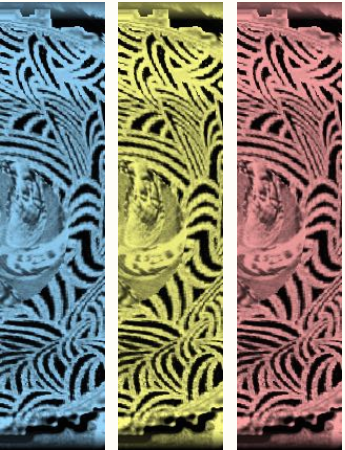
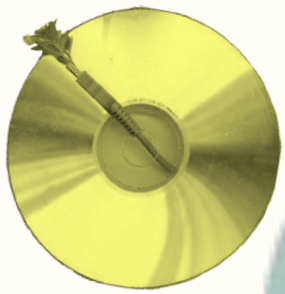


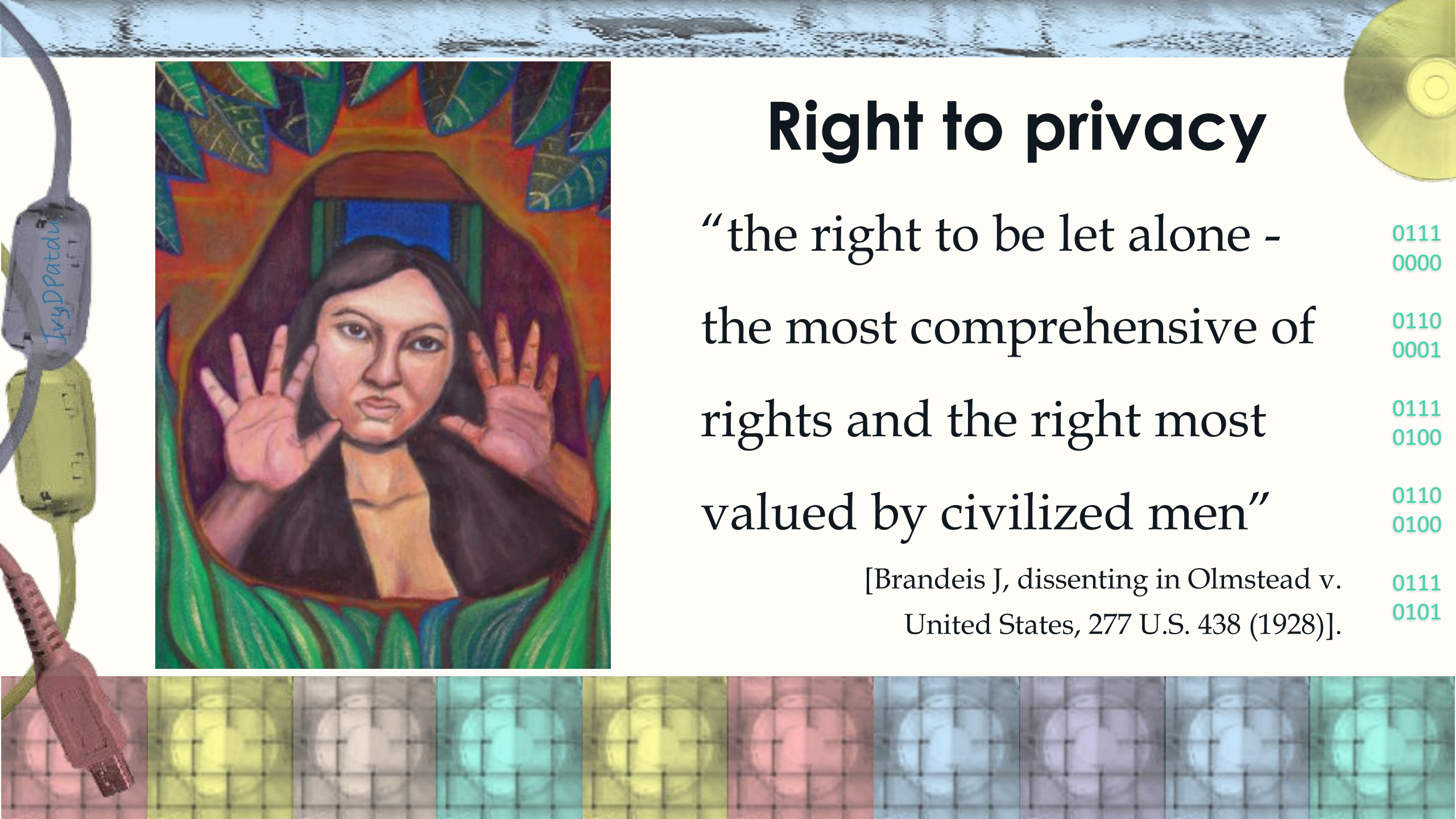
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Data Privacy Act: Compliance Framework

Ivy D. Patdu, MD JD

National Privacy Commission





Right to privacy

“the right to be let alone -
the most comprehensive of
rights and the right most
valued by civilized men”

[Brandeis J, dissenting in *Olmstead v. United States*, 277 U.S. 438 (1928)].

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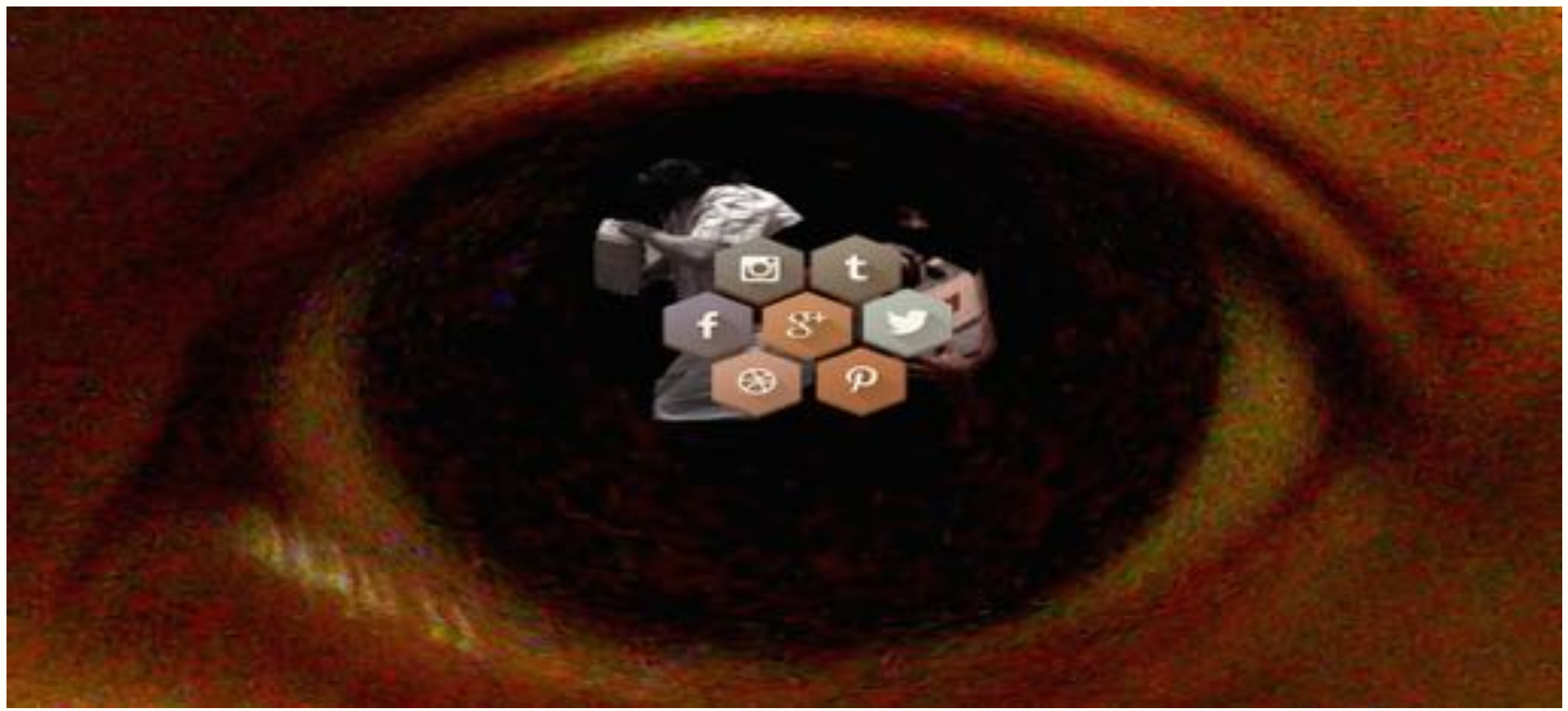
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WHO IS WATCHING YOU?



