


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

7 1971

SENATE
S. No. 1971

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1987 Constitution guarantees the right to privacy of every individual regardless of sex, status, or belief. This right includes the privacy of information pertaining him. In the hierarchy of civil and political rights, this right occupies a higher d epee than any other right. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other human rights bills recognize the significance of this right to the attainment of real development, that is, the realization of all human rights.

There is no hard and fast rule defining the scope of the right to privacy. More often than not, this right is being interpreted in the light of circumstances surrounding the particular case. This means that the right to privacy can collide with the right of the people to public information which is another right recognized by the Constitution. In case of motor vehicle record which is kept by the Land Transportation Office and/or Department of Transportation and Communication, protection should be provided to the privacy of information against the unlawful disclosure of individual motor vehicle record.

However, at present, there is no law regulating the disclosure of motor vehicle records notwithstanding the fact that indiscriminate disclosure, as said earlier would violate the right to privacy of the individual involved.


Hence, this bill seeks to establish guidelines in the disclosure of such motor vehicle.


MIRIAM DEFENSOR SANTIAGO

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1 AN ACT
2 TO PROVIDE PROTECTION OF PRIVACY OF INFORMATION IN MOTOR VEHICLE
3 RECORDS

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Driver’s Privacy Protection
7 Act of 2007.”

8 SECTION 2. *Declaration of Policy.* – It is hereby declared to be the policy of the State to
9 protect the right of privacy of every individual by prohibiting disclosure of personal information
10 in motor vehicle record.

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

12 (A) “Motor vehicle record” means any record that pertains to vehicle operator’s permit,
13 motor vehicle title, motor registration, or identification card issued by the Land Transportation
14 Office;

15 (B) “Person” means any individual, organization, association or corporation, partnership,
16 or any entity, but does not include the government or any subdivision or agency or
17 instrumentality thereof, including government owned or controlled corporations;

18 (C) “Personal information” means the information that identifies an individual, including
19 photograph, social security number, driver information number, name, address, telephone
20 number, and medical or disability information, but does not include information on vehicular
21 accidents, driving violations, and driver status.

22 SECTION 4. *Permissible Uses.* – Personal information may only be disclosed as follows:

1 (A) For use by any government agency, including any court or law enforcement agency,
2 in carrying out its functions, or any private person or entity acting on behalf of the government or
3 its agency in carrying out its functions.

4 (B) For use in connection with matters of motor vehicle or driver safety and theft; motor
5 vehicle emissions, motor vehicle product alternations, recalls, or advisories, performance
6 monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research
7 activities, including survey research and removal of non-owner records of motor vehicle
8 manufacturers.

9 (C) For use in the normal course of business by a legitimate business or its agents,
10 employees, or contractors, but only –

11 (1) to verify the accuracy of personal information submitted by the individual to
12 the business or its agents, employees, or contractors; and

13 (2) to obtain the correct information, if such information as so submitted is not
14 correct or is no longer correct, but only for the purposes of preventing fraud by pursuing
15 legal remedies against, or recovering on a debt or security interest against the individual.

16 (D) For use in connection with any civil, criminal, administrative, or arbitration
17 proceeding in any court or any government agency, or before any self-regulatory body, including
18 the service of process, investigation in anticipation of litigation, and the execution or
19 enforcement of judgments and orders, or pursuant to an order of a court.

20 (E) For use in research activities, and for use in producing statistical reports, so long as
21 the personal information is not published, re-disclosed, or used to contact individuals.

22 (F) For use by any insurer or insurance support organization, or by a self-ensured entity,
23 or its agents, employees, or contractors, in connection with claims investigation activities, anti-
24 fraud activities rating or underwriting.

25 (G) For use in providing notice to the owners towed or impounded vehicles.

26 (H) For use by any licensed private investigative agency or licensed security service for
27 any purpose permitted under this Section.

28 (I) For use by any employer or its agent or insurer to obtain or verify information
29 relating to a holder of a commercial driver's license.

1 (J) For use in connection with the operation of private toll transportation facilities.

2 (K) For any other use in response to requests for individual motor vehicle records if the
3 Land Transportation Office has provided in a clear and conspicuous manner on forms for
4 issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that
5 personal information collected any the department may be disclosed to any business or person
6 and has provided in a clear and conspicuous manner on such forms an opportunity to prohibit
7 such disclosures.

