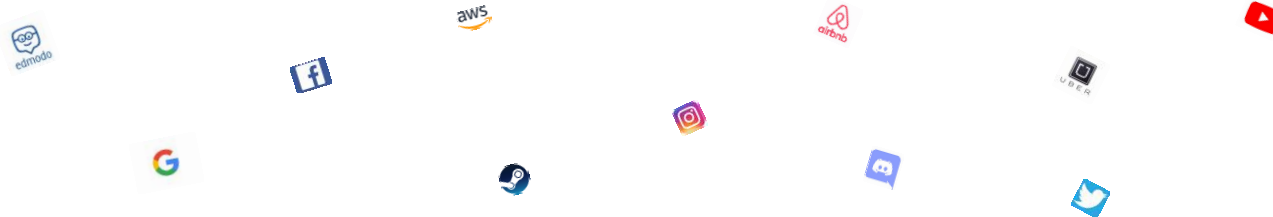


Regulating Privacy in the Fourth Industrial Revolution



National Privacy Commission

Raymund Enriquez Liboro
Privacy Commissioner and Chairman
January 2019





Philippine Development Plan 2040

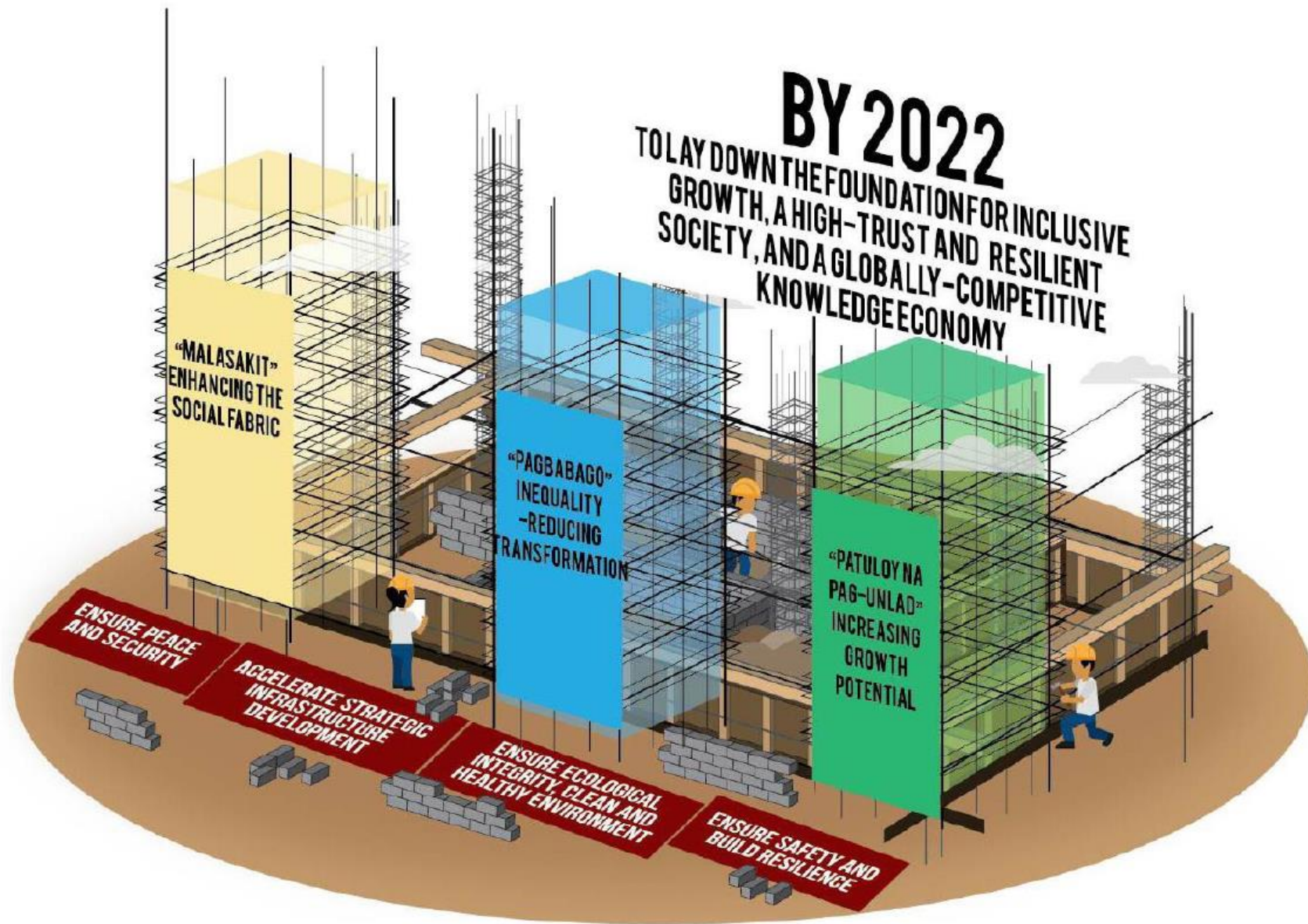
By 2022 to lay down the foundation for inclusive growth, a high-trust and resilient society, and a globally-competitive knowledge economy.

AMBISYON NATIN 2040





MATATAG, MAGINHAWA AT PANATAG NA BUHAY BY 2040



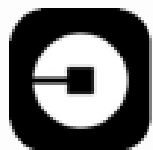
Top Brands Then and Now

2007

	Exxon Mobil
	Petrochina
	General Electric
	China Mobile
	ICBC
	Microsoft
	Royal Dutch
	GazProm
	AT&T

2018

	Apple
	Google
	Microsoft
	Facebook
	Coca Cola
	Amazon
	Disney
	Toyota
	McDonalds
	Samsung



