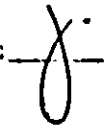


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



16 JAN 11 P4 05

SENATE
S. No. 3062

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
PREVENTING THE INADVERTENT DISCLOSURE OF INFORMATION ON A
COMPUTER THROUGH THE USE OF CERTAIN PEER-TO-PEER FILE SHARING
SOFTWARE WITHOUT FIRST PROVIDING NOTICE AND OBTAINING
CONSENT FROM THE OWNER OR AUTHORIZED USER OF THE COMPUTER

EXPLANATORY NOTE

The Constitution, Article 2, Section 24, provides:

The State recognizes the vital role of communication and information in nation-building.

As we move forward deeper into the information age we continue to establish better communication infrastructures that allow our computers to exchange information faster than ever. These infrastructures allow computer users to look into information stored in other computers. As such, work becomes more efficient and effective due to real-time and on-demand access to the necessary information to proceed with the assigned task. Peer-to-peer file sharing program is one such program.

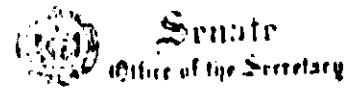
On the other hand, this infrastructure program presents privacy and security issues. Safeguards must be placed to prevent unauthorized access to classified information. This issue is highlighted in the financial institutions and the government where unauthorized access to information could lead to unfair market advantage and national security breach, respectively. As such, we should enact a law that would punish persons who established peer-to-peer infrastructure without providing the proper safeguard.

This bill seeks to punish persons who create infrastructure without appropriate warning and safeguard to users in the financial industry and the government to protect the information stored in their computers or disable such users' right to protect such information.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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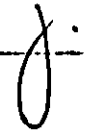
¹ This bill was originally filed during the Fourteenth Congress, Second Regular Session.

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Informed P2P User
2 Act.”

3 SECTION 2. *Definition of Terms.* – For the purposes of this Act the term:

- 4 A. “Protected Computer” means a computer –
- 5 1. exclusively for the use of a financial institution or the government,
 - 6 or, in the case of a computer not exclusively for such use, used by or
 - 7 for a financial institution or the government and the conduct
 - 8 constituting the offense affects that use by or for the financial
 - 9 institution or the government; or
 - 10 2. which is used in foreign commerce or communication, including a
 - 11 computer located outside the country that is used in a manner that
 - 12 affects foreign commerce or communication of the Philippines;

- 13 B. “Peer-to-Peer File Sharing Program” means computer software that allows
14 the computer on which such software is installed –
- 15 1. to designate files available for transmission to another computer;

- 1 2. to transmit files directly to another computer; and
- 2 3. to request the transmission of files from another computer.

3 **SECTION 3. *Improper Disclosure of Personal Information without Notice and***
4 ***Consent.*** – It is unlawful for any person who is not an owner or authorized user of a
5 protected computer to cause or induce an owner or authorized user of the protected
6 computer to make files from a protected computer available to another computer through
7 a peer-to-peer file sharing program without –

8 A. immediately prior to the installation of such program –

- 9 1. providing clear and conspicuous notice that such program allows files
10 on the protected computer to be available for searching and copying by
11 another computer; and
- 12 2. obtaining the informed consent to the installation of such program from
13 an owner or authorized user of the protected computer; and

14 B. immediately prior to initial activation of a file sharing function of such
15 program –

- 16 1. providing clear and conspicuous notice of which files are to be made
17 available to another computer; and
- 18 2. obtaining the informed consent from an owner or authorized user of the
19 protected computer for such files to be made available.

20 **SECTION 4. *Preventing the Disabling or Removal of Certain Software.*** – It is
21 unlawful for any person who is not an owner or authorized user of a protected computer –

22 A. to prevent the reasonable efforts of an owner or authorized user from blocking
23 the installation of a peer-to-peer file sharing program or function thereof; or

24 B. to fail to provide a reasonable and effective means to disable or remove from
25 the protected computer any peer-to-peer file sharing program or function

1 thereof that the person caused to be installed on that computer or induced
2 another person to install.

3 **SECTION 5. *Penalties.*** – Any person who shall violate any provision of this Act
4 shall upon conviction, be subject to a fine of not less than One Hundred Thousand Pesos
5 (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) or
6 imprisonment of not less than one year but not more than five years, or both upon the
7 discretion of the court.

8 **SECTION 6. *Separability Clause.*** – If any provision of this Act is held invalid or
9 unconstitutional, the same shall not affect the validity and effectivity of the other
10 provisions hereof.

11 **SECTION 7. *Repealing Clause.*** – All laws, decrees, orders, and issuances, or
12 portions thereof, which are inconsistent with the provisions of this Act, are hereby
13 repealed, amended or modified accordingly.

14 **SECTION 8. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
15 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/ml23Nov2015