



Republic of the Philippines
CITY OF ROXAS
PROVINCE OF CAPIZ

Office of the City Mayor

EXECUTIVE ORDER NO. 6
Series of 2021

**DESIGNATION OF DATA PROTECTION OFFICER
IN THE CITY OF ROXAS**

WHEREAS Section 2 of Republic Act No. 10173, also known as the Data Private Act of 2012 (DPA), provides that it is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth. The State also recognizes its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected;

WHEREAS, Section 21(b) of the DPA and Section 50(b) of its Implementing Rules and Regulations (IRR) provide that personal information controllers (PICs) shall designate an individual or individuals who are accountable for the organization's compliance with this Act. Section 14 of the DPA and Section 45 of the IRR also require personal information processors (PIPs) to comply with all the requirements of the Act and other applicable laws, including issuances by the National Privacy Commission (NPC);

WHEREAS, pursuant to Section 26(a) of the IRR, any natural or juridical person or other body involved in the processing of personal data shall designate an individual or individuals who shall function as data protection officer (DPO), compliance officer, or shall otherwise be accountable for ensuring compliance with applicable laws and regulations for the protection of data privacy and security;

WHEREAS, pursuant to Section 7 of the DPA, the National Privacy Commission (NPC) is charged with the administration and implementation of the provisions of the law, which includes ensuring compliance with the **provisions** of the DPA and with international standards for data protection, and carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the country, in coordination with other government agencies and the private sector;

WHEREAS, Section 4 of NPC Circular 2016-01 declares that a government agency engaged in the processing of personal data shall, through its head of agency, designate a DPO;

WHEREAS, the DILG Memorandum Circular No. 2018-36 dated March 19, 2018 entitled "Designation of Data Protection Officers Pursuant to Republic Act No. 10173, titled, Data Privacy Act of 2012" was issued reminding all Local Chief Executives to ensure compliance to the provisions of laws and issuances of relative to privacy and data protection;

NOW THEREFORE, I, RONNIE T. DADIVAS, City Mayor, by virtue of the powers vested in me by law, hereby designate **RICHARD J. DELOS REYES** as the Data Protection Officer.

SECTION 1. DEFINITION OF TERMS. Whenever used in this Executive Order, the following terms shall have their respective meanings as hereinafter set forth:

"Data Sharing Agreement" refers to a contract, joint issuance, or any similar document that contains the terms and conditions of a data sharing arrangement between two or more agreement;

"Personal data" refers to all types of personal information, including privileged information;

"Personal information" refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual;

"Personal information controller" or "PIC" refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

- 1.) a person or organization who performs such functions as instructed by another person or organization; or
- 2.) an individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

There is control if the natural or juridical person or any other body decides on what information is collected, or the purpose or extent of its processing;

"Personal information processor" or "PIP" refers to any natural or juridical person or any other body to whom a PIC may outsource or instruct the processing of personal data pertaining to a data subject;

"Privacy Impact Assessment" is a process undertaken and used to evaluate and manage the impact on privacy of a particular project, program, process or measure;

"Privileged Information" refers to any and all forms of data which, under the Rules of Court and other pertinent laws, constitute privileged communication;

"Processing" refers to any operation or any set of operations performed upon personal data including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

SECTION 2. FUNCTIONS. The Data Protection Officer shall:

Monitor the PIC's or PIP's compliance with the DPA, its IRR, issuances by the NPC and other applicable laws and policies. For this purpose, he or she may:

1. Collect information to identify the processing operations, activities, measures, projects, programs, or systems of the PIC or PIP, and maintain a record thereof;
2. Analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers
3. Inform, advise, and issue recommendations to the PIC or PIP;
4. Ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and
5. Advise the PIC or PIP as regards the necessity of executing a Data Sharing Agreement with third parties, and ensure its compliance with the law ensure the conduct of Privacy Impact Assessments relative to activities, measures, projects, programs, or systems of the PIC or PIP;

Advise the PIC or PIP regarding complaints and/or the exercise by data subjects of their rights (e.g., requests for information, clarifications, rectification or deletion of personal data);

Ensure proper data breach and security incident management by the PIC or PIP, including the latter's preparation and submission to the NPC of reports and other documentation concerning security incidents or data breaches within the prescribed period;

Inform and cultivate awareness on privacy and data protection within the organization of the PIC or PIP, including all relevant laws, rules and regulations and issuances of the NPC;

Advocate for the development, review and/or revision of policies, guidelines, projects and/or programs of the PIC or PIP relating to privacy and data protection, by adopting a privacy by design approach;

Serve as the contact person of the PIC or PIP vis-à-vis data subjects, the NPC and other authorities in all matters concerning data privacy or security issues or concerns and the PIC or PIP;

Cooperate, coordinate and seek advice of the NPC regarding matters concerning data privacy and security; and

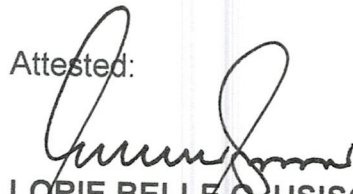
Perform other duties and tasks that may be assigned by the PIC or PIP that will further the interest of data privacy and security and uphold the rights of the data subjects.

SECTION 3. EFFECTIVITY. This Executive Order shall take effect immediately.

Done this 26th day of February 2021 in the City of Roxas, Capiz.

RONNIE T. DADIVAS
City Mayor

Attested:


LORIE BELLE O. USISON
General Services Officer
Acting City Administrator