



REPUBLIC OF THE PHILIPPINES  
**OFFICE OF THE CITY MAYOR**  
CITY OF DAVAO

**EXECUTIVE ORDER NO. 30**  
Series of 2023

**AN ORDER IMPLEMENTING THE DATA PRIVACY ACT IN THE CITY GOVERNMENT OF DAVAO, DESIGNATING A DATA PROTECTION OFFICER (DPO) AND COMPLIANCE OFFICERS FOR PRIVACY (COP) AND FOR OTHER PURPOSES**

**WHEREAS**, Article II, Section 24 of 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 "Data Privacy Act (DPA) of 2012," provides that it is the obligation of the state to ensure that personal information in information and communication systems in the government and in the private sector are secured and protected;

**WHEREAS**, Paragraph B of Section 21 of the same Act provides that an individual or individuals shall be designated to be accountable for the organization's compliance with the Data Privacy Act of 2012;

**WHEREAS**, there is a need to implement the Data Privacy Act within the City Government of Davao, and designate appropriate personnel to undertake the specific functions under the said Act.

**NOW, THEREFORE, I, SEBASTIAN Z. DUTERTE**, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

**SECTION 1. IMPLEMENTATION** – The City Government of Davao hereby implements Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 through the mechanisms herein set forth.

**SECTION 2. GENERAL DUTIES AND OBLIGATIONS.** The following are the general duties and obligations of the City Government of Davao as a Personal Information Controller (PIC):

- a. Effectively communicate to its personnel, the designation of the Data Protection Officer (DPO) or Compliance Officer for Privacy (COP) and his or her functions;
- b. Allow the DPO or COP to be involved from the earliest stage possible in all issues relating to privacy and data protection;
- c. Provide sufficient time and resources (financial, infrastructure, equipment, training and staff) necessary for the DPO or COP to keep himself or herself updated on issuances relative to the Data Privacy Act;
- d. Grant DPO or COP appropriate access to the personal data it is processing, including the processing systems;

Page 1 of 5

- e. Where applicable, invite the DPO or COP to participate in meetings of senior and middle management to represent the interest of privacy and data protection;
- f. Promptly consult the DPO or COP in the event of a personal data breach or security incident; and
- g. Ensure that the DPO or COP are made part of all relevant working groups that conduct personal data processing activities inside the organization, or with other organizations.

The Personal Information Processor (PIP) shall also perform the aforementioned responsibilities.

**SECTION 3. DESIGNATION OF PERSONS RESPONSIBLE.** The following are hereby designated:

- 1. Data Protection Officer (DPO).** The City Mayor shall designate the DPO, through a memorandum, who shall be tasked with the duties and responsibilities of ensuring the compliance of the City Government of Davao with the DPA, its Implementing Rules and Regulations (IRR), and other relevant issuances;

The DPO shall have the following functions:

- a. Monitor the PIC or PIP's compliance with the DPA, its IRR, issuances by the National Privacy Commission (NPC) and other applicable laws and policies. For this purpose, the DPO may:
  - i. Collect information to identify the processing operations, activities, measures, projects, programs, or systems of the PIC or PIP, and maintain a record thereof;
  - ii. Analyze and check the compliance of processing activities, including the issuance of security clearances to and compliance by third-party service providers;
  - iii. Inform, advise, and issue recommendations to the PIC or PIP;
  - iv. Ascertain renewal of accreditations or certifications necessary to maintain the required standards in personal data processing; and
  - v. 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 (PIA) 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 management of data breach and security incident 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;
- 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;
- j. Create the necessary user accounts in the applicable NPC system/s for compliance with the requirements for registration and personal data breach notification and management;
- k. Make available and easily accessible the contact details on the official website and social media page/s which should include the following information:
  - a. Title or designation - the name of the DPO need not be published but should be made available upon request by a data subject
  - b. Postal address
  - c. Dedicated telephone number and email address

The designated DPO shall be assisted by Compliance Officers for Privacy (COPs) and Data Privacy Committee created herein.

- 2. Compliance Officer for Privacy (COP).** There shall be a Compliance Officer for Privacy per office, one (1) primary and one (1) alternate, who must be a Plantilla personnel, and duly covered by a memorandum from the Human Resource Management Office.

