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PRIVACY RIGHT AND RIGHT TO INFORMATION – TWIN CHALLENGES

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Office of the Privacy Commissioner
National Privacy Commission

RIGHT TO PRIVACY and RIGHT TO INFORMATION

Right to information (RTI) laws provide a fundamental right for any person to access information held by government bodies. At the same time, right to privacy laws grant individuals a fundamental right to control the collection of, access to, and use of personal information about them that is held by governments and private bodies.

The Right to Information and Privacy: Balancing Rights and Managing Conflicts by David Banisar
http://foiadvocates.net/wp-content/uploads/Publication_WBI_RighttoInfoandPrivacy.pdf

RIGHTS DEFINED



“The right of access to information held by government bodies (RTI) provides that individuals have a basic human right to demand information held by government bodies. It derives from the right of freedom of expression to ‘seek and receive information’, and is recognized worldwide as a human right. Under this right, any person may make a request to a public body; the body is legally required to respond and provide the information, unless there is a legally compelling reason to refuse the request.”

The Right to Information and Privacy: Balancing Rights and Managing Conflicts by David Banisar

http://foiadvocates.net/wp-content/uploads/Publication_WBI_RighttoInfoandPrivacy.pdf

RIGHTS DEFINED



The Republic Act No. 10173,
also known as **The Data
Privacy Act of 2012**

1. Protects the privacy of individuals while ensuring free flow of information to promote innovation and growth
2. Regulates the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of personal data.
3. Ensures that the Philippines complies with international standards set for data protection through National Privacy Commission (NPC).

“Although it (right to privacy) is often summarized as ‘the right to be left alone,’ it encompasses a wide range of rights – including protection from intrusions into family and home life, control of sexual and reproductive rights, and communications secrecy. It is commonly recognized as a core right that underpins human dignity and other values as freedom of association and freedom of speech.”

The Right to Information and Privacy: Balancing Rights and Managing Conflicts by David Banisar

http://foiadvocates.net/wp-content/uploads/Publication_WBFRighttoInfoandPrivacy.pdf

COMPLEMENTARY NATURE OF RIGHTS TO INFO & PRIVACY

BALANCING RIGHT TO PRIVACY AND INFORMATION

They complement each other in that they both hold the government accountable to individuals.

They help ensure that the government is accountable, reduce corruption, and promote development through improved governance and public participation.

**DATA PRIVACY
& PROTECTION**

**RIGHT TO
INFORMATION**



DPA and NPC

e-Commerce
***** BOOT CAMP

Data Privacy Act of 2012

Republic Act 10173

PERSONAS DEFINED IN THE LAW

Data Subject <ul style="list-style-type: none">Individual whose personal information is being processed. 	Personal Information Controller <ul style="list-style-type: none">Person or organization who controls collection, holding, processing, or use of personal information.Including those who instruct others to do so. 	Personal Information Processor <ul style="list-style-type: none">Natural or juridical person to whom a personal information controller may outsource the processing of personal data pertaining to a data subject. 
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2012

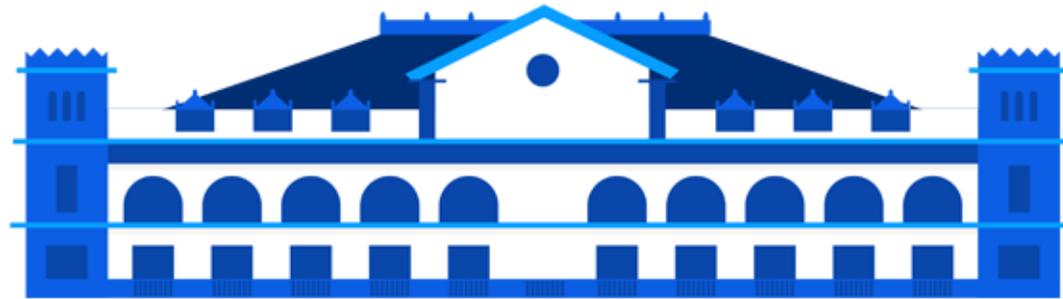


NATIONAL PRIVACY COMMISSION

2016

PCOO and FOI

Executive Order No. 02, S. 2016
Published July 27, 2016



EXECUTIVE



INTER-AGENCY MEETINGS ON FOI and DATA PRIVACY

PCOO – led inter-agency meetings on FOI and Right to Privacy:

