

# Joint Foreign Chambers of the Philippines

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Philippine Association of Multinational Companies Regional Headquarters, Inc.

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## The Data Privacy Law: Implementation Badly Needed to Protect the IT/BPM/KPM Sector

The Data Privacy Act of 2012 or Republic Act No. 10173 that became law on September 8, 2012 is the Philippines' first data privacy law. The law protects individual personal information in information and communications systems in the government and private sector. It mandates the creation of a National Privacy Commission (NPC) to administer and implement the provisions of law, and to monitor and ensure compliance with international standards for data protection.

Champions of the Data Privacy Law see this landmark piece of legislation as key to securing urgently needed investments in the Philippines still booming information technology-business process outsourcing (IT-BPM-KPM) industry by addressing investor concerns about the lack of protection of personal data. Its major beneficiary is the country's IT-BPM-KPM industry, the main driver of growth in the services industry. The IT-BPM-KPM industry is expected to earn US\$21.3 billion in 2015 and employ some 1.2 million Filipinos.

However, the laudable potential impact of the law on the country and the IT-BPM-KPM industry, however, has been nullified because the government has not created the National Privacy Commission which would draft and issue the vital Implementing Rules and Regulations (IRR) needed for the law's implementation. The IRR is needed to provide the clear guidelines on dealing with data breaches; establishing data breach policies and response protocols and crafting safety standards, among others. Without the IRR the law remains a piece of paper and it has remained in this sad state since September 8, 2012.

We therefore call on the Aquino Administration to create the National Privacy Commission under the Office of the President or under the DOST now! This commission's main task is to monitor the implementation of the Data Privacy Law. Once the Department of Information and Communications Technology (DICT) is finally formed, the National Privacy Commission can be moved under that 'roof'.

The JFC is a coalition of the American, Australian- New Zealand, Canadian, European, Japanese, Korean chambers and PAMURI. We represent over 3,000 member companies engaged in over \$230 billion worth of trade and some \$30 billion worth of investments in the Philippines. The JFC supports and promotes open international trade, increased foreign investment, and improved conditions for business to benefit both the Philippines and the countries the JFC members represent.



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Regards,



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