



Republic of the Philippines
Department of Education
REGION V - BICOL
SCHOOLS DIVISION OFFICE OF CATANDUANES




UNNUMBERED MEMORANDUM

SGOD-UM-09-19-2023/CPG

To: Assistant Schools Division Superintendent
Division Chiefs
Public Schools District Supervisors
School Heads
All Other Concerned

By the Authority of the Schools Division Superintendent

From:


EVA S. TOLENTINO
Administrative Officer
Officer-in-Charge

Date: September 19, 2023

Subject:

INVITATION TO ATTEND THE DATA PRIVACY AWARENESS AND COMPLIANCE WORKSHOP

1. This is in connection with the invitation of Yisrael Solutions and Training Center, Inc., inviting interested participants to attend the Data Privacy Awareness & Compliance Workshop on October 4-6, 2023, November 8 - 10, 2023, and December 6-8, 2023 via Zoom.
2. Interested participants may contact thru email at hannah@yisraelsolutions.com; or thru text at mobile number 0908-1094-962/landline (207)- 373-8503. For further clarifications and other concerns, please see attached communication.
3. Participation in this program is on a voluntary basis only.
4. For information

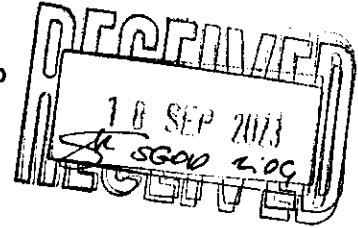
CPG/SGOD-UM-08-31-2023 Invitation to attend the Data Privacy Awareness and Compliance Workshop



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DepEd Tayo-Region V - Catanduanes



Subject: Data Privacy Awareness & Compliance Workshop



Dear Sir/Madam:

We are pleased to invite you and your personnel in Human Resource Mgt Section, Finance, Administrative Section, IT and those who have access to personal data to attend to our Face to Face or Online workshop for Data Privacy Act Awareness and Compliance, Privacy Impact Assessment (PIA) and Cyber Security Threats and Attacks to be held on the proposed workshop dates listed below.

All institutions, both from the Government and Private sector processing personal data in the Philippines are required to comply with RA 10173, the Data Privacy Act of 2012, as well as the Implementing Rules and Regulations (IRR) and memorandum circulars issued by the National Privacy Commission (NPC). Each government agency or instrumentality as per Section 22 of the Data Privacy Act of 2012 is not only responsible for complying with the security requirements mentioned in the law but also ensures that all sensitive personal information maintained by his/her agency are secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communicating technology industry, and as recommended by the National Privacy Commission.

In addition, under NPC Circular No 16-01, one of the general obligations of a government agency engaged in the processing of personal data is to conduct a mandatory, agency-wide training on privacy and data protection policies once a year. A similar training shall be provided during all agency personnel orientations.

Data privacy violations may result in being ordered to stop processing, being ordered to pay damages to those whose privacy rights were violated, being prosecuted for criminal acts whose penalties include fines and jail time. This workshop will enable the participants to understand what RA 10173 or Data Privacy Act of 2012 and its Implementing Rules and Regulations is.

We will also provide the participants with deep dive understanding of legal and operational compliance to DPA and also to enable the participants to learn the right way of handling complaint and breach incidents.

Given below are the program modules with the corresponding time frame and objectives.

I. PROGRAM OBJECTIVES

| MODULE | TOPIC | OBJECTIVES |
|---------------|--|---|
| 1 | Data Privacy Awareness (DPA) <ul style="list-style-type: none">- Introduction to Data Privacy Act of 2012 (IRR 10173)- Appoint a Data Protection Officer- Roles of Data Protection Officer | Discuss the Data Privacy Act of 2012 and its updates on the legislative framework. Understand what needs to be done to achieve compliance with RA 10173, its IRRs, and other issuances of the National Privacy Commission. Be aware of the consequences that may arise from being non-compliant to Republic Act |

✉ yisrael.solutions@gmail.com

☎ (027) 373-8503.