DSWD training of field staff for “Listahanan” ongoing

April 20, 2015 | by Criselda David Philippine News Correspondent | 0



<http://bayanihannews.com.au/2015/04/20/dswd-training-of-field-staff-for-listahanan-ongoing/>

Freedom of Information

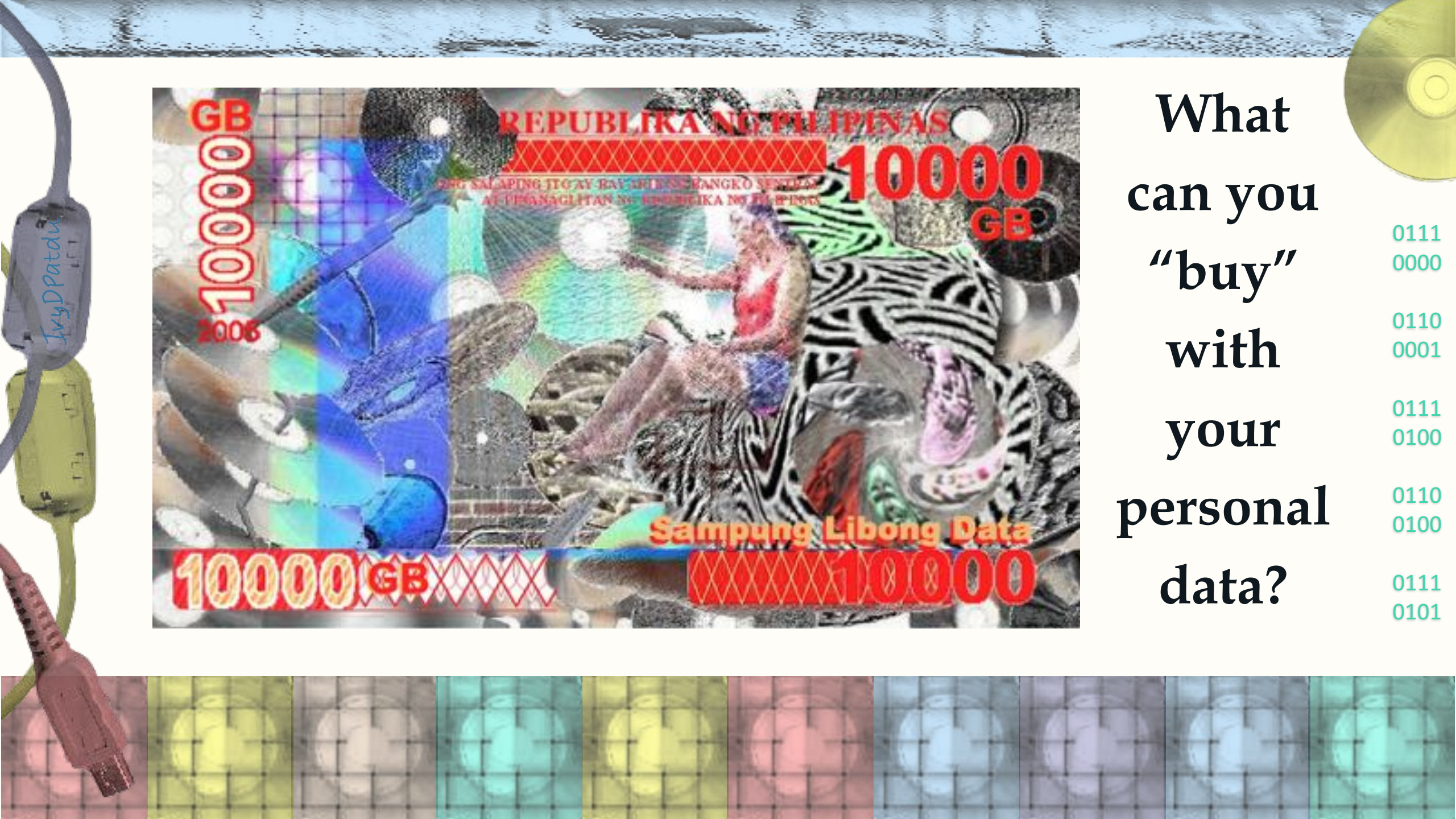


Republic of the Philippines
Department of Health
Philippine Registry for Persons with Disabilities (PRPWD)
v2.0

Republic Act no. 9442 Verification ▾ Downloads ▾ Login

Available at <http://pwd.doh.gov.ph/login.php> (last accessed June 14,2017)

IvyDPatdu



What
can you
“buy”
with
your
personal
data?

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IvyDpatdu

RIGHT TO INFORMATION PRIVACY

The individual's ability to control the flow of information concerning or describing him, which however must be overbalanced by legitimate public concerns. To deprive an individual of his power to control or determine whom to share information of his personal details would deny him of his right to his own personhood.

Dissenting Opinion of Justice Consuelo Ynares-Santiago in G.R No 167798 Kilusang Mayo Uno, et al., v. The Director General, National Economic Development Authority, et al., and G.R No. 167930 Bayan Muna Representatives Satur C. Ocampo, et al., v. Eduardo Ermita, et al. (19 April 2006)

