

Republic of the Philippines
Department of Social Welfare and Development

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MEMORANDUM CIRCULAR

No. **12**

Series of 2017

SUBJECT: GUIDELINES IN SHARING THE DATA GENERATED FROM LISTAHANAN 2

1. RATIONALE

One objective of the reform agenda under the National Sector Support for Social Welfare and Development Reform Project (NSSSWDRP) of the Department is to improve the service delivery systems to the public, particularly to the poor. Having a unified and transparent targeting system is a key factor to achieve this.

On this premise, Department Order No. 1¹ was signed by Secretary Esperanza I. Cabral on 30 September 2008. The Order stipulates the operationalization of a household targeting system that will facilitate the establishment of a socio-economic database of poor households that will be used in identifying beneficiaries of current and future social protection programs.

For all stakeholders requesting data from the National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan, these guidelines will address the requirement for the proper management of the data of poor households. In addition, it will strengthen the mechanism for data sharing by ensuring compliance to pertinent laws including Republic Act 10173 otherwise known as the Data Privacy Act of 2012 and Executive Order No. 02, series of 2016 on the Freedom of Information.

2. LEGAL BASES

These Guidelines are anchored on the provisions of the following relevant laws and issuances relating to data protection and security and data sharing.

2.1 Republic Act 10173 or the Data Privacy Act of 2012

RA 10173 is an Act protecting individual personal information in information and communications systems in the government and the private sector. The law protects the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth.

2.2 Executive Order No. 2, Series of 2016

The Order operationalizes in the Executive Branch of Government the People's Constitutional Right to Information and the State policies to Full Public Disclosure and Transparency in the Public Service. The Executive Order prescribes the procedures that will guide public officials in ensuring the full protection of an individual's right to information and privacy.

¹ Adopting a Household Targeting System for Poverty Reduction for DSWD Programs and Services

2.3 General Circulars Nos. 1 and 2, National Archives of the Philippines (NAP)

The NAP Circulars prescribe the Rules and Regulations Governing the Management of Public Records and sets the Guidelines on the Disposal of Valueless Records in Government Agencies.

2.4 RA 6713, Section 7(c). Disclosure and/or Misuse of Confidential Information.

The law stipulates that public officials and employees shall not use or divulge confidential or classified information officially known to them because of their office and not made available to the public either [i] to further their private interests or give undue advantage to anyone or [ii] to prejudice the public interest.

2.5 Executive Order No. 867, s. 2010

Promulgated in March 2010, the Order provides for the adoption of the National Household Targeting System for Poverty Reduction as the mechanism for identifying poor households who shall be recipients of social protection programs nationwide. All National Government Agencies are mandated to use the data generated by the system in prioritizing beneficiaries of the government's social protection programs and projects.

2.6 DSWD Memorandum Circular No. 21 s. 2012; Section 4, Article IV

The Circular enjoins DSWD personnel not to disclose any confidential information in the course of or because of their employment. Confidential information means information that cannot be made public, unless otherwise ordered or authorized by the Court or authorities of the Department, as the unauthorized disclosure thereof may be prejudicial to the interest of the Department, or any of its offices, bureaus or services or any particular official or employee.

3. DEFINITION OF TERMS

3.1 Social Protection - constitutes policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the vulnerable by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks. The components of social protection are labor market programs, social insurance, social welfare, and social safety nets.

3.2 Listahanan - or the National Household Targeting System for Poverty Reduction (NHTS-PR) is an information management system that provides national government agencies, development partners, and other social protection duty-bearers with information on who and where the poor are in the Philippines. This information is used for the identification and selection of potential beneficiaries of social protection programs.

3.3 National Privacy Commission (NPC) is an independent body created under RA 10173 otherwise known as the Data Privacy Act of 2012 and mandated to administer and implement the Act and to monitor and ensure compliance of the country with international standards set for personal data protection.

3.4 Data Requisition and Clearance - refers to the phase where data from the Listahanan is officially requested by a stakeholder for the purpose of identifying and verifying target beneficiaries of their programs and services. The process includes the review of the requests as to purpose and kind of data needed, and securing approval of authorized officials for data generation and to ensure that the personal information, statistics and raw data requested will indeed be used for social protection programs or activities.

