

DATA PRIVACY ACT OF 2012: THE IDENTITY PROTECTOR

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The contemporary setting of the 21st century has brought the world to its novelty. The newness of all aspects that can alter the simplicity of the world is what people should be building and materializing daily discoveries. The modernization of the world is at its maximum velocity that we cannot always keep the route of all its successions and modifications. The up-to-date technologies, techniques, and trends are being made to simplify our lives to have a more convenient, effective, and advanced living.

The 21st century is considered the age of information technology where the dominant commodity is information and how we show and present it. Information technology has dominated the world and continuously permeates our lives one way or another, afflicting not only the way we do our respective jobs but also our personal and family matters. This domination of information technology brings us to the journey of utilizing personal computers and relying on telecommunication networks which have enriched the productiveness and efficacy of services and greased our daily lives. However, issues and problems about securing and protecting data and information have come up alongside these benefits. This alarming issue pushes the Philippine government to enact this problem and pass the Data Privacy Act of 2012 to suppress the cancerous effects of the information technology dilemma due to the metastasis of prohibited data and information. Data Privacy Act of 2012, also known as RA (Republic Act) No. 10173, is a law that seeks to guard the principal human right of privacy of communication while assuring the free flow of all forms of information to promote growth and innovation. It is widely applicable to natural and juridical entities involved in processing personal information. Also, the act is suitable and applied to Filipino citizens residing in the

country and not to those residents under foreign jurisdiction. For legal entities responsible for the processing of personal information, the act can be applied to those who, although not based and established in the Philippines, utilize equipment found in the Philippines, or those who have an affirmed office, branch, or agency in the Philippines. The core of the Data Privacy Act of 2012 focuses on the declaration, specification, and legalization of the processing of personal data subject to collection for legal purposes. The entity involved in the processing of personal information must have consent from the data subject before collecting his/her data.

Data Privacy Act of 2012 is a significant thing that aims to secure and protect data subjects and favorably focuses on their privacy. The government should strongly enforce and assert this law. The presence of the Data Privacy Act reminds us that as data subjects of our data and information, we should be cautious about imparting information that can be utilized against us, especially on the internet which dominantly collects data and information about its users. It is just preferable to have consent and permission for the different data and information subject to the collection so that we can manage and control our information and no such malicious information can conceivably be taken from us. The processing and legal transactions of data and information being collected may take some time but the security and protection of our data and information is being guaranteed. Proper education about the Data Privacy Act of 2012 must be established to keep in the minds of the citizens that there is a law that ensures to combat the menaces that invade the privacy of data and information, and processes with a legal basis.

Despite the security and protection of personal data and information that the Data Privacy Act of 2012 has given to us, there are some aspects of data privacy that the law does not cover. Data Privacy Act of 2012 does not utilize the processing of personal data and information in the context of purely personal and household activities and transactions, like in the case, for example, of a personal electronic diary or a private address file. This sort of file may be kept without considering the law. For legal offices

and agencies responsible for the proliferation of data and information for journalistic, literary, and artistic purposes, the act is only utilized and applied partially. Several provisions in the act are partially applied or do not have to be applied to such processing and transactions to achieve equilibrium concerning freedom of opinion. Also, with these partial applications of the Data Privacy Act of 2012, the legal entities involved must take legal actions with great responsibility and accountability in processing data and information. Organizations and other legal entities preferably have to ask the data subjects to give their consent and permission to process their data, rather than assuming it.

Data and information are very important and with the proliferation of threats and menaces, we must be responsible in securing and protecting our identities. Data Privacy Act of 2012 must be established and enforced by both government and private sector to secure and protect data and communication systems for the welfare of the citizens. With the advent of modern technology and data and information used, the Data Privacy Act of 2012 is one of the important laws that encapsulates the public against perpetrators of crime who take advantage while others are struggling from harm. Hence, it is just right to recognize the legislation of the Data Privacy Act of 2012.

References:

Ching, M. R. D., Fabito, B. S., & Celis, N. J. (2018). Data privacy act of 2012: A case study approach to Philippine Government Agencies Compliance. *Advanced Science Letters*, 24(10), 7042-7046.

Aguirre, L. A. Y., & Dee, C. M. A. (2022). *Privacy and Data Protection Law in the Philippines*. Kluwer Law International BV.

Lim, C. L. (2005). *Privacy and Data Protection in the Philippines*. Ateneo LJ, 50, 670.

Tanate-Lazo, R. J. C., & Cabonero, D. A. (2021). Philippine data privacy law: is it implemented in a private university library, or not?. *Library Philosophy and Practice*, 1, 1-26.