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|  <p>DR. PABLO O. TORRE MEMORIAL HOSPITAL</p> | Document Code: | DPOTMH-HW-P07(2) |
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| | Department/Section: | Data Protection Office |
| | Document Title: | DATA PRIVACY ACT OF 2012 |

B.S. Aquino Drive,
Bacolod City,
Negros Occidental,
6100

PURPOSE:


1. The hospital's commitment to treat personal information and sensitive personal data of employees, patients, clients, customers, stakeholders, and other interested parties with the utmost care and confidentiality.
2. To protect the rights of individuals from unauthorized processing, access, disposal, or other form of unlawful use of personal data whether it be regular personal information, **sensitive personal information** and privileged information.
3. To establish the standard requirement for data subjects based on the Data Privacy Act of 2012 which was set upon Republic Act No. 10173 in protecting the fundamental human right to privacy, to communication while ensuring the free flow of information in promoting innovation and growth.

LEVEL:

All data subjects who provide any amount of information (employees, patients, consultants, and other third parties).


DEFINITION OF TERMS:

- 1 **Compliance Officer for Privacy or COP.** Refers to an individual or individuals who shall perform some of the functions of a DPO, as provided in the NPC Advisory No. 2017-01 – Designation of Data Protection Officers;
- 2 **Data Privacy Act or DPA.** Refers to Republic Act No. 10173 or the Data Privacy Act of 2012.
- 3 **Data Privacy.** Refers to the acknowledging of the rights of data subjects over their data and enforcing the responsibilities of entities who process them.
- 4 **Data Protection Officer or DPO.** Refers to an individual designated by the head of the hospital to be accountable for the hospital's compliance with the applicable laws and regulations for the protection of data privacy and security.
- 5 **Data Subject.** Refers to an individual whose personal information, sensitive personal information, or privileged information is processed.
- 6 **National Privacy Commission or NPC.** Refers to the government agency that administers and implement the provisions of the Data Privacy Act of 2012 and monitors and ensures compliance of the country with international standards set

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for data protection, and are hereby promulgated to effectively implement the provisions of the Act.


- 7 **Personal Information.** Refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information or when put together with other information would directly and certainly identify an individual.
- 8 **Personal Information Controller.** Refers to 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.
- 9 **Personal Information Processor.** Refers to any natural or juridical person or any other body to whom a personal information controller may outsource or instruct the processing of personal data pertaining to a data subject.
- 10 **Processing.** Refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.
- 11 **Sensitive Personal Information.** Refers to personal information:
 - 11.1 About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 11.2 About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 11.3 Issued by government agencies peculiar to an individual which includes but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns;
 - 11.4 Specifically established by an executive order or an act of Congress to be kept classified.

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POLICY:


- 1 In reference to **Republic Act No. 10173**, DPOTMH shall adhere to its implementing rules and regulations and other applicable and related laws and regulations declaring to protect the fundamental human right of privacy, of communication while ensuring the free flow of information to promote innovation and growth.
- 2 The Act 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 private sector are secured and protected.
- 3 Pursuant to the mandate of the **National Privacy Commission**, DPOTMH shall administer and implement the provisions of the **Data Privacy Act of 2012**, and to monitor and ensure compliance of the country with international standards set for data protection.
- 4 The data life cycle of personal data shall adhere to the following *general principles in the collection, actual usage or processing, storage or retention and destruction and disposal*.
The uses of personal information in this institution are for the purposes of:
 - 4.1 Diagnosis and treatment
 - 4.2 Benefits, payments and claims
 - 4.3 The business operations
 - 4.4 Performance of a legal obligation
 - 4.5 Marketing and other legitimate commercial purposes
 - 4.6 Other uses and disclosures of personal information outside of the purposes stated above, will be made only with the express authorization, unless otherwise permitted or required by law.

