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**SENATE**

**S. No. 1108**

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**Introduced by Senator Jinggoy Ejercito Estrada**

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**AN ACT  
PROTECTING THE USERS OF RADIO FREQUENCY IDENTIFICATION  
DEVICES**

**EXPLANATORY NOTE**

The use of Radio Frequency Identification (RFID) tags and trackers are proven useful, convenient and economical in various industries. They are widely used in the transportation sector for toll, train and bus cards. It is also embedded in identification documents such as passports, company IDs, school IDs, and membership IDs. RFIDs are reliable devices for tracking both objects and persons such as merchandise, packages, pets, or patients in hospital settings.

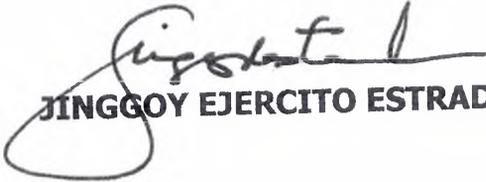
The National Telecommunications Commission (NTC) issued in 2006 Memorandum Circular No. 03-08-2006 regarding the Use and Operation of Radio Frequency Identification (RFID) within the 13.553-13.567 MHz, 918-920 MHz, and 2446-2454 MHz Bands. It regulates the approval, acceptance, registration and licensing of RFID proximity readers and provides for penalties for violations of its provisions.

The "*RFID Users Protection Act*" seeks to provide complete and appropriate information to the consumers about the use of RFID tags and protect them from unauthorized access to their personal information stored in the said tags. It also mandates the seller or user of RFID tags to employ security measures to ensure that

are consistent with industry standards and are commensurate with the amount and sensitivity of the information being stored in the system.

A legislative measure of this nature was originally filed by Senator Miriam Defensor Santiago in the 16<sup>th</sup> Congress.

In this light, the immediate passage of this bill is highly recommended.

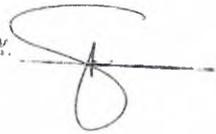


**JINGGOY EJERCITO ESTRADA**

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

1           Section 1. *Short Title.* - This Act shall be known as the "*RFID Users*  
2 *Protection Act*".

3           Sec. 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 in  
6           an identification device;

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

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

- 11           (1) Social security number;
- 12           (2) Driver's license number;
- 13           (3) Bank account number;
- 14           (4) Credit 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,  
7 or offer goods or services based on that information without  
8 an individual's consent;

9 (d) *Radio frequency identification* or *RFID* means a technology that uses  
10 radio waves to transmit data remotely to readers and are intended to  
11 carry data in suitable transponders, generally known as tags, and to  
12 retrieve data, by hand- or machine-readable means, at a suitable time  
13 and place to satisfy particular application needs. Data within a tag  
14 may provide identification of an item, goods in transit, a location, the  
15 identity of persons and/or their belongings, a vehicle or assets, an  
16 animal or other types of information;  
17 RFID systems employ tiny chips and wireless antennas that can be  
18 embedded into products and used for unique identification purposes.  
19 It is a contact-less solution that works with proximity readers and RFID  
20 tags.

21 (e) *Proximity reader* is a device that transmits an interrogating / querying  
22 signal to an RFID tag and receives unique information from the tag.  
23 Readers have two high level versions – those that store data and those  
24 that simply store a reference key for look-up on host system;

25 (f) *Remotely* means that no physical contact between the identification  
26 device and the reader is necessary in order to transmit data; and,

27 (g) *RFID tag* is a microchip attached to an antenna that picks up signals  
28 from and sends signals to a reader. A tag contains a unique number,  
29 but may have other information. RFID tags may be classified as:

- 30 1) Active tag which is used for long distance purposes such as in toll  
31 highways, parking areas, and gas stations. This tag uses small  
32 batteries which enable it to send signals at a longer distance; and,

1           2) Passive tag which is used very near or in close proximity to a  
2           reader and does not use any internal battery.

3           (h) *Unique personal identifier number* means a randomly assigned string of  
4           numbers or symbols that is encoded on the identification device and is  
5           intended to identify the identification device.

6           Sec. 3. *Notice Requirement.* – Any person who sells, issues, or distributes  
7           items containing an RFID tag must post a notice informing the consumer of the use  
8           of such technology. The notice must disclose the following information:

- 9           a) The item contains or may contain an electronic communication device;  
10          b) The consumer has the legal right to request that an item containing an  
11          RFID tag be removed or deactivated before the item leaves the store  
12          premises; and,  
13          c) The consumer has the right to request a copy of all personal  
14          information collected about himself or herself through an RFID tag,  
15          including the identity of any person who has had access to the  
16          consumer’s personal information.

17          Sec. 4. *Labelling Requirement.* – Any person who sells, uses or distributes an  
18          item that contains an RFID tag must label the item with a notice stating that:

- 19          a) The item contains an RFID tag capable of engaging in electronic  
20          communication; and,  
21          b) The RFID tag can transmit personal information to an independent  
22          reader or scanner both before and after purchase or issuance.

23          Sec. 5. *Requesting Review of Personal Information.* – A consumer may  
24          request all stored personal information pertaining to himself or herself, including the  
25          identity of any individual or entity who has had access to the consumer’s personal  
26          information. After reviewing one’s personal information, the consumer must be  
27          given the opportunity to contest the accuracy of his or her personal data, correct or  
28          amend the data, and request that the information be removed or destroyed from the  
29          database, unless such removal or destruction is prohibited by law.

30          Sec. 6. *Removal or Deactivation.* – Upon request by a consumer, a person  
31          who sells, issues or distributed an item containing an RFID tag must remove or  
32          deactivate the device before the consumer leaves the store 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       *Sec. 7. Security Measures.* – Any person who sells or utilizes an RFID tag  
5 must implement adequate security measures to ensure that information is secure  
6 from unauthorized access, loss or tampering. These security measures should be  
7 consistent with industry standards that are commensurate with the amount and  
8 sensitivity of the information being stored on the system.

9       *Sec. 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  
11 item associated with a consumer without the consumer’s knowledge. A person may  
12 not disclose, either directly or through an affiliate, a consumer’s personal information  
13 associated with information gathered by, or contained within, an RFID tag. A person  
14 may not use, either directly or through an affiliate or non-affiliated third party,  
15 information gathered by, or contained within, an RFID tag in order to identify a  
16 consumer.

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

22       *Sec. 10. Separability Clause.* – If any part, section or provision of this Act is  
23 held invalid or unconstitutional, other provisions not affected thereby shall remain in  
24 full force and effect.

25       *Sec. 11. Repealing Clause.* – All laws, decrees, orders, rules and regulations  
26 or parts thereof inconsistent with this Act are hereby repealed or amended  
27 accordingly.

28       *Sec. 12. Effectivity.* – This Act shall take effect fifteen (15) days after its  
29 publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*