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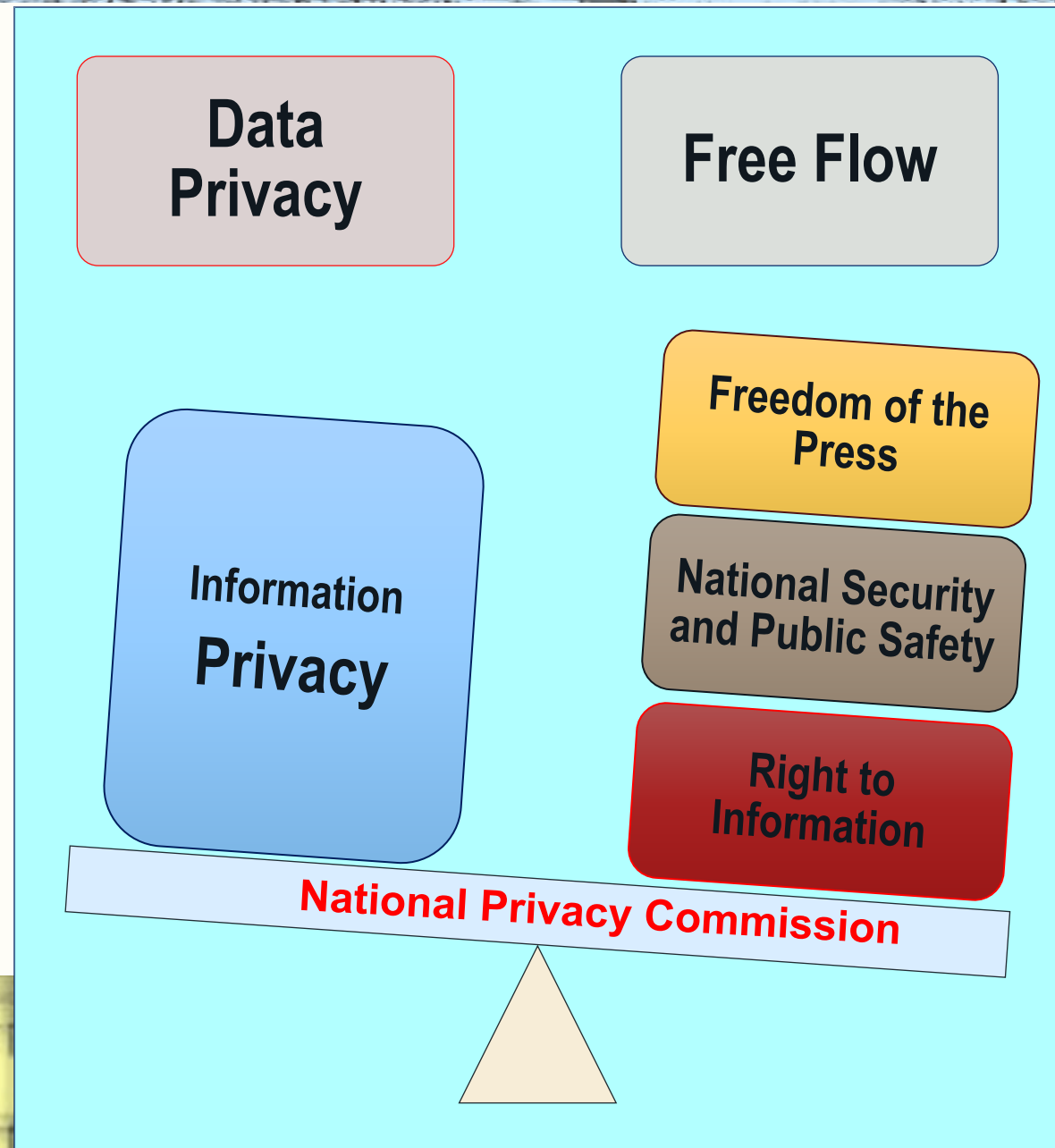


“In this digital era, information is the currency of power – valuable, coveted, but at a very high risk.”

-Senator Edgardo Angara,
sponsorship speech
for the Data Privacy Act

Data Privacy Act

It is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth.



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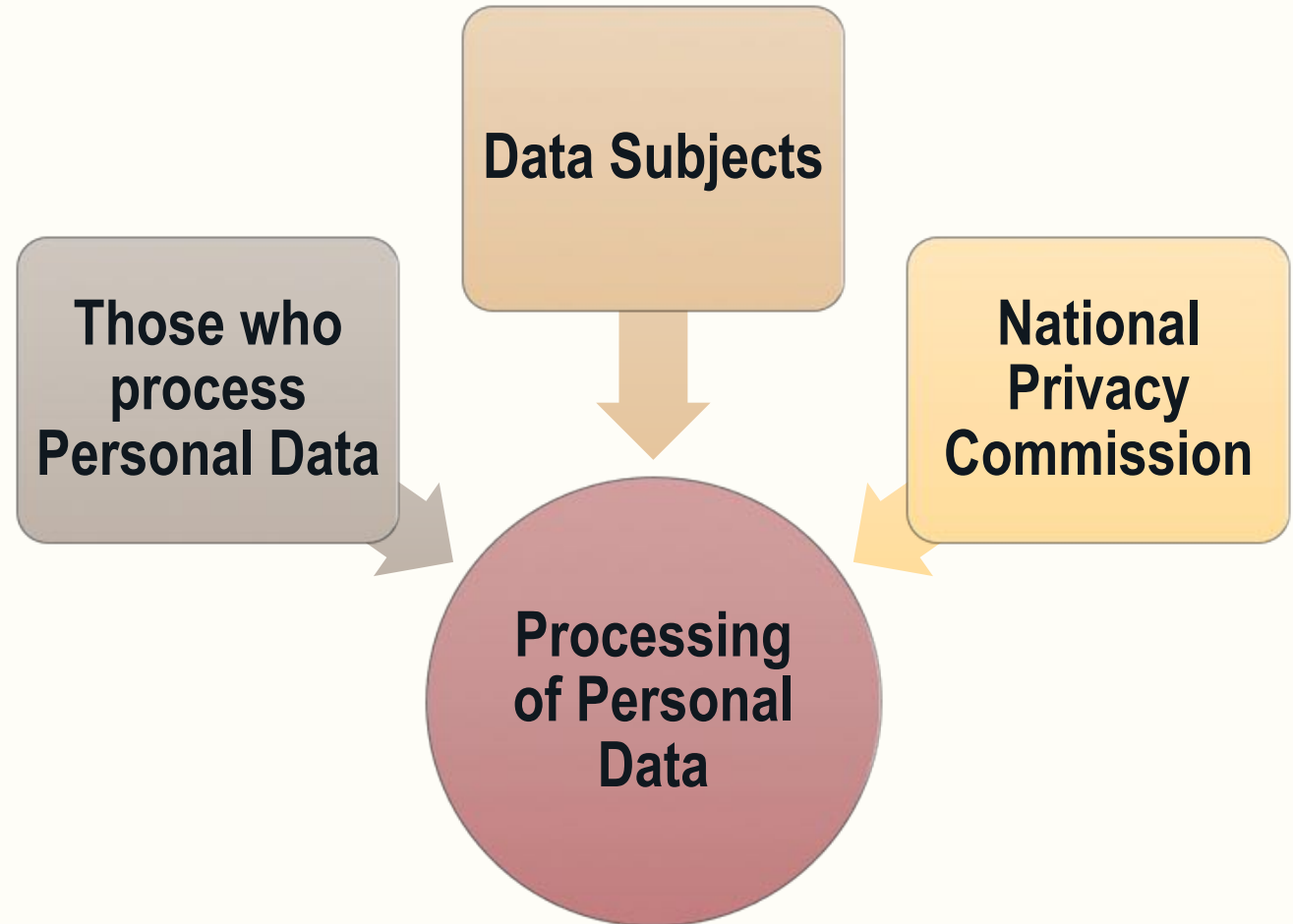
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Scope of the Data Privacy Act

Data Privacy Act applies to the processing of personal data by any natural and juridical person in the government or private sector.



