EXECUTIVE ORDER No. 14
Series of 2019

PROVIDING FOR THE APPOINTMENT OF THE DATA PROTECTION OFFICER OF THE CITY GOVERNMENT OF MUNTINLUPA, AND THE FUNCTIONS THEREOF, AND THE CREATION OF THE DATA PRIVACY COMMITTEE OF THE CITY OF GOVERNMENT OF MUNTINLUPA, ITS COMPOSITION AND FUNCTIONS
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WHEREAS, Section 2 of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 provides that "(i)t 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 recognizes the vital role of information and communications technology in nation-building and 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, National Privacy Commission (NPC) Advisory No. 2017-01, issued on 14 March 2017, provides that "(e)ach local government unit shall designate a Data Protection Officer (DPO)." Moreover, such officer "(m)ay be a career or appointive position;"

WHEREAS, the City Government of Muntinlupa recognizes the immense weight of the functions of the Data Protection Officer (DPO), hence, deems it prudent to create a Data Privacy Committee (DPC) to assist and support the former in its discharge of its functions and to facilitate the implementation of the Data Privacy Management therein;

NOW, THEREFORE, I, JAIME R. FRESNEDI, City Mayor of Muntinlupa, by virtue of the powers vested in me by law, do hereby order and decree that:

Section 1.   Appointment of the Data Protection Officer.

Atty. Roderick B. Tagnia, Department Head II, is hereby appointed as the Data Privacy Officer (DPO, *for brevity*) of the City Government of Muntinlupa (CGM, *for brevity*).

Section 2.   Functions of the DPO.

The DPO shall perform the following functions, namely:

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Republic of the Philippines
City Government of Muntinlupa
CITY OF MUNTINLUPA
Office of the City Mayor

a. Monitor the compliance of the CGM with the Data Privacy Act (DPA, *for brevity*), including its Implementing Rules and Regulations (IRR, *for brevity*), issuances by the National Privacy Commission (NPC, *for brevity*), and other applicable laws and policies. Towards this end, the DPO shall:

    i.   Collect information to identify the processing operations, activities, measures, projects, programs, or systems of the CGM, and maintain a record thereof;
    ii.   Analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers;
    iii. Inform, advise, and issue recommendations to the City Mayor;
    iv.   Ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and
    v.   Advice the City Mayor as regards the necessity of executing a Data Sharing Agreement (DSA, *for brevity*) with third parties, and ensure its compliance with the law;

b. Ensure the conduct of Privacy Impact Assessments relative to activities, measures, projects, programs, or systems of the CGM;

c. Advice the City Mayor regarding complaints and/or the exercise by data subjects of their rights (for instance, requests for information, clarifications, rectification, or deletion of personal data);

d. Ensure proper data breach and security incident management by the CGM, 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;

e. Inform and cultivate awareness on privacy and date protection within the organization of the CGM, including all relevant laws, rules and regulations and issuances of the NPC;

f. Advocate for the development, review and/or revision of policies, guidelines, projects and/or programs of the CGM relating to privacy and date protection, by adopting a privacy by design approach;

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

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

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Republic of the Philippines
City Government of Muntinlupa
CITY OF MUNTINLUPA
Office of the City Mayor

i. Perform other duties and tasks that may be assigned by the City Mayor that will further the interest of data privacy and security and uphold the rights of the data subjects.

Section 3.   Creation of the Data Privacy Committee.

The Data Privacy Committee (DPC, *for brevity*) is hereby created, and it shall be composed of the following individuals, namely:

a. Roger John P. Smith,
    Office of the City Administrator   Member;
b. Atty. Karen B. Baldonasa,
    City Legal Office   Member;
c. EnP. Noel A. Cadorna,
    City Planning and Development Officer   Member;
d. Nancy B. Torero,
    Management Information Systems   Member;
e. Atty. Nemei S. Santiago,
    Anti-Graft Division   Member.

Section 4.   Functions of the DPC.

The DPC shall perform the following functions, namely:

a. Appoint the Compliance Officer for Privacy (COP, *for brevity*), who shall overlook and monitor compliance of the department or office wherein assigned, and whose appointment shall form the support system for the effective discharge of the functions of the DPO. For this purpose, the COPs shall directly report to the DPO and shall provide the DPC with the requisite reports;
b. Communicate effectively to the personnel of the CGM the designation of the DPO and COPs;
c. Designate the DPO or the COPs to be involved from the earliest stage possible in all issues relating to privacy and date protection;
d. Provide sufficient time and resources, including, but not limited to, financial, infrastructure, equipment, training, and provision of staff members, necessary for the DPO and COP to keep themselves updated with the developments in data privacy and security, and to carry out his or her tasks effectively and efficiently;

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Republic of the Philippines
City Government of Muntinlupa
CITY OF MUNTINLUPA
Office of the City Mayor

e. Grant the DPO and COPs appropriate access to the personal data it is processing, including the processing systems;

f. Invite, whenever applicable, the DPO or the COPs to participate in meetings of senior and middle management to represent the interest of privacy and data protection;

g. Consult promptly the DPO and COPs in the event of a personal data breach or security incident;

h. Ensure that the DPO or COP is made a part of all relevant working groups that deal with personal data processing activities conducted inside the organization, or with other organizations; and

i. Recommend to the City Mayor such courses of action that may contribute to the accomplishment of the foregoing.

Section 5.   Secretariat.

The Secretariat of the DPO and the DPC shall be composed of Mr. Joel A. Gaviola of the City Human Resources Management Department (CHRMD), who shall act as its Head, Mr. William Kristoffer N. Eusores of the City Legal Office, and Mr. Joshua R. Apolinar of the Management Information Systems Office (MISO).
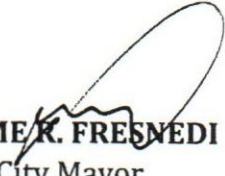
Section 6.   Meetings.

The DPO and the DPC shall meet regularly, at least once in every three (3) months, and may meet upon extraordinary circumstance, subject, in both instances, to the usual procedure of issuance of notice of meeting; logistical preparation; taking down, recording and dissemination of minutes of meeting; preparation, sending out and receipt of correspondence; among others.

Section 7.   Effectivity Clause.

This Executive Order shall take effect immediately upon signing, and it shall remain in full force and effect until revoked, repealed, amended or superseded accordingly.

DONE AND EXECUTED on this _1st_ day of August 2019 in the City of Muntinlupa.

JAIME R. FRESNEDI
City Mayor

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