

Plenary Session 1: Overview of the Data Privacy Act of 2012 and the General Data Protection Regulation (GDPR)

Why Data Privacy & Protection?



Hon. Raymund Enriquez Liboro
Privacy Commissioner
National Privacy Commission

Forbes Most Valuable Brands

2007



Exxon Mobil



Petrochina



General Electric



China Mobile



ICBC



Microsoft



Royal Dutch



GazProm



AT&T

2017



Apple



Google



Microsoft



Facebook



Coca Cola



Amazon



Disney



Toyota



McDonalds



Samsung

DISRUPTION

the displacement of established technology by being replaced with a new one



Target CEO resigns after massive data breach

By Danielle Douglas

Target's president and CEO Brian Schindler resigned Monday, the first major executive departure since the massive data breach last year.

eSecurity Planet



eSecurityPlanet > Network Security > Avid Life Media CEO Resigns Following Data Breach

Avid Life Media CEO Resigns Following Data Breach

<https://www.npr.org/2017/09/26/553799200/equifax-ceo-richard-smith-resigns-after-backlash-over-massive-data-breach>
<https://www.esecurityplanet.com/network-security/avid-life-media-ceo-resigns-following-data-breach.html>

Equifax CEO Richard Smith Resigns After Backlash Over Massive Data Breach

September 26, 2017 · 4:29 PM ET
Heard on All Things Considered



Equifax's CEO Richard Smith is resigning after a massive data breach at the company that compromised the personal information of 143 million Americans.

He joins several other executives who have left the company over the scandal. Smith will continue to advise the company on an unpaid basis. It's not known yet whether he will appear at a congressional hearing next week about the massive breach.



Following the high-profile publication of 10 GB of data stolen from the adultery website AshleyMadison.com, parent company Avid Life Media has announced that its CEO Noel Biderman is resigning "in mutual agreement with the company."

PERSONNEL Cambridge Analytica's Interim CEO Resigns

By PYMNTS
Posted on April 12, 2018

"We would like to thank Dr. Taylor for his service in what has been a challenging time for the company," Cambridge Analytica's board of directors said in a statement, according to Politico.

Taylor took over after CEO Alexander Nix's suspension last month while the company conducted a full investigation of his actions regarding the Facebook data scandal, where 87 million of the social media site's users had their data shared with the controversial research firm.

The company's board of directors said in a statement that Nix's firm played a key role in the 2016 presidential election.

Nix also said the company would continue to make its role in the election clear.