However, *except in case of an emergency or when otherwise permitted or required by law*, the hospital will inform the data subjects of the intended action prior to making such use or disclosure and will, at that time, offer the data subject the opportunity to object. If the data subject is not present or able to agree or object, the hospital will use their judgment

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in determining whether the use or disclosure is in the data subject's best interest. The following will have access to the **Personal Information** for the purposes stated above:

- 4.6.1 Healthcare professionals, including, without limitation, the members of the Hospital's medical staff, nurses, caregivers and other healthcare providers, either pursuant to an employment contract or any other arrangement. They shall have access to the data subject's Personal Information either because they are authorized to enter information to the medical records, review or update the same.
 - 4.6.2 All departments and units in the Hospital who will need the personal information in the performance of their functions. For example, certain treatments or procedures require that the Personal Information be shared across different departments of the Hospital.
 - 4.6.3 Any member of a volunteer group, religious or charitable/non-profit organization who are allowed to provide assistance in the Hospital. This includes priests, pastors or heads of other religious organizations who provide religious rites to patients or the deceased.
 - 4.6.4 All of the employees, staff or personnel who may need access to the data subject's information in the performance of their duties. For example, the employees will access the Personal Information in order to prepare the billing statement, or the medical information will be needed for the dietary needs during the confinement.
 - 4.6.5 All entities operating within the premises of the Hospital, including, but not limited to health insurance providers (both government and private). The Hospital may share the personal information with these entities for the purposes stated above.
- 5 The **processing** of personal information shall be allowed, subject to compliance with the DPA and other laws and with adherence to the *Data Privacy Principles (IRR, Sec 17 & 18)*:
- 5.1 **Transparency**: the hospital is obligated to inform the data subject of the nature, purpose and extent of the processing of the Personal Information, including the risks and safeguards involved, the identity of the persons

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involved in the processing of the personal data, the data subject's rights, and how these rights can be exercised.

- 5.2 **Legitimate purpose:** the hospital will only process the Personal Information for a legitimate purpose, compatible with the declared and specified purpose, and not contrary to law, morals and public policy.
- 5.3 **Proportionality:** the hospital will process the Personal Information as adequate, relevant, suitable, necessary and not excessive in relation to the declared and specific purpose.

The Personal Information is stored in a manner that reasonably protects it from misuse and loss and from unauthorized access, modification or disclosure. The Privacy Policy is strictly enforce and the technical, organizational and physical security measures that are designed to protect the personal information from unauthorized access, use, alteration and disclosure are put in place.

When the Personal Information is no longer needed for the purpose for which it was obtained, the hospital will take reasonable steps to destroy or permanently de-identify or anonymize the same. However, most of the personal information is or will be stored in files which will be kept by the hospital for the minimum period provided under existing laws and regulations.

- 6 The **Personal Information Controller** is responsible for personal information under its control or custody, including information that has been transferred to third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation. Thus, giving importance to the *principle of accountability* where doing what is required and doing all that is necessary for protecting what is being collected and processed utilizing *organizational, physical, and technical measures* to assure the *confidentiality, integrity, and availability* of the covered data.
- 7 As provided under the DPA (*IRR, Sec 34, 35 & 36*), **Data Subjects** have the following rights in connection with the processing of their Personal Data.

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7.1 Right to be Informed (IRR, Sec 34.a). Personal data will be, are being, or were, collected and processed. It is a most basic right as it empowers the data subject to consider other actions to protect **data privacy** and assert other privacy rights. Data subjects shall be notified and furnished with the information indicated hereunder before entering the personal data into the processing system(**IRR, Sec 34.2**):


- 7.1.1 Description of the personal data to be entered into the system;
- 7.1.2 Exact purposes for which they will be processed (such as direct marketing, statistical, scientific, etc.);
- 7.1.3 The basis for processing, especially when it is not based on your consent;
- 7.1.4 Scope and method of the personal data processing;
- 7.1.5 Recipients, to whom the data may be disclosed;
- 7.1.6 Methods used for automated access by the recipient, and its expected consequences for you as a data subjected;
- 7.1.7 Identity and contact details of the personal information controller;
- 7.1.8 The duration or period for which the data will be kept or stored; and
- 7.1.9 To be informed of the existence of data subject's rights as well as the right to lodge a complaint before the National Privacy Commission.

7.2 Right to Access (IRR, Sec 34.c). Provides the data subject a written description of the kind of information the hospital provides as well as their purpose/s for holding them. It is to find out whether an organization holds any personal data about the data subject and if so, gain "reasonable access" to it. Upon demand, the data subject can access the following:

- 7.2.1 The contents of one's personal data that were processed;
- 7.2.2 The sources from which personal data were obtained;
- 7.2.3 Names and addresses of the recipients of the personal data; the manner by which the personal data were processed;
- 7.2.4 Reasons for the disclosure of the personal data to recipients, if any;

