

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT

January 30, 2025

Submitted by:

COMMITTEE ON RULES, LAWS AND ETHICS

PRESENT:

ATTY. MARC ALDOUS C. BACCAY	- Chairman/Sponsor (via zoom)
HON. JUDE T. BAYONA	- Vice Chairman/Acting Chair
HON. ARNEL T. ARUGAY	- Member (Zoom)
HON. MARIA ROSARIO B. SORIANO	- Member (via zoom)

RESOURCE PERSONS:

MR. ROGELIO T. LAYUGAN	- DICT R02 Representative
MS. RICA V. CASUCA	- DICT R02 Representative
MR. ALBERT V. BUNAGAN	- IT Representative

FOR THE PRESIDING OFFICER:

The committee met and deliberated on the referral:

COMMITTEE REPORT NO. 32-2025

SUBJECT:

Draft Ordinance Operationalizing Republic Act 10173 or the Data Privacy Act of 2012 in Tuguegarao City and Providing Guidelines Therefor.

FINDINGS:

1. On August 15, 2012, Republic Act No. 10173 entitled "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, creating for this purpose a National Privacy Commission and for Other Purposes", also known as the Data Privacy Act of 2012 (DPA), was enacted.
2. Section 2 of the DPA provides that it is the policy of the State to protect the fundamental human right of privacy while ensuring the free flow of information to promote innovation and growth. The State also recognizes its inherent obligation to ensure that the personal information in Information and Communications Systems in the government and in the private sectors are protected.
3. The National Privacy Commission (NPC), created under the DPA, is an independent body tasked to administer and implement the provisions of the DPA, and to monitor and ensure compliance of the Country with international standards set for data protection.

The NPC in coordination with other government agencies and the private sector is charged with carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the Country.

4. The City Mayor, through an office order or any similar written document, may designate another department head to act as a Data Privacy Officer for a specific period, pursuant to NPC Circular No. 2022-04, and will be tasked with all the duties and responsibilities of ensuring compliance by the Tuguegarao City Government with Republic Act No. 10173, its Implementing Rules and Regulations, other NPC issuances, and this Ordinance.
5. There is an imperative need to localize the Republic Act No. 10173 as recommended by the DILG so that the data privacy laws can be implemented in the city particularly in the provisions of data protection on contracts, memorandum of agreements and memorandum of understanding entered into by the City Government.
6. The Committee emphasized that the Data Protection Officer should be preferably trained under the National Privacy Commission (NPC) and a LLB graduate or a Lawyer.

RECOMMENDATION:

Finding the Draft Ordinance Operationalizing Republic Act 10173 or the Data Privacy Act of 2012 in Tuguegarao City and Providing Guidelines Therefor to be in order, with merit and beneficial to the City Government, the committee favorably recommend for its approval.

Respectfully submitted:


HON. MARC ALDOUS C. BACCAY
Chairman/Sponsor


HON. JUDE T. BAYONA
Vice Chairman/Acting Chair


HON. ARNEL T. ARUGAY
Member


HON. MARIA ROSARIO B. SORIANO
Member

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**AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR
THE DATA PRIVACY ACT OF 2012 IN TUGUEGARAO CITY, AND
PROVIDING GUIDELINES THEREFOR**

Sponsored by: Hon. Marc Aldous C. Baccay

WHEREAS, Article II, Section 24 of the 1987 Philippine Constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II Section 11 thereof emphasizes that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, on August 15, 2012, Republic Act No. 10173 entitled "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, creating for this purpose a National Privacy Commission, and for Other Purposes", also known as the Data Privacy Act of 2012 (DPA), was enacted;

WHEREAS, Section 2 of the DPA provides that it is the policy of the State to protect the fundamental human right of privacy while ensuring the free flow of information to promote innovation and growth. The State also recognizes its inherent obligation to ensure that the personal information in Information and Communications Systems in the government and in the private sectors are protected;

WHEREAS, all Local Government Units (LGUs) processing personal or sensitive personal information (collectively, personal data) are considered as personal information controllers having obligations under the DPA;

WHEREAS, the National Privacy Commission (NPC), created under the DPA, is an independent body tasked to administer and implement the provisions of the DPA, and to monitor and ensure compliance of the Country with international standards set for data protection;

WHEREAS, pursuant to Section 7 of the DPA, the NPC in coordination with other government agencies and the private sector is charged with carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the Country;

WHEREAS, recognizing the vital role of data in driving government decisions, policies, public services, and innovation that will benefit its constituents, with the aim of improving the delivery of basic goods and services, Tuguegarao City deems it necessary to provide a local mechanism for its offices to abide by the provisions of the DPA for the processing of the personal data of its constituents as data subjects, whereby the people's right to data privacy is respected and upheld, subject to limitations provided by law;

WHEREAS, the City Mayor, through an office order or any similar written document, may designate another department head to act as a Data Privacy Officer for a specific period, pursuant to NPC Circular No. 2022-04, and will be tasked with all the duties and responsibilities of ensuring compliance by the Tuguegarao City Government with Republic Act No. 10173, its Implementing Rules and Regulations, other NPC issuances, and this Ordinance.

use, encryption, and data disposal mechanisms, among others, for any personal-data-processing activity, whether done through paper-based or electronic systems.

3. The data sharing and outsourcing arrangements shall be subject to the execution of the appropriate agreements as may be determined by the Tuguegarao City Information and Technology Unit in consultation with the DPO. For this purpose, the relevant issuances of the NPC shall be observed accordingly.

E. Security Incident Management; Personal Data Breach Management - The following policies and procedures are set out for the purpose of managing security incidents, including personal data breaches:

1. Data Breach Response Team (DBRT) -A Data Breach Response Team is hereby created with the following members; the DPO, the Data Privacy Committee, and the Tuguegarao City Information Technology and Development Department. The DBRT shall be responsible for the following actions:
 - a. Assess and evaluate all security incidents, including personal data breaches;
 - b. Restore integrity of the affected information and communications systems;
 - c. Recommend measures for mitigation and remedies on any resulting damage to the Tuguegarao City Government and the affected data subjects;
 - d. Comply with the mandatory notification and other reporting requirements indicated in the appropriate NPC issuance; and
 - e. Coordinate with the appropriate government Computer Emergency Response Team (CER) and law enforcement agencies, where appropriate.
2. Incident Response Procedure - The DBRT shall recommend the actual procedure or manual for the timely discovery and management of security incidents. This shall include the:
 - a. identification of a person or p persons responsible for regular monitoring and evaluation of security incidents;
 - b. reporting lines in the event of a personal data breach;
 - c. evaluation of the security incidents or personal data breaches to its nature, extent and cause, the adequacy of safeguards, in place, immediate and long-term impact of the, personal data breach, and its actual and potential harm and negative consequences to affected data subjects;
 - d. procedures for contacting law enforcement if necessary;
 - e. conduct of investigations on the security incident, including personal data breaches;
 - f. procedures for notifying the NPC and data subjects when the personal data breach is subject to mandatory notification requirements; and
 - g. procedures for assisting affected data subjects to mitigate the-possible harm and negative consequences in the event of a personal data breach.