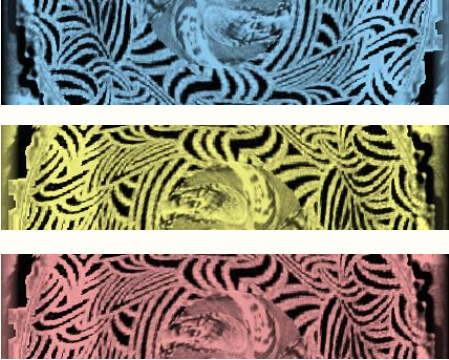
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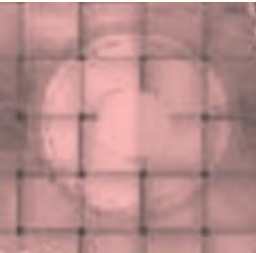
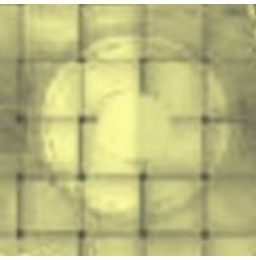
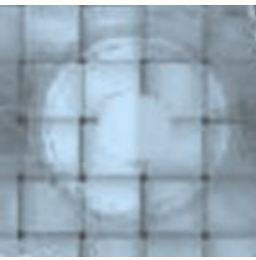
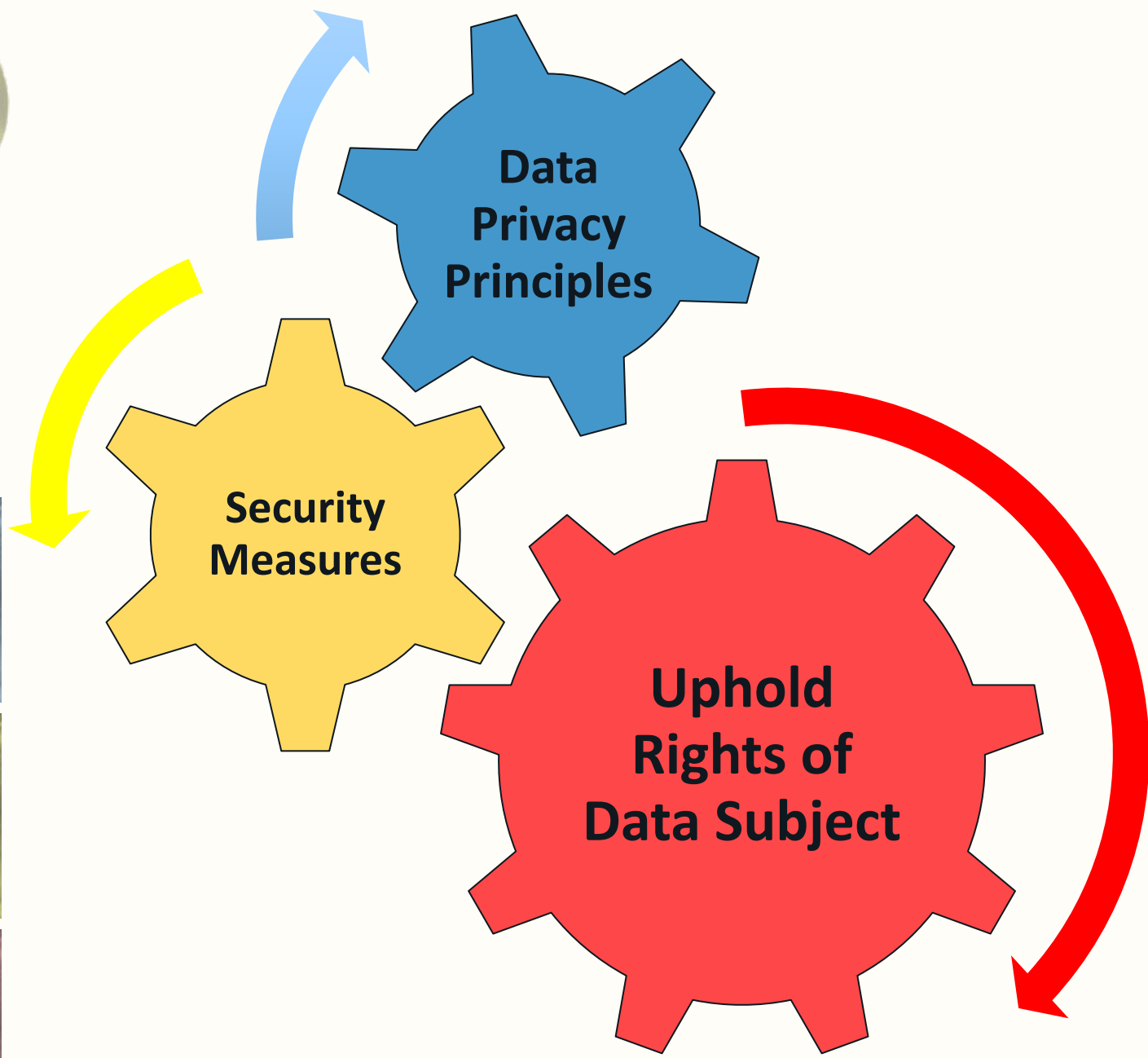
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DATA PRIVACY ACT





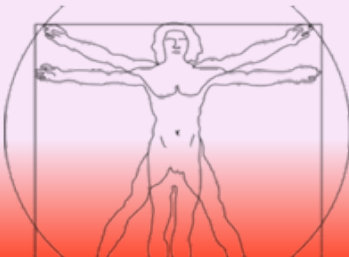
DATA PRIVACY PRINCIPLES



TRANSPARENCY



LEGITIMATE PURPOSE

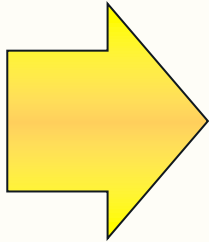


PROPORTIONALITY



SECURITY MEASURES

Organizational
Physical
Technical



Confidentiality
Integrity
Availability



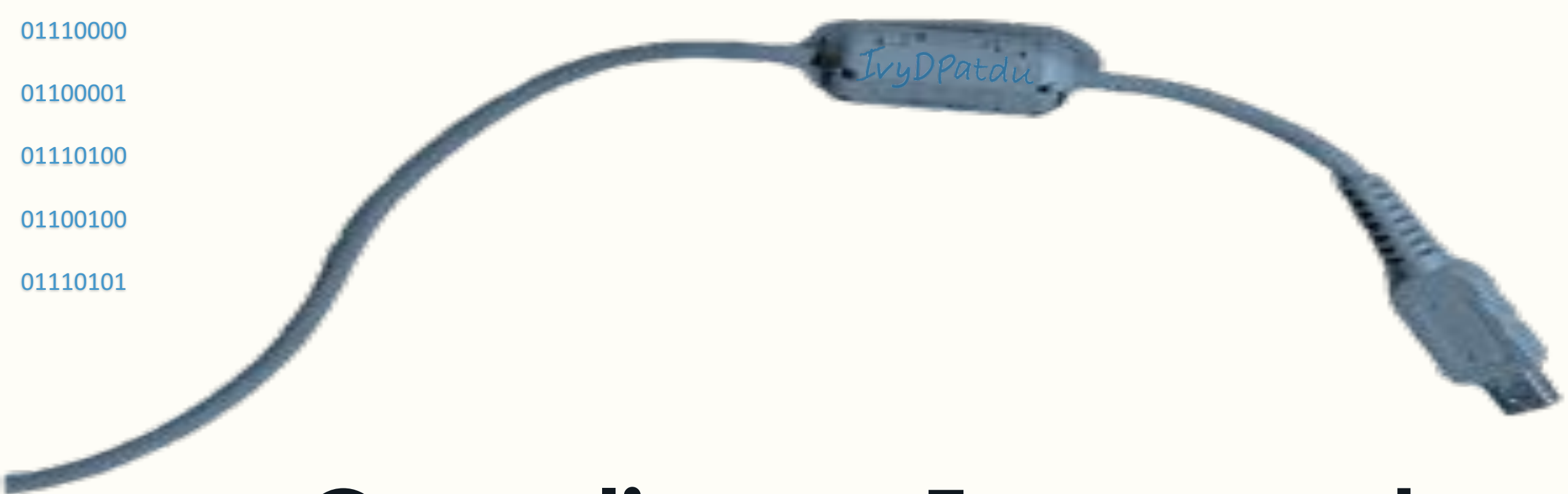
NOTICE

ACCESS

COMPLAIN

Rights of Data Subjects

1. Right to Information 0111 0000
2. Right to Object 0110 0001
3. Right to Access 0111 0100
4. Right to Correct 0110 0100
5. Right to Erase 0111 0101
6. Right to Damages 0111 0101
7. Right to Data Portability
8. Right to File a Complaint



