



REPUBLIC OF THE PHILIPPINES
CITY GOVERNMENT OF MUNTINLUPA
CITY OF MUNTINLUPA
Office of the City Mayor

EXECUTIVE ORDER No. 28
Series of 2023

**PROVIDING FOR THE CREATION OF
THE DATA PROTECTION AND COMPLIANCE DIVISION
UNDER THE OFFICE OF THE CITY MAYOR,
ITS ORGANIZATIONAL STRUCTURE AND FUNCTIONS**

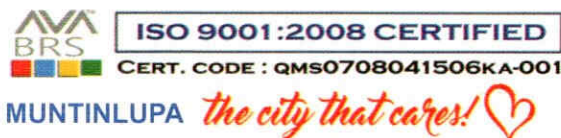
WHEREAS, Section 2 of Republic Act No. 10173, otherwise known as the Data Privacy Act (DPA) of 2012, provides that *“(i)t is the policy of the State to protect the fundamental human right of privacy, of communication, while ensuring free flow of information to promote innovation and growth. The State 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);”*

WHEREAS, the City Government of Muntinlupa (CGM) recognizes the immense weight of the functions of the Data Protection Officer (DPO), that it deems prudent to create a Data Privacy Committee (DPC) and to designate its Data Protection Officer, pursuant to Executive Order No. 14, Series of 2019, as amended by Executive Order No. 44 Series of 2020 and Executive Order No. 28 Series of 2022-B, to assist and support the former in its discharge of its functions and to facilitate the implementation of the Data Privacy Management therein;

WHEREAS, in the drive towards being a Smart City, the CGM recognizes the vital role of data in driving government decisions, policies, public services, and innovation that will benefit its constituents, with the concomitant obligation of abiding by the provisions of the DPA for the processing of personal data of its constituents as data subjects, where the people’s right to data privacy is respected and upheld, subject to limitations provided by law;

WHEREAS, the Local Chief Executive may call for the creation of an office to assist him in other functions and responsibilities which are necessary, appropriate, or incidental to the efficient and effective provision of the basic services and facilities intended for the people of the City of Muntinlupa;





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WHEREAS, in order for the CGM to ensure the effectivity and sustainability of its programs and services, there is an urgent need to further strengthen the arm of its compliance with data privacy by creating the Data Protection and Compliance Division under the Office of the City Mayor, serving as the focal point and effective mechanism in the implementation of the Data Privacy Management and Compliance of the City;

NOW, THEREFORE, I, Rozzano Rufino B. Biazon, City Mayor of Muntinlupa, by virtue of the powers vested in me by law, do hereby order and decree that:

Section 1. Creation.

The Data Protection and Compliance Division (DPCD, for brevity) is hereby created, and it shall be integrated into the Office of the City Mayor (OCM). For purposes of compliance to staffing requirements and office organization rules set forth by the Civil Service Commission (CSC), the DPCD shall be considered a distinct division of the Office of the City Mayor.

The DPCD, shall be headed by the Data Protection Officer as Division Head, and shall be composed of three sections, namely: (1) Administrative Section; (2) Data Security and Compliance Section; (3) Legal and Privacy Policy Section.

The DPCD shall, likewise, be assisted by the DPC duly created by Executive Order No. 14, Series of 2019, as amended by Executive Order No. 44, Series of 2020, and Executive Order No. 28, Series of 2022-B. For the purpose of continuity and non-disruption of public service, the relevance and effectivity of the DPC shall only be until such time that the DPCD shall be fully functional and ready to discharge its functions.

Section 2. Mandate of the Data Protection and Compliance Division.

The DPCD shall plan, monitor, and implement the City Government's data privacy compliance with the National Privacy Commission (NPC), and related rules and issuance. It shall, likewise, be responsible for the implementation of the Ordinance operationalizing the Data Privacy Act of 2012 in the City of Muntinlupa, as enjoined by the DILG.

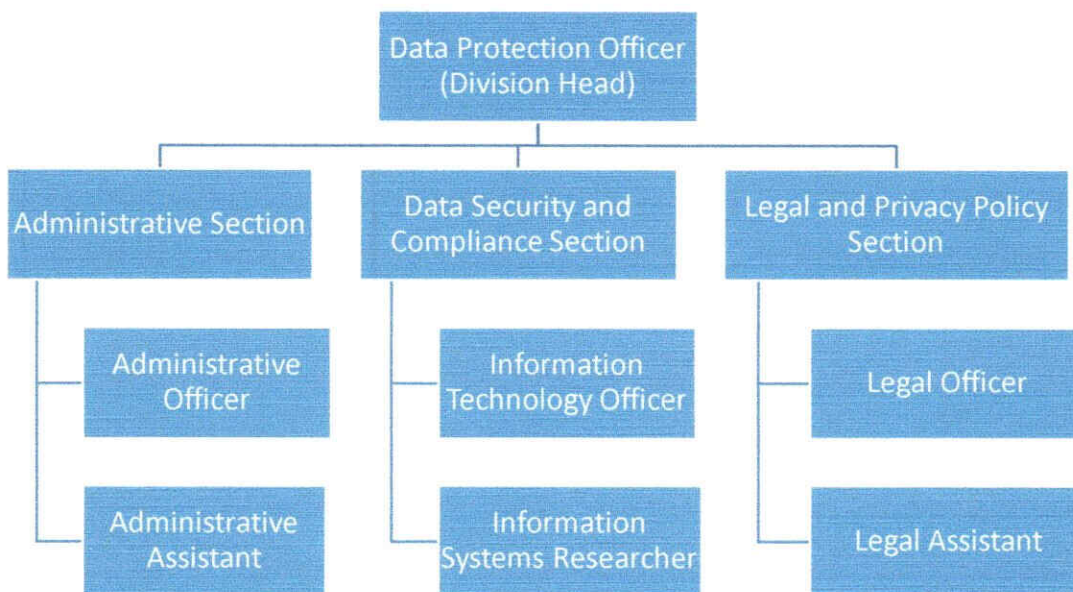




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Section 3. Organizational Structure.

