INTRODUCED BY THE HONORABLE MAR ROXAS

EXPLANATORY NOTE

This bill seeks to establish fair practices in the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, dissemination by any means, merging, linking, blocking, erasure or destruction of personal data of natural persons and to penalize the unauthorized processing and disclosure thereof.

Privacy is a fundamental human right recognized in all major international treaties and agreements on human rights. This is recognized in the present millennium of advanced information technology, growing trend towards the enactment of comprehensive privacy and data protection laws to address past governmental abuses on the privacy of identity, communication, and correspondence; promote e-commerce; and ensure compatibility with international standards.

It started in Sweden in 1973 with the enactment of a law which regulates the establishment and use, in both public and private sectors, of automated data files on physical and natural persons. In 1985, the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data drawn up within the Council of Europe entered into force, which obligates the signatories to enact legislation concerning the automatic processing of personal data, which many of the member States of the Council of Europe subsequently did. In 1990, the United Nations promulgated the Guidelines Concerning Computerized Personal Data Files which provided for the procedures in implementing regulations concerning computerized personal data files. In 1995, the European Union (EU) passed a Directive on the Protection of Individuals With Regard to the Processing of Personal Data and on the Free Movement of Such Data.

In the Philippines, there is no special law that specifically addresses the protection of personal data. But the right to privacy is recognized and enshrined in several provisions of the Philippine Constitution, particularly in the different sections of the Bill of Rights. Zones of privacy are likewise recognized and protected in Philippine laws, particularly in civil, criminal and remedial law. The Civil Code holds a public officer or employee or any private individual liable for damages for any violation of the rights and liberties of another person, and recognizes the privacy of letters and other private communications. In criminal law, the Revised Penal Code makes a crime the violation of secrets by an officer, the revelation of trade and industrial secrets, and trespass to dwelling.

Invasion of privacy is an offense in special laws like the Anti-Wiretapping Law, the Secrecy of Bank Deposits Act, and the Intellectual Property Code. The Rules of Court on privileged communication likewise recognize the privacy of certain information. Despite the existence of constitutional guarantees and the existence of laws upholding the right to privacy of our citizens, the increasing sophistication of Despite 'the existence of constitutional guarantees and the existence of laws upholding the right to privacy of our citizens, the increasing sophistication of information technology with i t s capacity to collect, analyze and disseminate information on individuals has introduced a sense of urgency in the demand for relevant legislation. Furthermore, new developments in medical research and care, telecommunications, advanced transportation systems, and financial transfers have dramatically increased the level of information generated by each individual. Computers linked together by high-speed networks with advanced processing systems can create comprehensive dossiers on any person without the need for a single central computer system.

The expression of the protection of personal data may vary in various declarations and laws but all require that personal information must be obtained fairly and lawfully; used only for the original purpose specified; adequate, relevant and not excessive to the purpose; accurate and up to date; and destroyed after its purpose is completed. This proposed measure complies with the aforementioned requirements and addresses the need for legislation to protect personal data.

This bill stipulates that personal data must be set up only for a specified purpose that is relevant to the interests of the party and must be obtained legitimately and in accordance with the purpose for which the file was set up. The party controlling the data has a duty to make appropriate measures to ensure that the data processed is complete and accurate, its use is compatible with the purpose of the data file, and is not disclosed to unauthorized persons. Under this measure, a person shall have the right to unimpeded access to his or her personal records and act accordingly on the same.

This bill likewise penalizes the following acts: 1) processing of personal data without the consent of, and despite the opposition of, the data subject, or without being authorized under any existing law or this Act to do so; 2) the processing of personal data for purposes not authorized by the data subject, or otherwise prohibited under the existing laws or this Act; 3) the malicious reporting of any person of a personal data obtained by him or her from a data controller or transferred to him or her unknowingly; and, 4) the breach of confidentiality when the information has been published or reported by media.

In view of the foregoing, the immediate enactment of this measure is earnestly sought.