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Compliance Framework





1. Governance



2. Risk Assessment



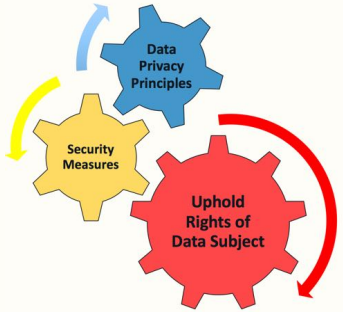
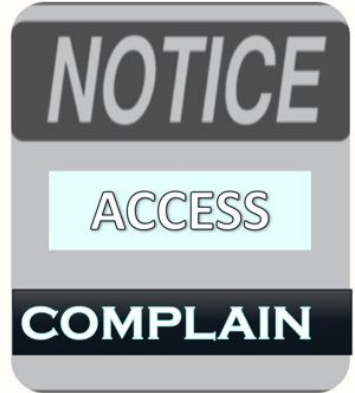
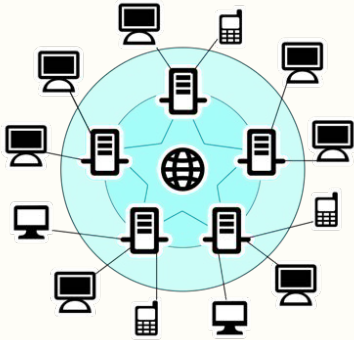
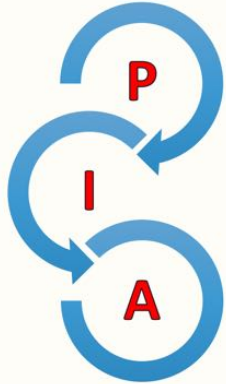
3. Organization



4. Day to Day



5. Data Security



6. Breaches



7. Third Parties



8. Manage HR



9. Continuity



10. Privacy Ecosystem



1. Governance

- Designate a DPO

THE DPO SHOULD POSSESS SPECIALIZED KNOWLEDGE AND DEMONSTRATE RELIABILITY NECESSARY FOR THE PERFORMANCE OF HIS OR HER DUTIES AND RESPONSIBILITIES.



Picture from <http://www.computerweekly.com/news/450402719/GDPR-will-require-75000-DPOs-worldwide-study-shows>

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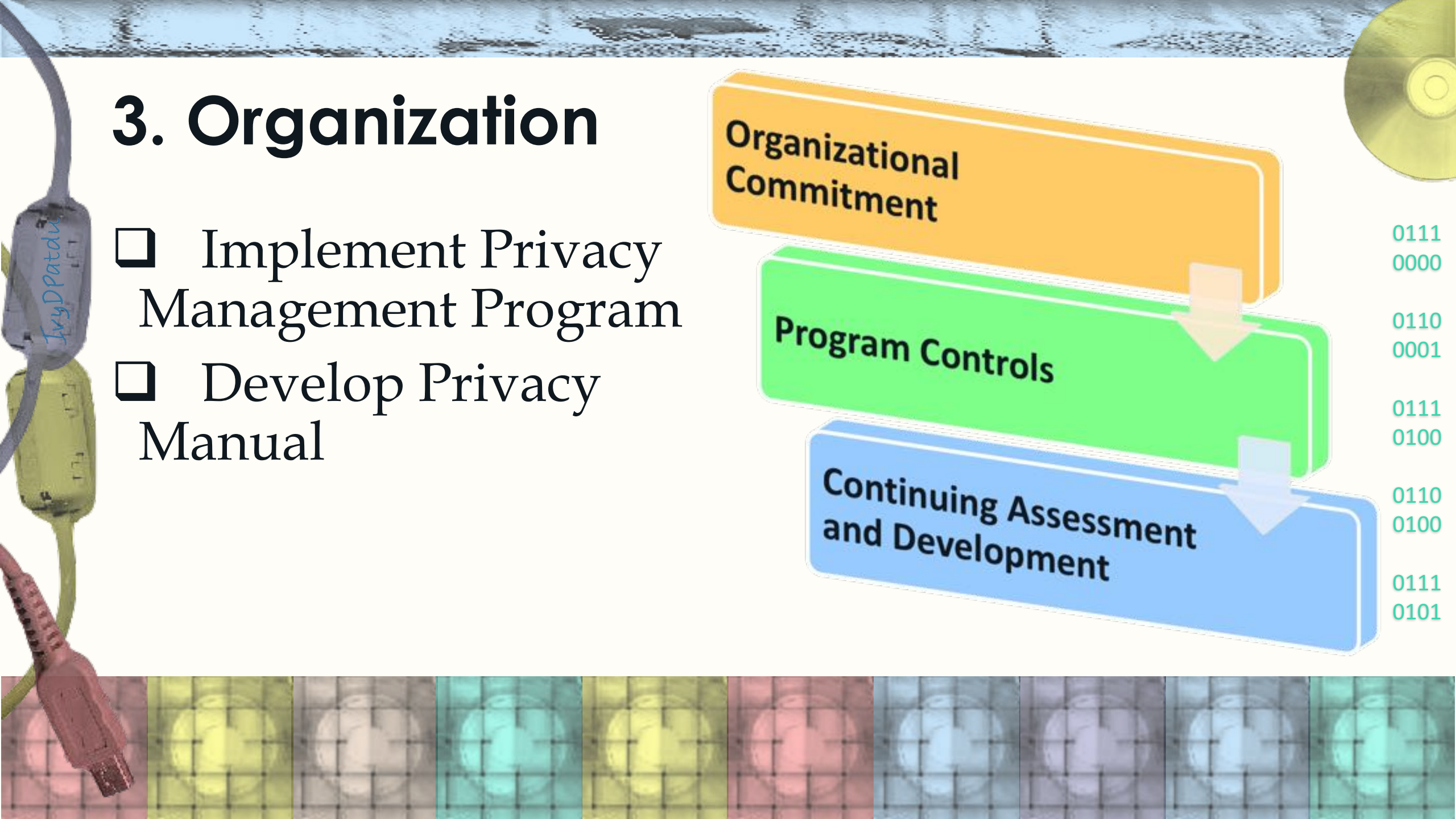
2. Risk Assessment

- ❑ Register Data Processing System
- ❑ Have Records of Processing Activities
- ❑ Conduct Privacy Impact Assessment



3. Organization

- ❑ Implement Privacy Management Program
- ❑ Develop Privacy Manual



4. Day to Day

- Have Privacy Notices
- Mechanism for exercise of Data Subject Rights
- Policies for every stage of Data Life Cycle



Innovative Electronic Medical Record System Expands in Malawi (2014) available at <http://www.cdc.gov/globalaids/success-stories/innovativemalawi.html> (last accessed June 20, 2016).