The DPCD shall discharge its functions through the following organizational structure, namely:



Section 4. Functions.

The DPCD shall perform the following functions, through the identified officers and staff members, as indicated, namely:

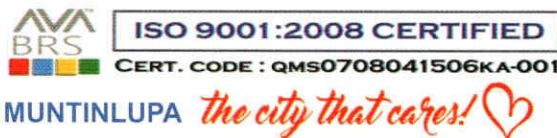
- I. Division Head, or the Data Protection Officer.
 - a. Monitor the compliance of the CGM with the Data Privacy Act (DPA, *for brevity*), including its Implementing Rules and Regulations (IRR, *for brevity*), issuances by the National Privacy Commission (NPC, *for brevity*), and other applicable laws and policies. Towards this end, the DPO shall:
 - i. Monitor and coordinate with the different Compliance Officers for Privacy (COPs);
 - ii. Collect information to identify the processing operations, activities, measures, projects, programs, or systems of the CGM, and maintain a record thereof;
 - iii. Analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers;
 - iv. Inform, advise, and issue recommendations to the City Mayor pertaining to data protection;





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- v. Ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and
 - vi. Advise 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. Advise 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 data 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 data 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 with, coordinate with, and seek advice from the NPC regarding matters concerning data privacy and security; and
 - i. Perform such other duties and tasks that may be assigned by the City Mayor, that may further the interest of data privacy and security, and that may uphold the rights of the data subjects.
- II. Administrative Section.
- a. Assist the DPO in the supervision and implementation of the salient provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 and the Ordinance operationalizing the Data Privacy Act of 2012 in the City of Muntinlupa;
 - b. Be responsible for providing daily administrative and clerical support to the office, for assisting clients with general enquiries, for arranging meetings, and for processing of documents for the usual office maintenance and upkeep;
 - c. Provide efficient creation, utilization, maintenance, retention, preservation, conservation and disposal of vital government records, including the adoption of security measures and records protection program;





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- d. Ensure the sorting, filing, confidentiality, custody, and disposal of correspondences and mail received at the division, including, but not limited to contract, agreements, and other documents;
 - e. Coordinate with various offices and departments of the CGM for any document or any matter as may be assigned by the DPO; and
 - f. Perform such other functions as may be necessary to accomplish the foregoing, or as may be directed by competent authority.
- III. Data Security and Compliance Section.
- a. Ensure registration compliance with the NPC, and/or amend registration records when necessary, and respond to compliance inquiries, manage, and regularly monitor official communication lines relating to data privacy and protection concerns;
 - b. Assist the DPO in developing standards for physical and technical security measures for data protection including security standards for the processing of sensitive personal information in the CGM;
 - c. Formulate and recommend guidelines on security measures for data protection, encryption, and off-site access in the CGM and on the electronic format and technical standards for data portability or any other privacy enhancing techniques;
 - d. Monitor and 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. Perform such other functions as may be necessary to accomplish the foregoing, or as may be directed by competent authority.
- IV. Legal and Privacy Policy Section.
- a. Assist the DPO in the conduct of investigation of complex complaints and concerns, initiatives and other actions and recommendations in ensuring compliance of the NPC with the requirements of Republic Act No. 10173, its Implementing Rules and Regulations (IRR), and subsequent issuances;
 - b. Be responsible for the drafting, reviewing and/or revision of policies, guidelines, programs and activities of the CGM relating to privacy and data protection;
 - c. Perform legal research and prepare necessary legal documents; and
 - d. Perform such other functions as may be necessary to accomplish the foregoing, or as may be directed by competent authority.

Section 5. Funding.





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The initial funding requirements necessary for the implementation of this Order shall be charged against the current appropriations of the OCM.

Section 6. Implementing Guidelines.

The OCM, through the implementing unit, shall formulate and issue guidelines as may be necessary for the effective implementation of this Order.

Section 7. Reporting.

The DPCD, through the DPO, is hereby directed to submit to the OCM, a quarterly status report, or as often as deemed necessary, on the implementation of this Order, *provided, further*, that the third paragraph of Section 1 shall be observed should the condition occur.

Section 8. Repealing Clause.

All other orders inconsistent with any provision found herein shall be deemed repealed, revoked or amended accordingly.


Section 9. Separability Clause.

In the event that any provision found herein is judicially declared illegal or administratively declared infirm, untouched provisions shall remain in full force and effect.

Section 10. Effectivity Clause.

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

DONE AND EXECUTED on this 22nd day of May 2023 in the City of Muntinlupa.


ROZZANO RUFINO B. BIAZON
City Mayor 