3.5 Data Generation – refers to the phase covering the data mining activity and the preparation of requested data on the poor in electronic form. All data requests generated involving personal and sensitive personal information shall be prepared in electronic form that is encrypted and password-protected.

3.6 Data or Information Sharing – refers to the phase wherein prepared electronic data is officially transmitted to the requesting parties. All encrypted and password-protected electronic data approved for sharing shall be physically transmitted to stakeholders of social protection programs through their designated Data Protection Officers (DPO).

3.7 Feedback reporting on the use of Listahanan data – refers to the phase where reports on how Listahanan data was utilized in the development and implementation of specific programs and services for the poor are submitted periodically to the National Household Targeting Office (NHTO) or National Household Targeting Units (NHTU).

3.8 Data Subject refers to individuals whose personal information were processed and are included in the Listahanan database.

3.9 Information refers to any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials or other tapes recorded, stored or archived in whatever format, whether offline or online, which are made, received or kept in or under the control and custody of any government office pursuant to law, executive order and rules and regulations or in connection with the performance or transaction of official business by any government office.

3.10 Personal Information (PI) refers to information whether recorded in 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.

3.11 Sensitive Personal Information (SPI) refers to personal information about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or

political affiliations. It also includes information on an individual's health, education, genetic or sexual life, or to any proceedings for any offense committed / alleged to have been committed by such person, the disposal of such proceedings or the sentence of court proceedings. If lost, compromised, or disclosed without authorization, this could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

3.12 Personal Information Controller (PIC) 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.

3.13 Personal Information Processor (PIP) refers to any natural or juridical person to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

3.14 Processing refers to any operation 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.

3.15 Data Protection Officers (DPO) are individuals designated by the Personal Information Controller and tasked to ensure compliance with applicable laws and regulations for the protection and security of data. The DPOs shall manage the privacy aspect in the different areas of operations and shall plan, implement, and evaluate policies for data privacy and security.

3.16 Compliance Officer for Privacy (COP) – refers to an individual or individuals who shall perform some of the functions of the DPO as provided under NPC Advisory No. 2017-01 on the Designation of Data Privacy Officers. The COP also ensures that the PIC and PIP comply with applicable laws for data protection and security.

3.17 Encryption is the process of converting electronic data into another form called ciphertext so that it cannot easily be understood except by authorized parties.

4. OBJECTIVES

Data generated from the Listahanan shall be shared primarily to serve as basis in prioritizing beneficiaries of social protection programs as mandated by Executive Order No. 867. Towards that end, the guidelines aim at:

4.1 Establishing a systematic way of sharing data as well as information on poor households that may be eligible for various social protection programs and services;

4.2 Ensuring that mechanisms to safeguard the personal and sensitive personal information of households in the Listahanan database are in place.

4.3 Increasing coordination on the use of the data generated by the Listahanan vis-à-vis other databases of households utilized by agencies engaged in implementing social protection programs and services.

5. COVERAGE

The Guidelines shall apply to requests for Listahanan 2 data coming from:

5.1 National Government Agencies (NGAs) and Government-owned and Controlled Corporations (GOCCs);

5.2 Local Government Units (LGUs), Non-Government Organizations (NGOs), Civil Society Organizations (CSOs), and Private Foundations.

5.3 Requests from other stakeholders whose objective is to use Listahanan data for research and academic advancement or for purposes other than the development and implementation of social protection initiatives shall be elevated to the Listahanan Deputy Project Director or to the DSWD Regional Director for decision.

6. GENERAL GUIDELINES

6.1 Data to be shared shall be used for purposes of social protection activities, such as but not limited to, provision of social services or enrollment in poverty reduction programs and the development of programs or projects.

6.2 Requests involving PI and SPI shall require the perfection of a Memorandum of Agreement (MOA) between the stakeholder and the DSWD. The MOA template is attached hereto as **Annex A**.

Subsequent request for data while the MOA is still valid will be processed upon submission of a Letter with the Description of Transfer Form (Annex A of MOA) fully filled-in with details of data sets requested.

For statistical and raw data, a MOA is not required. The request shall be supported by a letter (**Annex B**) citing the reasons for the request, enumerating the kinds of data needed, and a reasonable timeline for the expected release of the data.