YISRAEL SOLUTIONS AND TRAINING CENTER, INC.

| | | |
|---|--|--|
| | | 10173, also known as the Data Privacy Act of 2012. |
| 2 | Privacy Risk and Impact Assessment - Intro to Privacy Impact Assessment (PIA) | Know the importance of conducting a Privacy Impact Assessment and an opportunity to discuss experiences of embedding privacy-by-design in your processes. |
| 3 | Privacy Governance and Structure | To practice accountability and understand the role of the organization to build its privacy structure to better manage its compliance with DPA. |
| 4 | Data Inventory and Mapping | Learn the elements and practical approach of using data inventories/maps to provide a holistic approach to protecting personal data. |
| 5 | Data Protection and Privacy Program Landscape | Understand the operational considerations to deploy your data privacy programs in your organization. |
| 6 | Breach Management (NPC Circular 16-03) - What is Data Breach/Security Incident - How to handle Data Breaches - Data Breach Response Team | The participants are introduced to the concept of a security incident and personal data breach and are made aware of the ramifications of a data privacy breach and how to start preparing for when it happens |

TENTATIVE SCHEDULES FOR ONLINE: (Please choose according with your availability)

October 4-6, 2023

November 8-10-, 2023

December 6-8, 2023

Via Zoom App.

REGISTRATION FEE:

9,000.00 per participant for three (3) days. (Non-VAT)

TENTATIVE SCHEDULES FOR FACE TO FACE:

September 27-29, 2023

October 25-27, 2023

November 28-30, 2023

LOCATION:

OCTOBER-DECEMBER: 49 TH Flr. One San Miguel Avenue Building – Corner Shaw Boulevard, Ortigas Center, Pasig City

SEPTEMBER: Hotel 45 Extension, Bagong Bayan St., Brgy. Salud mitra Baguio City Near SM Baguio

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REGISTRATION FEE:

12,000.00 per participant for three (3) days. (Non-VAT)

Kindly fill up the attached Confirmation Form which requires a list of your participants and fax to (02) 956-2025 or email at hannah@yisraelsolutions.com for your workshop schedule. Please deposit the payment and email the deposit slip then a meeting ID and a password will be sent to your email. You may deposit your payment through our LandBank Account: .

Account Name: YISRAEL SOLUTIONS AND TRAINING CENTER INC

Account Number: 1641-1087-11

Branch: Pasig-C. Raymundo Ave.

When done, kindly email to me a copy of your deposit slip for the process of your official receipt.

However, we also conduct an in-house workshop wherein a central office can organize its jurisdiction to attend to an online workshop and we provide large discount as many as your participants to attend. If you are interested, please inform us at the contact numbers stated below.

For inquiries and/or clarification, please contact us by email at hannah@yisraelsolutions.com (attention to: Hannah Jane Pecson); or thru text at mobile number 0908-1094-962(Smart)/ landline (207) 373- 8503.

Our team, though working from our own homes, would like to remind you to sanitize your gadgets, aside from washing hands frequently, as an added precautionary measure to prevent the spread of the virus.

We hope to see you in our online workshops!

REBECCA M. SANTOS

CEO/President

YISRAEL SOLUTIONS & TRAINING CENTER INC.

PRIVACY STATEMENT

We are committed to maintaining the accuracy, confidentiality, and security of your personally identifiable information ("Personal Information"). As part of this commitment, our privacy policy governs our actions as they relate to the collection, use and disclosure of Personal Information.

We are responsible for maintaining and protecting the Personal Information under our control. We have designated an individual or individuals who is/are responsible for compliance with our privacy policy.

Personal information will generally be collected directly from you through the use of any of our standard forms, over the internet, via email, or through a telephone conversation with you. We may also collect personal information about you from third parties acting on your behalf (for instance, agents or contact person).

We also collect information from subscribers (persons registering their details with us through the website) or website visitors for the purpose of improving our quality and effectiveness and to provide you with information. We will not publish your name in connection with any information you provide without your permission.

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Republic of the Philippines
NATIONAL PRIVACY COMMISSION

NPC Circular No. 2022-01

Date : 08 August 2022

Subject : GUIDELINES ON ADMINISTRATIVE FINES

WHEREAS, 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;

WHEREAS, the National Privacy Commission (Commission) was created under Republic Act No. (R.A.) 10173, otherwise known as the "Data Privacy Act of 2012" (DPA), in order to discharge the duty of the State to protect individual personal information in information and communications systems in the government and the private sector;

WHEREAS, the Commission has the express mandate under R.A. 10173 and its Implementing Rules and Regulations (IRR) to: (1) ensure compliance with the provisions of R.A. 10173; (2) receive complaints, institute investigations, and adjudicate on matters affecting any personal information; (3) compel any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy; and (4) generally perform such acts as may be necessary to facilitate cross-border enforcement of data privacy protection;

WHEREAS, the Commission shall perform all acts as may be necessary to implement the DPA, its IRR, and its issuances, and to enforce its Orders, Resolutions, or Decisions, including the imposition of administrative sanctions, fines, or penalties;

WHEREAS, the Commission encourages Personal Information Controllers (PICs) and Personal Information Processors (PIPs) to promote organizational accountability by initiating measures to enhance their compliance with the DPA to protect the rights of their data subjects;

WHEREAS, the Commission recognizes that it is necessary for public interest to impose administrative fines that are proportionate and dissuasive for the effective exercise of its mandate;

WHEREFORE, in consideration of these premises, the Commission hereby issues this Circular fixing the amount of administrative fines to be imposed for infractions of R.A. 10173, its IRR, and other issuances of the Commission;

Section 1. Scope. This Circular is applicable to PICs and PIPs as defined in the DPA.

