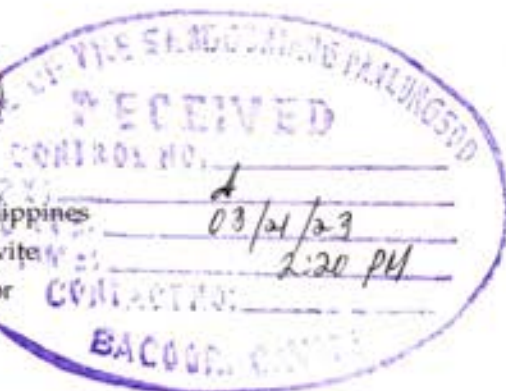




Republic of the Philippines
Province of Cavite
City of Bacoor



5th SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
Committee on Information and Communication Technology And Committee on Rules and Privileges, Laws and Ordinances		PCO-2023-066A – ENDORISING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT PROPOSED CITY ORDINANCE ENTITLED AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACOR, AND PROVIDING GUIDELINES THEREFOR.	PCO-2023-066A	
V E N U E	Session Hall, Sangguniang Panlungsod, Bacoor City		D A T E / T I M E	March 20, 2023 11:00 A.M.

JOINT COMMITTEE REPORT NO. ICT-006-S-2023

Referred to this Joint Committee on the 31st Regular Session of the 5th Sangguniang Panlungsod is the above-captioned subject matter for appropriate action and recommendation.

Republic Act No. 10173 or the Data Privacy Act of 2012 was enacted to protect any person or persons from the unwanted sharing of their personal data and information, and that the people's right to data privacy is respected and strictly observed in information system.

The Ordinance sought to be enacted by the Sangguniang Panlungsod is in pursuance to Section 21 of the Data Privacy Act of 2012.

Section 21, Chapter VI of the Data Privacy Act of 2012 is hereunder quoted as follows:



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“CHAPTER VI ACCOUNTABILITY FOR TRANSFER OF PERSONAL INFORMATION

SEC. 21. Principle of Accountability. – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

(a) The personal information controller is accountable for complying with the requirements of this Act and shall use contractual or other reasonable means to provide a comparable level of protection while the information are being processed by a third party.

(b) The personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with this Act. The identity of the individual(s) so designated shall be made known to any data subject upon request.”

Particularly identified in the above-quoted provision are the repositories of personal data and information and its custodians.

On March 9, 2023, a joint committee hearing was held and attended by the custodians of personal data and information, as resource persons, namely:

- | | |
|---------------------------------|---|
| 1. Ms. Natividad Ludwig I. Ople | - Human Resources Development and Management Department |
| 2. Atty. Marius D. Sumira | - Office of the City Legal Services |
| 3. Dr. Abraham D. De Castro | - Public Information Office |
| 4. Ms. Mercy L, Manzanida | - Office of Senior Citizen Affairs |
| 5. Mr. Ross Aniel Rubion | - City Social Welfare Development Office |

Based on the information shared by the resource persons, their respective Offices are fully aware of the Data Privacy Act of 2012 and that they have already implemented specific steps and processes for strict observance and compliance.



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In the draft of ordinance provided by the Department of Interior and Local Government (DILG), it requires the local government units (LGUs) to designate a **Data Protection Officer (DPO)** with duties and responsibilities of ensuring that the provisions of the Data Privacy Act of 2012 are being complied with by the LGUs.

The dispositive provision in the DILG draft of ordinance is hereunder quoted as follows:

"Section 5. Specific compliance requirements. – The following specific requirements under the DPA, IRR as amended, and relevant issuances of the NPC, are hereby set out as follows:

A. *Designation of a Data Protection Officer (DPO).* – Pursuant to Section 21 of the DPA, **PICs** shall designate individual/s who shall facilitate and ensure the PIC's responsibility and accountability for the organization's compliance with the DPA. The following are hereby designated:

1. The (*official designation of officer*) is hereby designated as the DPO, tasked the duties and responsibilities of ensuring compliance of the (Name of LGU) with the DPA, its IRR and other NPC issuances."

PICs – Personal Information Controllers

The Honorable Members of the Joint Committee discussed the effect on a situation when the person or officer who is named in the provision of the ordinance is incapacitated or there is a need to be relieved from his/her designation as Data Protection Officer.