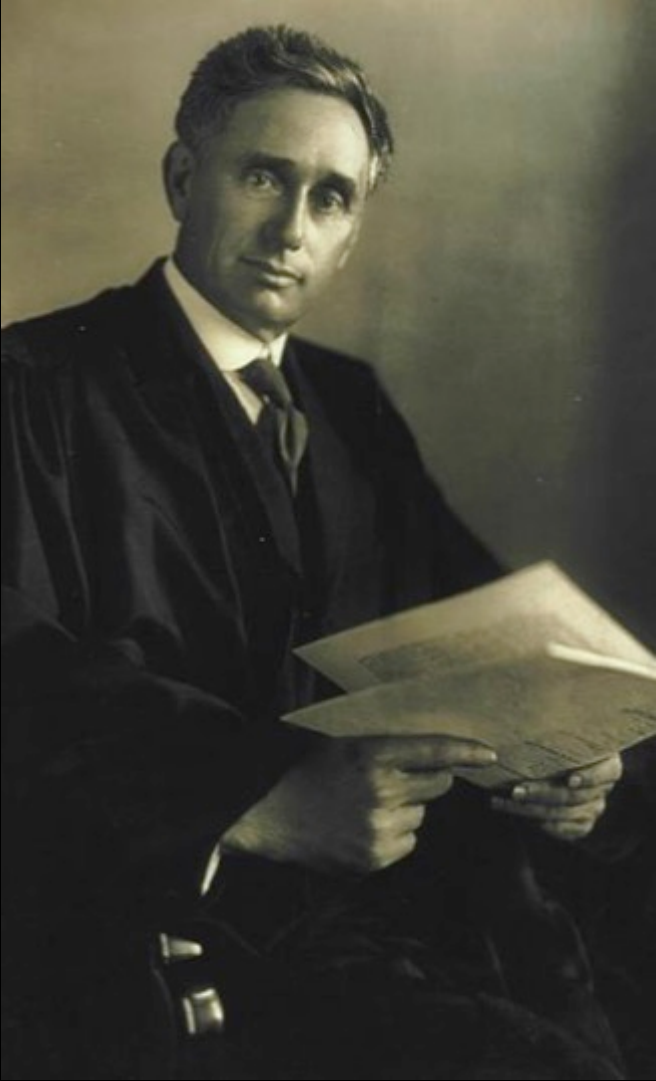
 NATIONAL
PRIVACY
COMMISSION



<https://time.com/how-the-first-mass-market-camera-led-to-the-right-to-privacy-and-vice-versa-454027d7a>



<https://timeline.com/how-the-first-mass-market-camera-led-to-the-right-to-privacy-and-roe-v-wade-4fb4cd87d7a>

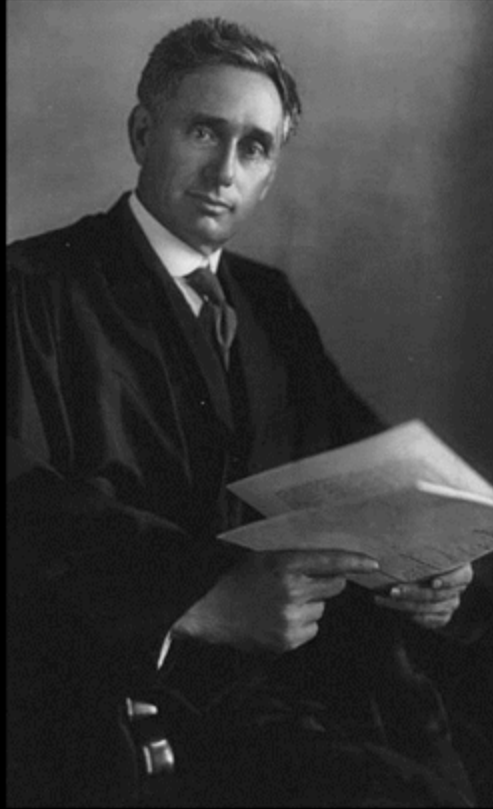


RIGHT TO PRIVACY



“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)].





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

OBLIGATIONS OF A PERSONAL INFORMATION CONTROLLER



The PIC should collect personal information only for specified and legitimate purposes



The PIC should process personal information fairly and lawfully.



The PIC should process accurate, relevant and up to date personal information.



The PIC should collect and process personal information adequately and not excessively.



The PIC should retain personal information only for as long as necessary



The PIC must implement reasonable organizational, physical, technical security measures to protect personal data.

RIGHTS OF A DATA SUBJECT



- The right to be informed
- The right to object
- The right to access (their information)
- The right to correct/rectify (their data)
- The right to block/remove
- The right to data portability
- The right to file a complaint
- The right to be indemnified (for damages)