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- 7.2.5 Information on automated systems where the personal data is or may be available, and how it may affect the data subject;
 - 7.2.6 Date when personal data concerning the data subject were last accessed and modified; and
 - 7.2.7 The identity and address of the personal information controller.
- 7.3 ***Right to Object (IRR, Sec 34.b)*** is most specifically applicable when organizations or personal information controllers are processing your data without the data subject's consent for the following purposes:
- 7.3.1 Direct marketing purposes
 - 7.3.2 Profiling purposes
 - 7.3.3 Automated processing purposes
- 7.4 ***Right to Erasure or Blocking (IRR, Sec 34.e)***. Under the law, the data subject has the right to suspend, withdraw or order the blocking, removal or destruction of one's personal data. The need to balance this right with freedom of expression and public interest has been highlighted. This can be exercise upon discovery and substantial proof of the following:
- 7.4.1 Personal data is incomplete, outdated, false, or unlawfully obtained
 - 7.4.2 The data that is being used for purposes of the data subject not being authorized
 - 7.4.3 The data is no longer necessary for the purposes for which they are collected
 - 7.4.4 The data subject wants to withdraw consent or objects to its processing and there is no overriding legal ground for its processing
 - 7.4.5 The processing is unlawful
 - 7.4.6 The personal information controller, or the **personal information processor**, violated the rights of data subjects
- 7.5 ***Right to Damages/to be Indemnified (IRR, Sec 34.f)***. The data subject can claim compensation if they suffered damages due to inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal data. In this regard, legal matters and proceedings are being considered.


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- 7.6 Right to Rectification (IRR, Sec 34.d).** The right to dispute and have corrected any inaccuracy or error in the data a personal information controller (PIC) hold about the data subject. Once corrected, the PIC should ensure that the access and receipt of both new and retracted information shall be rectified and be furnished even the third parties with the said information.
- 7.7 Right to Data Portability (IRR, Sec 36).** A right that assures data subjects of being in control of their data. It allows the data subjects to obtain and electronically move, copy or transfer the data in a secure manner, for further use. It enables the free flow of personal information across the internet and organizations, according to such preference. It also allows the data subject to manage the personal data in a private device and to transmit the data from one personal information controller to another. As such, it promotes competition that fosters better services for the public.
- 7.8 Right to File a Complaint (IRR, Sec 34.a.2).** A privileged right of data subjects when personal information has been misused, maliciously disclosed, or improperly disposed, or that any of the data privacy rights have been violated. For this purpose, the data subject could lodge the complaint to:

Data Protection Officer

4th Floor, Executive Building
B.S. Aquino Drive, Bacolod City
(034) 432-7624 local 3161
privacy@rivermedcenter.net

- 7.9 Transmissibility of Data Subject Rights (IRR, Sec 35).** This right is to invoke another person's data privacy rights after his/her death. This principle applies to parents of minors or the legal guardian, a living person willing to assume or who is responsible for asserting the rights on their behalf, such as a lawful heir and a legal assignee by executing a legal notice to the effect such as through a Special Power of Attorney (SPA).

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THE OBLIGATIONS TO WHICH PERSONAL INFORMATION CONTROLLERS / PROCESSORS MUST COMPLY

1. Republic Act 10173, the Data Privacy Act of 2012
2. Implementing Rules and Regulations of RA 10173
3. NPC Circular 16-03, Personal Data Breach Management
4. NPC Circular 16-04, Rules and Procedure of the National Privacy Commission
5. NPC Circular 17-01, Registration of Data Processing Systems
6. NPC Advisory 17-01, Designation of Data Protection Officers
7. NPC Advisory 17-03, Guidelines on Privacy Impact Assessments

This Hospital policy highlights provisions of the Data Privacy Act of 2012 which appear relevant to our current hospital setting. This does not preclude the full application of the said Act or its full implementation based on the provisions of the law. For proper reference and application, you may refer to Republic Act 10173 (otherwise known as the Data Privacy Act of 2012) and its implementing rules.

DOCUMENTATION:


Revised Policy

DISSEMINATION:



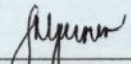
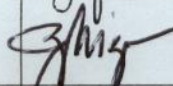
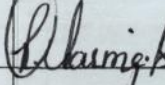

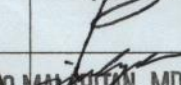
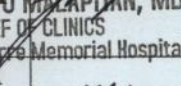


1. Hospital-Wide Orientation
2. Policies and Procedures

REFERENCE:

<https://privacy.gov.ph>

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