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The Philippine Experience in Data Privacy Protection

Purpose: Information
Submitted by: Philippines



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Privacy Protection in E-Government
and E-Commerce
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The Philippine Experience in Data Privacy Protection

*Rosemarie S. Ramos
Research Assistant
Office of the Undersecretary for International
Economic Relations
Department of Foreign Affairs*

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