6.3 Stakeholders requesting PI and SPI shall be required to designate at least one (1) DPO who shall plan, implement, and evaluate policies for data privacy and security as stipulated in the Implementing Rules and Regulations (IRR) of RA 10173. The Terms of Reference for the DPO as prescribed by the NPC is appended as **Annex C**.

6.4 The DSWD reserves the right to disapprove any request for data or information, which, upon its assessment, the disclosure of such information or data will violate existing laws or any Department policies or guidelines.

Consistent with Section 12, Executive Order No. 02 on the Freedom of Information, the denial of requests for Listahanan 2 data shall be communicated in writing to the requesting party within 15 working days from the receipt of request. The template for the Denial of Request for Data is attached as **Annex D**.

The DSWD FOI Agency Manual enumerates the Exceptions where the Right of Access to Information may be denied.

The agency, organization or person whose request for data has been denied may avail of the remedies prescribed in Section 13, Executive Order No. 02.

6.5 For data protection and security, sharing of Listahanan 2 data, whether PI, SPI, statistics, or raw data will be limited only to information covering the total number of identified poor and near-poor households in the data base.

Requests for full/whole database, especially PI and SPI of data subjects, shall be granted only upon proper justification and approval of the Deputy Project Director, NHTS-PR or Listahanan and that the requesting stakeholder shall have demonstrated its technical, physical, and organizational capability for data protection and security.

6.6 To facilitate data sharing and name-matching at the regional level, the NHTO shall provide the 16 DSWD Field Offices with their own regional Listahanan 2 database as provided for in Administrative Order No. ____, series of 2017 or the Guidelines in Accessing Results of Listahanan 2 by DSWD Offices. **Annex E**

For DSWD ARMM, the release of the regional database shall be subject to the provisions of Section 5 of these Guidelines.

6.7 The formula of the Proxy Means Test (PMT) used in identifying the poor households shall not be shared with any stakeholder.

6.8 The questionnaire or the Household Assessment Form (HAF) used to collect household information, whether hard or electronic copy, may be shared to government and non-government agencies upon approval of a written request. The administration of the form however, will be the exclusive responsibility of the DSWD through the NHTO and its component regional units (NHTUs).

6.9 Stakeholders granted access to Listahanan shall submit to the DSWD Central or Field Offices annual reports on how the data was used. This includes information on which data was also shared with other data users involved in the development and implementation of specific programs and services for the poor. Template for the Data Utilization Report is attached as **Annex F**.

6.10 Existing agreements executed to access data from the NHTS-PR or Listahanan are deemed revoked when the results of the third Listahanan nationwide assessment are officially made available during the launching of the new database of poor households.

6.11 Kinds of Listahanan Data for Sharing

6.11.1 Names/List of Data Subjects

This includes PI such as the complete names of the household members and their addresses; SPI such as marital status, age, indigenous peoples' group, health, education, and other relevant socio-economic information.

6.11.2 Raw Data

Sometimes referred to as source data, these are unprocessed anonymized data that can be transformed into different formats. These data are usually used for research.

6.11.3 Statistics

These are numerical processed data that are formatted in tabular and graphical form and from which analysis, inferences and interpretations can be made.

6.12 Levels of Data Sharing

To expedite sharing of data to stakeholders identified in Section 5 of these Guidelines, the following shall be observed.

6.12.1 Data Sharing with Central or Head Offices of Agencies

This will cover requests from the following stakeholders with social protection programs that are nationwide in scope.

NGAs, GOCCs, NGOs, CSOs, and Private Foundations

For these stakeholders, the processing of requests for Listahanan data shall be done at the DSWD Central Office through the NHTO.

Where a MOA is required, the DSWD Secretary shall sign the document representing the DSWD as the First Party and the head of the requesting agency for the Second Party. The designated DPO of the Department shall sign as witness of the First Party.