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5. Data Security

- ❑ Implement Organizational, Physical and Technical Security Measures

Technical Security Measures



SECURITY POLICY
SYSTEM MONITORING



SAFEGUARDS:
ENCRYPTION,
AUTHENTICATION
PROCESS



INCIDENT RESPONSE,
CORRECT AND
MITIGATE BREACH,
RESTORE SYSTEM

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6. Breaches

- ❑ Have in place Data Breach Management Program



Tyler Durden, "Worst-Ever Recorded" Ransomware Attack Strikes Over 57,000 Users Worldwide, Using NSA-Leaked Tools, ZeroHedge, 12 May 2017, available at <http://www.zerohedge.com/news/2017-05-12/massive-ransomware-attack-goes-global-huge> (last accessed May 14, 2017).



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7. Third Parties

□ Manage Third Party Risks



Picture from Surabhi Agarwal, **BPOs edge towards high-end work in changing market**, Live Mint Sep.6, 2012, available at <http://www.livemint.com/Industry/hdDwofLyBZc0XQI0bb70hO/BPOs-edge-towards-highend-work-in-changing-market.html> (last accessed May 15, 2017)

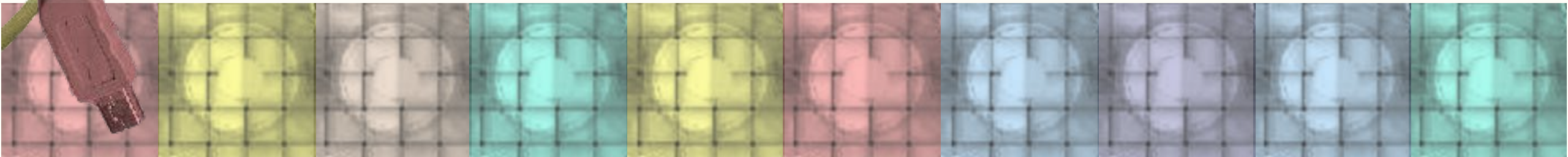
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8. Manage HR

- ❑ Undergo Trainings and Get Certifications
- ❑ Give Security Clearance



Villupuram nurses jump on to technological bandwagon at <http://www.thehindu.com/news/national/tamil-nadu/villupuram-nurses-jump-on-to-technological-bandwagon/article5699852.ece>



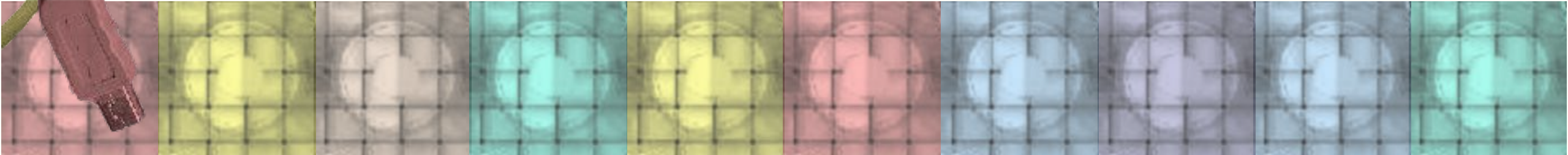
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9. Continuity

- ❑ Regular Assessment and Review, Get Accreditations



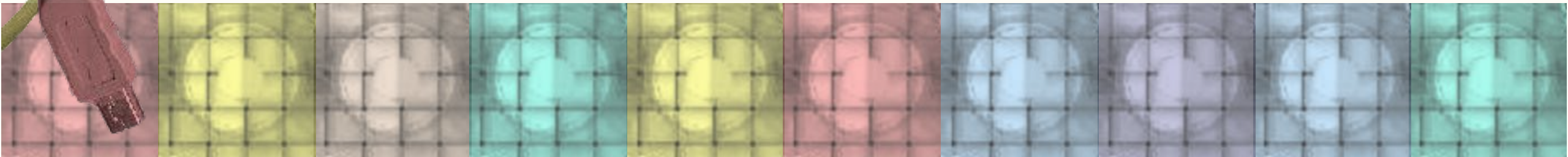
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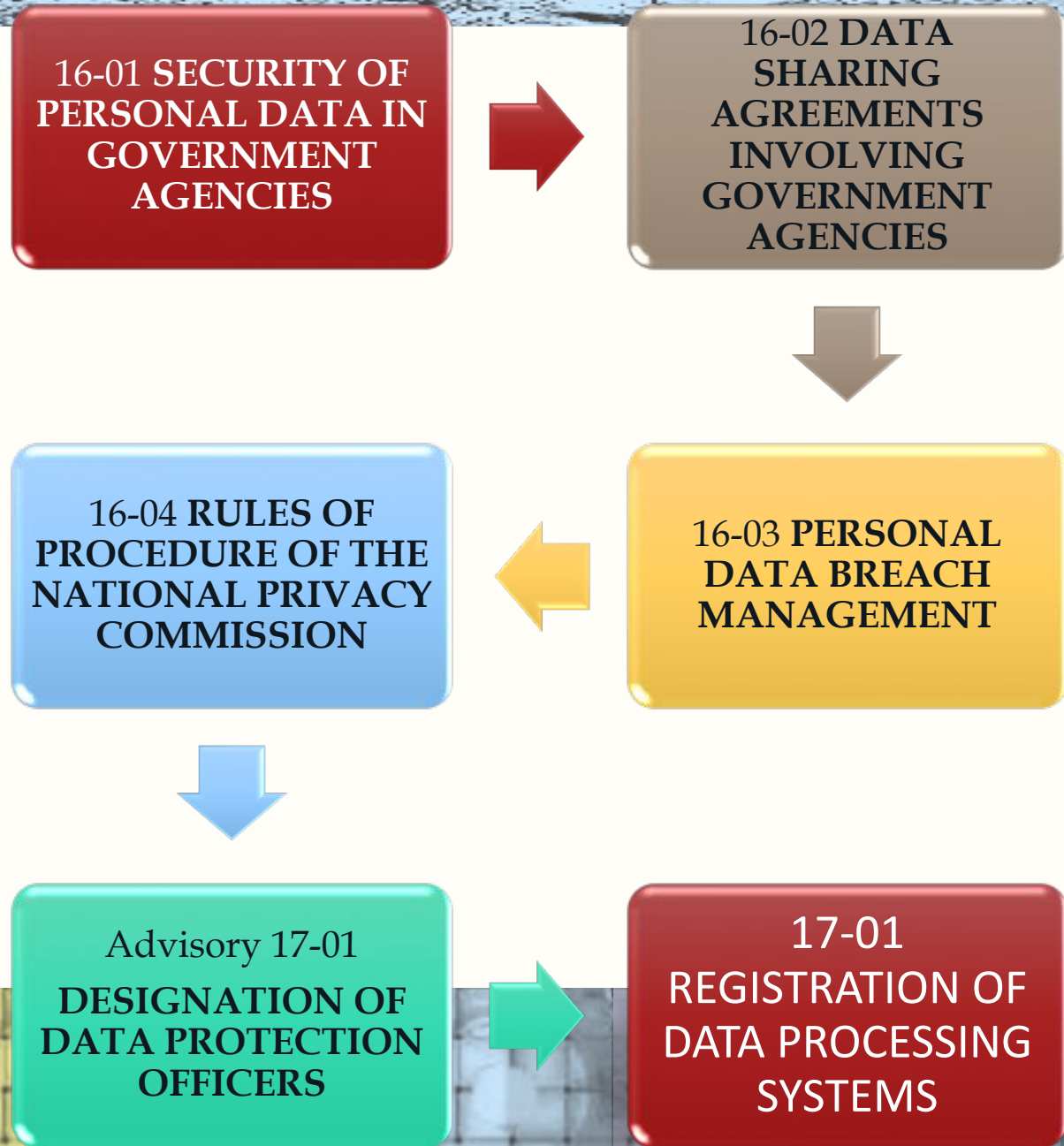
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10. Privacy Ecosystem

