

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUL 22 10:39

SENATE  
S.B. No. 1449

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Miriam Defensor Santiago

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**EXPLANATORY NOTE**

There is no law which prohibits government surveys from obtaining incriminatory information from minors on matters concerning the minor's family.

This bill protects family privacy on matters such as political affiliations or beliefs, psychological problems, sexual behavior, religious beliefs, and privileged communications. However, it does not prevent the investigations pursuant to law or applications for membership or eligibility in organizations or programs.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES. )  
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'04 JUL 22 AM 1:40

SENATE  
S.B. No. 1449

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Introduced by Senator Miriam Defensor Santiago

**AN ACT  
PROVIDING FOR PROTECTION OF FAMILY PRIVACY**

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

SECTION 1. *Short Title.* - This Act shall be known as the "Family Privacy Protection Act."

SECTION 2. *Definition of Minor.* - A child less than eighteen (18) years of age.

SECTION 3. *Family Privacy Protection.* -

(1) *Restriction on Seeking Information from Minors* - Notwithstanding any other provision of law and subject to section 6, in conducting a program or activity funded by the government, a person may not, without the prior written consent of at least one parent or guardian of a minor or, in the case of an emancipated minor, the prior consent of the minor, require or otherwise seek the response of the minor to a survey questionnaire which is intended to elicit, or has the effect of eliciting, information about the minor's family concerning any of the following:

- (a) Parental political affiliations or beliefs;
- (b) Mental or psychological problems;
- (c) Sexual Behavior or attitudes;
- (d) Illegal, antisocial, or self-incriminating behavior;
- (e) Appraisals of other individuals with whom the minor has a familial relationship;

(f) Relationships that are legally recognized as privileged, including those with lawyers, physicians and members of the clergy;

(g) Religious affiliations or beliefs.

(b) General Exceptions – Subsection (1) shall not apply to any of the following:

(a) Information for the purpose of a criminal investigation or adjudication;

(b) Inquiry made pursuant to a good faith concern for the health, safety, or welfare of an individual minor;

(c) Administration of the immigration, internal revenue, or customs laws of the Philippines;

(d) Information required by the law to determine eligibility for participation in an organization, program or for receiving financial assistance;

(e) Academic performance tests except to the extent that questions in such tests would require a minor to reveal information listed under subsection (a) hereof.

SECTION 4. *Notification Procedures.* – The head of any department or agency of the government which provides funds for any program or activity involving the gathering of information from a minor to any survey or questionnaire shall establish procedures by which the department or agency shall notify minors and their parents of protections provided under this Act. The procedures shall also provide for advance public availability of each questionnaire or survey to which a response from a minor is sought.

SECTION 5. *Compliance.* – The head of each government department or agency shall establish such procedure necessary to ensure compliance with this Act. Nothing in this Act shall be construed to foreclose any individual from obtaining judicial relief.

SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 313