EXECUTIVE ORDER NO. 19
Series of 2024

AMENDING EXECUTIVE ORDER NO. 40, SERIES OF 2022 ENTITLED "AN EXECUTIVE ORDER CREATING THE DATA PRIVACY AND PROTECTION COMMITTEE, PROVIDING FOR ITS COMPOSITION AND FUNCTIONS, AND THE DESIGNATION OF THE DATA PROTECTION OFFICER, AND FOR OTHER PURPOSES"

WHEREAS, the 1987 Philippine Constitution provides that the State recognizes the vital role of communication and information in nation-building;

WHEREAS, Republic Act No. 10173 otherwise known as the "Data Privacy Act of 2012" mandates to protect the individual personal information in information and communication systems in the government and private sector as well as the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth;

WHEREAS, the Data Privacy Act of 2012 likewise provides that the personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with said Act;

WHEREAS, the Data Privacy Act defined personal information controllers as 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;

WHEREAS, pursuant to National Privacy Commission (NPC) Advisory No. 2017-04 which provides that a Personal Information Controller (PIC) or Personal Information Processor (PIP) shall designate an individual or individuals who shall function as Data Protection Officer who shall be accountable for ensuring the compliance by the PIC or PIP with the Data Privacy Act, its implementing rules and regulations, issuances by the NPC, and other applicable laws and regulations relating to privacy and data protection;

WHEREAS, the NPC issued NPC Circular No. 2022-04 governing the registration of Data Processing System and Data Protection Officer, notification regarding automated decision-making or profiling, and the NPC seal of registration.

WHEREAS, said Circular mandates that local government units (LGUs) at the provincial, city and municipal levels shall designate and register a DPO with a rank not lower than Department Head.

NOW, THEREFORE, I, HUMERLITO A. DOLOR, MPA, Ph.D., by the virtue of the powers vested in me as Provincial Governor of Oriental Mindoro by Section 465(b) (2) (iii), Article One, Chapter 3, Title 4, Book III of Republic Act 7160, otherwise known as the Local Government Code of 1991, do hereby promulgate this Executive Order as follows:

SECTION 1. Composition. The Data Privacy and Protection Committee is hereby created and shall be composed of the following:

Chairperson	:	Governor
Vice-chairperson	:	Vice Governor
Members	:	Provincial Planning and Development Coordinator
		Provincial Legal Officer
		Information Technology Officer II

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SECTION 2. Functions of the Data Privacy and Protection Committee. The Data Privacy and Protection Committee (DPPC) shall act as the personal information controller of the Provincial Government of Oriental Mindoro (PGOM), and shall perform the following specific functions:

1. Implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information against any accidental or unlawful destruction, alteration and disclosure, as well as against any other unlawful processing.

2. Implement reasonable and appropriate measures to protect personal information against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

3. Ensure that any natural person acting under their authority and who has access to personal data, does not process them except upon their instructions, or as required by law.

4. Be responsible for any personal data under its control or custody, including information that have been outsourced or transferred to a personal information processor or a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

5. Use contractual or other reasonable means to provide a comparable level of protection to the personal data while it is being processed by a personal information processor or third party.

6. Notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes (bat such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject.

7. Perform other functions as may be necessary for the protection of data.

SECTION 3. Designation of a Data Protection Officer. The Provincial Administrator, Dr. Hubbert Christopher A. Dolor, MPA, MHA, PAR Res, is hereby designated as the Data Privacy Officer of the Provincial Government of Oriental Mindoro.

SECTION 4. Duties and Responsibilities of the Data Protection Officer. The designated Data Protection Office (DPO) shall perform the following:

1. Monitor PGOM's compliance with the Data Privacy Act, its implementing rules and regulations, issuances by the NPC, and other applicable laws and policies. As such, the DPO may:

    a. collect information to identify the processing operations, activities, measures, projects, programs, or systems of the PGOM, and maintain a record thereof;

    b. analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers;

    c. inform, advise, and issue recommendations, thru the DPPC, to the PGOM;

    d. ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and

    e. advice the PGOM, thru the DPPC, as regards the necessity of executing a Data Sharing Agreement with third parties, and ensure its compliance with the law;

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

3. Advice the PGOM regarding complaints and/or the exercise by data subjects of their rights such as requests for information, clarifications, rectification, or deletion of personal data;

4. Ensure proper data breach and security incident management by the PGOM, 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;

5. Inform and cultivate awareness on privacy and data protection within the PGOM, including all relevant laws, rules and regulations, and issuances of the NPC;

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

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

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

9. Perform other duties and tasks that may be assigned by the PGOM, thru the DPPC, that will further the interest of data privacy and security and uphold the rights of the data subjects.

SECTION 5. Designation of Compliance Officer for Privacy. The Division Head of Provincial Administrator's Office - Management Information System Division, Mr. Revwell M. Dela Roca, is hereby designated as the Compliance Officer for Privacy of the Provincial Government of Oriental Mindoro.

SECTION 4. Duties and Responsibilities of the Compliance Officer for Privacy. The designated COP shall perform the same duties and responsibilities of a DPO provided in items number 1 to 9 of the preceding section. The COP shall be under the supervision of the DPO.