UBER

The world's largest taxi company, **owns no vehicles.**



FACEBOOK

The world's most popular media owner, **creates no content.**



ALIBABA

The world's most valuable retailer, **has no inventory.**



AIRBNB

The world's largest accommodation provider, **owns no real estate.**

The
Economist

MAY 6TH - 12TH 2017

Crunch time in France

Ten years on: banking after the crisis

South Korea's unfinished revolution

Biology, but without the cells

The world's most valuable resource

Data and the new rules
of competition



INDUSTRIAL REVOLUTION

TRANSFORMING INDUSTRIES AND INNOVATION



INDUSTRY 3.0

Automation, computers and electronics

INDUSTRY 4.0

Cyber Physical Systems, internet of things, networks



INDUSTRY 1.0

Mechanization, steam power, weaving loom



1784

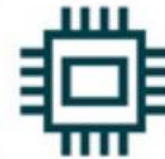


INDUSTRY 2.0

Mass production, assembly line, electrical energy



1870

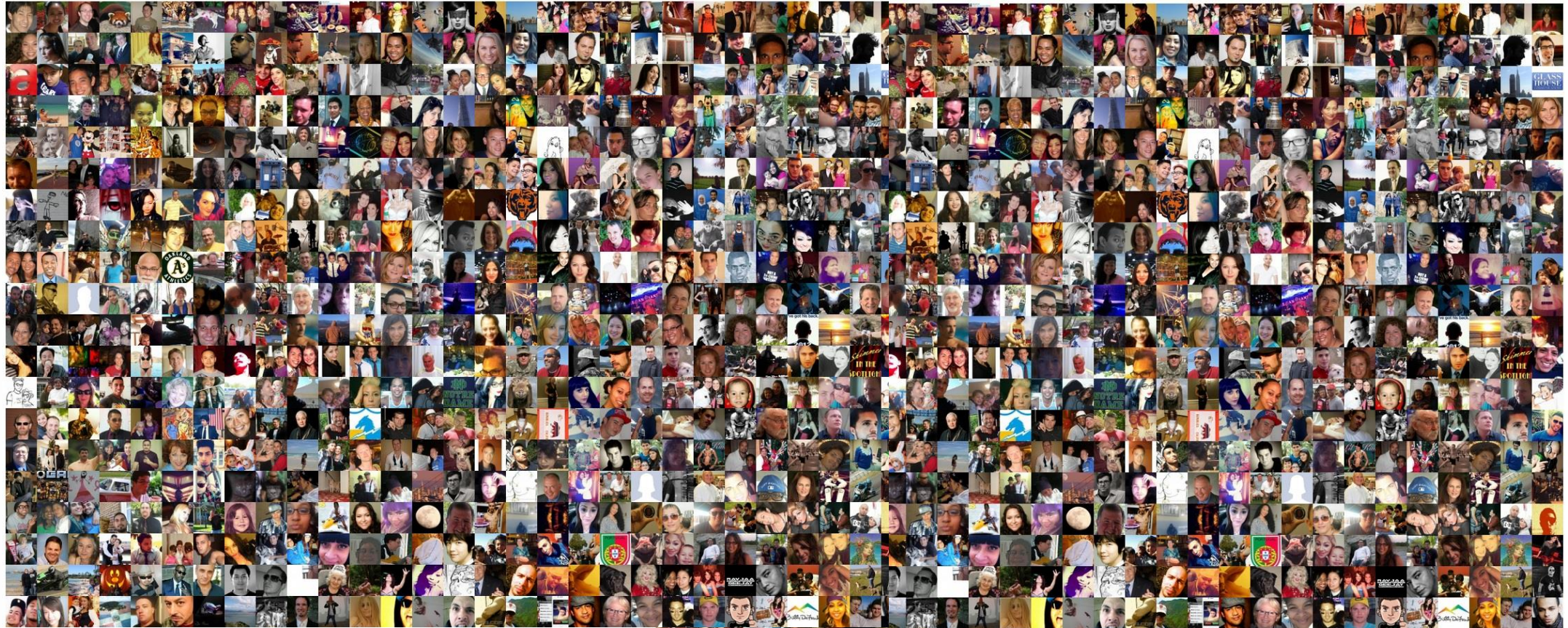


From 2005 to 2015, cross-border data flow grew 45 times.



Roughly 210 terabytes
per second in **2017**

From 2005 to 2015, cross-border data flow grew 45 times.



That's 1.6 Billion Selfies a Minute

<http://4.bp.blogspot.com/-s367TP8u6Mw/ULZmvtPEINI/AAAAAAAAACyk/glTGYJrj9Q/s1600/friend+s+collage.jpg>



Reference: Computerworld Magazine as noted by the McKinsey Singapore Office
http://s17026.pcdn.co/wp-content/uploads/sites/11/2017/09/AdobeStock_135873223-634x0-c-default.jpeg

AGGREGATION OF PERSONAL DATA

age

name

net worth

internet searches

marital status

email

astrological sign

car owner

voting habits

kids in house

downloads

clicks

political party

criminal record

purchases

average spending

usernames

homeowner



The Pivotal Role of Government

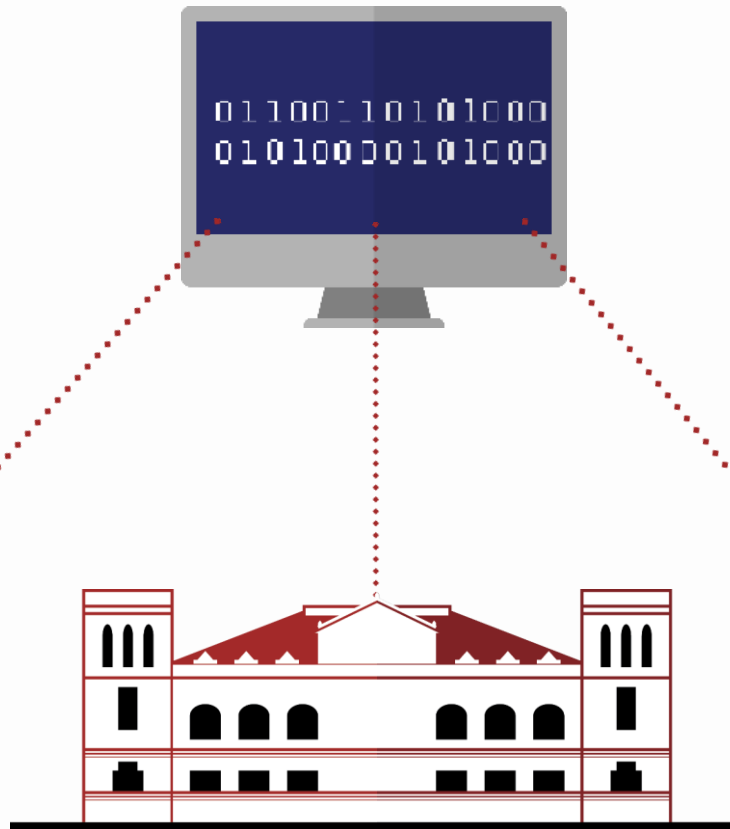
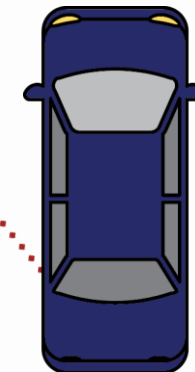