Section 2. Administrative Fines. Any PIC or PIP who shall violate the following provisions of R.A. 10173, its IRR, and the issuances of the Commission shall be liable for an administrative fine for each infraction. The amount of the fine for each infraction shall fall within the ranges identified below and shall be determined in accordance with the factors enumerated in Section 3. In any case, the total imposable fine for a single act of a PIC or PIP,

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whether resulting in single or multiple infractions, shall not exceed Five Million Pesos (Php 5,000,000.00).

GRAVE INFRACTIONS

Any natural or juridical person processing personal data that infringes on the following provisions and implementing issuances of the Commission shall be subject to administrative fines of 0.5% to 3% of the annual gross income of the immediately preceding year when the infraction occurred:

- a. For each infraction of any of the general privacy principles in the processing of personal data pursuant to Section 11 of the DPA, where the total number of affected data subjects exceeds one thousand (1,001 or more);
- b. For each infraction of any of the data subject rights pursuant to Section 16 of the DPA, where the total number of affected data subjects exceeds one thousand (1,001 or more); or
- c. Any repetition of the same infraction penalized under this Circular, regardless of the classification as Major Infractions or Other Infractions, shall be automatically considered as a Grave Infraction.

MAJOR INFRACTIONS

Any natural or juridical person processing personal data that infringes on the following provisions and implementing issuances of the Commission shall be subject to administrative fines of 0.25% to 2% of the annual gross income of the immediately preceding year when the infraction occurred:

- a. For each infraction of any of the general privacy principles in the processing of personal data pursuant to Section 11 of the DPA, where the total number of affected data subjects is one thousand or below (1-1,000);
- b. For each infraction of any of the data subject rights pursuant to Section 16 of the DPA, where the total number of affected data subjects is one thousand or below (1-1,000);
- c. Any failure by a PIC to implement reasonable and appropriate measures to protect the security of personal information pursuant to Section 20 (a), (b), (c), or (e) of the DPA;
- d. Any failure by a PIC to ensure that third parties processing personal information on its behalf shall implement security measures pursuant to Section 20 (c) or (d) of the DPA; or
- e. Any failure by a PIC to notify the Commission and affected data subjects of personal data breaches pursuant to Section 20 (f) of the DPA, unless otherwise punishable by Section 30 of the DPA.

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OTHER INFRACTIONS

- a. Any natural or juridical person processing personal data that commits any of the omissions provided hereunder shall be subject to an administrative fine of **not less than Fifty Thousand Pesos (Php 50,000) but not exceeding Two Hundred Thousand Pesos (Php 200,000)**:
 - i. The failure to register the true identity or contact details of the PIC, the data processing system, or information on automated decision making, pursuant to Section 7(a), Section 16, and Section 24 of the DPA and its corresponding implementing issuances; or
 - ii. The failure to provide updated information as to the identity or contact details of the PIC, the data processing system, or information on automated decision making, pursuant to Section 7(a), Section 16, and Section 24 of the DPA and its corresponding implementing issuances.
- b. Any natural or juridical person processing personal data that fails to comply with any Order, Resolution, or Decision of the Commission, or of any of its duly authorized officers, pursuant to Section 7 of the DPA and its corresponding implementing issuances, shall be subject to an administrative fine **not exceeding Fifty Thousand Pesos (Php 50,000)**.

The fine to be imposed as a result of this infraction shall be in addition to the fine imposed for the original infraction subject of the Order, Resolution, or Decision of the Commission.

(*e.g.*, If the Order, Resolution, or Decision imposes a fine that pertains to the implementation of security measures, a maximum of Php 50,000 shall be added to the fine for that infraction.)

This Circular shall also apply to infractions to be provided in future issuances of the Commission. In those instances, the range of applicable fines shall be set out in such issuance.