M A R ROXAS
Senator

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)   7   JUL -4   P5 :33
First Regular Session)

SENATE   RECEIVED BY: _____

S. No. __1180__

INTRODUCED BY THE HONORABLE MAR ROXAS

AN ACT
TO ESTABLISH FAIR PRACTICES IN THE PROCESSING
OF INFORMATION RELATING OR PERSONAL TO INDIVIDUALS,
CREATING FOR THE PURPOSE A PERSONAL DATA PROTECTION COMMISSION,
AND FOR OTHER PURPOSES

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

1   SECTION 1. *Title.* - This Act shall be known as- the "Data Protection Act of 2005."

2   SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the state to protect

3   the fundamental human rights and freedoms of natural persons, in particular the inviolability

4   of private life with respect to the processing of data and to regulate the processing of personal

5   data to ensure that all transactions related thereto are conducted in an efficient and

6   responsible manner.

7   Any doubt in the interpretation of any provision of this Act shall be interpreted in

8   favor of the rights and interests of the individual whose private information is being

9   processed.

10   SEC. 3. *Definition of Terms.* - Whenever used in this Act, the following terms shall

11   have the respective meanings hereafter set forth, unless the context requires otherwise:

12

1. "Data" means information which a) is being processed by means of equipment operating automatically in response to instructions given for that purpose; b) is recorded with the intention that it should be processed by means of such equipment; and c) is recorded as part of a relevant filing system or with the intention that is should form part of a relevant filing system;

2. "Personal data" means any information relating to an identified or identifiable data subject which can be linked by a data controller or a third person belonging to a specific data subject;

3. "Data subject" means a natural person who may directly or indirectly be referred to in a data processing system, and is identified with particularity in the said system for his or her physical, physiological, mental, economic, cultural or social identity, among others;

4. "Data controller" means a natural or juridical person, public authority, agency or any other body duly authorized by law who is qualified and competent to process the personal data pertaining to a data subject, and duly registered with the National Data Protection Commission;

5. "Data processor" means any natural or juridical person qualified to act as such under this Act to whom a data controller may outsource the processing of personal data pertaining to a data subject;

6. "Processing" shall mean any operation or any set of operations concerning personal data, including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure, or destruction of data;

7. "Filing system" means any set of information relating to natural or juridical persons to the extent that, although the information is not processed by means

of equipment operating automatically in response to instructions given for that 'purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible;

8. "Sensitive personal data" means personal data which is likely to give rise to unlawful or arbitrary discrimination, which includes, but is not limited to, data which indicate the race, ethnic origin, religious, philosophical or political affiliations and financial, transactions, or which provide information as to the health or sexual life of a person, or any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

9. *"Consent of the data subject"* means any freely given, specific and informed expression of will, either in written or electronic form executed personally and voluntarily by the data subject, whereby the data subject agrees to the processing of personal data about and/or relating to him or her:

10. "Commission" shall refer to the National Data Protection Commission created by virtue of this Act.

SEC. 4. *Scope* - This Act applies to the processing of all types of personal data, and to any natural and juridical person involved in personal data processing. This Act does not apply to the information 'systems made by natural persons in which personal data are processed for personal or household and family purposes and in which the personal data collected are not disclosed to other persons.

1   SEC. 5. *Exceptions* - Sections 7, 8 and 13 of this Act shall not apply if personal data are

2   processed for journalistic, artistic or Literary purposes, and it is not otherwise prohibited by

3   law.

CHAPTER 11. THE NATIONAL DATA PROTECTION COMMISSION

4   SEC. 6. *Functions of the National Data Protection Commission* – To administer and

5   implement the provisions of this Act and monitor the compliance of the country with

6   international standards set for data protection, there is hereby created an independent body

7   to be known as the National Data Protection Commission, which shall have the following

8   functions:

9   1. ensure compliance of 'data controllers' and data processors with the provisions

10   of this Act;

11   2. receive complaints, institute investigations, adjudicate, or award indemnity on

12   matters affecting any personal data. For this purpose, the Commission may be

13   given access to personal data subject of any complaint and to collect the

14   information necessary to adjudicate or award indemnity on matters affecting

15   any personal data;

16   3. issue cease and desist orders, impose a temporary or permanent ban on the

17   processing of personal data, upon finding that the processing will be

18   detrimental to national security and public interest;

19   4. examine applications for grants of authority to implement a personal data

20   processing system and register personal data processing systems;

5. oversee and monitor the processing of personal data to prevent any breach in the protection of the same and ensure that the rights of the data subject are upheld at all times;

6. coordinate with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal data in the country.

