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

7 JUL -4

SENATE

RECEIVED BY

S. B. No. __1109__

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The government has the paramount interest of protecting the integrity and confidentiality of sensitive data maintained by its different agencies and instrumentalities. The giant leaps in technology in recent years make government databases vulnerable to unauthorized intrusions by hackers.

The purpose of this Act is to increase the security of sensitive data maintained by the government.[1]

MIRIAM DEFENSOR SANTIAGO

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[1] This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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1   AN ACT
2   INCREASING THE SECURITY OF SENSITIVE DATA
3   MAINTAINED BY THE GOVERNMENT

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

6   SECTION 1. *Short Title.* – This Act shall be known as the "Government Data Privacy

7   Protection Act of 2007."

8   SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect the integrity

9   and confidentiality of sensitive data maintained by the government. Pursuant to this policy, this

10 Act shall increase the security of sensitive data maintained by the government.

11 SECTION 3. *Definition of Terms.* – For purposes of this Act, the term:

12   (a) "Sensitive data" – includes the following:

13   (1) Social security numbers;

14   (2) Financial records;

15   (3) Previous or current health records, including hospital or treatment

16   records of any kind, including drug and alcohol rehabilitation records;

17   (4) Criminal records;

18   (5) Licenses;

19   (6) License denials, suspensions, or revocations;

20   (7) Tax returns;

21   (8) Information that has been specifically authorized under criteria

22   established by an Executive order or an Act of Congress to be kept classified in

23   the interest of national defense or foreign policy;

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1   (9) Personally identifiable information.

2   (b) "Personally identifiable information" – means any information, in any form or

3   medium that relates to the past, present, or future physical or mental health,

4   predisposition, or condition of an individual or the provision of health care to an

5   individual.

6   SECTION 4. *Requirement for Use of Encryption for Sensitive Data.* –

7   (a) Requirement for Encryption –

8   (1) IN GENERAL – All sensitive data maintained by the government shall

9   be secured by the use of the most secure encryption standard recognized by the

10   Department of Science and Technology.

11   (2) UPDATING REQUIRED EVERY SIX (6) MONTHS – Any sequence

12   of characters (known as an encryption key) used to secure an encryption standard

13   used on government computer systems shall be changed every six (6) months, at a

14   minimum, to provide additional security.

15   (3) IMPLEMENTATION – The requirements of this subsection shall be

16   implemented not later than six (6) months after the date of the enactment of this

17   Act.

18   (b) Responsibility of the Head of an Agency – The head of each of the

19   government shall be responsible for complying with the requirements of subsection (a)

20   within the agency.

21   SECTION 5. *Requirements Relating to Access by Agency Personnel to Sensitive Data.* –

22   (a) On-Site Access -- No employee of the government shall have access to

23   sensitive data on Government property unless the employee has received a security

24   clearance and has completed a financial disclosure form, in accordance with applicable

25   provisions of law and regulation.

26   (b) Off-Site Access –

27   (1) PROHIBITION – Sensitive data maintained by an agency may not be

28   transported or accessed from a location off Government property unless a request

1   for such transportation or access is submitted and approved by the head of the

2   agency in accordance with paragraph (2).

3   (2) PROCEDURES --

4   (A) DEADLINE FOR APPROVAL OR DISAPPROVAL.- In the

5   case of any request submitted under paragraph (1) to the head of an

6   agency, the head of the agency shall approve or disapprove the request

7   within two (2) business days after the date of submission of the request.

8   (B) LIMITATION TO TEN THOUSAND (10,000) RECORDS –

9   If a request is approved, the head of the agency shall limit the access to not

10   more than ten thousand (10,000) records at a time.

11   (3) ENCRYPTION -- Any technology used to store, transport, or access

12   sensitive data for purposes of off-site access approved under this subsection shall

13   be secured by the use of the most secure encryption standard recognized by the

14   Department of Science and Technology.

15   (c) Implementation -- The requirements of this subsection shall be implemented

16   not later than six (6) months after the date of the enactment of this Act.

17   SECTION 6. *Requirements Relating to Government Contractors Involving Sensitive*

18   *Data.* –

19   (a) Applicability to Government Contractors -- In entering into any contract that

20   may involve sensitive data in electronic or digital form on ten thousand (10,000) or more

21   Filipino citizens, an agency shall require the contractor and employees of the contractor

22   to comply with the requirements of sections 4 and 5 of this Act in the performance of the

23   contract. in the same manner as agencies and government employees comply with such

24   requirements.

25   (b) Implementation -- The requirements of this subsection shall be implemented

26   with respect to contracts entered into on or after the date occurring six (6) months after

27   the date of the enactment of this Act.

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1   SECTION 7. *Appropriations.* – Such sums as may be necessary for the initial

2   implementation of this Act shall be taken from the current appropriations of the government

3   agency involved. Thereafter, the fund necessary to carry out the provisions of this Act shall be

4   included in the annual General Appropriations Act.

5   SECTION 8. *Separability Clause.* – In any provision, or part hereof, is held invalid or

6   unconstitutional, the remainder of the law or the provision not otherwise affected shall remain

7   valid and subsisting.

8   SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive

9   order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent

10   with the provisions of this Act is hereby repealed, modified, or amended accordingly.

11   SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its

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

Approved,

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