- a) November 9, 2016 – initial meeting conducted by PCOO for the FOI launch on November 25, 2016
- b) November 16 and 23, 2016 – introduction of the FOI and eFOI portal and the Exceptions List on the FOI
- c) November 25, 2016 – official launch of the FOI and eFOI Project with Executive Secretary Salvador Medialdea and PCOO Secretary Martin Andanar leading the event

INTER-AGENCY MEETINGS ON FOI and DATA PRIVACY (2)

PCOO - led inter-agency meetings on FOI and Right to Privacy:

- d) December 1, 2016 - PCOO reported on the number of agencies under the Executive Branch with FOI Manuals
- e) February 6 & 7 and April 11, 2017 - series of Webinars with ICO-UK, India and Gov.UK with NPC participation

PCOO INITIATIVES

 **FREEDOM OF INFORMATION PHILIPPINES**

MAY NAIS KA BANG MALAMAN MULA SA ATING GOBYERNO?

Ang **FREEDOM OF INFORMATION (FOI)** ay nagbibigay-daan para magbukas ng impormasyon para sa mamamayan.

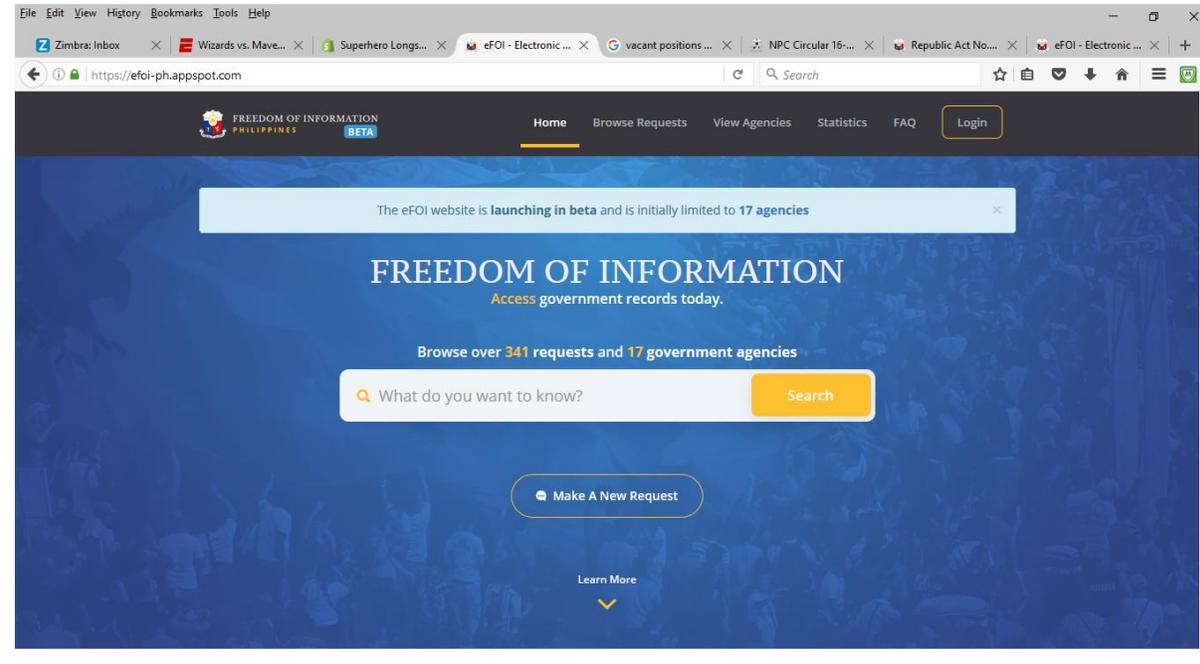
Sa FOI, mas madali ang pagkuha ng mga rekord, dokumento, research data, at iba pang impormasyon mula sa **EXECUTIVE BRANCH** ng Gobyerno.