SECTION 6. DPO/COP's Independence, Autonomy, Conflict of Interest, and Protection. A DPO and COP must be independent in the performance of their functions, and should be accorded a significant degree of autonomy by the DPPC.

In his or her capacity as DPO or COP, an individual may perform, or be assigned to perform, other tasks or assume other functions that do not give rise to any conflict of interest.

To strengthen the autonomy of the DPO and/or COP and ensure the independent nature of their role, they should not be directly or indirectly penalized or dismissed for performing their tasks. It is not necessary that the penalty is actually imposed or meted out. A mere threat is sufficient if it has the effect of impeding or preventing the DPO and/or COP from performing their tasks. However, nothing shall preclude the legitimate application of labor, administrative, civil or criminal laws against the DPO and/or COP, based on just or authorized grounds.

SECTION 7. Obligations of the DPPC relative to the Data Protection Office and/or Compliance Officer for Privacy. The DPPC shall have the following general obligations relative to the Data Protection Office, and Compliance Officer for Privacy, should there be any:

1. Effectively communicate to its personnel, the designation and functions of the Data Protection Officer, or Compliance Officer for Privacy, if any;

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2. Allow the DPO or COP to be involved from the earliest stage possible in all issues relating to privacy and data protection;

3. Provide sufficient time and resources, such as but not limited to financial, infrastructure, equipment, training, and staff, which are necessary for the DPO and/or COP to keep them updated with the developments in data privacy and security and to carry out their tasks effectively and efficiently;

4. Grant the DPO or COP appropriate access to the personal data it is processing, including the processing systems;

5. Where applicable, invite the DPO and/or COP to participate in meetings of senior and middle management to represent the interest of privacy and data protection;

6. Promptly consult the DPO and/or COP in the event of a personal data breach or security incident; and

7. Ensure that the DPO and/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.

SECTION 8. Vacancy in the DPO/COP Position. In case of vacancy in the DPO and COP position, the DPPC Chairperson shall designate their replacement within a reasonable period of time.

In case of vacancy in the DPO position only, the DPPC may require the incumbent COP, if there is any, to occupy the DPO position in a holdover capacity until the designation of a new DPO, in accordance with the DPPC's internal policies or the provisions of the appropriate contract.

SECTION 9. Qualification of the DPO/COP. The DPO should possess specialized knowledge and demonstrate reliability necessary for the performance of his or her duties and responsibilities. As such, the DPO should have expertise in relevant privacy or data protection policies and practices. He or she should have sufficient understanding of the processing operations being carried out by the PGOM, including the latter's information systems, data security, and/or data protection needs.

The minimum qualification for COP shall be proportionate to his or her functions.

SECTION 10. Secretariat. The Secretariat shall be headed by the Provincial Planning and Development Officer and shall be assisted by the DPPC member from the Management Information System. It shall perform administrative assistance to the DPPC. The secretariat shall likewise develop reasonable methods and system for the collection, holding, storing, processing, use, or transferring of data to ensure its privacy and protection.

SECTION 11. Publication and Communication of Contact Details. To ensure that PGOM employees, the data subjects, the National Privacy Commission, or any other concerned party, is able to easily, directly, and confidentially contact the DPO, or COP, as the case may be, the DPPC shall publish the DPO and/or COP's contact details in, at least, in the following materials:

1. PGOM Website;
2. Privacy Notice;
3. Privacy Policy; and
4. Privacy Manual or Privacy Guide

A DCCP may introduce or offer additional means of communicating such as telefax, electronic mail, social media platforms, with its DPO and/or COP.

For this purpose, the contact details of the DPO and/or COP should include title or designation, postal address, and a dedicated contact number and email address. The name or names of the DPO and/or COP need not be published. However, it should be made available upon request by a data subject or the NPC.

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SECTION 12. Meetings. The DPPC shall meet at least once every six (6) months. The Chairperson may call for a special meeting at any time as the need arises.
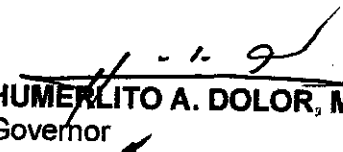
SECTION 13. Funding. The expenses of the DPPC, DPO, and/or COP shall be charged against the Office of the Governor.

SECTION 14. Repealing Clause. EO No. 40, Series of 2022 is hereby repealed. All executive orders, rules and regulations or parts thereof issued by Provincial Government of Oriental Mindoro which are inconsistent with this Executive Order are hereby amended, repealed and/or modified accordingly.

SECTION 15. Separability Clause. If any provision of this Executive Order (EO) is found to be unconstitutional or inconsistent with any national or local laws, ordinances or resolutions, all the other provisions hereof shall remain in full force and effect.

SECTION 16. Effectivity. This Executive Order shall take effect immediately upon approval.

DONE IN THE CITY OF CALAPAN, PROVINCE OF ORIENTAL MINDORO, this 24th day of May in the Year of our Lord Two Thousand and Twenty-four.

HUMERLITO A. DOLOR, MPA, Ph.D.
Governor