DISCRIMINATION

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

Stigmatization





CANISTER SCANDAL: 90-day suspension of 2 docs, nurse ends



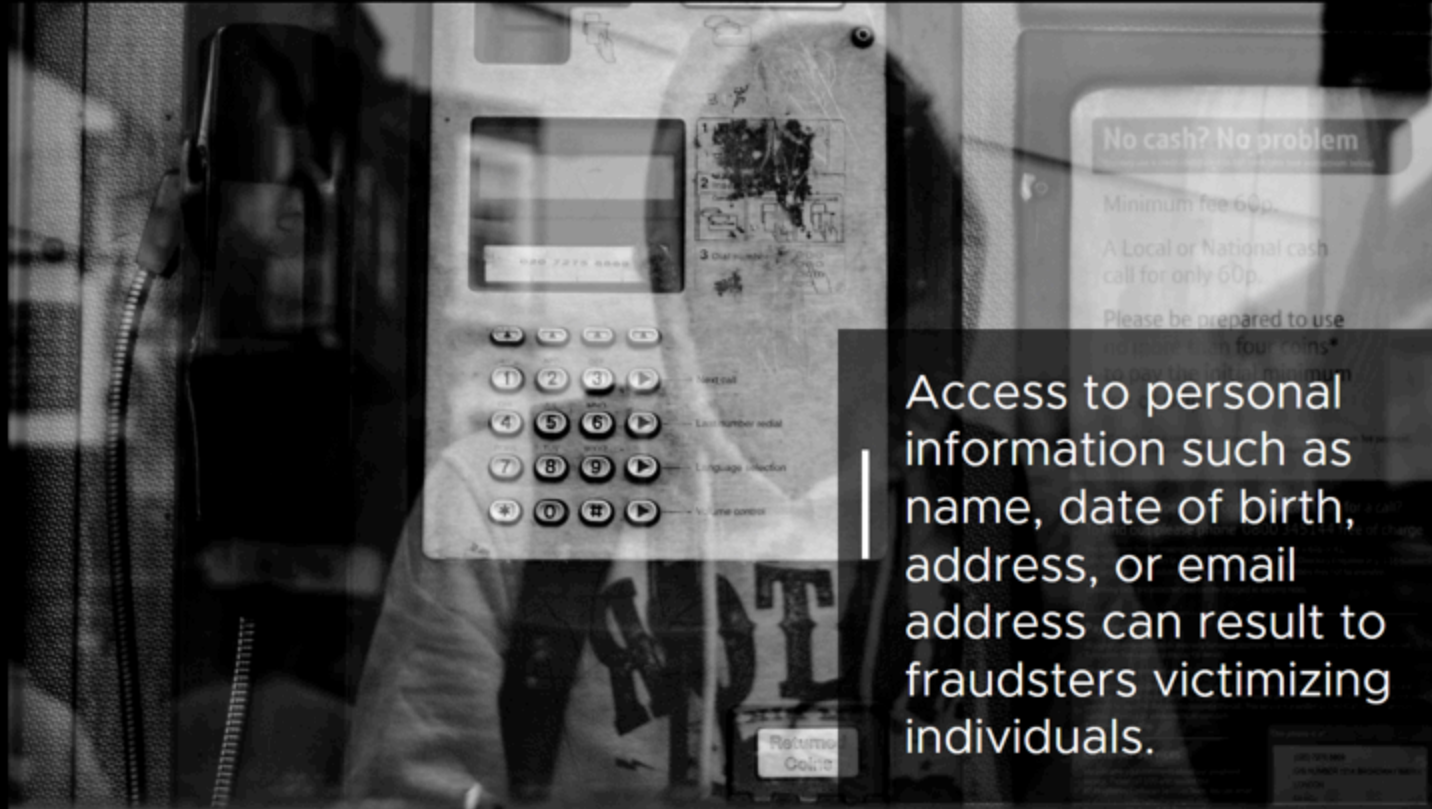
- Helen Flores, Ghio Ong () - September 6, 2008 - 12:00am

<https://www.philstar.com/nation/2008/09/06/398622/canister-scandal-90-day-suspension-2-docs-nurse-ends>

Health Undersecretary Alexander Padilla said yesterday the three medical practitioners who were linked to the “canister scandal” at a Cebu hospital were allowed to go back to work after serving the three-month suspension imposed on them by the Department of Health (DOH).

Dr. Philipps Leo Arias, Dr. Joseph Montecillo and nurse Carmenia Sapio reported for duty at the government-run Vicente Sotto Memorial Medical Center sometime last month.

Padilla said the DOH has already imposed enough sanctions on the three and that the matter is already in the hands of the Ombudsman.



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



Identity Theft



1004



30



2



0



Public school teacher in debt because of identity theft

Published February 26, 2016 10:48pm

A public school teacher may be a victim of identity theft as he owes three banks P800,000 for loans he did not apply for, according to a report by John Consulta on GMA-7's "24 Oras" on Friday.