Potential for Good

Better Healthcare



Better Services



Better Government

Potential for Bad

Wrong Use of Data

Unauthorized Disclosure

Fraudulent use

Discrimination

Unfair decision-making

Loss of reputation

Loss of autonomy



DISCRIMINATION

People are discriminated because of their race, color or ethnic origin

Stigmatization



Unfair Decision-Making

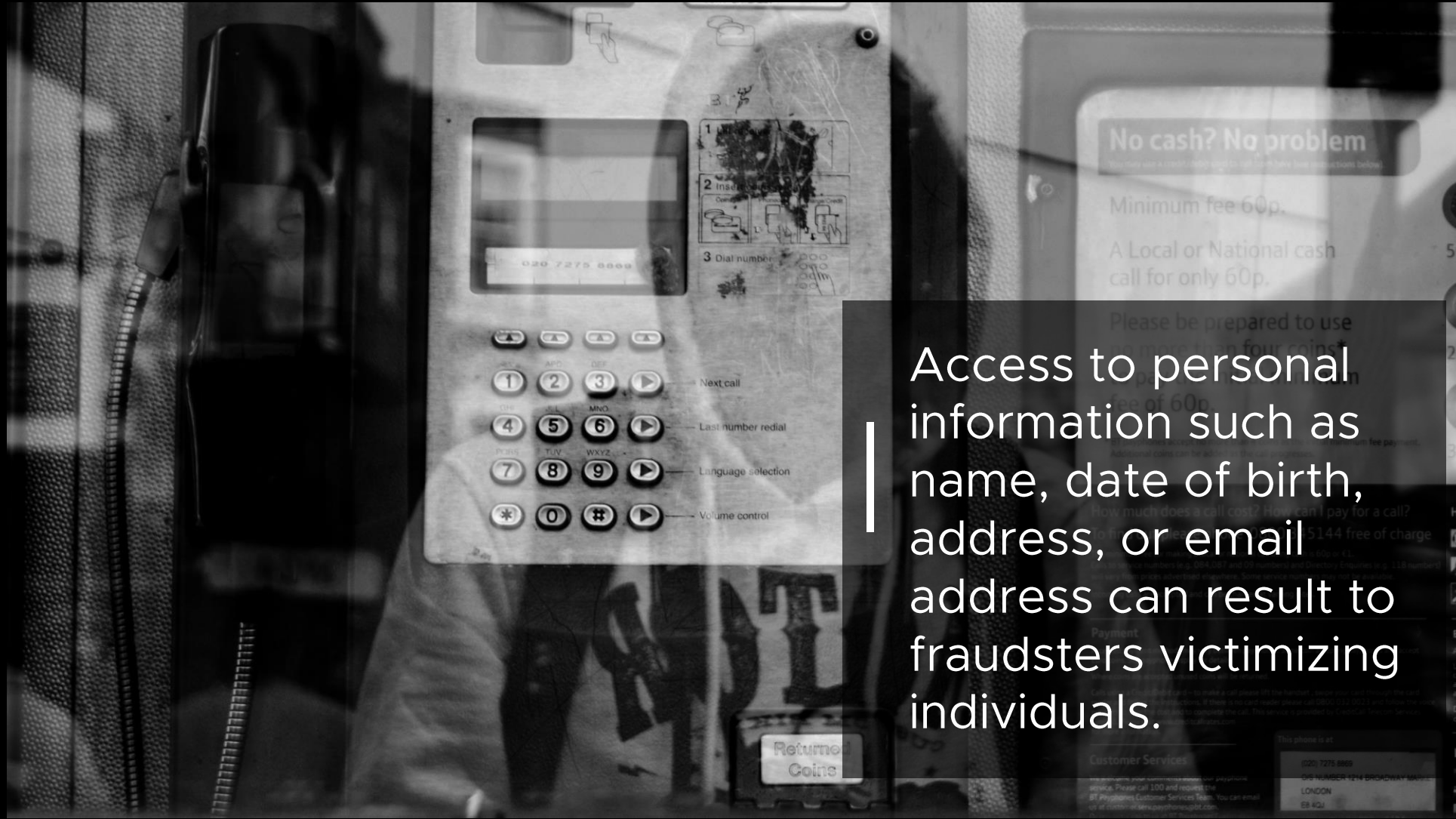
Based on Profiling

Personal information such as marital status, religious or political affiliations affects the decision-making of companies in various cases.

In employment, some experience difficulties in getting hired while others are unfairly dismissed.



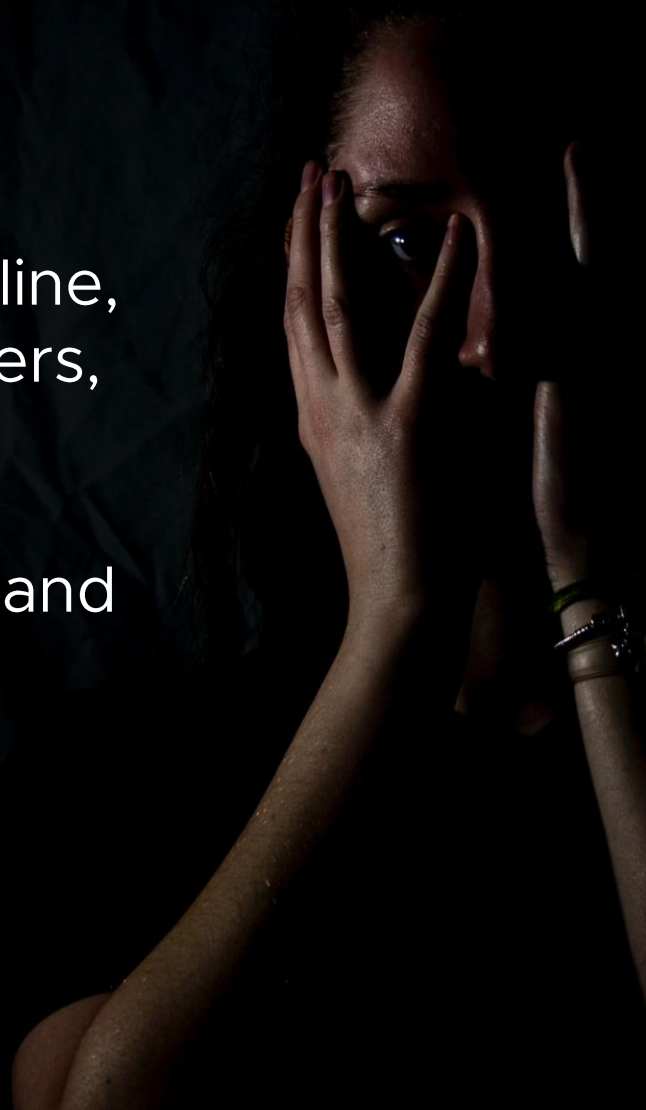
Identity Theft



Access to personal information such as name, date of birth, address, or email address can result to fraudsters victimizing individuals.