In that situation, the enacted or approved City Ordinance becomes vague or imprecise in the absence of designee, and the Sangguniang Panlungsod shall be obliged to amend the enacted City Ordinance only to supply the name of newly designated Data Protection Officer (DPO).

The Honorable Members of the Joint Committee stand on the position that the integrity and effectiveness of the enacted City Ordinance, being a law, must be preserved and protected from undue and repetitive amendments.

RECOMMENDATION:

In view of the foregoing, the Honorable Members of the Joint Committee hereby recommend **TO APPROVE** and adopt the draft of Ordinance provided by the Department of Interior and Local Government (DILG) as the same complies with the provisions of the Data Privacy Act of 2012, **except for the inclusion of specific or particular name of person/officer to be designated as Data Protection Officer.**



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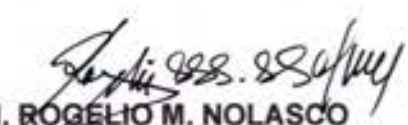
5th SANGGUNIANG PANLUNGSOD


The authority to designate the Data Protection Officer (DPO) is hereby delegated to the Executive Department and that the name of the designee shall be specifically stated in the Implementing Rules and Regulations (IRR) in compliance with the Data Privacy Act of 2012.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this day of March 2023 at the City of Bacoor, Cavite.

THE COMMITTEE ON INFORMATION AND COMMUNICATION TECHNOLOGY


HON. COUN. ROGELIO M. NOLASCO
Chairman


HON. COUN. ALEJANDRO F. GUTIERREZ
Vice Chairman

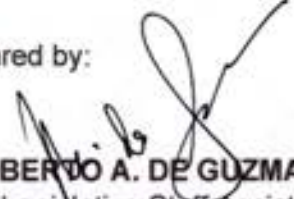

HON. COUN. ADRIELITO G. GAWARAN
Member

THE COMMITTEE ON RULES AND PRIVILEGES, LAWS AND ORDINANCES


HON. COUN. REYNALDO D. PALABRICA
Chairman

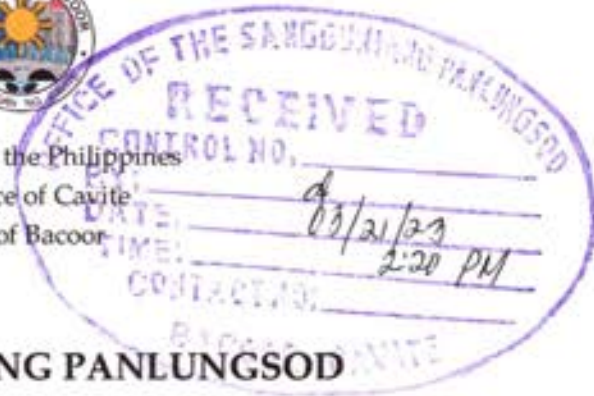

HON. COUN. LEVY TELA
Vice Chairman

Prepared by:


ROBERTO A. DE GUZMAN
Local Legislative Staff Assistant I



Republic of the Philippines
 Province of Cavite
 City of Bacoor



5th SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
Committee on Information and Communication Technology & Committee on Rules & Privileges, Laws and Ordinances		PCO-2023-066A - ENDORISING THE REQUEST OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING	PCO-2023-066A	
V E N U E	Conference Room, 2nd floor Sangguniang Panlungsod, City of Bacoor Cavite	REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACOOOR, AND PROVIDING GUIDELINES THEREFOR.	D A T E / T I M E	March 9, 2023 2:00 P.M.

**MINUTES OF JOINT COMMITTEE HEARING
 NO. ICT-006-S-2023**

Present:

Committee on Information and Communication Technology

- Hon. Coun. Rogelio M. Nolasco - Chairman
- Hon. Coun. Alejandro Gutierrez - Vice Chairman
- Hon. Coun. Adrielito Gawaran - Member

Committee on Rules, & Privileges, Laws and Ordinances

- Hon. Coun. Reynaldo D. Palabrica - Chairman
- Hon. Coun. Levy Tela - Vice Chairman

MINUTES OF JOINT COMMITTEE HEARING NO. **ICT-006-S-2023** - ENDORSING THE REQUEST OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACOOOR, AND PROVIDING GUIDELINES THEREFOR.