~~Mark Joseph Lontok~~ said he received notifications from three banks saying that he borrowed a total of P800,000 in salary loans. He denied applying for the loans.

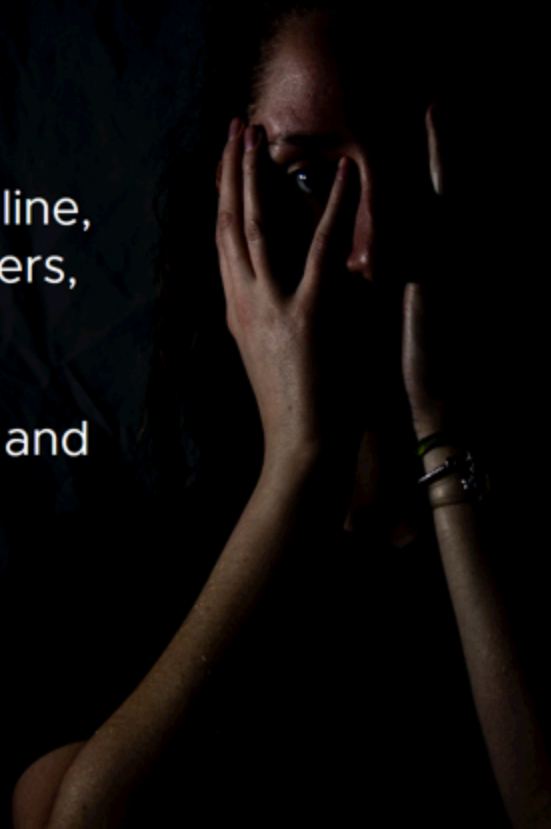
However, ~~Lontok~~ remembered posting a photo of his Professional Regulation Commission (PRC) ID online.

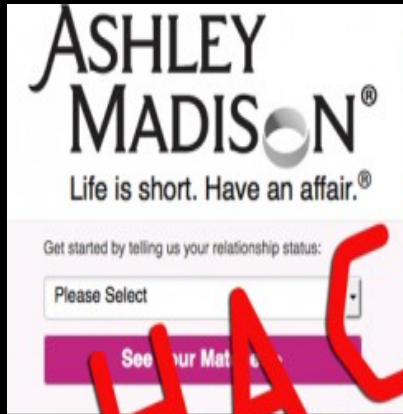
(Facebook) sa sobrang tuwa ko po," he said.

"Wala naman akong ginagawang masama," he added.

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.





HACKED!

Loss of Reputation



CNN tech BUSINESS CULTURE GADGETS FUTURE STARTUPS

Pastor outed on Ashley Madison commits suicide

by Laurie Segall @LaurieSegallCNN
September 8, 2015 7:10 PM ET

ASHLEY MADISON®
Life is short. Have an affair.®
Get started by telling us your relationship status:
Please Select
Single Male seeking Partners
See Your Matches
Over 37,000,000 anonymous members!

Pastor on Ashley Madison commits suicide

... was a pastor and seminary professor. When he wasn't teaching at New Orleans Baptist Theological Seminary, one of his favorite pastimes was fixing cars.