Section 3. Factors Affecting Fines. The Commission shall consider the following factors in determining the amount of the fine within the range provided in Section 2:

- a. Whether the infraction occurred due to negligence or through intentional infraction on the part of the PIC or PIP;
- b. Whether the infraction resulted in damage to the data subject, taking into account the degree of damage to the data subject, if any;
- c. The nature or duration of the infraction, in relation to the nature, scope, and purpose of the processing;
- d. The action or measure taken prior to the infraction to protect the personal data being processed as well as the rights of the data subject under Section 16 of the DPA;
- e. Any previous infractions determined by the Commission as contained in its Orders, Resolutions or Decisions, whether these infractions have led to the imposition of fines, and the length of time that has passed since those infractions;
- f. The categories of personal data affected;

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- g. The manner in which the PIC or PIP discovered the infraction, and whether it informed the Commission;
- h. Any mitigating action adopted by the PIC or PIP to reduce the harm to the data subject; and
- i. Any other aggravating or mitigating circumstances as appreciated by the Commission, including financial benefits incurred or losses avoided by the PIC or PIP.

For the purpose of ascertaining the annual gross income of the PIC or PIP that committed the infraction, the Commission may evaluate and require the submission of the PIC's or PIP's audited financial statements filed with the appropriate tax authorities for the immediately preceding year when the infraction occurred, the last regularly prepared balance sheet or annual statement of income and expenses, and such other financial documents as may be deemed relevant and appropriate.

In cases where a PIC or PIP has not been operating for more than one year, the base to be used for the computation of the administrative fine shall be its gross income at the time the infraction was committed.

Section 4. *Due Process.* The administrative fine shall only be imposed after notice and hearing are afforded to the PICs or PIPs, in accordance with the NPC Rules of Procedure.

In case the PIC or PIP fails to appear or submit its comment or pleading, despite due notice, the Commission shall decide on the alleged infraction based on the evidence on record.

If the complaint alleges a violation of the DPA that incurs criminal liability, but the facts proven only constitute one or some of the infractions subject to administrative fines, the PIC or PIP shall be fined for the infraction proven, provided it is included in the violation alleged.

A violation charged includes the infraction proven when some of the essential elements of the former, as alleged in the complaint, constitute the latter.

A PIC or PIP may be held liable for an infraction, even if it is different from the infraction impleaded, provided that (1) the essential requisites of the infraction for which the PIC or PIP is found liable are alleged in the complaint, and (2) such infraction is proven based on substantial evidence.

Section 5. *Appeal.* The Decision or Resolution of the Commission shall be immediately executory unless otherwise restrained by the Court of Appeals or the Supreme Court.

Section 6. *Posting of Bond on Imposed Administrative Fines.* In any or all actions assailing the Decisions or Resolutions of the Commission pertaining to the administrative fine imposed, a cash or surety bond equivalent to the total amount of fine imposed shall be posted, exclusive of the damages, attorney's fees, and other monetary awards, upon such filing of any action with the appropriate courts. Non-posting of a cash or surety bond shall result in the immediate execution of the administrative fine imposed.

The cash or surety bond shall be valid and effective from the date of deposit or posting until the case is finally decided, resolved, or terminated, or the administrative fine imposed is satisfied.

In case of a surety bond, the PIC or PIP must (1) post the bond through a bonding company included in the latest list of bonding companies accredited by the Supreme Court for Civil Cases and Special Proceedings, and (2) comply with the requirements of such bonding company.

No motion to reduce bond shall be entertained by the Commission.

Section 7. Refusal to Comply. In case of refusal to pay the adjudged administrative fine under this Circular, the PIC or PIP may be subject to a Cease and Desist Order (CDO), other processes or reliefs as the Commission may be authorized to initiate pursuant to Section 7 of the DPA, and appropriate contempt proceedings under the Rules of Court.

Notwithstanding the provisions of NPC Circular No. 20-02 or the Rules on the Issuance of Cease and Desist Orders, the failure to comply with the Order, Resolution, or Decision of the Commission may, after notice and hearing, result in the issuance of a CDO.

Section 8. Periodic Review and Modification. This Circular may be modified, amended, supplemented, or repealed as may be deemed necessary and proper by the Commission.

Section 9. Separability Clause. In the event that any provision of this Circular be declared invalid or unconstitutional, the remaining provisions shall remain effective and in full force and effect.

Section 10. Applicability Clause. These rules apply to PICs and PIPs for the above infractions prospectively. All issuances inconsistent with the provisions of this Circular shall be deemed repealed, amended, or modified accordingly.

Section 11. Effectivity. - This Circular shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Approved:

Sgd.
ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

Sgd.
ATTY. LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

Sgd.
ATTY. DUG CHRISTOPHER B. MAH
Deputy Privacy Commissioner