Republic of the Philippines
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City of Bacoor

Hon. Coun. Simplicio Dominguez - SP

Resource Persons:

Ms. Mercy L. Manzanida - Office of Senior Citizen Affairs Rep.
Mr. Ross Aniel Rubion - City Social Welfare Development Rep.
Dr. Abraham D. De Castro - Public Information Office Rep.
Ms. Natividad Ludwig I. Ople - Human Resources Development & M.D.
Atty. Marius D. Sumira - Office of City Legal Services

Hon. Coun. Nolasco: deliberates the Ordinance entitled: "An Ordinance Operationalizing Republic Act No. 10173, or the Data Privacy Act of 2012 in the City of Bacoor, and providing guidelines therefore."

Hon. Coun. Rogelio M. Nolasco: "Introduced the presence of Committee Members from Committee on Information and Communication Technology, Hon. Coun. Adrielito Gawaran, Hon. Coun. Alejandro Gutierrez and from Committee on Rules & Privileges, Laws and Ordinance, Hon. Coun. Reynaldo Palabrica, Chairman, Hon. Coun. Levy Tela and Hon. Coun. Simplicio Domingues to the Resource Persons."

Hon. Coun. Nolasco: "So, tungkol dito tatanungin natin si Atty. Marius, ano po ang masasabi nyo dito sa bagong Ordinansa?"

Atty. Marius D. Sumira: "Good Afternoon po Mr. Chairman, regarding po dito sa Ordinansa meron po talagang Data Privacy Ordinance ang bawat Government Agencies po pero mas mabuti po kung na invite po natin ang E-Governance since sila po ang nag handle ng Management Information System ng City."

Hon. Coun. Nolasco: "Actually, may invitations po tayo sa MIS, nagpadala po kami ng invitation sa kanya. Supposed to be darating si Mr. Lodgene pero may pinuntahan yatang importante kaya hinihintay din po namin kung magkakaroon ng representative pero wala pong dumating."

Atty. Marius D. Sumira: "Mayroon po kasing mga technical side na mas mabuti kasi kung naandito sila kasi po yung tungkol po sa mga terms na hindi natin naiintindihan, kailangan ang kanilang idea."

Hon. Coun. Palabrica: "Pwede namang ituloy na natin ito kasi pag dating naman sa Ordinance at nagawa naman ang IRR at itong Ordinance lahat naman dapat sumunod dito eh so regardless na naandito sila o wala, I suggest Mr. Chairman that before we deliberate this matter on Monday kailangang makausap muna MIS at E-Governance Department para kung may mga input sila na kailangan nating malaman at least ma ka relate sa atin para on Monday mapag usapan natin, kasi wala sila eh wala tayong magagawa. Thank you Mr. Chairman."



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Ms. Mercy L. Manzanida: "Marami pong humihingi sa amin ng Certification pero mahigpit po si Atty. Dyan sa Data Privacy Act, masyado ho siyang mahigpit hindi po siya basta basta nagrerelease."

Dr. Abraham D. De Castro: "Okey po Mam Cyd, nabanggit po kasi sa akin yan ni Atty. Venus theres about time na mga Seniors group na humihingi na kung sino sinong members or certain group but Atty. De Castro is very strict with regards to the releasing of certain Names, Address and Cell phone numbers, the same din po sa Public Information Service Office we are very much aware that we are not to distribute/spread information to our applicants to the companies without prior approval lalo na po sa mga naghahanap ng trabaho. Sine safe guards din po namin ang documents safety in regards to the person."

Atty. Marius D. Sumira: "Add ko lang po, kung sakaling maipapasa po natin ito malaking tulong po ito doon sa ano, may inilabas na pong memo si Mayor regarding Illegal Fixing makakatulong po ito kasi magkakaroon na ng additional basis hindi lang doon sa dating order sa pag finish doon sa mga nag aacts po dito sa Illegal Fixing."

Hon. Coun. Palabrica: "Mr. Chairman, may tanong lang ako kay Atty. More or less nabasa mo na itong Draft Ordinance? May possible effect ba ito sa Freedom of Information Act, kasi medyo conflict sa Data Privacy Act?"

Atty. Marius D. Sumira: "Ang magiging conflict lang naman po kung sakali is kung yung information po na hinihingi is considered other Data Privacy Act as private and confidential information, this information naman po ay hindi ko rin pwedeng i Private Data Information ay hindi rin pwedeng mag form under doon sa hinihingi ng freedom of information kasi po Public records po yon and it should be readily available yun po ang pino protect ng Freedom of Information. But, Sa Data Privacy po pino protect niya yung Personal Information."