SEC. 7. *Organizational Structure of the Commission* - The Commission shall be attached to the Office of the President and shall be headed by an Executive Director and to be assisted by two (2) Deputy Directors, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Executive Director and the two (2) Deputy Directors shall be appointed by the President of the Philippines for a term of three (3) years.

The Executive Director must be a member of the Philippine Bar, at least thirty-five (35) years of age and of good moral character, unquestionable integrity and known probity. The Executive Director shall enjoy the benefits, privileges and emoluments equivalent to the rank of Undersecretary.

The Deputy Directors must be recognized experts in the field of data processing and intellectual property. They shall enjoy the benefits, privileges and emoluments equivalent to the rank of Assistant Secretary.

SEC. 8. *The Secretariat* - The Commission is hereby authorized to establish a Secretariat. Majority of the members of the Secretariat must have served for at least five (5) years in any agency of the government that is involved in the processing of personal data, including, but not limited to the following offices: National Statistical Office (NSO),

1   Government Service Insurance System (GSIS), Land Transportation Office (LTO), Bureau of

2   Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Commission

3   on Elections (Comelec), Department of Foreign Affairs (DFA), Department of Justice, and

4   Philippine Postal Corporation (PhilPost).

CHAPTER III. PROCESSING OF PERSONAL DATA

5   SEC. 9. *General principles of data processing* - Personal data shall not be processed at

6   all, except when certain conditions are met. The processing of personal data, if allowed, shall

7   adhere to the principles of transparency, legitimate purpose and proportionality.

8   1. Personal data must be:

9   a. collected for specified and legitimate purposes determined and declared

10   before collecting personal data and later processed in a way compatible

11   with such declared, specified and legitimate purposes;

12   b. processed accurately, precisely, fairly and lawfully;

13   c. accurate, relevant, and, where necessary for the processing of personal

14   data, kept up to date; inaccurate or incomplete data must be rectified,

15   supplemented, destroyed or their further processing must be restricted;

16   d. consistent, adequate and not excessive in relation to the purposes for

17   which they are collected and processed;

18   e. kept within a period not exceeding the time within which the purposes

19   for which the data was obtained would be achieved; and

20   f. kept in a form which permits identification of data subjects for no

21   longer than is necessary for the purposes for which the data were

22   collected and processed; *Provided,* that personal data collected for other

23   purposes may be processed for historical, statistical or scientific

purposes and in cases laid down in law may be stored for longer

periods; *Provided, further*, that adequate safeguards are guaranteed by

said laws authorizing their processing.

2. The controller must ensure implementation of personal data processing

principles set out in paragraphs 1 and 2 of this section.

SEC. 10. *Criteria for lawful processing of personal data* - The processing of personal

data shall be permitted only if not otherwise prohibited by law, and at least one of the

following conditions exist:

1. the data subject has given his or her unambiguous consent;

2. the personal data is necessary and is a legal consequence of a contractual

obligation of the data subject;

3. the processing is necessary to protect vitally important interests of the data

subject, including life and health; or

4. the processing is necessary in order to respond to national emergency, to

comply with the requirements of public order and safety, or to fulfill functions

of public authority which necessarily includes the processing of personal data

for the fulfillment of its mandate.