NGOs, CSOs and Private Foundations shall be required to submit additional supporting documents as follows:

- a) Original Copy of the Resolution of the Governing Board authorizing the head of the agency to enter into an agreement for data sharing with the DSWD,
- b) Name/s of designated DPO
- c) Valid proof of the identities of the agency head and the DPO.
- d) Documents attesting to the legitimacy of the organization (e.g. SEC Registration, government accreditation)

The letter requesting for Listahanan data, signed by the head of the agency and accompanied by a duly accomplished MOA, shall be sent to:

The Deputy Project Director

Listahanan
Department of Social Welfare and Development
Batasan Pambansa Complex, Quezon City

6.12.2 Data Sharing with Regional Offices of Agencies

At this level, data sharing shall be facilitated at the DSWD Regional Offices through the NHTUs. This will include requests from the regional or field offices of:

NGAs, GOCCs, NGOs, CSOs, and Private Foundations

Where a MOA is required, the DSWD Regional Director shall sign the document representing the DSWD as the First Party and the head of the requesting agency for the Second Party. The designated DPO of the Regional Office, shall sign as witness of the First Party.

NGOs, CSOs and Private Foundations shall be required to submit additional supporting documents as follows:

- a) Original Copy of the Resolution of the Governing Board authorizing the head of the agency to enter into an agreement for data sharing with the DSWD,
- b) Name/s of designated DPO
- c) Valid proof of the identities of the agency head and the DPO
- d) Documents attesting to the legitimacy of the organization (e.g. SEC Registration, government accreditation)

The letter requesting for Listahanan data, signed by the head of the agency and accompanied by a duly accomplished MOA, shall be sent to:

The Regional Director

Department of Social Welfare and Development

6.12.3 Data Sharing with Local Government Units

6.12.3a Data sharing with Provinces and Highly Urbanized Cities (HUCs)

Data sharing shall be facilitated by the DSWD Regional Offices through the NHTU at the level of the Provincial Government and City Government of HUCs.

Data requests from Provincial Governments shall include the consolidated data requirements of municipalities and component cities under its political jurisdiction.

Where a MOA is required, the DSWD Regional Director and the incumbent Provincial Governor or the City Mayor of the HUC shall be the First and Second Parties to the Agreement, respectively.

The Letter requesting for data, signed by the Governor or the City Mayor of the HUC, shall be accompanied by:

- a) Sangguniang Panlalawigan/Panglungsod Resolution authorizing the Governor or City Mayor of the HUC to enter into MOA with DSWD,
- b) MOA with its Annex A properly accomplished,
- c) Executive Order designating the Provincial and the City DPO. These documents shall be endorsed to:

The Regional Director

Department of Social Welfare and Development

6.12.3b Data sharing with Municipalities and Component Cities

The Provincial Government shall facilitate the release of data needed by the municipalities and cities under its political jurisdiction.

To ensure the security of PI and SPI, data transfers shall be covered by a MOA between the Provincial Government and its component Municipal or City Governments. The municipal or city government shall likewise be required to designate its own DPO.

In special cases, municipalities and component cities may directly enter into a data sharing agreement with the concerned DSWD Regional Office to access Listahanan 2 data.

6.12.4 Data Sharing with Members of the Academe

Data sharing with members of the academe shall be limited to raw data and statistics. The letter of request identifying the kinds of data needed shall be signed by the researcher/professor/research adviser and vouched by the Dean or any school authority as requirement to complete an academic degree or to pursue a research agenda shall be sent to:

- a) The Deputy Project Director, Listahanan for data request covering two or more regions; or
- b) The Regional Director of NHTU in the case of requests for data on a particular region

6.13 Data Protection and Security

Consistent with Rule VI of the IRR of RA 10173 or the Data Privacy Law, data users and PICs shall establish organizational, physical and technical security measures for data protection. These measures shall maintain the integrity and confidentiality of personal data, prevent negligent, unlawful or fraudulent processing, access, disclosure, and destruction. **Annex E** summarizes the minimum requirements for organizational, physical and technical security measures for data protection as stipulated by the above-cited IRR.

6.14 Access to Listahanan Records

Data subjects shall be given reasonable access to their Listahanan records including information on other PIC with whom their personal data have been shared upon a written request. This is in consonance with Section 16 of the Data Privacy Law on the Rights of Data Subject and Section 3 of Executive Order No. 02 on the Freedom of Information.

