

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



Senate  
Office of the Secretary

'22 OCT -5 P5:51

SENATE  
S.B. No. 1367

RECEIVED BY: \_\_\_\_\_

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Introduced by **SENATOR IMEE R. MARCOS**

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**AN ACT**  
**AMENDING REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE**  
**"DATA PRIVACY ACT OF 2012", AND FOR OTHER PURPOSES**

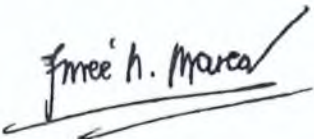
EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that *"the State shall protect and promote the right to health of the people and instill health consciousness among them."*

On 8 March 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, declaring the entire country under a state of public health emergency due to the Corona Virus-19 (COVID-19) pandemic. The pandemic still pervades as a global public challenge to date. As of 2 September 2022, there have been three million, eight hundred eighty-three thousand, nine hundred fifty-seven (3,883,957) confirmed cases and sixty-one thousand, eight hundred and sixty-four (61,864) deaths due to the virus. While more than 1.6 million vaccine doses have been administered since the onset of the outbreak, new variants of the virus continue to emerge that may not be addressed by existing vaccines.

In order to significantly decrease the spread of the virus, persons suspected of COVID-19 infection must be identified. South Korea's success in flattening the curve of its confirmed cases within the course of a few weeks was made possible by its vigorous contact tracing system that involved the collection of every piece of personal data possible to find any connecting link between COVID-19 patients to slow down the spread of the virus. Its protocol even often involved replaying surveillance camera footage, speaking to witnesses, and doing everything possible to collect all "breadcrumbs" a COVID-19 patient has left on the trail – a round the clock detective work.

Thus, healthcare workers and other officers must be provided with complete and accurate information in order to observe, diagnose and treat possibly infected persons; truly, in certain cases, false information or even mere lapses in patient background could prove to be fatal, not only for the patient and doctor, but even to the public at large. Hence, the urgency of excluding such circumstance is clearly warranted and undeniable.

  
**IMEE R. MARCOS**



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"DATA PRIVACY ACT OF 2012", AND FOR OTHER PURPOSES**

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

1           **SECTION 1.** Section 4 of Republic Act No. 10173 is hereby amended to read as  
2 follows:

3  
4           "Section 4. Scope. This Act applies to the processing of all types of  
5 personal information and to any natural and juridical person involved in  
6 personal information processing including those personal information  
7 controllers and processors who, although not found or established in the  
8 Philippines, use equipment that are located in the Philippines, or those  
9 who maintain an office, branch or agency in the Philippines subject to  
10 the immediately succeeding paragraph: Provided, That the requirements  
11 of Section 5 are complied with.

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13           This Act does not apply to the following:

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15           (a) xxx

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17           (1) xxx

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19           (2) xxx

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21           (3) xxx

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(4) xxx

(b) xxx

(c) xxx

(d) xxx

(e) xxx

(f) Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; [and]

(g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines [.] **AND**

**(H) UPON DECLARATION OF A NATIONAL HEALTH EMERGENCY OR PANDEMIC, PERSONAL INFORMATION, INCLUDING PRIVILEGED AND SENSITIVE PERSONAL INFORMATION, THAT ARE NECESSARY TO ADDRESS THE HEALTH CRISIS. PROVIDED, THE DEPARTMENT OF HEALTH (DOH) SHALL FIRST ISSUE GUIDELINES FOR ITS IMPLEMENTATION, TAKING INTO CONSIDERATION THE SAFETY AND WELFARE OF THE DATA SUBJECT, INCLUDING CIRCUMSTANCES WHEN MANDATORY PUBLIC DISCLOSURE OF PERSONAL INFORMATION SHALL BE IMPLEMENTED."**

**SEC 2. Repealing Clause.** – All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

1           **SEC. 3. Effectivity.** – This Act shall take effect fifteen (15) days after its  
2 publication in the *Official Gazette* or in two (2) newspapers of general circulation in the  
3 Philippines.

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*Approved,*