

**SENATE**  
**S. B. No. 1446**

20 APR 27 11:12

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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE**  
**"DATA PRIVACY ACT OF 2012", AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that "*the State shall protect and promote the right to health of the people and instill health consciousness among them.*"

On 8 March 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, declaring the entire country under a state of public health emergency due to the Corona Virus-19 (COVID-19) pandemic. To date, there have been six thousand five hundred ninety-nine (6,599) confirmed cases and four hundred thirty seven (437) deaths due to the virus. Statistical data shows a pattern of exponential increase in the coming days, with no signs of "*flattening the curve*" anytime soon.

In order to significantly decrease the spread of the virus, persons suspected of COVID-19 infection must be identified. Healthcare workers and other officers must be provided with complete and accurate information in order to observe, diagnose and treat possibly infected persons; truly, in certain cases, false information or even mere lapses in patient background could prove to be fatal, not only for the patient and

doctor, but even to the public at large. Hence, the urgency of excluding such circumstance from the data privacy laws is clearly warranted and undeniable.

Imee R. Marcos

**IMEE R. MARCOS**

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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE**  
**"DATA PRIVACY ACT OF 2012", AND FOR OTHER PURPOSES**

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

1 **Section 1.** Section 4 of Republic Act No. 10173 is hereby amended to read as  
2 follows:

3 "Section 4. Scope. This Act applies to the processing of all types of personal  
4 information and to any natural and juridical person involved in personal  
5 information processing including those personal information controllers and  
6 processors who, although not found or established in the Philippines, use  
7 equipment that are located in the Philippines, or those who maintain an  
8 office, branch or agency in the Philippines subject to the immediately  
9 succeeding paragraph: Provided, That the requirements of Section 5 are  
10 complied with.

11 This Act does not apply to the following:

12 (a) xxx

13 (1) xxx

14 (2) xxx

- 1 (3) xxx
- 2 (4) xxx
- 3 (b) xxx
- 4 (c) xxx
- 5 (d) xxx
- 6 (e) xxx
- 7 (f) Information necessary for banks and other financial institutions under  
8 the jurisdiction of the independent, central monetary authority or Bangko  
9 Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act  
10 No. 9160, as amended, otherwise known as the Anti-Money Laundering Act  
11 and other applicable laws; [and]
- 12 (g) Personal information originally collected from residents of foreign  
13 jurisdictions in accordance with the laws of those foreign jurisdictions,  
14 including any applicable data privacy laws, which is being processed in the  
15 Philippines[.]; **AND**

16 **(H) UPON DECLARATION OF NATIONAL HEALTH EMERGENCY OR**  
17 **PANDEMIC, PERSONAL INFORMATION, INCLUDING PRIVILEGED**  
18 **AND SENSITIVE PERSONAL INFORMATION, THAT ARE NECESSARY**  
19 **TO ADDRESS THE HEALTH CRISIS. PROVIDED, THE DEPARTMENT**  
20 **OF HEALTH (DOH) SHALL FIRST ISSUE GUIDELINES FOR ITS**  
21 **IMPLEMENTATION, TAKING INTO CONSIDERATION THE SAFETY**  
22 **AND WELFARE OF THE DATA SUBJECT, INCLUDING THE**  
23 **CIRCUMSTANCES WHEN MANDATORY PUBLIC DISCLOSURE OF**  
24 **PERSONAL INFORMATION SHALL BE IMPLEMENTED."**

25 **SEC. 2. *Repealing Clause.*** - All laws, executive orders, presidential decrees,  
26 presidential proclamations, rules and regulations or parts thereof which are  
27 inconsistent with the provisions of this Act are hereby repealed or modified  
28 accordingly.

- 1 **SEC. 3. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
- 2 at least two (2) national newspapers of general circulation.

Approved,