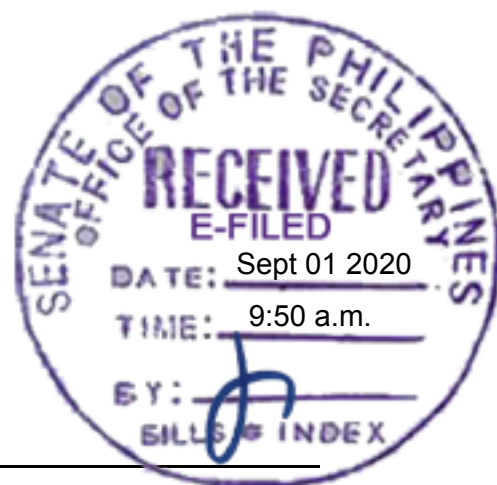


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

**SENATE**  
**P.S. Res. No. 508**



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Introduced by Senator Grace Poe

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**RESOLUTION**  
**URGING THE NATIONAL PRIVACY COMMISSION TO ENSURE A MORE RESPONSIBLE PERSONAL DATA COLLECTION AND HANDLING PROCEDURE IN PUBLIC ESTABLISHMENTS WITH THE END IN VIEW OF PROTECTING PRIVATE INFORMATION WHILE STILL BEING USEFUL IN THE COUNTRY'S CONTACT TRACING EFFORTS DURING THE COVID-19 PANDEMIC**

1 WHEREAS, Article III Section 3 (1) of the 1987 Constitution provides that "(t)he  
2 privacy of communication and correspondence shall be inviolable except upon lawful  
3 order of the court, or when public safety or order requires otherwise as prescribed by  
4 law";

5 WHEREAS, Republic Act No. 10173 or the Data Privacy Act reiterates the State's  
6 obligation to protect the right to privacy of individuals by safeguarding individual  
7 personal information in the private sector<sup>1</sup>;

8 WHEREAS, with the easing of quarantine protocols in the Philippines, some  
9 commercial establishments and public spaces are allowed to accommodate clients at  
10 reduced capacity while following additional minimum health standards and protocols;

11 WHEREAS, in a series of Department of Trade and Industry (DTI) memorandum  
12 circulars<sup>2</sup>, it is required upon owners of public establishments to distribute health  
13 declaration checklist, among others, to all its clients before entry;

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<sup>1</sup> Republic Act. No. 10173. Retrieved from <https://www.privacy.gov.ph/data-privacy-act/#2>

<sup>2</sup> DTI MC 20-28. Retrieved from <https://tribune.net.ph/index.php/2020/06/02/dti-memorandum-circular-no-20-28-series-of-2020/>

1           WHEREAS, the National Privacy Commission (NPC) also issued several Bulletins  
2 to guide establishments on the proper handling and protection of personal data  
3 collected from their customers and visitors through the health declaration checklist<sup>3</sup>;

4           WHEREAS, according to the NPC, establishments should only collect  
5 information required by government issuances and may adopt the sample health  
6 declaration checklist forms issued by government agencies;

7           WHEREAS, establishments have the responsibility to inform customers and  
8 visitors beforehand that personal data is collected for the sole purpose of contact  
9 tracing, whether collection is done manually or electronically;

10          WHEREAS, establishments are obligated to implement safeguards to protect  
11 personal data collected against 'any accidental or unlawful processing, alteration,  
12 disclosure, and destruction'. Such information shall only be retained only for the period  
13 allowed by government issuances;

14          WHEREAS, despite the issuance of the guideline, several reports cite incidents  
15 where handling of contract tracing/ health declaration forms exposed their personal  
16 information to other people;

17          WHEREAS, contract tracing forms in public transit and other public and  
18 commercial spaces are stored in an open carton boxes, revealing sensitive information  
19 to other passengers;

20          WHEREAS, there are already complaints of harassment incidents brought about  
21 by the exposure of private information through the data collection procedure in certain  
22 establishments, which involves writing down information in a log book sheet exposing  
23 the tally of all customer information;

24          WHEREAS, at present, there are no hard rules on the handling of health  
25 declaration forms or contact tracing forms. Establishments are also given a wide  
26 latitude as to the content and means by which the form will be presented to the public;

27          WHEREAS, due to fear of privacy invasion, some people are putting falsified  
28 information which may negatively affect the conduct of contact tracing, if needed;

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<sup>3</sup> National Privacy Commission. (8 July 2020). *NPC PHE Bulletin No. 15*. Retrieved from  
<https://www.privacy.gov.ph/2020/07/npc-phe-bulletin-no-15-guidelines-for-establishments-on-the-proper-handling-of-customer-and-visitor-information-for-contact-tracing/>

1           WHEREAS, there should be stricter and more specific guidelines on the  
2 collection and handling of sensitive information as this is not simply private data, but  
3 also vital public health information;

4           RESOLVED BY THE SENATE, as it is hereby resolved, to urge the National  
5 Privacy Commission to ensure a more responsible personal data collection and  
6 handling procedure in public establishments with the end in view of protecting private  
7 information while still being useful in the country's contact tracing efforts during the  
8 COVID-19 pandemic.

Adopted.



GRACE POE