources to carry out the registration in the registration centers.[155] Its responsibility

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[142] §15, RA 11055; *see also*: §15, IRR.
[143] §15, RA 11055.
[144] §15, RA 11055; *see also*: §15, IRR.
[145] §15, RA 11055; *see also*: §15, IRR.
[146] §7(b), RA 11055.
[147] §15, RA 11055; *see also*: §15, IRR.
[148] §15, RA 11055; *see also*: §15, IRR.
[149] §15, IRR; *see also*: §15, RA 11055.
[150] §17, RA 11055.
[151] §15, RA 11055; *see also*: §15, IRR.
[152] §7(b), RA 11055.
[153] The PSA and other concerned government agencies are expected to enter into separate Memoranda of Agreement delineating their duties and responsibilities for the setting up and operation of registration centers. [see: §8(A), IRR]
[154] §8(A), IRR.
[155] §8, IRR.

includes providing for the installation of state-of-the-art biometric machines in all relevant agencies for the authentication of data and identity holders.[156]

In implementing the PhilSys, the PSA must do so in such a manner that the operations of card-issuing government agencies will not be impeded. This is to avoid undue delay in the delivery of public services.[157]

Curiously, the IRR also states that the PSA must create a transition plan in order to gradually synchronize and consolidate all existing government-initiated identification systems by seeding the PSN or its derivative into the databases of all agencies into one integrated and interconnected identification system.[158] The aim supposedly is "to provide the official and sufficient proof of identity of the registered person".[159] This plan must set up the timelines and deliverables and shall be crafted in coordination with the concerned agencies and DICT, based on the guidelines issued by the PSPCC.[160] It shall also be subject to the provisions of the DPA and other applicable laws and regulations.[161]

COMMENTS/QUESTIONS

The mandate given to the PSA to create a "transition plan" that will supposedly lead to "one integrated and interconnected identification system" seems suspect. It appears to suggest an identification system that goes beyond that contemplated by the PhilSys Act.

How is the PSA expected to cope with or adjust to its additional functions under the PhilSys Act?[162]

There will be a separate office within PSA that will perform the functions of the agency under the PhilSys Act. It will be directly under the Official of the National Statistician and shall be headed by a Deputy National Statistician (DNS).

Under this new Office, three (3) services will be created, each one headed by an Assistant National Statistician:

1. PhilSys Registration Service (PRS). It shall have three (3) divisions:
   a. Registration Center Management
   b. Conformance Services
   c. ID Production and Management

2. PhilSys Central Processing Service (PCPS). It shall have two (2) divisions:
   a. Identity Validation
   b. Operation and Maintenance

3. PhilSys Policy, Coordination, and Monitoring Service (PPCMS). It shall also have two (2) divisions:
   a. Policy and Coordination Division
   b. Risk Management and Monitoring Division

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[156] §15, RA 11055.
[157] §25, IRR.
[158] §25, IRR.
[159] §25, IRR.
[160] §25, IRR.
[161] §25, IRR.
[162] §15, IRR; *see also*: §15, RA 11055.

The PSA shall also designate its Regional Directors as the supervising officers and focal persons of their respective regions insofar as the implementation of the law is concerned. For this purpose, a division shall be created within each Regional Statistical Service Office (RSSO) of the PSA, whose task shall be to monitor and supervise the registration of applicants and the issuance of PSNs and PhilIDs.

Who are qualified to become a Deputy National Statistician or an Assistant National Statistician?[163]

A DNS or ANS must possess the following minimum qualifications:

1. Master's degree appropriate to the position
2. Relevant experience in management

The DNS and ANS shall be appointed by the President of the Philippines upon the recommendation of the National Statistician. The DNS shall have a rank equivalent to and enjoy the benefits and privileges of an Assistant Secretary or Director IV in other national government agencies.

COMMENTS/QUESTIONS

1. What would be the degree/s considered "appropriate" for the positions of DNS and ANS? Where are these stated/listed?
2. What is the rank of the ANS? Or did IRR mean to say that the DNS shall have the rank of Assistant Secretary, while the ANS shall have the rank of Director IV?

What is the PhilSys Policy and Coordination Council?

The PhilSys Policy and Coordination Council (PSPCC) was created by the PhilSys Act to formulate policies and guidelines that will ensure effective coordination and implementation of the PhilSys.[164]

In addition to its primary function, it is expected to perform the following powers and functions:[165]

1. ensure the compatibility of the technology infrastructure of different government agencies in order to comply with the requirement of the PhilSys[166]
2. facilitate inter-agency cooperation and collaboration in the implementation of the PhilSys
3. consult and enlist the assistance and support of relevant government agencies, the academe, as well as private institutions or persons, as the case may be necessary in the formulation, review, or amendment of policies and guidelines
4. issue guidelines to comply with international standards set for identity security and data protection; and
5. recommend to Congress any measure, amendment, or modification to the PhilSys Act and other related laws, as may be necessary.

