


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

04 SEP 15 P4:27

SENATE
1776

RECEIVED BY 

S. B. No. _____

Introduced by SENATOR JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Family and its members, just like any individual, should enjoy its right to privacy. Although certain surveys and studies being conducted by the government and private entities require the family members to answer delicate, offensive or destructive questions, it should be stressed out that they have the choice to refuse answering such.

This Bill intends to institutionalize the measures that will restrict certain information from being divulged if doing so is against the will of the source. It gives special concern to minors, taking into consideration their relatively limited and innocent understanding of things and events. With this "Family Privacy Protection Act," this shall be enforced especially in cases wherein the information to be revealed will cause undesirable results to the minors, as well as to the other members of the family, and to their relationship as a whole.

For this reasons, approval of this Bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
INSTITUTING FAMILY PRIVACY PROTECTION
AND FOR OTHER PURPOSES

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.** – Any child who is less than eighteen (18) years of age shall be considered a minor.

SECTION 3. - **Family Privacy Protection**

(a) 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 emancipated minor, the prior consent of the minor, require or otherwise seek the response of the minor to a survey or questionnaire which is intended to elicit, or has the effect of eliciting, information about the minor's family concerning any of the following:

- 1) Parental political affiliations or beliefs
- 2) Mental or psychological problems
- 3) Sexual behavior or attitudes
- 4) Illegal, antisocial, or self-incriminating behavior
- 5) Appraisals of other individuals with whom the minor has a filial relationship

- 6) Relationships that are legally recognized as privileged, including those with lawyers, physicians and members of the clergy
 - 7) Religious affiliations or beliefs
- (b) General Exceptions – Subsection (1) shall not apply to any of the following:
- 1) information for the purpose of a criminal investigation or adjudication
 - 2) inquiry made in pursuant to a good faith concern for the health, safety, or welfare of an individual minor
 - 3) administration of the immigration, internal revenue or customs laws of the Philippines
 - 4) information required by law to determine eligibility for participation in an organization, program or for receiving financial assistance
 - 5) academic performance tests except to the extent that questions in such tests would require a minor to reveal information listed under subsection (a)

SECTION 4. - Notification Procedures. – The head of any department of 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 surveys to which a response from a minor is sought.

SECTION 5. - Compliance. – The head of each government department or agency shall establish such procedures 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 invalid or unconstitutional, the remainder of the law or the provisions 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 provisions of the 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,

Robert