PAANO?

- 1 MAG-REQUEST**
Kumpletuhin ang Request Form at ibigay sa Receiving Officer ng ahensya.
- 2 MAGHINTAY**
Hintaying matapos iproseso ang iyong request sa loob ng 15-35 working days, depende sa uri ng iyong request.
- 3 KUNIN**
Makatanggap ka ng text, tawag, o email kung kailan at paano makukuha ang iyong request.

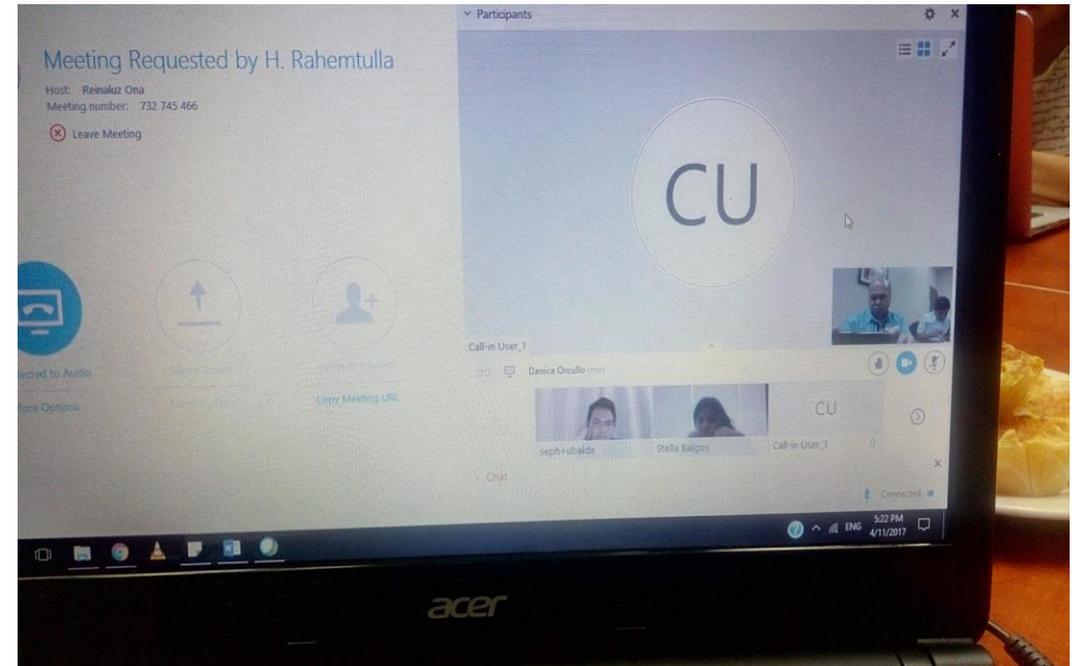
Alamin ang kumpletong proseso at detalye ng FOI sa www.foi.gov.ph

#FOIknowit
foiph @foiph
foi@pcco.gov.ph @foi_ph



The screenshot shows a web browser window with the URL <https://efoi-ph.appspot.com>. The page features a dark blue header with the Freedom of Information Philippines logo and a "BETA" badge. The main content area has a blue background with a pattern of silhouettes. A light blue banner at the top states: "The eFOI website is **launching in beta** and is initially limited to **17 agencies**". Below this, the text "FREEDOM OF INFORMATION" is displayed in large white letters, followed by "Access government records today." in yellow. A search bar with the placeholder "What do you want to know?" and a yellow "Search" button is present. Below the search bar is a yellow button labeled "Make A New Request" and a "Learn More" link with a downward arrow.

WEBINARS with ICO-UK and INDIA



FOI and DATA PRIVACY TRAININGS



Training of the Trainers, Bayleaf Hotel
October 19, 2017



Onboarding Training, Malacañang, Manila
October 27, 2017

MEETINGS on PROPOSED FOI EXCEPTIONS LIST ADDITIONS

