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SENATE

P.S. Res. No. 988

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Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INVESTIGATION, IN AID OF LEGISLATION, ON THE REPORTED
DATA BREACH IN THE DEPARTMENT OF FOREIGN AFFAIRS
PASSPORT DATABANK, WITH THE END VIEW OF SAFEGUARDING
PERSONAL INFORMATION, MITIGATING THE ADVERSE EFFECTS OF
THE ACTUAL BREACH AND PROVIDE IMMEDIATE REMEDIES TO
UPHOLD DATA PRIVACY AND PROTECTION

1 WHEREAS, it is a declared policy under Republic Act No. 10173, or the Data
2 Privacy Act of 2012 that the State acknowledges its “inherent obligation to ensure that
3 personal information in information and communications systems in the government
4 and in the private sector are secured and protected”¹;

5 WHEREAS, on January 12, 2018, the Department of Foreign Affairs (DFA)
6 revealed that the United Graphic Expression Corporation (UGEC), the sub-contracted
7 company of the original and awarded contractor APO Production Unit Inc. (APUI) for
8 Philippine Passport printing, "took off" an undisclosed amount of information² of
9 those who have availed their Philippine passport³;

10 WHEREAS, it is unclear what the extent of the data loss or breach is and
11 whether personal information taken by the passport production contractor terminated
12 by government were safeguarded or can be still retrieved⁴;

¹ Section 2 of R.A. No. 10173

² Rey, A. (2019 January 12) *PH privacy commission to probe passport data loss*. Retrieved from:
<https://www.rappler.com/nation/220838-national-privacy-commission-probe-passport-data-loss>

³ Ramos C. (2019 January 12) *Former DFA chief Yasay sheds light on passport data breach*. Retrieved from:
<https://newsinfo.inquirer.net/1072416/perfecto-yasay-on-passport-data-breach?fbclid=IwAR2Kz0iM9I2nWIC-BLU8NKcn05eavfOqsc44ASfCd7KKrEoPym22iV35DVE>

⁴ Ibid

1 WHEREAS, Section 20 of R.A. No. 10173 requires notification to the National
2 Privacy Commission (NPC) and affected parties of the data breach be made at the
3 earliest time possible by the personal information controller, in this case, the DFA;

4 WHEREAS, the NPC vowed to investigate the DFA's claim that its former
5 passport production contractor "made off with data" of Filipinos⁵;

6 WHEREAS, delaying the notification is allowed if, in the considered opinion of
7 the NPC, the notification may hinder the progress of a criminal investigation related
8 to a serious breach;

9 WHEREAS, it is apparent that the DFA failed to immediately implement
10 appropriate and diligent measures to protect personal information of our citizens
11 against possible data breach and other serious eventualities even after it was put on
12 notice that in 2017, UGEC, which continues the illegal production of the E-passports,
13 has not complied with the terms of the awarded contract of the Philippine Passport
14 Printing⁶;

15 WHEREAS, the government officials and contractors who are involved in this
16 data breach must be held accountable and liable;

17 WHEREAS, the right to privacy is a fundamental human right and is central to
18 the protection of human dignity. Privacy and protection of personal data must be
19 safeguarded and guaranteed by no less than the State itself as it also supports and
20 reinforces other rights, such as freedom of expression, information and association
21 among many others;

22 WHEREAS, in order to prevent a possible data theft and breach in the future,
23 it is important to ensure and regulate government agencies, as personal information
24 controllers, which collect and process personal data, are implementing rigorous
25 security measures against data breaches. Likewise, the government must reassure the

⁵ Merez, A. (2019 January 12, 2019) *National Privacy Commission to probe DFA passport data mess*. Retrieved from: <https://news.abs-cbn.com/news/01/12/19/national-privacy-commission-to-probe-dfa-passport-data-mess>

⁶ Ramos C. (2019 January 12) *Former DFA chief Yasay sheds light on passport data breach*. Retrieved from: <https://newsinfo.inquirer.net/1072416/perfecto-yasay-on-passport-data-breach?fbclid=IwAR2Kz0iM9I2nWIC-BLU8NKcn05eavfOqsc44ASfCd7KKrEoPym22iV35DVE>

1 general public that a system of data privacy and protection is in place and it can be
2 trusted with the sensitive data of its data subjects;

3 WHEREAS, there is need to determine the extent of government accountability
4 leading to this malfeasance and how to prevent the same from happening again;

5 WHEREAS, government agencies need to be put on notice to ensure that all
6 private contractors performing outsourced government functions are complying with
7 all the provisions on their service contracts as well as relevant laws protecting and
8 preserving personal data from our citizens;

9 WHEREAS, there is also need to examine the current laws regulating the
10 agreements with contractors that involve the handling of personal information;

11 WHEREAS, there is need to establish legislative safeguards to ensure that
12 contractors will not have exclusive control and storage of the data and information of
13 persons doing business with the government;

14 NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY
15 THE SENATE to direct the appropriate Senate Committee to conduct an investigation,
16 in aid of legislation, on the reported data breach in the Department of Foreign Affairs
17 passport databank, with the end view of safeguarding personal information, mitigating
18 the adverse effects of the actual breach, and provide immediate remedies to uphold
19 data privacy and protection of our citizens.

Adopted,


LEILA M. DE LIMA