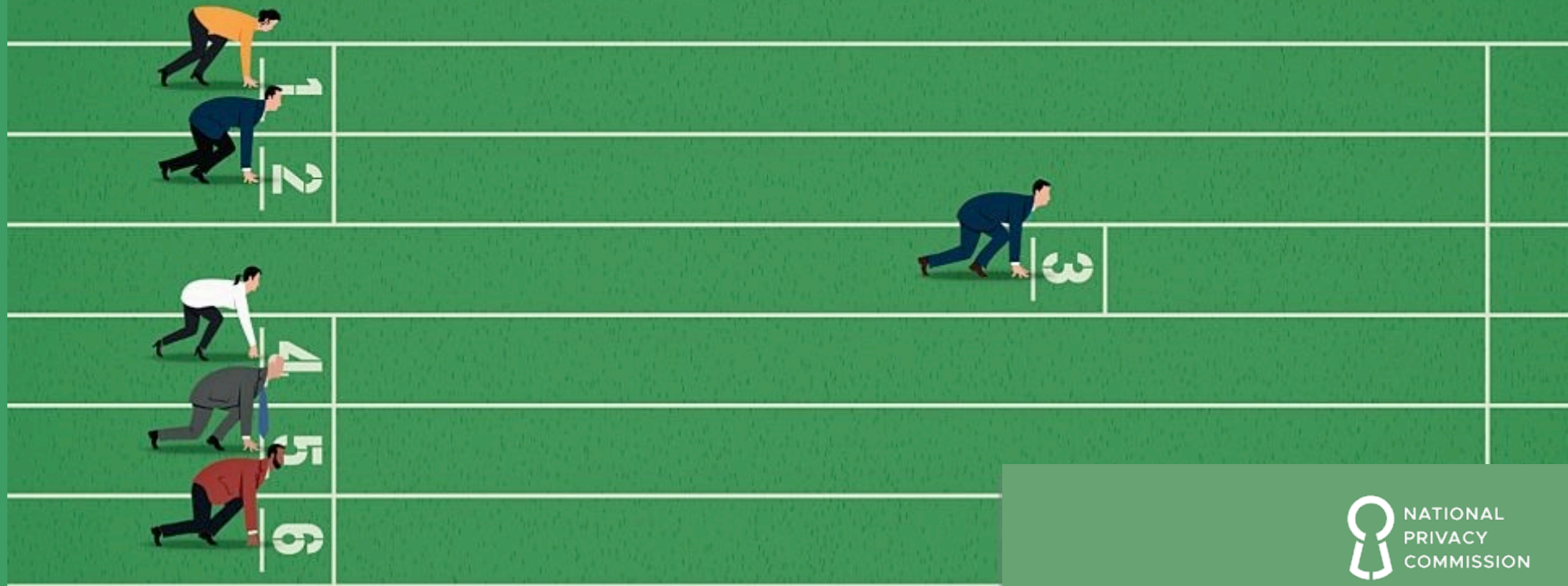
<http://money.cnn.com/2015/09/08/technology/ashley-madison-suicide/index.html>

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.



More than half of employers now use social media to screen job candidates, poll says; even send friend requests

Updated May 14, 2015; Post

<https://hrdailyadvisor.blr.com/2017/06/29/hiring-70-employers-use-social-media-screen-candidates/>

<https://www.archbright.com/post/study-shows-number-of-employers-using-social-media-to-screen-candidates-at-all-time-high>



Hiring: 70% of Employers Use Social Media to Screen Candidates

Hiring & Recruiting | HR Daily Advisor Editorial Staff
| Thursday - June 29, 2017

Study Shows Number of Employers Using Social Media to Screen Candidates At All-Time High