SEC.11. *Sensitive data*- The processing of sensitive personal data shall be prohibited,

except in the following cases:

1. the data subject has given his or her consent prior to the processing;

2. the processing of the same is 'provided for by existing laws and regulations:

Provided, that such regulatory enactments guarantee the protection of the

sensitive personal data: *Provided, further*, that the consent of the data subject

1   is not required by the law, or regulation permitting the processing of :sensitive

2   personal data;

3   3. the processing is necessary :to protect the life and health of the data subject or

4   another person, and the data subject is not legally or physically able to express

5   his or her consent prior to the processing;

6   4. processing is necessary to achieve the lawful, non-commercial objectives of

7   public organizations and their associations: *Provided*, such processing is only

8   confined and related to the bonafide members of these organizations or their

9   associations: *Provided, further,* that the sensitive personal data are not

10   transferred to third parties: *Provided, finally,* that consent of the data subject

11   was obtained prior to processing;

12   5. the processing is necessary for the purposes of medical treatment, is carried out

13   by a medical practitioner or a medical treatment institution, and an adequate

14   level of protection of personal data is ensured; or

15   6. the processing concerns such personal data as is necessary for the protection of

16   lawful rights and interests of natural or legal persons in court proceedings:

17   *Provided*, that in all cases, the data controller is duly authorized by the Commission

18 to engage in the processing of sensitive personal data.

19   SEC. 12. *Data controller* - Any person, natural or juridical, may be granted the

20 authority to act as a data controller by the Commission upon application and examination,

21 taking into consideration the impartiality, independence and technical competence *of* the

22 applicant.

1   SEC. **13.** *Data processor-* A data controller may subcontract the processing of personal

2   data to a personal data processor: *Provided*, that prior to the commencement of any contract,

3   the data processor has been duly qualified to act as such by and is registered with the

4   Commission: *Provided, further,* that the data controller shall retain primary control over the

5   personal data processed by the data processor; and *Provided, finally,* that the data controller

6   shall be responsible for ensuring that proper safeguards are in place to ensure the

7   confidentiality of the personal data processed, guarantee its non-transferability to

8   unauthorized persons, and prevent its use for unauthorized purposes.

9   SEC. **14.** *Storage of data-* Personal data shall be stored and used only for as long as it is

10   necessary to achieve the purpose for which it was processed, after which the personal data

11   shall be deleted or blocked from a personal database, unless otherwise provided by law.

CHAPTER IV. RIGHTS OF THE DATA SUBJECT

12   SEC. **15.** *Rights of the data subject-* The data subject is entitled to:

13   1. be informed whether personal data pertaining to him or her shall be, are

14   being, or have been processed;

15   2. before the entry of his or her personal data into the processing system of the

16   data controller, be furnished the following:

17   a. description of the personal data to be entered into the system;

18   b. purposes for which they are being or are to be processed;

19   c. scope and method of the personal data processing;

1   d. recipients or classes of recipients to whom they are or may be disclosed;

2   and

3   e. methods utilized for automated access, if the same is allowed by the

4   data subject, and the extent to which such access is authorized.

5   Any information supplied or declarations made to the data subject on

6   these matters shall not be amended without prior notification of data subject.

7 3. be given access to, upon demand, the following:

8   a. contents of his/her personal data that were processed;

9   b. source from which personal data were obtained;

10   c. names and addresses of recipients of the personal data;

11   d. manner by which such data were processed;

12   e. reasons for the disclosure of the personal data to recipients;

13   f. information on the decision-making involved in selecting the manner

14   by which personal data shall or will be disclosed on data that will or is

15   likely to be made as the sole basis for any decision significantly

16   affecting or will affect a data subject;

17   g. date when his or her personal data concerning the data subject were

18   last accessed and modified.

19 4. dispute the inaccuracy of erroneous personal data and have the data controller

20   correct it immediately and accordingly. If the personal data has been

21   corrected, the data controller shall ensure the accessibility of both the new and

22   the retracted information and the simultaneous receipt of the new and the

23   retracted information by recipients thereof;

24 5. suspend, withdraw or order the blocking, removal or destruction of his or her

25   personal data from the data controller's filing system upon discovery and

1   substantial proof that the personal data are incomplete, outdated, false,

2   unlawfully obtained, used for unauthorized purposes, or are no longer

3   necessary for the purposes for which they were collected. In this case, the data

4   controller shall rectify the inaccuracy without delay and notify third parties

5   who have previously received such processed data. Likewise, the data

6   controller shall indemnify the data subject for any damages sustained by the

7   latter due to such inaccuracy.