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[163] §15, IRR.
[164] §16, RA 11055; *see also*: §16, IRR.
[165] §18, IRR.
[166] §16, RA 11055.

The PSA shall serve as the PSPCC's Secretariat. It shall assist the Council by providing administrative support and by performing other functions as per its instructions.[167]

Who are the members of the PSPCC?

The PSPCC is made up of officials representing fourteen (14) government agencies, namely:[168]

1. Secretary, National Economic and Development Authority (NEDA)
2. National Statistician and Civil Registrar General, Philippine Statistics Authority (PSA)
3. Undersecretary, Department of Budget and Management (DBM)
4. Undersecretary, Department of Foreign Affairs (DFA)
5. Undersecretary, Department Information and Communications Technology (DICT)
6. Undersecretary, Department of Finance (DOF)
7. Undersecretary, Department of Social Welfare and Development (DSWD)
8. Undersecretary, Department of Interior and Local Government (DILG)
9. Chairperson, National Privacy Commission (NPC)
10. Deputy Governor, Bangko Sentral ng Pilipinas (BSP)
11. President and General Manager, Government Service (GSIS)
12. President and Chief Executive Officer, Philippine Health Insurance Corporation (PHIC)
13. President and Chief Executive Officer, President and Chief Executive Officer, Social Security System (SSS)
14. Postmaster General, PhilPost

The NEDA Secretary and PSA's National Statistician shall act as co-chairpersons of the Council, while the DBM Undersecretary shall be the vice-chairperson.[169]

How many government agencies are involved in the implementation of the PhilSys?

It is impossible to tell. While the PSPCC is limited to 14 member-agencies, there is no telling how many agencies and offices will eventually be involved. In the registration phase alone, the following government entities—who are not members of the PSPCC—are specifically identified in the law and its IRR as being involved:[170]

1. Home Development Mutual Fund (HDMF)
2. Commission on Elections (COMELEC)
3. local government units, through their respective Local Civil Registry Offices
4. other government agencies and government-owned and -controlled corporations (GOCCs) that may be assigned by the PSA

In addition, both the law and its IRR also specifically state that the PSA shall collaborate with LGUs, other government agencies, and GOCCs, in order to ensure the registration and enrollment of all citizens and resident aliens in the PhilSys, including the indigenous cultural communities/indigenous peoples (ICCs/IPs) and those located in remote localities.[171] The PSA may also request assistance and security from appropriate agencies in the conduct of mobile registration.

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[167] §20, IRR.
[168] §16, RA 11055; *see also*: §17, IRR.
[169] §16, RA 11055; *see also*: §17, IRR.
[170] §9, RA 11055; *see also*: §8(A), IRR.
[171] §15, RA 11055; *see also*: §15, IRR.

How will the implementation of the PhilSys be funded?

The amount necessary to implement the PhilSys Act will be included in the General Appropriations Act.[172]

COMMENTS/QUESTIONS

It is not clear if each government agency involved in the implementation will be allowed to allot or set aside an amount for the specific purpose of implementing the PhilSys Act, or if only PSA will be permitted to do so.

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[172] §22, RA 11055; *see also*: §27, IRR.

Chapter 7
General Commentary

What are some of the positive features of the PhilSys?

1. *It considers as a policy the upholding and protection of human rights.* In its policy statement, it recognizes the need to deploy a resilient digital system that will "secure the data collected and ensure that the people's right to privacy, confidentiality and other basic rights are at all times upheld and protected.[173]

2. *It somewhat acknowledges specific rights of individuals in relation to their personal data.*
    a. *Right to be informed.* Registered persons, upon registration, must be adequately informed on how their data will be used, and how they can access their registered information and record history.[174] An entity that wishes to have the PSN or PhilID of a person authenticated must also inform him or her about: (1) the nature of the information that may be shared; and (2) what it intends to use the information for.[175]
    b. *Right to access.* A registered person may request access to his or her registered information, including record history.[176] However, it shall be subject to guidelines and regulations issued by the PSA. If a request can be denied, it negates the notion of a right being recognized.
    c. *Right to rectification.* A registered person can request for changes or corrections in his registered information.[177] It is worth noting, though, that the PhilSys Act itself appears to have discounted the possibility that errors are possible and that corrections may have to be made. It only mentions changes and updates.[178]

3. *It has provisions on consent.*
    a. An entity that wishes to have the PSN or PhilID of a person authenticated must first obtain his or her consent before collecting his or her information.[179]
    b. There are only two ways by which the registered information of a person may be accessed, disclosed, collected, recorded, conveyed, disseminated, published, or used, to third parties or entities, and one of them is if the person has given his or her consent.[180]

4. *The PhilSys Act provides for offenses and their corresponding penalties.* See Question #50.