Posted on June 26, 2017 by Archbright in Workforce News



More Employers Than Ever Using Social Media to Screen Candidates

June 21st, 2017



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



- TRANSPARENCY
- LEGITIMATE PURPOSE
- PROPORTIONALITY

- SECURITY
- ACCOUNTABILITY

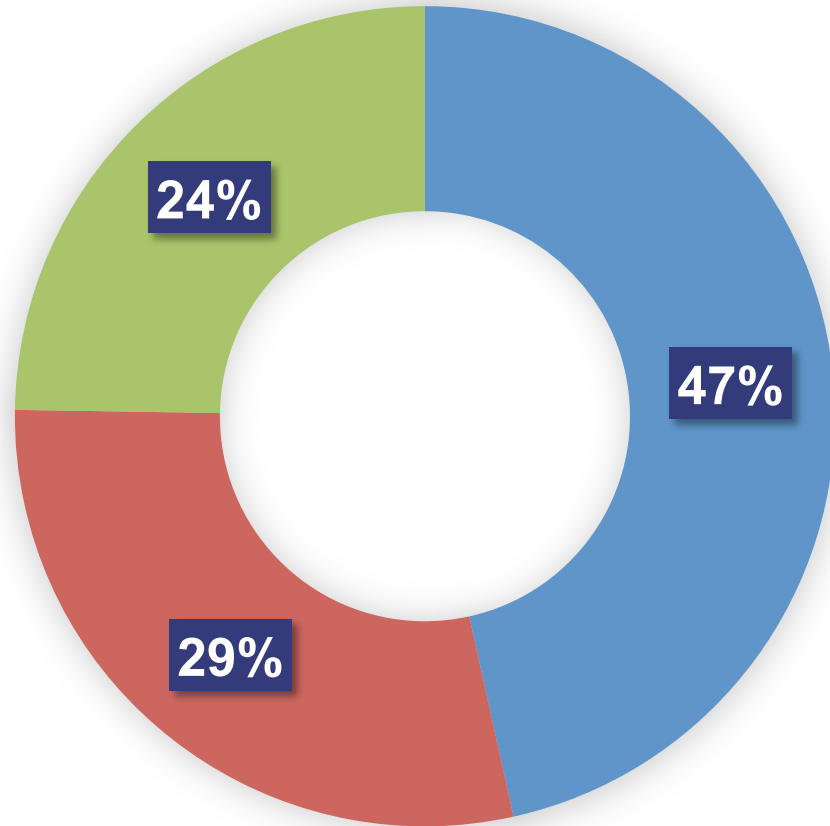
- CHOICE NOTICE
- ACCESS
- REMEDY





“We didn’t take a broad enough view of our responsibility, and that was a big mistake. It was my mistake, and I’m sorry.”

ROOT CAUSES OF BREACH



- Malicious or criminal attack
- System Glitch
- Human Error

ROOT CAUSES OF BREACH

- lost or stolen laptops, removable storage devices, or paper records containing personal information
- hard disk drives and other digital storage media (integrated in other devices, for example, multifunction printers, or otherwise) being disposed of or returned to equipment lessors without the contents first being erased
- databases containing personal information being ‘hacked’ into or otherwise illegally accessed by individuals outside of the agency or organization

ROOT CAUSES OF BREACH

- employees accessing or disclosing personal information outside the requirements or authorization of their employment
- paper records stolen from insecure recycling or garbage bins
- an agency or organization mistakenly providing personal information to the wrong person, for example by sending details out to the wrong address, and
- an individual deceiving an agency or organization into improperly releasing the personal information of another person.

THE FIVE PILLARS OF 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)**.



DID YOU APPOINT A DATA PROTECTION OFFICER?

Appointing a DPO is the first step. You cannot register with the NPC if you do not have a DPO.

BUILDING PRIVACY RESILIENCE IN YOUR COMPANY



-  HUMAN RESOURCE
-  MARKETING
-  LEGAL
-  IT
-  FINANCE
-  PROCUREMENT

Human Resources



-  HUMAN RESOURCE
-  MARKETING
-  LEGAL
-  IT
-  FINANCE
-  PROCUREMENT

Human Resources



Do your forms reflect the purposes for which you collect personal data?

Determine if there is truly a need to collect all that personal data.

It is important that employees, receive training on data privacy, especially those at the frontlines of processing personal data