Hon. Coun. Palabrica: "So, in short there is a distinction? There is boundaries siguro mas mabuti i request natin sa City Legal Office na pag aralang mabuti ang nakasulat dito sa Draft Ordinance na ito para masiguro lang natin para walang bangaan ang Freedom of Information at Data Privacy. Yun lang po."

Hon. Coun. Nolasco: "Any reaction sa atin pong mga kasamang Konsehal? "

Hon. Coun. Gutierrez: "I have a motion, since there is no other matters to be discussed, I move for the adjournment of this Committee Hearing."

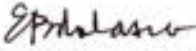


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Province of Cavite
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Hon. Coun. Palabrica: "I second to the motion of Hon. Gutierrez."

The Joint Committee hearing adjourned at 2:20 P.M.

Prepared by:


EDGARDO B. NOLASCO
Staff Clerk

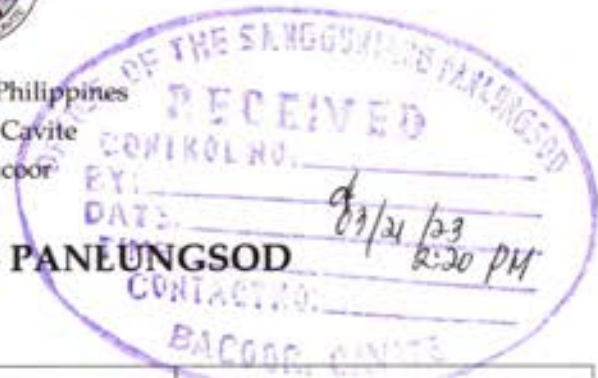
Attested by:


Hon. Coun. ROGELIO M. NOLASCO
Chairman Committee on Information and Communication Technologyons

5TH SANGGUNIANG PANLUNGSOD



Republic of the Philippines
Province of Cavite
City of Bacoor



5th SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
Committee on Information and Communication Technology & Committee on Rules & Privileges, Laws and Ordinances		PCO-2023-066A - ENDORISING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACoor, AND PROVIDING GUIDELINES THEREFOR.	PCO-2023-066A	
V E N U E	Conference Room, 2 nd floor Sangguniang Panlungsod		D A T E / T I M E	March 9, 2023 2:00 P.M.

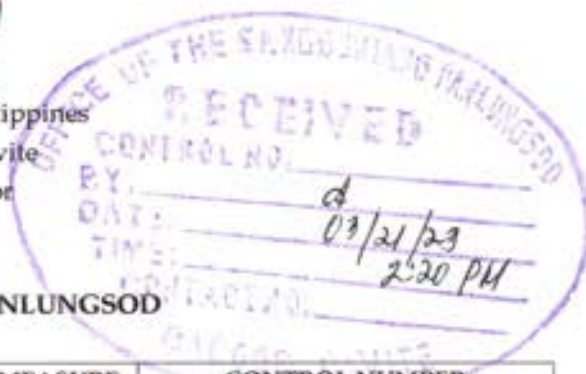
ATTENDANCE OF JOINT COMMITTEE HEARING
NO. ICT-006-S-2023

NAME	CONTACT NUMBER	SIGNATURE
Mercy L. Manzanida	09973504908	
Ross Ariel Rubion	09976619155	
Dr. Abraham D. de Castro	09171190684	
HON. ROSELIO "BOK" M. NOLASCO		
HON. REYNOLDO PALABRICA		
HON. ARIELITO GAWARAN		
HON. ALEJANDRO GUTIERREZ		
Natividad Kulang I. Ojeda	09062417405	
MARIUS D. SUMIRA	09176385741	
HON. LEVY TELA		

ATTENDANCE OF JOINT COMMITTEE HEARING NO. ICT-006-S-2023 ENDORSING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACoor, AND PROVIDING GUIDELINES THEREFOR.



Republic of the Philippines
Province of Cavite
City of Bacoor



5th SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
Committee on Information, Communication and Technology Committee on Rules and Privileges, Laws and Ordinances		PCO-2023-066A ENDORSING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACCOOR, AND PROVIDING GUIDELINES THEREFOR.	PCO-2023-066A	
VENUE Conference Room 2 nd floor Sangguniang Panlungsod			DATE/TIME March 9, 2023 2:00 P.M.	

