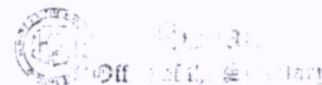


SENATE

P.S. Res. No. 981



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Introduced by Senator **Ana Theresia "Risa" Hontiveros-Baraquel**

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RESOLUTION

**URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION ON ALLEGATIONS THAT A FORMER PRIVATE CONTRACTOR INVOLVED IN THE PRODUCTION OF PHILIPPINE PASSPORTS HAS FAILED TO TURN OVER PASSPORT-RELATED DATA IN ITS POSSESSION, IN POSSIBLE VIOLATION OF THE DATA PRIVACY ACT OF 2012 AND WITH DEEP REPERCUSSIONS ON NATIONAL SECURITY**

**WHEREAS**, on January 8, 2019, Secretary of Foreign Affairs (SFA) Teodoro "Teddyboy" Locsin, Jr. bared in a tweet that a former contractor for Philippine passports "took off" with personal data after the end of its contract with the Department of Foreign Affairs (DFA);

**WHEREAS**, the DFA has not provided any more information about the incident and has not identified the private contractor responsible for the same;

**WHEREAS**, there have been at least two turnovers involving private contractors in the past: the first one in 2005 involving BCA Corporation, whose contract was terminated in 2005 for its inability to implement the project, and the second one in 2015 involving Francois-Charles Oberthur Fiduciare (hereafter, Oberthur Technologies), a French company that replaced BCA Corporation in 2008 and whose contract with the government expired in 2015;

**WHEREAS**, upon expiration of Oberthur's contract in 2015, the government opted to tap APO Production Unit (APU), a government owned and controlled company (GOCC) directly under the Presidential Communications Operations Office (PCOO), which in turn entered into a partnership with a private contractor United Graphic Expression Corporation (UGEC);

**WHEREAS**, in his own social media post, former SFA Perfecto Yasay, who served as SFA under the Duterte administration from June 2016 to March 2017, said that President Duterte asked him and Finance Secretary Carlos Dominguez III to talk to the Bangko Sentral ng Pilipinas (BSP) to discuss bringing back the responsibility of printing passports to BSP<sup>1</sup>;

**WHEREAS**, former SFA Yasay also said that Chief Presidential Legal Counsel Salvador Panelo had demanded that all rights over personal data, source code, data center and other information related to e-passport printing services be returned to the government;

**WHEREAS**, it appears that despite concerns raised by former SFA Yasay and Presidential Legal Counsel Panelo, former SFA Alan Peter Cayetano – who replaced

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<sup>1</sup> <https://www.gmanetwork.com/news/news/nation/681218/private-printer-illegally-printing-e-passports-ex-dfa-sec-yasay/story/>

Yasay in March 2017 and himself resigned in October 2018 – did nothing to stop the passport printing deal with UGEC<sup>2</sup>;

**WHEREAS**, amidst these emerging details, there still is no clarity as to who is responsible for the non-availability of Filipino passport data;


**WHEREAS**, Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012, outlines the rights of the data subjects, including the right to have reasonable access to his or her data, and requires the personal information controller to implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information against any accidental or unlawful destruction, alteration and disclosure, as well as against any other unlawful processing;

**WHEREAS**, as opined by data privacy legal experts, the implications of the data being “taken” from the DFA are vast, and leaves data subjects vulnerable to identity thieves who can use sensitive information contained in the birth certificates (such as the individual’s mother’s maiden name) to illegally access financial transactions of the data subject<sup>3</sup>;

**WHEREAS**, as the Philippines is about to begin implementation of the National ID System, reports such as these do not inspire confidence in the capacity of government to protect our data and its ability to police and hold accountable private contractors who process personal information;

**NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, by the Senate of the Philippines to direct the appropriate Senate Committee to conduct an investigation in aid of legislation on allegations that a former private contractor involved in the production of Philippine passports has failed to turn over passport-related data in its possession, in possible violation of the data privacy act of 2012 and with deep repercussions on national security, with the end in view of institutionalizing measures to further protect personal data of Filipinos and prevent possible illegal use of the same.

**Adopted,**

  
ANA THERESIA “RISA” HONTIVEROS-BARAQUEL

<sup>2</sup> <https://www.manilatimes.net/cayetano-vows-plug-loopholes-passport-deal/328788/>

<sup>3</sup> <https://www.gmanetwork.com/news/scitech/technology/681173/data-privacy-lawyer-explains-implications-of-data-being-taken-from-dfa/story/>