


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

7 OCT -2 P5:12

SENATE
S. B. No. 1680


RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 PROVIDING FOR PROTECTION OF FAMILY PRIVACY

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Family Privacy Protection
6 Act of 2007.”

7 SECTION 2. *Definition of a Minor.* – For the purpose of this Act, a minor shall mean a
8 child less than eighteen (18) years of age.

9 SECTION 3. *Family Privacy Protection.* –

10 (A) *Restriction on Seeking Information from Minors.* – Notwithstanding any other
11 provision of law and subject to Section 6, in conducting a program or activity funded by the
12 government, a person may not, without the prior written consent of at least one parent or
13 guardian of a minor, require or otherwise seek the response of the minor to a survey
14 questionnaire which is intended to elicit, or has the effect of eliciting, information about the
15 minor’s family concerning any of the following:

16 (1) Parental political affiliations or beliefs;

17 (2) Mental or psychological problems;

18 (3) Sexual Behavior or attitudes;

19 (4) Illegal, antisocial, or self-incriminating behavior;

20 (5) Appraisals of other individuals with whom the minor has a familial
21 relationship;

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

3 (7) Religious affiliations or beliefs.

4 (B) *General Exceptions.* – Paragraph (1) shall not apply to any of the following:

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

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

8 (3) Administration of the immigration, internal revenue, or customs laws of the
9 Philippines;

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

12 (5) Academic performance tests except to the extent that questions in such tests
13 would require a minor to reveal information listed under paragraph (A) hereof.

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

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

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

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

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

6 Approved,