NOTICE OF JOINT COMMITTEE HEARING (RECEIVING COPY)
NO. ICT-006-S-2023

NAME	DATE RECEIVED	CONTACT NUMBER	SIGNATURE
HON. ALEJANDRO GUTIERREZ	3/7/23	09672632869	
HON. REYNALDO PALABRICA	3/7/23		
HON. ADRIELITO GAWARAN	3/7/23	loc. 328	
HON. LEVY TELA	3/7/23		
MR. LODGENE ASUNCION	3/7/23	loc 401	
MS. NATIVIDAD LUDWIG OPLE	3/7/23	481-4142	Fayth
MS. EMILIANA D.R. UGALDE	3/7/23		christine
ATTY. VENUS DE CASTRO	3-7-23		
MR. ABRAHAM DE CASTRO	3-7-23	481-41-37 loc. 317	

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NOTICE OF HEARING (RECEIVING COPY) NO. ICT-006-S2023- PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACCOOR, AND PROVIDING GUIDELINES THEREFOR.



Republic of the Philippines
Province of Cavite
City of Bacoor



PICTURES OF JOINT COMMITTEE HEARING OF ICT-006-S-2023- ENDORSING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACOOR, AND PROVIDING GUIDELINES THEREFOR.



G.8.1 PCO 2023-066A- ENDORSING THE REQUEST OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT: PROPOSED CITY ORDINANCE ENTITLED: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE CITY OF BACCOOR, AND PROVIDING GUIDELINES THEREFOR.



Republic of the Philippines
Province of Cavite

CITY OF BACCOOR

Office of the Mayor

February 14, 2023

HON. ROWENA BAUTISTA-MENDIOLA

City Vice Mayor of Bacoor
Bacoor Government Center
Bacoor, Cavite

Enclosed
on 2/14/23
C. Revilla

Thru: Atty. Khalid A. Atega, Jr.
Sangguniang Panlungsod Secretary

Subject: Request for issuance of City Ordinance Operationalizing Republic Act No. 10173 or the Data Privacy Act of 2012

Dear Hon. Bautista-Mendiola:

Pursuant to the Memorandum issued by the Department of Interior and Local Government and letter, dated February 14, 2023 issued by Ms. Charmaine R. Lopez, CLGOO, encouraging the enactment of an ordinance operationalizing Republic Act No. 10173 or the Data Privacy Act of 2012 in Local Government Units, I respectfully request the esteemed members of the Sangguniang Panlungsod to perform the necessary actions relative to this matter.

Attached herewith is the aforementioned letter, including its attachments, from CLGOO Lopez for your immediate reference.

Sincerely yours,


STRIKE B. REVILLA
City Mayor



Address: Bacoor Government Center, Bacoor Blvd., City Bayview, City of Bacoor, Cavite
Telephone: 434-1111 | Website: www.bacoor.gov.ph



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGIONAL CALABARZON
Province of Cavite
City of Bacoor

OFFICE OF THE CITY LOCAL GOVERNMENT OPERATIONS OFFICER

ISAL 20230214-05

14 February 2023

Hon. STRIKE B. REVILLA
Mayor
City of Bacoor

Thru **Atty. Jason G. Labao**
City Administrator

Attn **Hon. Rowena B. Mendiola**
Vice Mayor

Atty. Khalid Atega, Jr.
Secretary, Sanggunian and Panglungsod

Dear Mayor Revilla,

Respectfully furnishing you with a copy of the memorandum with subject *Enactment of an ordinance operationalizing Republic Act No. 10173 or the Data Privacy Act of 2012 in Local Government Units* encouraging LGUs to enact an ordinance operationalizing RA 10173.

Sarile ordinance attached for reference. For information and guidance.

Very truly yours,

CHARMAINE R. LOPEZ
CLGOO


DILG REGIONAL CALABARZON

BACK

BACK

REPUBLIC OF THE PHILIPPINES
SANGGUNIANG _____
[NAME OF LGU]

ORDINANCE NO. __, S-2022

AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE
DATA PRIVACY ACT OF 2012 IN THE [NAME OF LGU], AND PROVIDING
GUIDELINES THEREFOR

WHEREAS, Article II, Section 24 of the 1987 Constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II, Section 11 thereof emphasizes that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, on 15 August 2012, Republic Act No. 10173 entitled "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes," also known as the Data Privacy Act of 2012 (DPA), was enacted;

WHEREAS, Section 2 of the DPA provides that it is the policy of the State to protect the fundamental human right of privacy while ensuring the free flow of information to promote innovation and growth. The State also recognizes its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are protected;