Loss of Reputation

People have experienced stalking or harassment online, trouble with family members, lost a job or educational opportunity because of something posted online, and even as grave as physical danger.



Loss of Autonomy

ABS-CBN NEWS

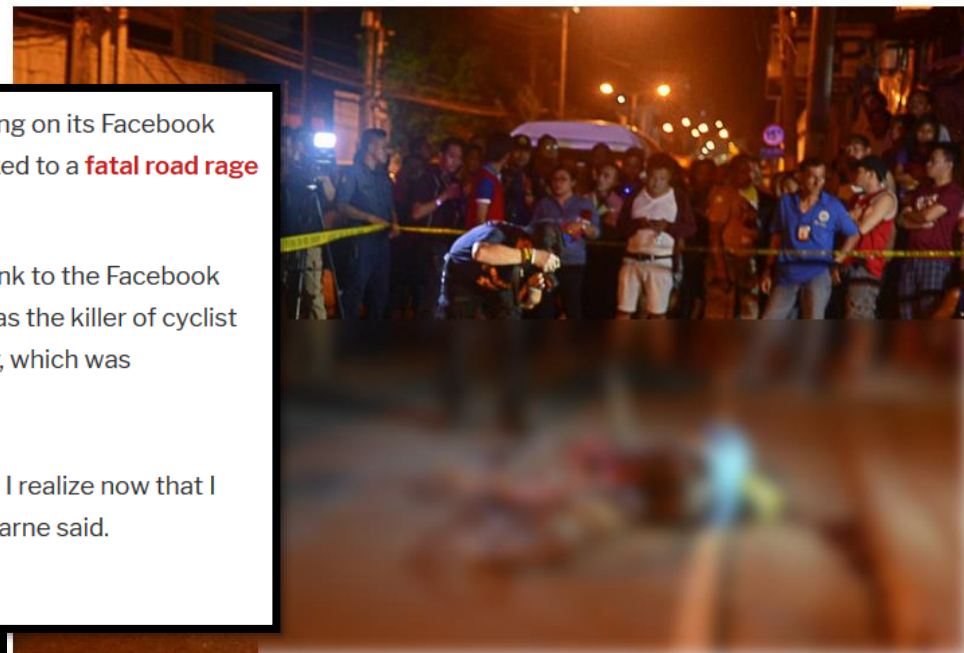
Top Gear sorry for identifying wrong suspect in road rage


MANILA - The editor of Top Gear Philippines has **apologized** for posting on its Facebook page a link to the social media account of the wrong person being linked to a **fatal road rage incident** in Quiapo, Manila last Monday.

Top Gear editor Vernon Sarne took full responsibility for posting the link to the Facebook profile of Nelson Punzalan, who had been apparently falsely accused as the killer of cyclist Mark Vincent Geralde. Top Gear also posted a photo of Punzalan's car, which was coincidentally a Hyundai Eon model, similar to the car in the incident.

"I was responsible for posting the photo of Mr. Punzalan's vehicle, and I realize now that I shouldn't have done so. I accept full responsibility. This is all on me," Sarne said.

"The buck stops here. This is all my fault," he added.



July 25, 2016 –A jostle in the road between a car driver and cyclist led to a fist fight ended into a gun shooting, leaving the cyclist dead at P. Casal Street in Quiapo, Manila. Suspect left the scene of the crime leaving the dead victim lying on the street.  Nikon Celis, ABS-CBN News

Privacy Regimes and Globalization



Data Privacy – Support for Multi-jurisdictions



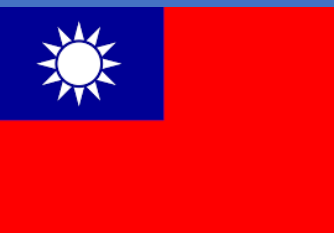
Singapore
Up to S\$1 million.
\$10k per DNC breach
Legal Proceedings



Malaysia
RM 500,000
Up to 3 years jail



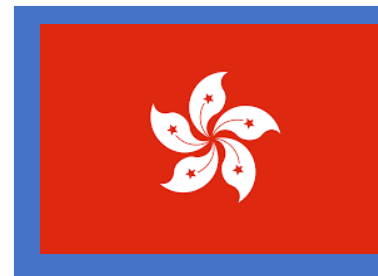
European Union
Up to 4% of global
annual turnover for
companies
Euro 10m-20m



Taiwan
Up to 5 years jail in
addition to or instead of
fines of up to NT\$500k-
1m (sensitive data)



Australia
Up to A\$1.7 million for
each breach



Hong Kong
Fines– HK\$500k-1m
And 3 to 5 years jail



Philippines
1-3 years jail– unauthorized
disclosure (up to Php 1m fine)
3-6 years jail– sensitive data
breach (up to Php 4m fine)




India
Fine up to INR 500,000 or
up to 3 years jail or both

New Laws

Indonesia



Thailand





PENALTIES



PUNISHABLE ACT

JAIL TERM

FINE (PESOS)

Access due to negligence	1y to 3y – 3y to 6y	500k to 4m
Unauthorized processing	1y to 3y – 3y to 6y	500k to 4m
Unauthorized purposes	18m to 5y – 2y to 7y	500k to 2m
Improper disposal	6m to 2y – 3y to 6y	100k to 1m
Intentional breach	1y to 3y	500k to 2m



PENALTIES



PUNISHABLE ACT

JAIL TERM

FINE (PESOS)

Concealing breach	18m to 5y	500k to 1m
Malicious disclosure	18m to 5y	500k to 1m
Unauthorized disclosure	1y to 3y – 3y to 5y	500k to 2m
Combination of acts	3y to 6y	1m to 5m

Complaints Received

221

January - December 2017

834

January - October 2018

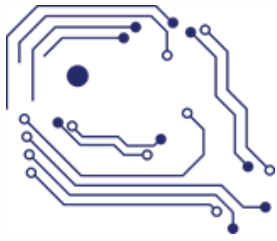
Personal Data Breaches

60

January - December 2017

302

January - October 2018



Cyber-Safe

Uber paid hackers \$100,000 after they stole data on 57 million users **UBER**

by Selena Larson @selenal Larson

Ashley Madison let off with \$1.66m fine over huge hack

CVS Pays \$2.25 Million in Record HIPAA Settlement

Posted on February 20, 2009

Home Depot breach totals: 56 million credit cards exposed, \$62 million in losses



