

Privacy and Free Expression

Jam Jacob

Program Manager, Privacy and Data Protection
Foundation for Media Alternatives

A man in a dark suit is seen from the back, looking at a wall of computer monitors. The monitors display various data, including a map of the United States, a world map, and some text. The scene is dimly lit, with the primary light source being the screens themselves. The overall atmosphere is one of high-tech surveillance or data analysis.

THE GREAT HACK

What is the right to privacy and freedom of expression?

Why respect privacy and free expression?

What are your obligations and responsibilities as a business?

What is the Right to Privacy and Freedom of Expression?

Right to Privacy

- The right to create a space for yourself, free from interference by the government or others
- The right to be le(f)t alone
- Aspects: communication privacy, territorial privacy, bodily privacy, data privacy

“No one shall be subjected to arbitrary interference with his **privacy, family, home or correspondence, nor to attacks upon his **honour and reputation**. Everyone has the right to the protection of the law against such interference or attacks.”**

**Article 12,
Universal Declaration of Human Rights**

“No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”

**Article III, Section 1,
1987 Philippine Constitution**

“The right of the people to be **secure in their persons, houses, papers, and effects **against unreasonable searches and seizures** of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.**

**Article III, Section 2,
1987 Philippine Constitution**

“(1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.”

**Article III, Section 3,
1987 Philippine Constitution**

“The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.”

**Article XIII, Section 1,
1987 Philippine Constitution**

“Principle of Accountability. – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.”

**Section 21,
Data Privacy Act of 2012**

Freedom of Expression

- The right to be able to freely express yourself, and to seek and receive information, ideas and the expression of other people.
- 2 modes: content and form
- does not only cover “appropriate” or “acceptable” expression. It also covers expression which offends, shocks, or disturbs.

“Everyone has the right to **freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”**

**Article 19,
Universal Declaration of Human Rights**

“No law shall be passed abridging the **freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”**

**Article III, Section 4,
1987 Philippine Constitution**

Why Respect Privacy and Free Expression?

More trust and confidence in your products and services

- People need to know they can trust you to handle their data.

Over \$119bn wiped off Facebook's market cap after growth shock

Shares crash as social network admits user growth fell after Cambridge Analytica breach



▲ Facebook lost 3 million European users after the Cambridge Analytica data breach. Photograph: Anadolu Agency/Getty Images

More trust and confidence in your products and services

#BoycottNutriAsia gains traction online after violent dispersal of protesters



Coconuts Manila

31 July 2018

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Twitter icon

Envelope icon



The hashtag #BoycottNutriAsia was trending on Philippine Twitter as recently as the morning following the violent dispersal of the striking workers in its Marilao, Bulacan plant yesterday.

More investments and opportunities for growth

- Investors need to know that you are reliable, trustworthy, and will give a good return on their investment.

Human rights concerns stall PH free trade talks with EU

By: [Roy Stephen C. Canivel](#) - @inquirerdotnet Philippine Daily Inquirer / 05:09 AM July 08, 2019

The European Union (EU) has suspended negotiations for a free trade deal with the Philippines partly due to concerns over human rights protection as the government wages war against illegal drugs.

ECONOMY

EU's threat to scrap trade preferences spurs Myanmar's reforms

Naypyitaw fights to win back investors in wake of Rohingya crisis

YUICHI NITTA, Nikkei staff writer
DECEMBER 16, 2018 17:53 JST

More investments and opportunities for growth

Investors Call on Jewelry Industry for Stronger Human Rights Practices

Appeal Sent to 32 Companies



Jo Becker

Advocacy Director, Children's Rights Division

[@joberkerhrw](#)

Business warned on data transfers to Britain

Companies storing personal data (such as client mailing lists or HR information) in Britain, or in a British-based cloud service, have been warned that General Data Protection Regulation (GDPR) protections will not be in place post-Brexit.

This includes personal data transfers such as mailing lists to British-based clients, or employee data where a British-based payroll firm is used.

It also includes data storage and website hosting where this involves personal data. Data protection and commercial transfers of personal data are regulated at the EU level and there is a range of measures that enable such transfers to and from third countries.

Required by law and regulatory issuances

- You have a legal responsibility to respect the human rights of your customers or clients.

DATA PROTECTION NEWS

Marriott Faces Massive \$123 Million GDPR Fine For 2018 Security Breach



Nicole Lindsey — On Jul 23, 2019

BUSINESS NEWS JULY 24, 2019 / 8:35 PM / UPDATED 2 HOURS AGO

Facebook to pay record \$5 billion U.S. fine over privacy; faces antitrust probe

David Shepardson

Required by law and regulatory issuances

First Conviction Under the Data Privacy Act RA10173

First Conviction in the Philippines for RA 10173 by the Benitez Salem Baldonado Law Firm

Recently, the Benitez Salem Baldonado Law Firm secured the country's first ever conviction for a crime involving R.A. No. 10173 otherwise known as the "**Data Privacy Act of 2012.**" On February 6, 2017, Presiding **Judge Hon. Carlito B. Calpatura** of Branch 145 of the Regional Trial Court (RTC) of Makati City handed down the judgment against the female accused in criminal case no. 16-01376 after the latter pleaded guilty to the charge.

**What are your obligations
and responsibilities as a
business?**

GENERAL RULE

Respect human rights in practice.

NOTE: This applies to businesses of all sizes, sectors, operational contexts, ownership models, and structures.

- By not causing or contributing to adverse human rights impacts through your own **activities**, and by addressing such impacts when they occur.
 - By making it a **policy** of the organization to meet your responsibility to respect HR.
 - By establishing an **HR due diligence process** that identify, prevent, mitigate, and account for how you address your impact on HR.
 - By providing **processes that address or resolve any adverse HR impacts** you cause or you contribute to.

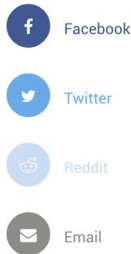
- By seeking to prevent or mitigate adverse human rights impacts directly linked to one's operations, products, or services by one's **business relationships**, even if one has not contributed to said impacts.

Zuckerberg acknowledges they 'didn't do enough' in written testimony

'It's clear now that we didn't do enough to prevent these tools from being used for harm as well,' Zuckerberg says in his testimony released by the US Congress' House commerce committee

Agence France-Presse
@afp

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DARK HOURS. Zuckerberg will face US lawmakers on April 10 and 11, in what will be a turning point for the company and its future.
File photo by Money Sharma/AFP

"It's clear now that we didn't do enough to prevent these tools from being used for harm as well. That goes for fake news, foreign interference in elections, and hate speech, as well as developers and data privacy."

- **By not undermining the government's ability to meet its own human rights obligations (e.g., by not engaging in actions that weaken the integrity of judicial processes)**



This is bigger than any of us.

Democracy is not guaranteed.

END