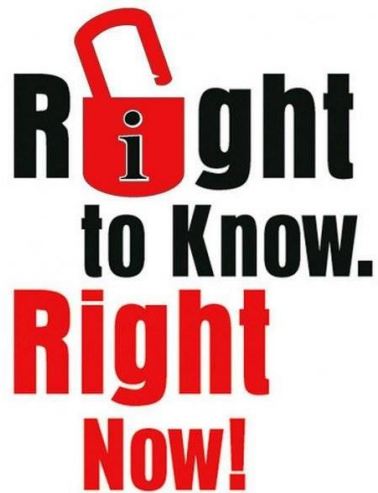


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FOI vs Privacy?

The Challenge Before Us



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History, Urgency and Priority

Data Privacy Act

Traces history back to the eCommerce Act
and the Cybercrime Act

First Bill filed in 2001

Renewed Calls occasioned by clamors from the BPO sector

Protection of Personal Data in
Information and Communications System
in the Private Sector

Republic Act No. 10173
passed in August 2012

Data Privacy Act Rollout

March 2016: first Head of the National
Privacy Commission was appointed

IRR promulgated in August 2016; took
effect in September 2016

Right
to Know.
Right
Now!

Unfinished Saga of FOI

First Bill filed in 1987 (8th Congress) (HB 498, Roco et al), approved on 3rd reading

Bills filed in 9th and 10th Congresses, archived

11th-13th Congresses

3rd Reading (11th)
Committee Reports (12th & 13th)

No Senate Counterpart

14th-16th Congresses

Bicameral Conference Committee failed to be ratified in the Lower House in the 14th congress

15th & 16th Congress: Senate passed on 3rd reading; HoR stuck (esp. in the 16th)

Right
to Know.
Right
Now!

The absence of an FOI Law is the biggest challenge that we face today.

Viz Data Privacy Act

Clarity of Mandate and “Teeth”

Strong Advocacy for Privacy permeates the FOI Bills.

Right
to Know.
Right
Now!

Pitting FOI against Data Privacy

- Constricting access because of supposedly privacy concerns.
- Over-determination, misinterpretation by agencies of what is protected by the DPA.

Right
to Know.
Right
Now!

A Misplaced Focus on Balance?

- There are clear concerns, but there are clear obfuscation.
- There is need for clear delineation of personal and official information, and personal and sensitive personal information.
- Who is the arbiter?

Right
to Know.
Right
Now!

A Change in Perspective

- Shaming vs the culture of openness
- The need to veer away from a litigious mindset.
- Aim for broad understanding.

Right
to Know.
Right
Now!

An important aside:

Fake News and the Difficult Environment for the FOI Campaign

- FOI as one of the best lines of defense against fake news.
- Low energy for FOI, given the political environment