Will Walgreens' \$1.44M HIPAA Privacy Breach Case Set Legal Precedent? 



by Chris Brook



BOEING

February 27, 2017, 3:48 pm

Yahoo Says 1 Billion User Accounts Were Hacked

By VINDU GOPI and NICKI F. PERLBOTH DEC 14, 2016



55M at risk in 'Comeleak'

By: Tina G. Santos - Reporter / @santostinaINQ Philippine Daily Inquirer / 12:44 AM April 23, 2016

Target Data Breach Has Cost Banks \$240M So Far



News titles from NPC DPO Summit Presentations

NPC flags Facebook after security breach affects 756,000 PH users

ABS-CBN News

Posted at Oct 18 2018 10:47 AM |

Philippines orders Facebook to offer ID protections following breach

[Bradley Barth](#) Senior Reporter

[Follow @bbb1216bbb](#)



Among the 30 million accounts affected in the September 2018 Facebook [data breach incident](#) were 755,973 users in the Philippines, and now the Southeast Asian nation is demanding action from the social media company, according to a [report](#) from area news outlet ABS-CBN News.

The report states that Manila's National Privacy Commission yesterday ordered Facebook to file a Data Breach Notification Report, submit a more comprehensive incident report, and provide "identity" insurance and credit monitoring to affected citizens.

Asia Pacific Dashboard Digest

Philippines NPC pushes Cathay Pacific for answers

Nov 15, 2018

Save This

Cathay ordered to explain personal data breach of 100k Pinoys –NPC

Published November 10, 2018 12:26pm

The National Privacy Commission on Saturday said it has ordered Cathay Pacific Airways to address issues concerning a data breach involving personal information of 100,000 Filipinos, more than 35,000 exposed Philippine passport numbers, and over 100 exposed credit card numbers.

Data privacy of Jollibee customers at risk

By: [Roy Stephen C. Canivel](#) - @inquirerdotnet Philippine Daily Inquirer / 05:16 AM May 10, 2018

The National Privacy Commission (NPC) gave popular fast-food chain Jollibee Foods Corp. (JFC) 10 days to come up with a plan to rehabilitate the vulnerabilities in its website, which, if exploited, could expose the data of millions of patrons.

Privacy commission tells ABS-CBN to safeguard systems, protect data breach victims

Published September 19, 2018 6:39pm

Updated October 13, 2018 10:23am

The National Privacy Commission (NPC) has ordered ABS-CBN to address the data breach at the media company's online stores as soon as possible, NPC Commissioner Raymund Enriquez Liboro said on Wednesday.

LATEST STORIES

MOST READ



TECHNOLOGY

YouTube adds Stories feature only popular creators can use



The Data Privacy Act of 2012



DATA PRIVACY ACT OF 2012

Republic of the Philippines
Congress of the Philippines
Metro Manila
Fifteenth Congress
Second Regular Session



enacted in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.

REPUBLIC ACT NO. 10173

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

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



The Data Privacy Act makes it mandatory for all data collectors — whether public or private — to protect the security, integrity and confidentiality of all the personal information they collect. **By doing this, we help usher in a truly knowledge-driven economy.**

SENATOR EDGARDO ANGARA

The Data Privacy Act (“DPA”) of 2012

Data privacy - acknowledging the rights of Data Subjects over their data and enforcing the responsibilities of entities who process them



The Data Privacy Act of 2012

**Encouraging good behavior in
processing personal information**

**Discouraging bad behavior in
processing personal information**



Functions

Advisory

Advocacy

Investigation

Compliance
& Monitoring

Public
Education

Complaints

Enforcement

Rule-Making

Role of NPC as Data Protection Authority



1. Leader

The functions which rely upon the expertise, authority and support.



2. Police Officer

Where enforcement is available for infringement, especially deliberate or willful non-compliance



3. Complaint-Handler

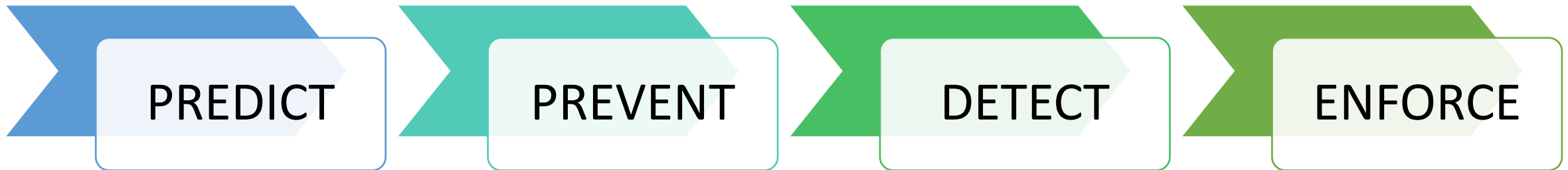
Where complaints may lead directly or indirectly to sanction or to redress.



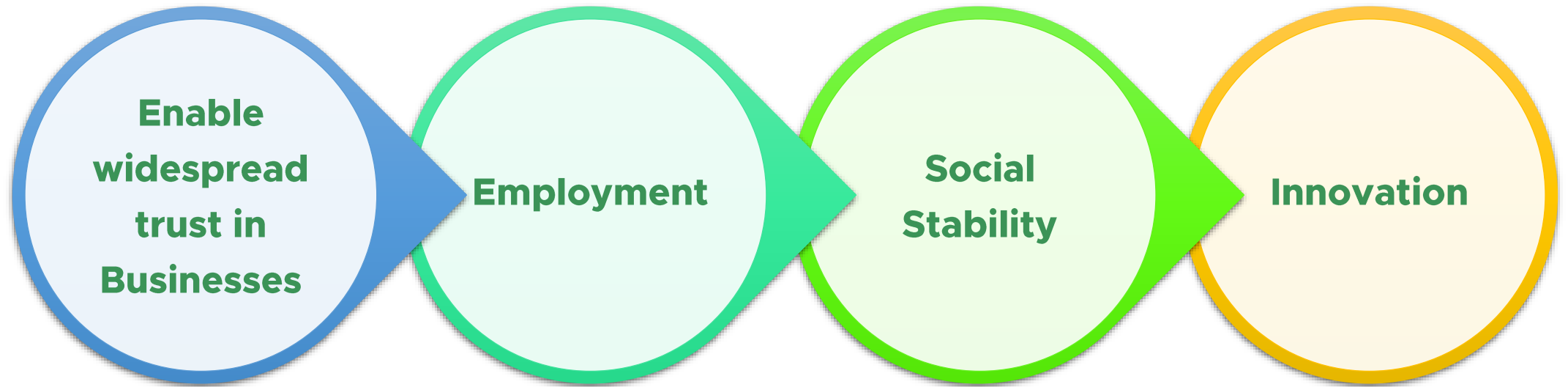
4. Authorizer

Where some form of prior authorization is needed from the DPA.