- ❑ Be updated on New technologies and standard, New legal requirements



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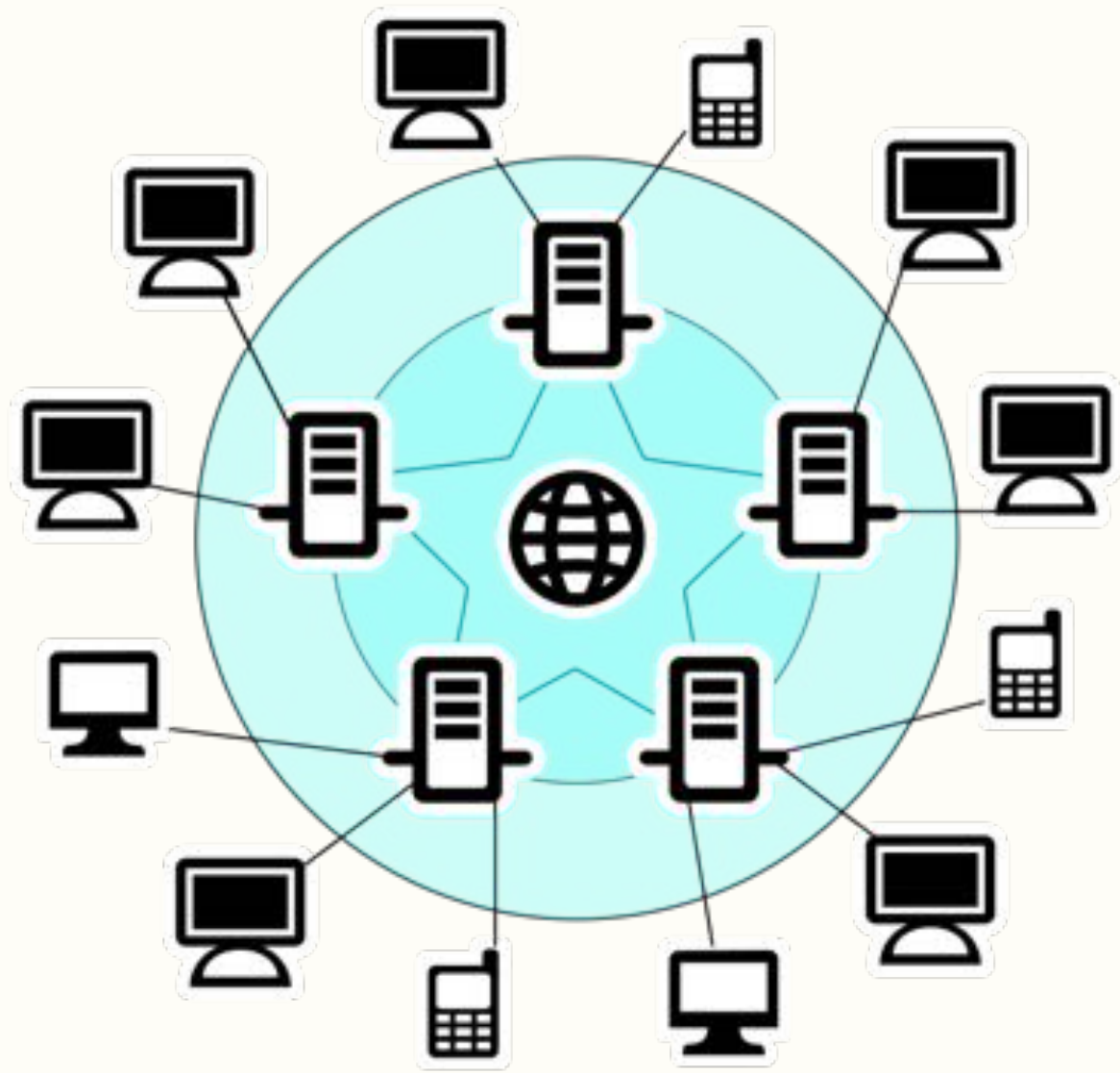
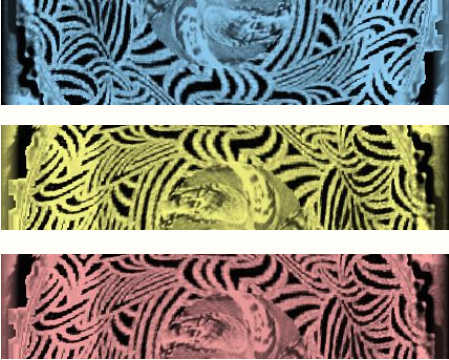
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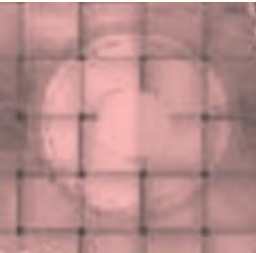
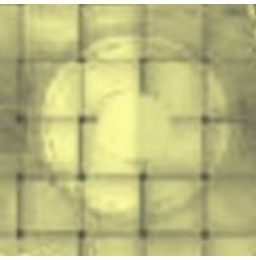
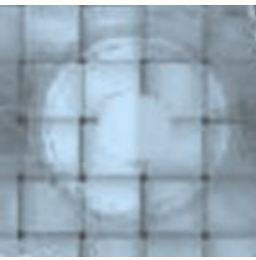
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**WHY SHOULD
PERSONAL
DATA BE
PROTECTED?**





CRIME		IMPRISONMENT	FINE
Processing of Personal/Sensitive Information for Unauthorized Purpose	Processing information for other purposes which are no longer authorized by law or consent	1yr 6mos – 7 years	Php500,000 to Php2,000,000
Access to Personal/Sensitive Information due to Negligence	Persons who provide access due to negligence shall be liable	1-6 years	Php500,000 to Php4,000,000
Concealment of Security Breach	Duty to notify Privacy Commission in case of breach (within 72 hours)	1yr 6mos – 5 years	Php500,000 to Php1,000,000
Improper Disposal	Negligently dispose, discard or abandon personal data of an in an area accessible to the public or placed in its container for trash collection.	6 months – 3 years	Php 100,000 to Php 1,000,000



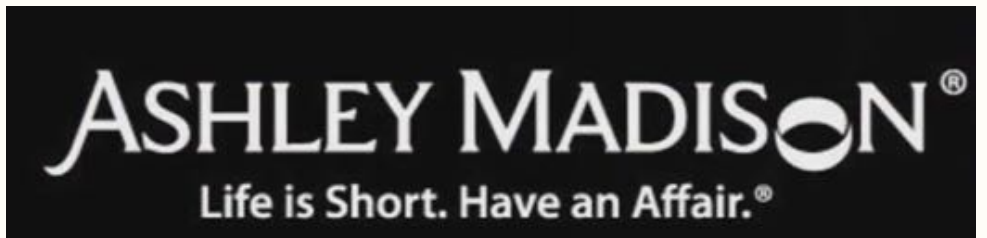
The Ashley Madison hackers have posted personal data like e-mail addresses and account details from 32M of the site's members.