WHEREAS, [indicate mandate of the LGU pursuant to the applicable provision of the Constitution, Local Government Code of 1991, etc.];

WHEREAS, all LGUs processing personal or sensitive personal information (collectively, personal data) are considered as personal information controllers having obligations under the DPA;

WHEREAS, the National Privacy Commission (NPC), created under the DPA, is an independent body tasked to administer and implement the provisions of the DPA, and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, pursuant to Section 7 of the DPA, the NPC is charged with carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the country, in coordination with other government agencies and the private sector;

WHEREAS, recognizing the vital role of data in driving government decisions, policies, public services, and innovation that will benefit its constituents, with the aim of improving the delivery of basic goods and services, the [Name of LGU] deems it necessary to provide a local mechanism for its offices to abide by the provisions of the DPA for the processing of personal data of its constituents as data subjects, whereby the people's right to data privacy is respected and upheld, subject to limitations provided by law;

[Standard LGU footer, if any]



2. *(Optional creation of committee)* The designated DPO shall be assisted by a Compliance Officer for Privacy (COP) or Data Privacy Committee (created herein and composed of the following members (official designations of the assigned members)).
 3. The DPO, COP, (and the Committee, if created) shall be:
 - a. Consulted at the earliest stage possible on all issues relating to privacy and data protection of all personal data processing systems;
 - b. Provided with resources necessary to keep themselves updated with the developments in data privacy and security;
 - c. Granted appropriate information and access, where necessary, to the details of personal data processing activities of the departments and offices;
 - d. Invited to participate in the appropriate meetings of any department and office to represent the interest of data privacy;
 - e. Consulted promptly in the event of a personal data breach or security incident; and
 - f. Included in all relevant working groups that deal with personal data processing activities.
 4. The DPO or his or her authorized representative/s shall create the necessary user accounts in the applicable NPC system/s for compliance with the requirements for registration and personal data breach notification and management.
 5. The DPO shall ensure that data privacy awareness seminars and other necessary trainings for the personnel of [Name of LGU] are duly conducted, and
 6. The contact details of the DPO should be made available and easily accessible on the official website and social media page/s and should include the following information:
 - a. Title or designation - the name of the DPO need not be published but should be made available upon request by a data subject
 - b. Postal address; and
 - c. Dedicated telephone number and email address.
- II. Conduct of Privacy Impact Assessment** -- All departments and offices as process owners shall conduct a privacy impact assessment (PIA) on any personal data processing system prior to their adoption, use, or implementation.
1. For existing systems, the DPO (and the Committee, if created) shall be consulted by the respective process owners on the appropriateness of conducting a PIA and the reasonable timeframe to accomplish the same;
 2. For both existing and proposed systems, there may be a determination that the conduct of a PIA is not necessary if the processing involves minimal risks to the rights and freedoms of data subjects, taking into account the recommendations from the DPO. In making this determination, the following should be considered:
 - a. Size and sensitivity of the personal data being processed
 - b. Duration and extent of processing.



NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang... of [name of LGU],
in session assembled

SECTION 1. Title – This Ordinance shall be known as the Data Privacy Ordinance of [Name of LGU].

SECTION 2. Definition of Terms – The terms used in the DPA and its Implementing Rules and Regulations (IRR), as amended, are adopted herein.

SECTION 3. Coverage – This Ordinance shall cover all departments and offices under the [Name of LGU].

SECTION 4. General duties and obligations – The following are the general duties and obligations of the [Name of LGU] as a personal information controller (PIC):

- A. Personal data shall be processed for the purposes of facilitating the performance of its public functions and the provision of public services pursuant to its mandate. In all instances, it shall adhere to the general data privacy principles of transparency, legitimate purpose, and proportionality.
- B. Reasonable and appropriate safeguards shall be implemented for the protection of personal data of data subjects of the [Name of LGU], whether internal (officials, employees, job order, contract of service, casual, etc.) or external (clients, visitors, other stakeholders, etc.).
- C. The rights of the data subjects shall be upheld, subject to limitations as may be provided for by law. The free exercise of applicable rights shall be enabled through mechanisms that are clear, simple, straightforward, and convenient for the data subjects, and
- D. The data privacy rights of the affected data subjects shall be harmonized with the right to information on matters of public concern. It is recognized that both rights are imperative for transparent, accountable, and participatory governance, and are key factors for effective and reasonable public participation in social, political, and economic decision-making.