- **How should these roles** or functions be ranked against each other?
- How should particular sectors, activities, or organizations be targeted for attention with a particular function?
- These roles must be able to...



NPC's Key Purpose of Regulation



- Basis of a healthy, sustainable & growing economy

Our Goal as a Data Privacy Authority



The prevention of data use which impairs the quality of life



The promotion of a society where good quality of life flows from genuine and widespread privacy

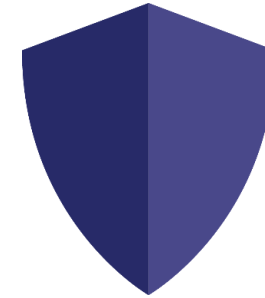


Regulatory Functions



Exercising authority through actual or feared harsh punishments on those who did not obey

Historical Model



Acting fairly and proportionately, following due process and accountable for their actions

Modern Approach

People obey rules where:

- It corresponds to recognized value systems
- It has been made fairly
- It is applied fairly





Beyond Compliance



Data Protection and Regulation is aiming for a digital world **where people flourish** with **dignity** as autonomous individuals

Compliance as part of **corporate responsibility** and **sustainability**

THE FIVE PILLARS OF ACCOUNTABILITY AND COMPLIANCE



Commit to Comply:
Appoint a **Data Protection Officer (DPO)**



Know Your Risk:
Conduct a **Privacy Impact Assessment (PIA)**



Be Accountable:
Create your **Privacy Management Program and Privacy Manual**



Demonstrate Your Compliance: Implement your **privacy and data protection (PDP)** measures.



Be Prepared for Breach: Regularly exercise your **Breach Reporting Procedures (BRP)**.