5. *The PhilSys Act and its IRR prescribe some security measures.* See Question #45-49.

What are some of the negative features of the PhilSys?

1. *It allows for dataveillance.* It defines registered information as including information about a citizen or resident alien required under the PhilSys Act.[181] Meanwhile, among the information about a registered

[173] §2, RA 11055.
[174] §18, RA 11055.
[175] §12, RA 11055.
[176] §17, RA 11055; §21, IRR.
[177] §11, IRR.
[178] *see*: §11, RA 11055.
[179] §12, RA 11055.
[180] §17(a), RA 11055.
[181] §5(j), RA 11055.

person is his or her record history. Thus, it is possible for the Philippine government to have a detailed record of a person's activities, like the number of times he/she obtained benefits from a government agency, patronized a particular store or business, used a credit card, received health care, withdrew money from an ATM, borrowed a book from a public library, accessed the internet, used public transportation, etc. Worse, the government can also infer from this information that person's travel history, shopping habits, hobbies and interests, financial status, etc. If one were to look only at the PhilSys Act as basis, the only thing limiting the size of such record is the extent government agencies and the private sector will patronize the ID system. In that case, there is no limit at all, because these entities are actually left with no other choice but to patronize the PhilSys:

    a. The PhilID is to be the "official government-issued identification document" when dealing with all NGAs, LGUs, GOCCs, GFIs, and private sector entities.[182]

    b. Government agencies and private entities are mandated to accept the PhilID or PSN as valid proof of identity, subject only to proper authentication.[183]

    c. The law requires that the PhilID be honored and accepted in all transactions requiring proof or verification of identity.[184]

    d. The law imposes a fine on any person or entity who unjustifiably refuses to accept the PhilID or PSN as the official identification of a registered person.[185]

It is duly noted that the IRR now prescribes a one (1) year retention period for a person's record history. However, since this additional safeguard is not in the law, it can easily be removed or dispensed with by a subsequent issuance of the PSA.

2.   *Mission or function creep is built into the system*. There is mission creep if an ID system intended for widespread use or if the design of the system calls for the collection of greater amounts of personal data than needed for its intended purpose/s.

    a. In the case of PhilSys, it is intended for widespread use. There is a loophole in use limitation feature of the law. While it states that the PSA, as administrator of the system, must ensure that registered information is used only in accordance with its intended purpose,[186] this is undermined by the provision concerning the use of the PhilID/ and/or PSN, which actually allows for its unlimited use, to wit:[187]

> "The PhilID shall be honored and accepted, subject to authentication, in all transactions requiring proof or verification of citizens or residents' alien identity, such as, but not limited to:
>   (a) xxx
>   ….
>   (l) Such other transactions, uses or purposes, as may be defined in the implementing rules and regulations."

It is granted that in the approved IRR, no additional transaction, use, or purpose was inserted. However, the fact remains that the PSA has the power to add as many possible uses for the ID as it deems necessary or desirable.

b.   *It allows for the collection of an unlimited amount of biometric information*. The PhilSys is designed in such a way that allows for the collection of greater amounts of personal data than needed for its intended purpose/s. While the law specifies the types of information constituting demographic data that

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[182] §7(c)(2), RA 11055.
[183] §12, RA 11055.
[184] §13, RA 11055.
[185] §19, RA §11055.
[186] §17, RA 11055.
[187] §13, RA 11055.

will be collected, it contains no limitation in the collection of biometric information. The law gives PSA the authority to expand the scope of the collection of biometric information.[188]

c. *It leaves the door open for the establishment of consolidated identification system*. The PhilSys Act states that the PSA shall "gradually synchronize and consolidate all existing government-initiated identification systems into one integrated and interconnected identification system".[189] Meanwhile, the IRR also states that the PSA must create a transition plan in order to gradually synchronize and consolidate all existing government-initiated identification systems by seeding the PSN or its derivative into the databases of all agencies into one integrated and interconnected identification system.[190] Both provisions undermine the collection limitation principle built into the law.

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[188] §8, RA 11055.
[189] §20, RA 11055.
[190] §25, IRR.