8 (L) For bulk distribution for surveys, marketing or solicitations if motor vehicle
9 department has implemented methods and procedures to ensure that --

10 (1) individuals are provided an opportunity, in clear and conspicuous manner to
11 prohibit such uses; and

12 (2) the information will be use, rented, or sold solely for bulk distribution for
13 surveys, marketing, and solicitations, and that surveys, marketing and solicitations will
14 not be directed at those individuals who have requested in a timely fashion that they not
15 be directed at them.

16 (3) For use by any requester, if the requester demonstrates it has obtained the
17 written consent of the individual to whom the information pertains.

18 (M) For any other use specifically authorized under the existing laws of any government
19 agency that holds the record, if such is related to the operation of a motor vehicle or public
20 safety.

21 SECTION 5. *Prohibited Acts.* -- Except as provided in Section 4, the Land Transportation
22 Office and or Department of Transportation and Communication, any agency, officer or
23 employee, or contractor, shall not knowingly disclose or otherwise make available to any person
24 or entity personal information about any individual obtained by the Office in connection with
25 motor vehicle record.

26 SECTION 6. *Other Unlawful Acts.* --

1 (A) Procurement for Unlawful Purpose - It shall be unlawful for any person knowingly to
2 obtain or disclose personal information, from a motor vehicle record, for any use not permitted
3 under this Act.

4 (B) False Representation – It shall be unlawful for any person to make false
5 representation to obtain any personal information from an individual’s motor vehicles record.

6 SECTION 7. *Resale or Disclosure.* – An authorized recipient of personal information
7 (except a recipient under Section 4(K) or (L) may resell or redisclose the information only for a
8 use permitted under Section 4 but not for uses under Section 4(K) or (L). An authorized recipient
9 for uses under Section 4(K) may resell or redisclose personal information for any purpose. An
10 authorized recipient under Section (4)(L) may resell or redisclose personal information pursuant
11 to Section (4)(L). Any authorized recipient (except a recipient under Section (4)(K) that resells
12 or rediscloses personal information covered by this Act must keep for a period of five (5) years
13 records identifying each entity that receives information and the permitted purpose for which the
14 information will be used and must make such records available to the Land Transportation Office
15 upon request.

16 SECTION 8. *Waiver Procedure.* – The Land Transportation Office and/or Department of
17 Transportation and Communication may establish and carry out procedures under which the
18 department or its agents, upon receiving a request for personal information that does not fall
19 within one of the exceptions in Section (4), may mail a copy of the request to the individual
20 about whom request is taken, together within a statement to the effect that the information will
21 not be released unless the individual waives such individual’s right to privacy under this section.

22 SECTION 9. *Penalties.* –

23 (A) Criminal Fine. – A person who knowingly violates this Act shall be fined in the
24 amount of not less than Ten Thousand Pesos (P10,000.00) or imprisonment of not less than three
25 (3) months or both at the discretion of the Court. If the offense is committed by a corporation,
26 trust, firm, partnership or association or other entity, the penalty shall be imposed upon the guilty
27 officer or officers of such corporation, trust, firm, partnership or association or entity.

1 (B) *Violations by Government Agencies.* – Any government agency that has a policy or
2 practice of substantial noncompliance with this Act shall be subject to a civil penalty to be
3 imposed by the Solicitor General of not more than One Hundred Thousand Pesos (P100,000.00) a
4 day for each day of substantial non-compliance.

5 SECTION 10. *Civil Action.* – (A) Cause of Action. A person, who knowingly obtains,
6 discloses or uses personal information, from a motor vehicle record, for a purpose not permitted
7 under this Act shall be liable to the individual to whom the information pertains, who may bring
8 a civil action in court.

9 SECTION 11. *Remedies.* – The court may award:

10 (A) actual damages, but not less than liquidated damages in the amount of Fifty Thousand
11 Pesos (P50,000.00);

12 (B) punitive damages upon proof of willful or reckless disregard of the law;

13 (C) reasonable attorney's fees and other litigation costs reasonably incurred; and

14 (D) such other preliminary and equitable relief as the court determines to be appropriated.

15 SECTION 12. *Separability Clause.* – If any provision or part thereof, is held invalid or
16 unconstitutional, the remainder of the law of the provision not otherwise affected shall remain
17 valid and subsisting.

18 SECTION 13. *Repealing Clause.* – Any law, presidential decree or issuance, executive
19 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
20 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

21 SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) newspapers of general circulation.

23 Approved,