Responsive Regulation

A

- Advice

I

- Information

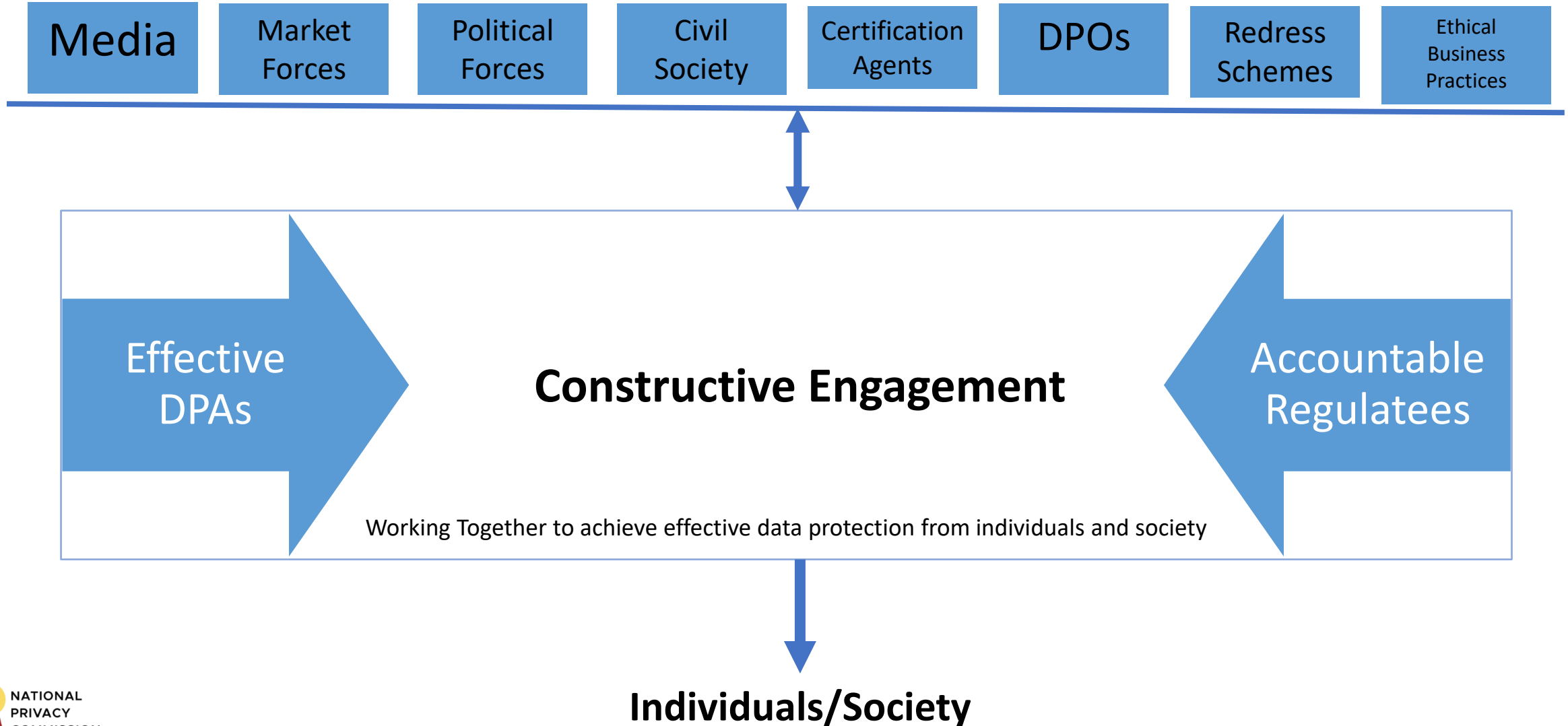
D

- Dialogue

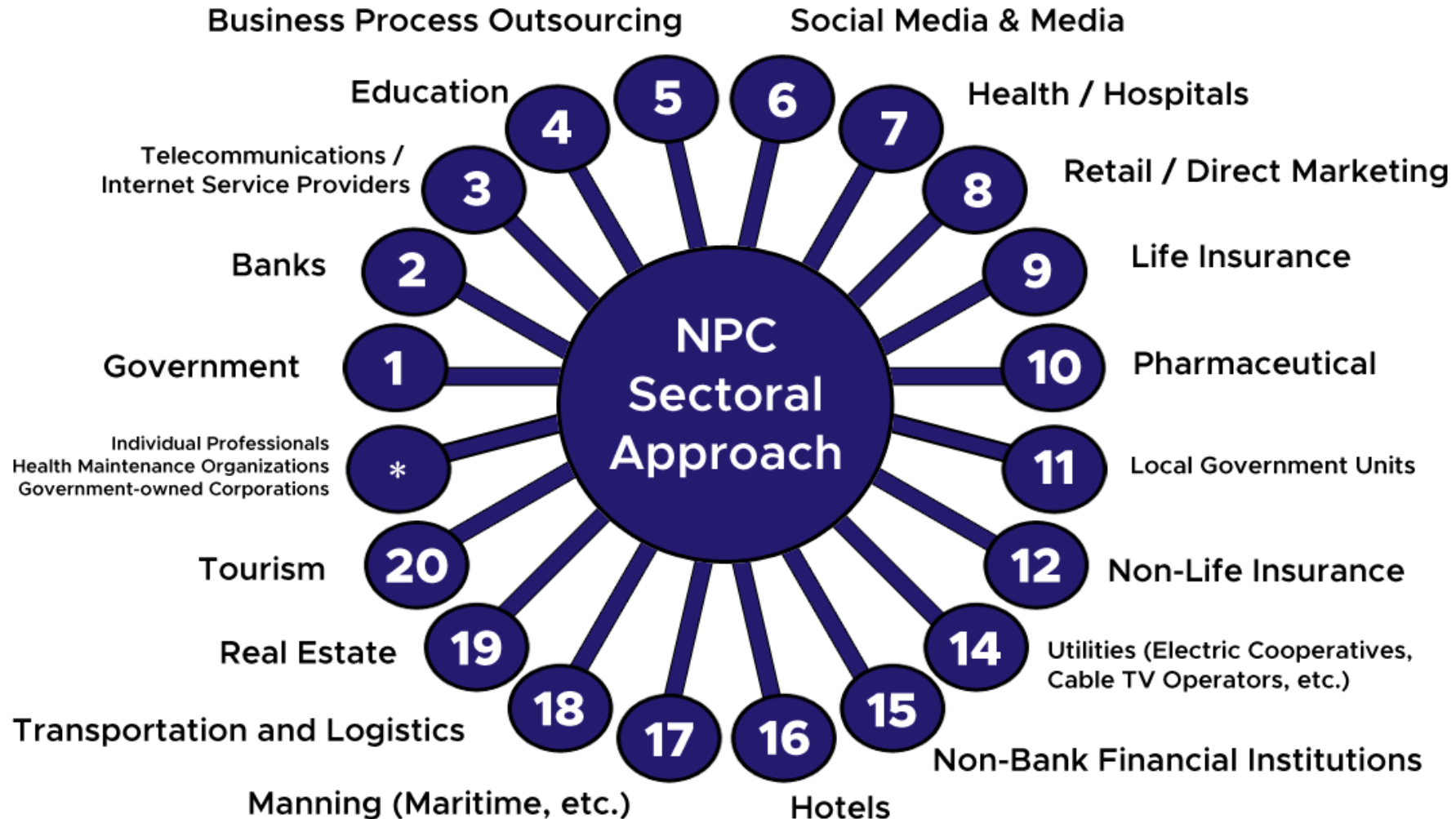
S

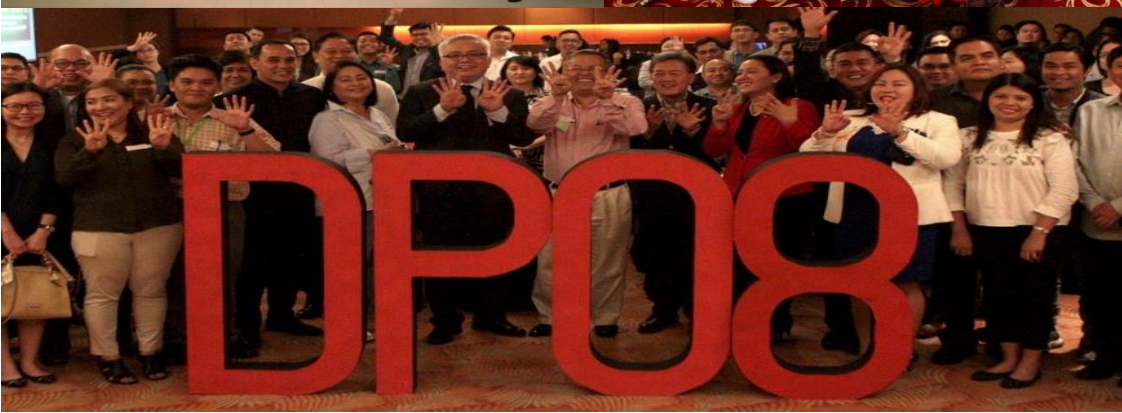
- Support

Constructive Engagement



NPC INDUSTRY APPROACH (2019)





FREE Download
see link in the description

2nd edition

NPC PRIVACY TOOLKIT
A GUIDE FOR MANAGEMENT & DATA PROTECTION OFFICERS

NATIONAL PRIVACY COMMISSION

PrivacyPH | privacy.gov.ph | www.privacy.gov.ph

NATIONAL PRIVACY COMMISSION

FREE Download
see link in the description

IF YOU LOVE DATA PRIVACY & YOU KNOW IT...

GAANO KAHALAGA ANG DATA MO?

Mahalin ang sarili. Pahalagahan ang data privacy.

Alamin. Makilalam. Magbigay-alam.

NATIONAL PRIVACY COMMISSION

Then, it's time to help us **SPREAD THE LOVE** offline.

DPO Forum Issue #01 is out now.

