



Republic of the Philippines
Province of Albay
MUNICIPALITY OF MALILIPOT
Office of the Municipal Mayor



Executive Order No. 20 Series of 2022

EXECUTIVE ORDER DESIGNATING BENITO B. BETITO AS DATA PROTECTION OFFICER (DPO) OF THE MUNICIPALITY OF MALILIPOT PURSUANT TO REPUBLIC ACT 10173, TITLED, DATA PRIVACY ACT OF 2012

WHEREAS, Article II, Section 24 of the 1987 Constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II, Section 11 thereof stresses that the State values the dignity of every human person and guarantees full respect for human rights. Finally, Article XIII, Section 21 states that Congress shall give highest priority to the enactment of measures that protect and enhance the right of the people to human dignity;

WHEREAS, Section 2 of Republic Act No. 10173, also known as the Data Privacy 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 NPC;

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 Data Protection Officer;

WHEREAS, in consideration of the foregoing premises, the NPC prescribes the guidelines for the designation of a DPO thru its Advisory No. 2017-01

NOW, THEREFORE, I, CENON B. VOLANTE, Municipal Mayor, by virtue of the power vested in me by law, do hereby designate Mr. Benito B. Betito as Data Protection Officer in the Municipality of Malilipot.

He shall have the Duties and Responsibilities:

a. monitor the PIC's or PIP's compliance with the DPA, its IRR, issuances by the NPC and

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- 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;
- b. ensure the conduct of Privacy Impact Assessments relative to activities, measures, projects, programs, or systems of the PIC or PIP;
 - c. 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);
 - d. 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;
 - e. 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;
 - f. 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;
 - g. 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;
 - h. cooperate, coordinate and seek advice of the NPC regarding matters concerning data privacy and security; and
 - i. 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.

This Order shall take effect immediately.

DONE and **APPROVED** this 23rd day of August, 2022 at Malilipot, Albay.


CENON B. VOLANTE
Municipal Mayor