Legal



-  HUMAN RESOURCE
-  MARKETING
-  LEGAL
-  IT
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-  PROCUREMENT

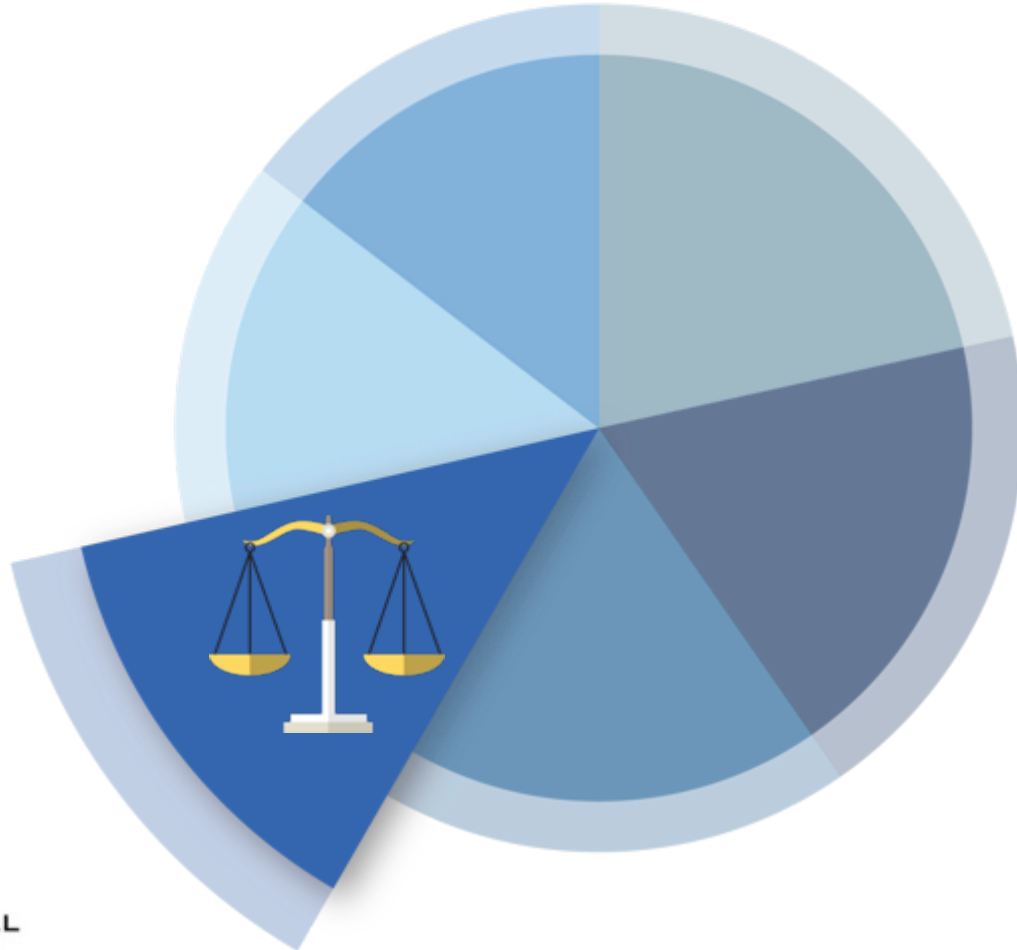
Legal



Check if your legal counsels are fully aware of the rights of the data subject.

Does the company have a privacy management program in place, and if so, is it compliant with existing laws and regulations?

Is there an avenue in which data subjects can air out their concerns?



Marketing



- HUMAN RESOURCE
- MARKETING
- LEGAL
- IT
- FINANCE
- PROCUREMENT

Marketing



Employees should be aware if consent has been obtained from the data subjects for the processing of their personal data

Cite the purposes for which the personal data is being used by your company.

Prescribed Information to be supplied

Section 16

1. Description/Categories of personal data to be processed (b) (1)
2. Purpose of the Processing and the legal basis for the processing (b) (2)
3. The legitimate interests of the controller or third party
4. Whether the collection of personal data forms part of a statutory or contractual obligation (b) (2)
(b) (2)
5. Scope and method of the personal information processing
6. Any recipient or categories of recipients of personal data (b) (3)
7. The existence of automated decision making, including profiling and information about how decisions are made... (b) (4)
(b) (5)
8. Identity and contact details of the PIC/P & representative
9. Retention period or criteria used to determine such (b) (6)
10. The existence of Data Subjects Rights (b) (7)
11. The right to lodge a complaint with supervisory authority (b) (8)
12. The right to withdraw consent (b) (8)
13. The source of personal data (d)
(c) (2)