DPO of the Month: Leah Camilla R. Besa-Jimenez

01

NATIONAL PRIVACY COMMISSION

f privacy.gov.ph | privacyPH

NATIONAL PRIVACY COMMISSION

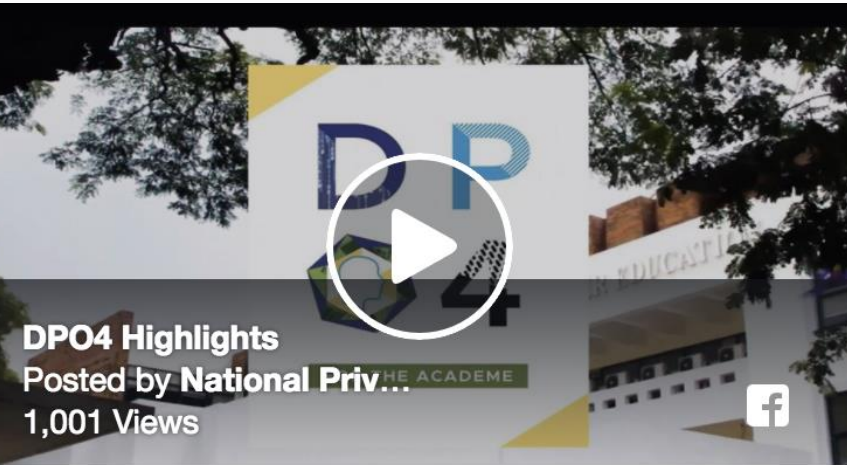
THE 2017 COMPENDIUM of NPC ISSUANCES

PLAYING the ROUNDWORK
2016 PERFORMANCE REPORT

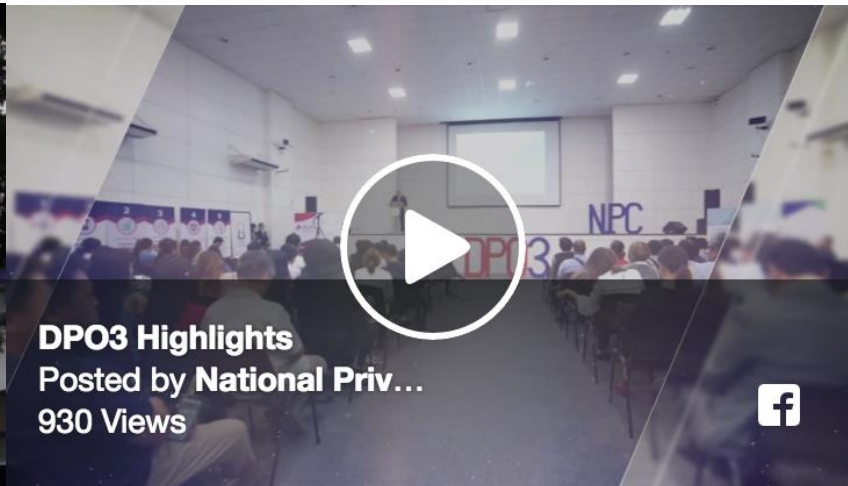
2016

NATIONAL PRIVACY COMMISSION

Print Materials



DPO4 Highlights
Posted by National Priv...
1,001 Views



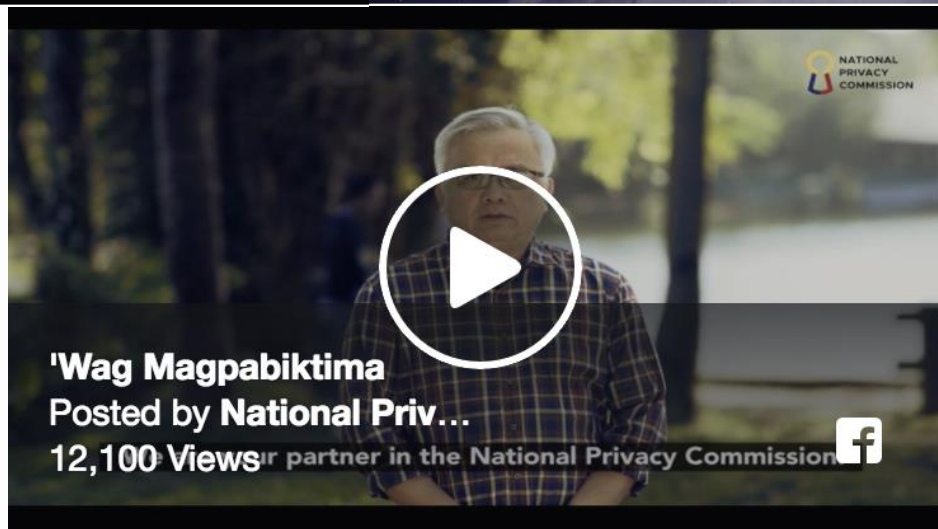
DPO3 Highlights
Posted by National Priv...
930 Views



Know Your Data Privacy
Posted by National Priv...
25,647 Views



VIDEOS



'Wag Magpabiktima
Posted by National Priv...
12,100 Views



DPO1 Highlights
Posted by National Priv...
592 Views



A COMMUNITY FOR DATA PROTECTION OFFICERS

<https://privacywall.privacy.gov.ph>

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PrivacyWall

All Threads



Life Insurance FAQs

LIFE INSURANCE • 5 days ago • By: CLEOMARTINEZ

0 0

National Privacy Commission

FREQUENTLY ASKED QUESTIONS

FOR LIFE INSURANCE

KEY TERMS

1. **Personal data** – refers to all personal information, sensitive personal information and privileged information
2. **Personal information** – information about an individual, and from which he or she reasonably and directly identified
3. **Sensitive personal information** – refers to personal information: a. about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations; b. about an individual's health, education, ...

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Channel



Industry Approach

**Non-Compliant
Personal Information
Controllers/Processor**

**Compliant
Personal Information
Controllers/Processor**

**Willful Violators;
Evading Compliance**

**Ignorant Violators;
Non-Compliant**

**Paper Compliance;
Non-Operational**

**Operational Compliance
Accountability and
Assurance**

Enforcement

**Awareness
Campaigns;
30-60-90 day**

**Data Privacy Council
building proper
accountability and
assurance**

**Aim of the
Commission**



2019 – Year of Protecting the Digital Filipino

2020 – Year of the Data Protection Officer

2021 – Year of Data Protection and Privacy Resilience

2022 – “Year of the Data Privacy Nation”



2022

Roadmap to a Data Privacy Nation



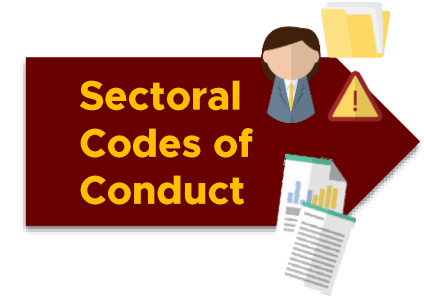
- (1) Appoint a DPO
- (2) Know your Risks: Conduct a Privacy Impact Assessment
- (3) Create a Privacy Management Program and Privacy Manual
- (4) Demonstrate accountability and compliance
- (5) Breach Management



- DPO Certification Training Program
- 5 Star Accountability and Compliance Program



- CBPR: Cross-border Privacy regulations
- GDPR adequacy



- Privacy code of conduct





“Laws too gentle are seldom obeyed;
too severe, seldom executed.”

Benjamin Franklin



Thank you for listening!

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twitter.com/privacyPH
info@privacy.gov.ph