

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



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SENATE  
S. No. 3065

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PROTECTING THE USERS OF RADIO FREQUENCY IDENTIFICATION DEVICES

EXPLANATORY NOTE

Radio frequency identification (RFID) tags, which consist of silicon chips and an antenna that can transmit data to a wireless receiver, could one day be used to track everything from soda cans to cereal boxes. Unlike bar codes, which need to be scanned manually and read individually, radio ID tags do not require line-of-sight for reading. Within the field of a wireless reading device, it is possible to automatically read hundreds of tags a second. Not only can these tags be read faster than bar codes, they also contain more information, so they can recall items more efficiently.

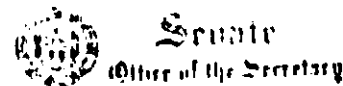
The applications for this technology are seemingly endless. Radio ID tags can be installed in clothing labels, books, packaging, or even implanted beneath skin. Retailers in the United States are investing heavily in RFID technology to improve supply-chain efficiency and track products from the warehouse to the consumer's doorstep. With this technology increasingly becoming available in our country, there is a need to protect the consumers from the dangers that may come from its use. This bill seeks to provide safeguards in the use of radio frequency identification devices.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed during the Fourteenth Congress, Third Regular Session.

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AN ACT  
PROTECTING THE USERS OF RADIO FREQUENCY IDENTIFICATION DEVICES

*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 “RFID Users Protection  
2 Act.”

3 SECTION 2. *Definition of Terms.* – As used in this Act, the term:

4 (a) “Data” means personal information, numerical values associated with a  
5 person’s facial features, or unique personal identifier numbers stored on an  
6 identification device;

7 (b) “Identification device” means an item that uses radio frequency identification  
8 technology;

9 (c) “Personal information” includes any of the following information associated  
10 with an individual:

11 (1) Social security number;

12 (2) driver’s license number;

13 (3) bank account number;

14 (4) credit card or debit card number;

15 (5) personal identification number;

16 (6) automated or electronic signature;

17 (7) unique biometric data;

- 1 (8) account passwords;  
2 (9) telephone number;  
3 (10) address;  
4 (11) date of birth; or  
5 (12) any other piece of information that can be used to access an  
6 individual's financial accounts or to obtain goods or services, or offer  
7 goods or services based on that information without an individual's  
8 consent;

9 (d) "Radio frequency identification" or RFID means a technology that uses radio  
10 waves to transmit data remotely to readers;

11 (e) "Reader" means a scanning device that is capable of using radio waves to  
12 communicate with an identification device and read the data transmitted by  
13 that identification device;

14 (f) "Remotely" means that no physical contact between the identification device  
15 and the reader is necessary in order to transmit data;

16 (g) "Unique personal identifier number" means a randomly assigned string of  
17 numbers or symbols that is encoded on the identification device and is intended  
18 to identify the identification device.

19 **SECTION 3. *Notice Requirement.*** – Any person who sells, issues, or distributes  
20 items containing an electronic communication device must post a notice informing the  
21 consumer of the use of such technology. The notice must disclose the following  
22 information:

23 (a) The item contains or may contain an electronic communication device;

1 (b) The consumer has the legal right to request that an item containing an  
2 electronic communication device be removed or deactivated before the item  
3 leaves the premises; and

4 (c) The consumer has the right to request a copy of all personal information  
5 collected about himself or herself through an electronic communication device,  
6 including the identity of any person who has had access to the consumer's  
7 personal information.

8 SECTION 4. *Labelling Requirement.* – A person must not sell, use or distribute an  
9 item that contains an electronic communication device without labelling the item with a  
10 notice stating that:

11 (a) The item contains an electronic communication device capable of engaging in  
12 electronic communication; and

13 (b) The device can transmit personal information to an independent reader or  
14 scanner both before and after purchase or issuance.

15 SECTION 5. *Requesting Review of Personal Information.* – A consumer may  
16 request all stored personal information pertaining to himself or herself, including the  
17 identity of any individual or entity who has had access to the consumer's personal  
18 information. After reviewing one's personal information, the consumer must be given the  
19 opportunity to contest the accuracy of his or her personal data, correct or amend the data,  
20 and request that the information be removed or destroyed from the database, unless such  
21 removal or destruction is prohibited by law.

22 SECTION 6. *Removal or Deactivation.* – Upon request by a consumer, a person  
23 who sells, issues or distributes an item containing an electronic communication device  
24 must remove or deactivate the device before the consumer leaves the premises. Any costs

1 associated with removal or deactivation cannot be passed on to the consumer. Once  
2 deactivated, it must not be reactivated without the express written consent of the  
3 consumer associated with the item.

4       **SECTION 7. *Security Measures.*** – Any person who sells or utilizes an electronic  
5 communication device must implement adequate security measures to ensure that  
6 information is secure from unauthorized access, loss or tampering. These security  
7 measures should be consistent with industry standards that are commensurate with the  
8 amount and sensitivity of the information being stored on the system.

9       **SECTION 8. *Unauthorized Scanning and Other Prohibited Uses.*** – A person may  
10 not use an electronic communication device to remotely scan, or attempt to scan, an item  
11 associated with a consumer without the consumer's knowledge. A person may not  
12 disclose, either directly or through an affiliate, a consumer's personal information  
13 associated with information gathered by, or contained within, a device capable of  
14 engaging in electronic communication. A person may not use, either directly or through  
15 an affiliate or non-affiliated third party, information gathered by, or contained within, a  
16 device capable of engaging in electronic communication in order to identify a consumer.

17       **SECTION 9. *Penalty for Unlawful Scanning.*** – A person who intentionally scans  
18 another person's identification device remotely, without that person's prior knowledge  
19 and prior consent, for the purpose of fraud, identity theft, or for any other purpose, shall  
20 be subject to a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than  
21 Five Hundred Thousand Pesos (P500,000.00);

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

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

4           SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
5 after its publication in the *Official Gazette* or in two (2) newspapers of general  
6 circulation.

Approved,

/ml24Nov2015