The functions of the COP are the following:

1. Report to the DPO any data breach and security incident within their respective office within the prescribed period;
2. Inform and cultivate awareness on privacy and data protection within their respective office;
3. Suggest to the DPO the development, review and/or revision of policies, guidelines, projects and/or programs of the PIC or PIP relating to privacy and data protection;
4. Serve as the focal person of their respective offices in all matters concerning data privacy or security issues; and

5. Perform other duties and tasks that may be assigned by the DPO that will further the interest of data privacy and security and uphold the rights of the data subjects.

### **3. Data Privacy Committee**

The Data Privacy Committee (herein after referred to as "Committee" for brevity) shall be primarily composed of the heads or authorized representative of the following offices:

Chairperson: City Legal Office

Members:

- City Mayor's Office
- Vice Mayor's Office
- City Administrator's Office
- City Information and Technology Center
- City Archives and Records Office
- City Civil Registrar Office
- Human Resource Management Office
- City Social Welfare and Development Office
- City Health Office

The City Administrator, upon orders of the City Mayor, may add additional members to the Committee, as may be deemed necessary.

The members of the Committee shall perform functions as may be instructed by the City Mayor and/or the DPO such as but not limited to reviewing contracts involving processing of personal data and providing technical advice to the DPO based on their areas of expertise.

The presence of a simple majority of all the members of the Committee shall constitute a quorum.

The members of the committee are hereby directed to name their respective alternate and permanent representatives who shall take their place in case of their absence.

**SECTION 4. PRIVACY IMPACT ASSESSMENT.** All departments and offices as process owners shall conduct a Privacy Impact Assessment (PIA) on any personal data processing system prior to their adoption, use, or implementation.

For existing systems, the DPO shall be consulted by the respective process owners on the appropriateness of conducting a PIA and the reasonable timeframe to accomplish the same.

**SECTION 5. PRIVACY MANAGEMENT PROGRAM AND PRIVACY MANUAL.** The DPO, the Committee, and the COPs shall be tasked to ensure that all relevant records and other documentation on data privacy such as but not limited to the Privacy Management Program and Privacy Manual are drafted and updated, as necessary.

**SECTION 6. DATA BREACH RESPONSE TEAM (DBRT).** A Data Breach Response Team is hereby created which is composed of the DPO and the Committee.

The DBRT shall be responsible for the following actions:

- a. Assess and evaluate all security incidents, including personal data breaches;
- b. Restore integrity to the affected information and communications systems;
- c. Recommend measures for mitigation and remedies on any resulting damage to the City Government of Davao and the affected data subjects;
- d. Comply with the mandatory notification and other reporting requirements indicated in the appropriate NPC issuance; and
- e. Coordinate with the appropriate government Computer Emergency Response Team (CERT) and law enforcement agencies, where appropriate
- f. Implement the security incident management policy of the PIC or PIP;
- g. Manage security incidents and personal data breaches; and
- h. Ensure compliance by the PIC or PIP with the relevant provisions of the Act, its IRR and all related issuances by the Commission on personal data breach management.

**SECTION 7. REGISTRATION.** A PIC or PIP shall register its data processing systems if it is processing personal data and operating in the country under any of the conditions laid out in NPC Circular No. 17-01 – Registration of Data Processing Systems and Notifications Regarding Automated Decision-Making Operations.

**SECTION 8. FUNDING AND OPERATING COSTS.** All costs pertaining to the operations of the Committee shall be chargeable against available funds and resources of the local government, subject to the usual accounting and auditing rules.

**SECTION 9. SEPARABILITY CAUSE.** If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

**SECTION 10. REPEALING CAUSE.** All Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

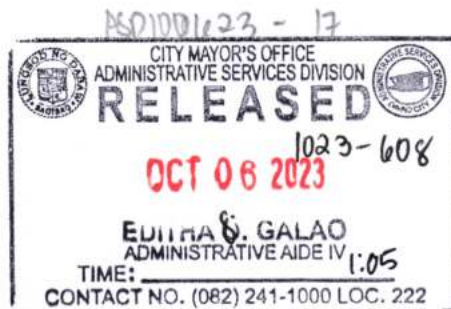
**SECTION 11. EFFECTIVITY.** This Executive Order shall take effect immediately.

Done this OCT 06 2023 in Davao City, Philippines.

  
**SEBASTIAN Z. DUTERTE**  
City Mayor 

Attested by:

  
**ATTY. FRANCIS MARK H. LAYOG**  
Acting City Administrator



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