Finance



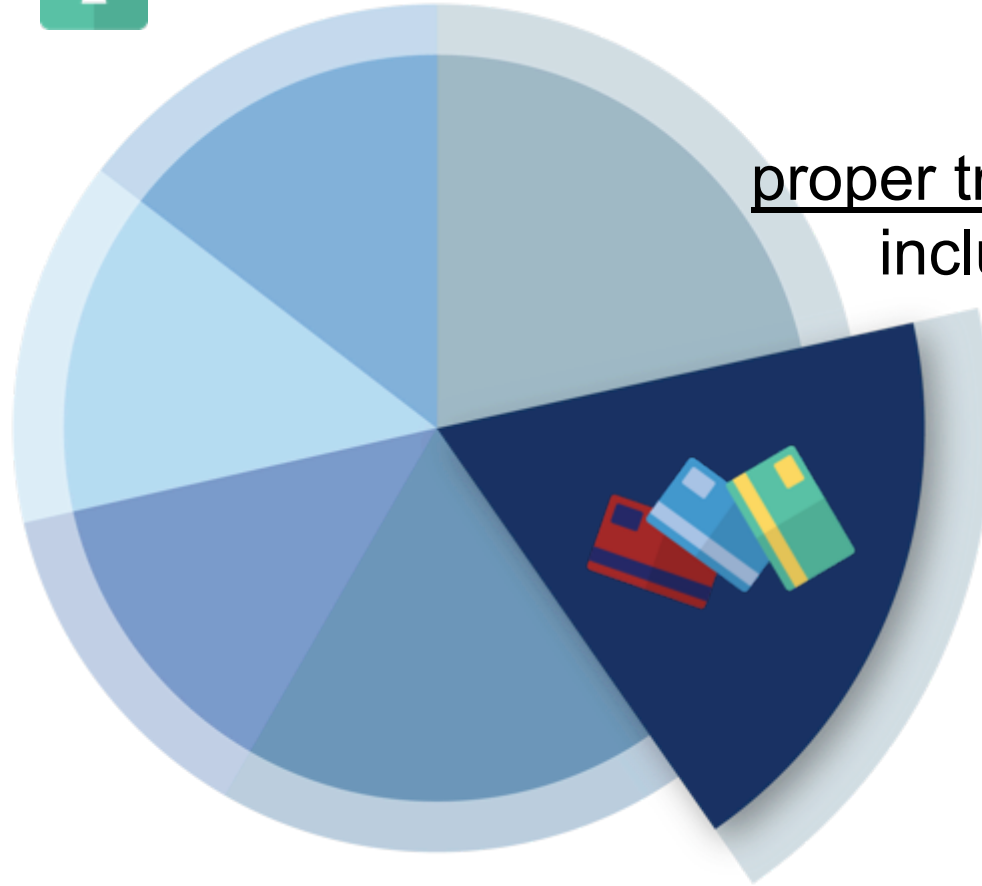
- HUMAN RESOURCE
- MARKETING
- LEGAL
- IT
- FINANCE
- PROCUREMENT



Finance

This department handles some of the most sensitive personal information:

Employees must have proper training on data privacy, including consequences of not handling personal data with the proper care and diligence



IT

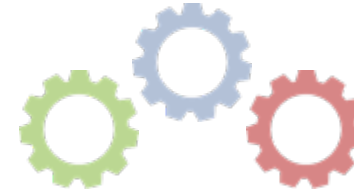


-  HUMAN RESOURCE
-  MARKETING
-  LEGAL
-  IT
-  FINANCE
-  PROCUREMENT



Data Security Measures

Section 20 of the DPA



1. Safeguards to protect computer networks against accidental, unlawful or unauthorized usage or interference
2. Security policy with respect to processing of personal information
3. Vulnerability assessments of computer networks, including processes for preventive, corrective and mitigating action
4. Regular monitoring for security breaches
5. Confidentiality measures covering personnel involved in personal information processing
6. Due notification of data breaches in accordance with guidelines of the Commission

Procurement



-  HUMAN RESOURCE
-  MARKETING
-  LEGAL
-  IT
-  FINANCE
-  PROCUREMENT



ACCOUNTABILITY

proven trust