The group claimed two motivations:

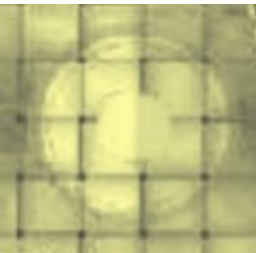
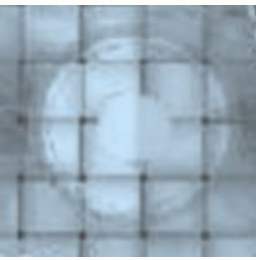
First, they've criticized Ashley Madison's core mission of arranging affairs between married individuals.

Second, they've attacked its business practices, in particular its requirement that users pay \$19 for the privilege of deleting all their data from the site (but, as it turns out, not all data was scrubbed).

Robert Hackett, What to know about the Ashley Madison hack (Aug. 26, 2015) available at <http://fortune.com/2015/08/26/ashley-madison-hack/> (last accessed 2/22/17).



Photograph by Philippe Lopez – AFP/Getty Images





News / Hong Kong / Politics / DATA THEFT

Laptops containing 3.7 million Hong Kong voters' data stolen after chief executive election

Devices contained ID card numbers, addresses and mobile numbers

PUBLISHED : Tuesday, 28 March, 2017, 12:50am

UPDATED : Tuesday, 28 March, 2017, 1:42am

COMMENT:





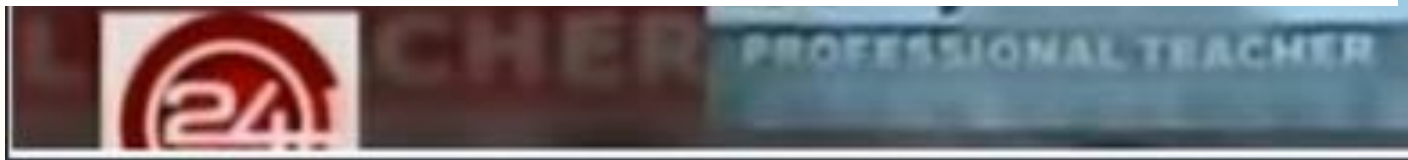
PUBLIC SCHOOL TEACHER IN P800K DEBT AFTER POSTING PRC ID ON FACEBOOK

Date - Saturday, February 27, 2016

In an interview, he said that he posted his PRC ID on Facebook when he passed the licensure exam. He also posted his papers when he was regularize in a public school.

Few months later, he was starting to received notifications from banks saying that he borrowed a total of P800,000 in salary loans.

Though he denied applying for the loans, the banks still deducted P9,000 from his payroll account every month. It surprised him because he did not sign any document authorizing them to deduct the amount.



Available at: http://www.socialtrendsp.com/2016/02/public-school-teacher-in-p800k-debt_37.html

IvyDPatdu

NHS sexual health clinic fined £180K for patients' HIV status leak



56 Dean Street, the London-based sexual health clinic CREDIT: GOOGLE

Cara McGoogan, NHS sexual health clinic fined £180K for patients' HIV status leak (May 9, 2016) Available at www.telegraph.co.uk/technology/2016/05/09/nhs-sexual-health-clinic-fined-180k-for-patients-hiv-status-leak/ (last accessed Jan.11, 2017).

The recipients' email addresses, of which 730 contained people's full names, were entered into the "to" field instead of "bcc", which masks the email addresses of people receiving the message.



5/12/2016
12:01 AM



Kelly Jackson
Higgins
News

Healthcare Suffers Estimated \$6.2 Billion In Data Breaches

Nearly 90 percent of healthcare organizations were slammed by a breach in the past two years.

The 911 call has come in loud and clear for the healthcare industry: nearly 90% of all healthcare organizations suffered at least one data breach in the past two years with an average cost of \$2.2 million per hack.

Kelly Jackson. Healthcare suffers estimated 6.2 Billion in Data Breaches. Available at [http://www.darkreading.com/threat-intelligence/healthcare-suffers-estimated-\\$62-billion-in-data-breaches/d/d-id/1325482](http://www.darkreading.com/threat-intelligence/healthcare-suffers-estimated-$62-billion-in-data-breaches/d/d-id/1325482)

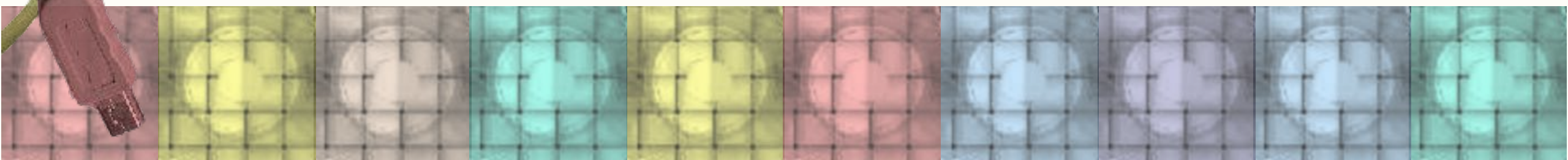
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A Violation of Privacy is an affront to Human Dignity

Unauthorized use or disclosure may put data subjects at risk for unwanted publicity, discrimination, identity theft and other acts prejudicial to the data subjects.



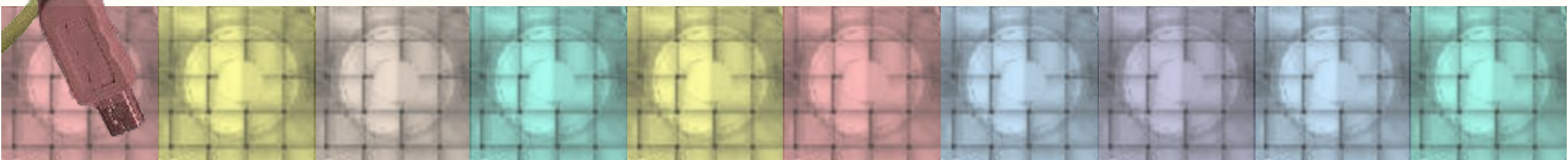
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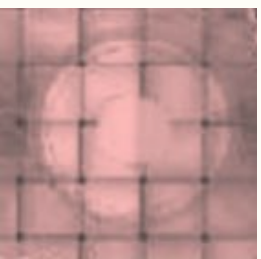
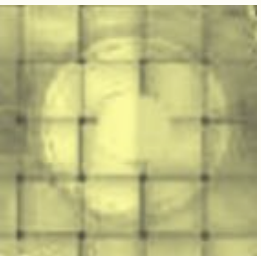
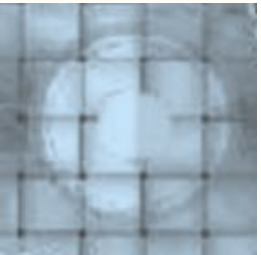
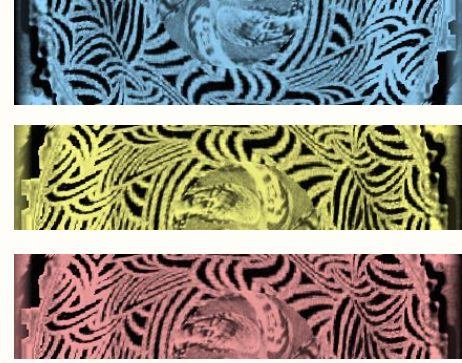
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Embracing a Privacy Culture



Source of picture: available at <http://www.pmcgregor.com/building-habits-keeping-them/>



privacy.gov.ph

Thank
you!



ivypatdu@privacy.gov.ph
info@privacy.gov.ph



Ivy D. Patdu

National Privacy
Commission

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