The Philippine Experience in Data Privacy Protection

Purpose: Information
Submitted by: Philippines
The Philippine Experience in Data Privacy Protection

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Why is data privacy important to the Philippines?

- E-Government: Government is keen on delivering its services online, thus it is important to ensure privacy of users.

- IT-enabled services exports (i.e., contact centers, medical transcription, financial BPOs) was estimated to have generated US$ 1.08 Billion in revenues.
Legal Environment

“Right to privacy is a Basic Right given to any Filipino.”

- **There is no general data protection law but there is a recognized right of privacy in civil law.**

- **Philippine Constitution’s Bill of Rights**
  - Sec. 2: “The right of the people to be secure in their persons, houses, papers….”
  - Sec. 3: “(1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.”
Legal Environment

- Presidential Decree No. 1718
- Law on Secrecy of Bank Deposits (R.A. 1405, as amended)
- Anti-Wire Tapping Act (Republic Act No. 4200)
- Access Devices Regulation Act of 1998
- E-Commerce Law of the Philippines
Legal Environment

E-Commerce Law of the Philippines
(R.A. 8792)

- Legally acknowledges electronic documents and transactions, and defines what is lawful for commercial and non-commercial purposes

- Contains provisions on privacy security and provides for penalties on computer hacking, introduction of viruses and piracy of copyright works
Legal Environment

Other Issues

- Mobile Phone short message scams and spams
- Push marketing

* Scammers have pocketed an estimated US$100,000 from text scams in 2003
Lessons Learned from the Development of an APEC Privacy Framework

- Provides framework for the development of a more comprehensive and responsive Philippine data privacy law.

- Underscores the need for a strong partnership between the government, business sector, and civil society to formulate a formidable and feasible legal framework for data privacy.
END OF PRESENTATION