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SENATE
S. No. 454

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Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

Radio frequency identification tags and trackers were introduced as early as 1970s but their use was limited due to high cost. The continuous development in information and technology together with the gradual increase in its use brought down the cost of using RFID and expanded its features and uses.

At present, different industries have already shifted to radio frequency identification device (RFID) for various purposes and it is, in fact, present in items that we use everyday such as passports, train cards, toll booth cards, access cards in offices and schools, and microchip implants in animals. The use of RFID tags and trackers undoubtedly make various systems and operations in our daily lives convenient and efficient, but authorities should put in place measures to ensure that such usage is regulated and monitored.

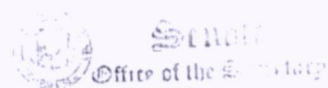
The National Telecommunications Commission (NTC) issued Memorandum Circular No. 03-08-2006 regarding "Use and operation of Radio Frequency

Identification (RFID) within the 13.553-13.567 MHz, 918-920 MHz, and 2446-2454 MHz bands", which provides for rules and regulations regarding RFIDs as well as penalties for violations thereof.

This bill intends to further protect the users of RFID, particularly by ensuring that its usage does not violate any rights of our citizens as enshrined in the Constitution, particularly their right to privacy. It outlines the measures on how RFID users can protect their personal information that have been solicited or gathered.

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


RAMON BONG REVILLA, JR.



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AN ACT
PROTECTING THE USERS OF RADIO FREQUENCY IDENTIFICATION
DEVICES (RFID)

Be it enacted by the Senate and House of Representative 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
6 on 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;

- 1 5) Personal identification number;
- 2 6) Automated or electronic signature;
- 3 7) Unique biometric data;
- 4 8) Account passwords;
- 5 9) Telephone number;
- 6 10) Address;
- 7 11) Date of birth; or
- 8 12) Any other piece of information that can be used to access an
- 9 individual's financial accounts or to obtain goods or services, or
- 10 offer goods or services based on that information without an
- 11 individual's consent;

12 d) "Radio frequency identification device" or "RFID" means a technology
13 that uses radio waves to transmit data remotely to readers and are
14 intended to carry data in suitable transponders, generally known as
15 tags, and to retrieve data, by hand- or machine-readable means, at a
16 suitable time and place to satisfy particular application needs. Data
17 within a tag may provide identification of an item, goods in transit, a
18 location, the identity of persons and/or their belongings, a vehicle or
19 assets, an animal or other types of information.

20 RFID systems employ tiny chips and wireless antennas that can be
21 embedded into products and used for unique identification purposes.
22 It is a contact-less solution that works with proximity readers and RFID
23 tags;

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

- 1 f) "Remotely" means that no physical contact between the identification
2 device and the reader is necessary in order to transmit data; and,
3 g) "RFID tag" is a microchip attached to an antenna that picks up signals
4 from and sends signals to a reader. A tag contains a unique number,
5 but may have other information, such as customers' account number.
6 RFID tags may be classified as:
- 7 1) Active tag which is used for long distance purposes such
8 as in toll highways, parking areas, and gas stations. This
9 tag uses small batteries which enable it to send signals at
10 a longer distance; and,
 - 11 2) Passive tag which is used very near or in close proximity
12 to a reader and does not use any internal battery.
- 13 h) "Unique personal identifier number" means a randomly assigned string
14 of numbers or symbols that is encoded on the identification device and
15 is intended to identify the identification device.

16 Sec. 3. *Notice Requirement.* — Any person who sells, issues, or distributes
17 items containing an electronic communication device must post a notice informing
18 the consumer of the use of such technology. The notice must disclose the following
19 information:

- 20 a) The item contains or may contain an electronic communication device;
- 21 b) The consumer has the legal right to request that an item containing an
22 electronic communication device be removed or deactivated before the
23 item leaves the premises; and,
- 24 c) The consumer has the right to request a copy of all personal
25 information collected about himself or herself through an electronic
26 communication device, including the identity of any person who has
27 had access to the consumer's personal information.

1 Sec. 4. *Labelling Requirement.* – A person must not sell, use or distribute an
2 item that contains an electronic communication device without labelling the item
3 with a notice stating that:

4 a) The item contains an electronic communication device capable of
5 engaging in electronic communication; and,

6 b) The device can transmit personal information to an independent reader
7 or scanner both before and after purchase or issuance.

8 Sec. 5. *Requesting Review of Personal Information.* – A consumer may
9 request all stored personal information pertaining to himself or herself, including the
10 identity of any individual or entity who has had access to the consumer's personal
11 information. After reviewing one's personal information, the consumer must be
12 given the opportunity to contest the accuracy of his or her personal data, correct or
13 amend the data, and request that the information be removed or destroyed from the
14 database, unless such removal or destruction is prohibited by law.

15 Sec. 6. *Removal or Deactivation.* – Upon request by a consumer, a person
16 who sells, issues or distributed an item containing an electronic communication
17 device must remove or deactivate the device before the consumer leaves the
18 premises. Any costs associated with removal or deactivation cannot be passed on to
19 the consumer. Once deactivated, it must not be reactivated without the express
20 written consent of the consumer associated with the item.

21 Sec. 7. *Security Measures.* – Any person who sells or utilizes an electronic
22 communication device must implement adequate security measures to ensure that
23 information is secure from unauthorized access, loss or tampering. These security
24 measures should be consistent with industry standards that are commensurate with
25 the amount and sensitivity of the information being stored on the system.

26 Sec. 8. *Unauthorized Scanning and Other Prohibited Uses.* – A person may
27 not use an electronic communication devise to remotely scan, or attempt to scan, an
28 item associated with a consumer without the consumer's knowledge. A person may
29 not disclose, either directly or through an affiliate, a consumer's personal information

1 associated with information gathered by, or contained within, a device capable of
2 engaging in electronic communication. A person may not use, either directly or
3 through an affiliate or non-affiliated third party, information gathered by, or
4 contained within, a device capable of engaging in electronic communication in order
5 to identify a consumer.

6 Sec. 9. *Penalty for Unlawful Scanning.* – A person who intentionally scans
7 another person's identification device remotely, without that person's prior
8 knowledge and prior consent, for the purpose of fraud, identity theft, or for any
9 other purpose, shall be subject to a fine of not less than Fifty Thousand Pesos
10 (P50,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

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

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

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