SECTION 5. Specific compliance requirements – The following specific compliance requirements under the DPA, its IRR as amended, and relevant issuances of the NPC, are hereby set out as follows:

- A. **Designation of a Data Protection Officer (DPO)** – Pursuant to Section 21 of the DPA, PICs shall designate individual/s who shall facilitate and ensure the PIC's responsibility and accountability for the organization's compliance with the DPA. The following are hereby designated:
 1. The [official designation of officer] is hereby designated as the DPO, tasked with the duties and responsibilities of ensuring compliance of the [Name of LGU] with the DPA, its IRR, and other NPC issuances.



created) in consultation and coordination with the [name of office/designation of the office in charge of IT, databases, website, records, etc.] shall make the appropriate determination and recommendation on the measures and policies to be implemented. These may include back-up solutions, access controls, secure log files, acceptable use, encryption, and data disposal mechanisms, among others, for any personal data processing activity, whether done through paper-based or electronic systems.

3. The data sharing and outsourcing arrangements shall be subject to the execution of the appropriate agreements as may be determined by the [official designation of the legal officer or other appropriate official] in consultation with the DPO. For this purpose, the relevant assurances of the NPC shall be observed accordingly.
- 4) *Security Incident Management: Personal Data Breach Management* - The following policies and procedures are set out for the purpose of managing security incidents, including personal data breaches:
- 1) *Data Breach Response Team (DBRT)* - A data breach response team is hereby created with the following members: the DPO, the Data Privacy Committee, if created, and [official designation of designated members]. The DBRT shall be responsible for the following actions:
 - a) Assess and evaluate all security incidents, including personal data breaches;
 - b) Restore integrity to the affected information and communications systems;
 - c) Recommend measures for mitigation and remedies on any resulting damage to the [Name of IGO] and the affected data subjects;
 - d) Comply with the mandatory notification and other reporting requirements indicated in the appropriate NPC issuance; and
 - e) Coordinate with the appropriate government Computer Emergency Response Teams (CERT) and law enforcement agencies, where appropriate.
 - 2) *Incident Response Procedure* - The DBRT shall recommend the actual procedure or manual for the timely discovery and management of security incidents. This shall include:
 - a) Identification of person or persons responsible for regular monitoring and evaluation of security incidents;
 - b) Reporting lines in the event of a personal data breach;
 - c) Evaluation of the security incidents or personal data breaches as to its nature, extent and cause, the adequacy of safeguards in place, immediate and long-term impact of the personal data breach, and its actual and potential harm and negative consequences to affected data subjects;
 - d) Procedures for contacting law enforcement, if necessary;
 - e) Conduct of investigations on the security incident, including personal data breaches;
 - f) Procedures for notifying the NPC and data subjects when the personal data breach is subject to mandatory notification requirements;
 - g) Procedures for assisting affected data subjects to mitigate the possible harm and negative consequences in the event of a personal data breach.



17. *Funding* - The funding requirements needed for this Ordinance shall be provided for through an Appropriation Ordinance.

SECTION 6. *Rights of data subjects, mechanisms for the exercise of rights* - The relevant NPC issuances on data subject rights, the guidance on transparency, procedures for the exercise of rights, and appropriate templates indicated therein, are hereby adopted.

SECTION 7. *Remedies* - The DPO, in coordination with [official designation of the legal officer] and the concerned department or office as the process owner, shall endeavor to address and resolve all data subject clarifications, complaints, concerns, questions, and requests, among others, relating to the processing of their personal data, exercise of rights, personal data breaches, and other similar matters without undue delay, following the applicable provisions of Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2010 and its Implementing Rules and Regulations.

SECTION 8. *Interpretation* - Any doubt in the interpretation of any provision of this Ordinance and corresponding policies shall be construed in a manner that accords the highest respect for data privacy, and liberally interpreted in a manner mindful of the rights and interests of data subjects.

SECTION 9. *Transitory Provision* - Departments and offices affected by the implementation of this Ordinance shall be given [indicate period] transitory period from the effectivity of the Ordinance to comply with its requirements.

SECTION 10. *Separability Clause* - If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 11. *Repealing Clause* - All other ordinances, orders, issuances, rules, and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 12. *Effectivity* - This Ordinance shall take effect fifteen (15) days after publication.

ENACTED on this ____ day of _____, 2022 in the [Name of LGU]