8   SEC. 16. *Non-applicability.* The preceding section is not applicable if the processed

9   data are used only for the needs of scientific and statistical research and, on the basis of such,

10 no activities are carried out and no decisions are taken regarding the data subject, *Provided,*

11 that the personal data shall be held under strict confidentiality and shall be used the same

12 only for the declared purpose.

CHAPTER V. REGISTRATION OF PERSONAL DATA PROCESSING SYSTEM

13 SEC. 17. *Application* - Prior to the carrying out or commencing of personal data

14 processing or the establishment of a system for personal data processing, a data controller

15 shall first submit for the Commission's approval the personal data processing system it seeks

16 to implement. For this purpose, the data controller shall submit an application to the

17 Commission, which shall contain the following:

18 1. A request for the grant of authority to implement a particular personal data

19 processing system;

2. Name of the data controller or data processor, date of its registration with the Commission, the place where its principal office is located, and the term for which it has been authorized by the Commission to act as such;

3. The legal basis for the operation of the personal data processing system;

4. The type of personal data to! be included in the system, the purposes for which it is intended and the :cope of personal data to be processed;

5. The categories of data subjects;

6. The categories of recipients of personal data;

7. The intended method of personal data processing;

8. The planned method of obtaining personal data and a mechanism for the control of their quality;

9. Other data processing systems which will be connected with the system to be registered;

10. Such other data systems which will be able to obtain data from the system to be registered, and what data the system to be registered will be able to obtain from connected systems;

11. The method for transferring data from the system to be registered to another system;

12. The identification codes of natural or juridical persons that will be used by the system to be registered;

13. The method for exchanging information with the data subject;

14. The procedures whereby a data subject is entitled to obtain information concerning himself or herself;

15. The procedures for supplementing and updating of personal data;

1   16. Technical and organizational measures to ensure the protection of personal

2   data; and

3   17. What personal data will be transferred to other countries or jurisdictions.

4   The registration procedure prescribed by this Act is not applicable to the personal

5   data processing carried out by institutions specially authorized by law in the areas of public

6   safety, law enforcement, national security and defense.

7   SEC. **18.** *Publication of Application* - After the payment of filing fees and prior to the

8   formal review of the application, the Commission shall, at the expense of the applicant, cause

9   the publication of the items set out in subparagraph 1 and 2 of the preceding section and the

10   notice of the formal review of the application once every week in at least (2) newspapers of

11   general circulation for a period of and deadline for submission of comments three (3)

12   consecutive weeks. If the required fees for the grant are not paid or the printing is not done

13   in due time, the application shall be deemed withdrawn.

14   SEC. **19.** Following the publication of the application, any person may submit, in

15   writing, his or her comments or opposition on the application. The comment or opposition

16   shall be submitted to the Commission at least ten (15) days prior to the scheduled formal

17   review of the application. The Commission shall notify the applicant of such comment or

18   opposition and the latter may submit its comment or answer within ten (10) days from

19   receipt of the notice.

20   SEC. **20.** The Commission shall conduct the formal review of the application within

21   thirty (30) days from the publication of the application and shall approve or deny the

22   application within thirty (30) days from the completion of the review.

1   SEC.21. *Amendment of Application* - An applicant may amend its application on or

2   before the date of review; *Provided,* that such amendment shall not include new matters

3   outside the scope of the disclosures contained in the application as filed. If new matters are to

4   be included in the amended application, the same shall be treated as a new application and

5   the corresponding time periods shall apply.

6   SEC.22. *Grant of Authority*- If the application meets all the requirements of this Act,

7   the Commission shall grant the authority to implement the particular personal data

8   processing system subject of the application. The grant to implement a personal data

9   processing system shall take effect upon the issuance of certificate of registration.

