

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



Senate
Office of the Secretary

'13 NOV 26 P2:49

SENATE
S. No. **1946**

RECEIVED BY: *je*

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.*

act
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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



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SENATE
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1 AN ACT
2 PROVIDING FOR PROTECTION OF FAMILY PRIVACY

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

3 SECTION 1. *Short Title.* - This Act shall be known as the "Family Privacy Protection
4 Act."

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

7 SECTION 3. *Family Privacy Protection.* -

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

- 13 (1) Parental political affiliations or beliefs;
- 14 (2) Mental or psychological problems;
- 15 (3) Sexual behavior or attitudes;
- 16 (4) Illegal, antisocial, or self-incriminating behavior;
- 17 (5) Appraisals of other individuals with whom the minor has a familial
18 relationship;
- 19 (6) Relationships that are legally recognized as privileged, including those
20 with lawyers, physicians and members of the clergy;

1 (7) Religious affiliations or beliefs.

2 (B) *General Exceptions.* -- Paragraph (A) shall not apply to any of the following:

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

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

6 (3) Administration of the immigration, internal revenue, or customs laws of
7 the Philippines;

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

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

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

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

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

Approved,