CHAPTER VI. SECURITY OF DATA

10   SEC. 23. *Security of Data* – (1) The data controller and data processor shall implement

11   appropriate measures to protect personal data against natural dangers, such as accidental loss

12   or destruction and human dangers such as unlawful access, fraudulent misuse, unlawful

13   destruction, alteration, and contamination. These measures, specified in a written document

14   or its equivalent, must be appropriate to the nature of the data to be protected and the risks

15   represented by the processing.

16   (2) The employees, agents or representative of the data controller, and data processor,

17   and their representatives who are involved in the processing personal data shall operate hold

18   personal data under strict confidentiality if these personal data are not intended for public

19   disclosure. This obligation shall continue even after leaving the public service, transfer to

20   another position or upon termination of employment or contractual relations.

CHAPTER VII. TRANSFER OF PERSONAL DATA

1   SEC. 24. *Transfer of Personal Data to Data Recipients in Foreign Jurisdiction* – (1)

2   Prior to the transfer of, personal data to recipients in foreign jurisdictions, the consent of the

3   data subject and the approval of the Commission must first be sought, except in the cases

4   referred to in paragraph 3 of this section.

5   (2) The Commission shall grant an authorization for transfer of personal data to

6   foreign jurisdictions upon, finding and proof, that there is an adequate level of personal data

7   protection in such jurisdiction, taking into consideration: a) the existence and

8   implementation 'of laws on protection of personal information in the jurisdiction; b) the

9   nature of the data and the circumstances by which a data transfer operation may be done in

10   such jurisdiction; and c) the purpose of the transfer, the duration of the use for the personal

11   data, the respectability of the rights of the data subject provided in this Act in the foreign

12   jurisdiction.

13   (3) Without the authorization of, the Commission, personal data may, be transferred

14   to a foreign jurisdiction or an international law enforcement organization only if:

15   a.   the transfer of personal data is necessary for the conclusion or performance of

16   a contract between the data controller and a third party;

17   b.   the transfer of personal data is necessary for the performance of a contract

18   between the data controller and the data subject or the implementation of pre-

19   contractual measures;

20   c.   the transfer of personal data is necessary or required by a lawful order of a

21   competent court of local jurisdiction;

1   d. the personal data is contained in and is being transferred from a public data

2   file in accordance with the procedure prescribed by laws and other rules and

3   regulations.

CHAPTER VIII. PENAL PROVISIONS

4   **SEC. 25.** *Penalties for the Unauthorized Processing of Personal Data* – The penalty of

5 imprisonment ranging from six (6) to twelve (12) years and a fine of not less than one million

6 pesos (Php 1,000,000.00) but not more than three million pesos (Php 3,000,000.00) shall be

7 imposed on persons who process personal data without the consent of the data subject, or

8 without being authorized under this Act or any existing law.

9   **SEC. 26.** *Penalties for the Processing of Personal Data for Unauthorized Purposes* -

10 The penalty of imprisonment from six (6) years and one day to eight (8) years and a fine of

11 not less than Five hundred thousand Philippine pesos (Php 500,000.00) but not more than

12 one million Philippine pesos (Php 1,000,000.00) shall be imposed on persons processing

13 personal data for purposes not authorized by the data subject, or otherwise authorized under

14 this Act or under existing laws.

15   **SEC. 27.** *Malicious Disclosure.* Any person who, with malice or in bad faith, discloses

16 unwarranted or false information relative to any personal data obtained by him or her from a

17 data controller or unknowingly transferred to him or her, shall be subject to a penalty of six

18 (6) months and one (1) day to two (2) years and four (4) months of imprisonment and a fine

19 of not less than One hundred thousand pesos (Php 100,000.00) but not more than Five

20 hundred thousand pesos (Php500, 000.00).

1   **SEC.28.** *Breach of Confidentiality.* The penalty of imprisonment ranging from two (2)

2   years, four (4) months and one (1) day to four (4) years and two (2) months and a fine of, not

3   less than Two hundred thousand pesos (Php 200,000.00) but not more than Five Hundred

4   Thousand pesos (Php 500,000.00) shall be imposed in case of a breach of confidentiality

5   where such breach has resulted in the information being published or reported by media. In

6   this case, the responsible reporter, writer, president, publisher, manager and editor-in-chief

7   shall be liable under this Act.

8   **SEC.29.** *Extent of Liability* - If the offender is a corporation, association, partnership or

9   any juridical person, the penalty shall be imposed upon the responsible officers, as the case

10   may be, who participated in, or by their gross negligence allowed the commission of the

11   crime. If the offender is a juridical person, the court may suspend or revoke any of its rights

12   under this Act. If the offender is an alien, he shall, in addition to the penalties herein

13   prescribed, be deported without further proceedings after serving the penalties herein

14   prescribed. If the offender is a public official or employee and he is found guilty of acts

15   penalized under Sections 25 and 26 of this Act, he or she shall, in addition to the penalties

16   prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the

17   case may be.

18   **SEC. 30.** *Restitution.* - Restitution for any aggrieved party shall be governed by the

19   provisions of the New Civil Code.

CHAPTER IX. MISCELLANEOUS PROVISIONS

20   **SEC. 31.** *Implementing Rules and Regulations* - Within thirty (60) days from the

21   appointment of the Executive Director of the Commission and the constitution of the

1   Secretariat, the Commission shall promulgate the rules and regulations to effectively

2   implement the provisions of this Act. Said rules and regulations shall be submitted to the

3   Congressional Oversight Committee for approval. Aside from those expressly stipulated

4   under this Act, the Commission shall issue implementing rules and regulations (IRR), on the

5   following:

6   1. *restrictions on the use and transfer of personal data to foreign jurisdictions;*

7   2. sanctions to be imposed by the Commission on:

8   a. delay in or non-submission of reports it may require the data controller

9   or data processor to submit in the performance of its functions;

10   b. entities other than data controller or data processor, for breaches of

11   confidentiality of, or misuse of, personal data obtained from the

12   Commission.

13   3. suspension or cancellation of the authority of data controllers and/or data

14   protectors;

15   4. *measures by which the Commission may be allowed to release and disclose*

16   personal data without the consent of the data subject, consistent with existing

17   *laws and regulations.*

18   Upon the approval of the IRR by the Congressional Oversight Committee created

19 under this Act, the same shall be immediately published in at least two (2) newspapers of

20 general circulation.

21   SEC. 32. *Congressional Oversight Committee.* - There is hereby created a

22 Congressional Oversight Committee composed of seven (7) members from the Senate and

23 seven (7) members from the House of Representatives. The members from the respective

24 Houses shall be appointed by the Senate President or Speaker of the House of

1   Representatives based on the proportional representation of the parties or coalitions therein

2   with at least two (2) members of each House representing the minority. The Oversight

3   Committee shall have the power to promulgate its own rules, to oversee the implementation

4   of this Act, and to review or revise the implementing rules issued by the Commission within

5   thirty (30) days from the promulgation of the said rules.

6   SEC. 33. *Appropriations Clause* - The Commission shall be provided with an initial

7   appropriation of Twenty-five million Philippine pesos (Php 25,000,000.00) to be drawn from

8   the national government. Appropriations for the succeeding years shall be included in the

9   General Appropriations Act.

10   SEC. 34. *Separability Clause* - If any part or provision of this Act shall be held

11   unconstitutional or invalid, other provisions hereof that are not affected thereby shall

12   continue to be in full force and effect.

13   SEC. 35. *Repealing Clause* - All other laws, decrees, executive orders, proclamations

14   and administrative regulations, or parts thereof inconsistent herewith are hereby repealed or

15   modified accordingly.

16   SEC. 36. *Effectivity Clause* - This Act shall take effect fifteen (15) days after its

17   publication in at least two (2) national newspapers of general circulation.

Approved,