6.15 Retention and Records Disposal

The retention and disposal of Listahanan 2 records shall be governed by pertinent provisions of NAP Circulars 1 and 2. The DSWD supports the principle that all records should be managed in a way that allows the information contained within them to be available to the person who needs them, at the time and place they are needed.

7. NAME-MATCHING

Name-matching will be undertaken primarily to determine if a household is in the Listahanan database and what its corresponding poverty status is; to confirm inclusion in a particular program; and to determine extent of availment of programs and services.

Name-matching will only be done at the DSWD Central Office through the Information Technology Division of the NHTO and at the DSWD Regional Office through the NHTU using the enhanced name-matching process.

Stakeholders shall prepare a Letter of Request indicating reasons for name-matching and enclosing an electronic copy of the names of households to be matched. The e-file shall include the following minimum fields:

First name, Middle name, Last name, Extension name, Birthday (MM/DD/YYYY), and Address (city / municipality and barangay information).

In cases where name-matching will require cross checking in other regions, the concerned DSWD Regional Office shall forward the request to the NHTO for immediate action.

8. LIMITATIONS OF THE LISTAHANAN 2 DATABASE

Generated in 2015, the 2nd Listahanan database that the DSWD is committed to share contains data on 15.1 million households, roughly 75% of the Philippine population in 2010 as estimated by the Philippine Statistics Authority (PSA). These households were classified as either poor or non-poor based on their income as predicted or estimated by the enhanced Proxy Means Test (PMT). Social protection stakeholders, particularly NGAs, are mandated by E.O. 867 to use the database in the selection of program beneficiaries.

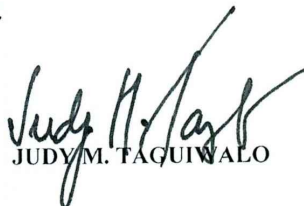
Given the situation, there are potentially poor households who are not included in the Listahanan 2 database.

July 3, 2017

9. EFFECTIVITY

This Memorandum Circular takes effect immediately and revokes previous Issuances contrary hereto.

Issued in Quezon City this 19th day of July, 2017.


JUDY M. TAGUIWALO

Certified True Copy:


MYRNA H. REYES

Records & Archives Mgt. Section

services that will alleviate poverty and empower disadvantaged individuals, families and communities to improve their quality of life;

WHEREAS, under Executive Order (EO) No. 867, signed on 09 March 2010, the **First Party** has further been mandated as the lead agency implementing the National Household Targeting System for Poverty Reduction (NHTS-PR), also known as Listahanan, to establish a system for identifying who and where the poor households are, maintain the system that will serve as repository of the data on poor households, update the data every four years, and share the data - especially to NGAs – which shall serve as basis in the selection of beneficiaries of social protection programs nationwide;

WHEREAS, the **Second Party** is mandated to _____ (Please state) _____;

WHEREAS, the **Second Party** shall implement the social protection programs and services defined in Annex A and be allowed secured access to Listahanan data maintained by the First Party;

WHEREAS, the feedback from the **Second Party** on the services and/or subsidies provided to the Listahanan-identified poor households is essential in strengthening the Project, and in monitoring proper utilization of shared data according to agreed purpose;

NOW THEREFORE, for and in consideration of the above premises, the **Parties** hereby agree as follows:

Definitions

For the purposes of this MOA, “data protection officer”, “data sharing”, “data subject”, “personal data”, “personal information controller”, and “processing”, shall have the same meaning as in Republic Act No. 10173 or the Data Privacy Act of 2012, and its Implementing Rules and Regulations.

Obligations of the First Party

The First Party shall:

1. Act as and have the duties and accountabilities of a personal information controller for all personal data processed by Listahanan;
2. Have in place reasonable and appropriate physical, technical and organizational measures intended to protect personal data up to the date of sharing with the Second Party, against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, as well as against any other unlawful processing;
3. Uphold the rights of the data subject in accordance with RA No. 10173 and relevant rules;
4. Have in place the required procedures or protocols so that any person or party acting under the authority of the First Party to have access to the personal data for sharing will respect and maintain the confidentiality and security of the personal data, and shall be obligated to process the personal data only on instructions from the First Party;
5. Process and share personal data with the Second Party in accordance with the Data Privacy Act, DSWD data sharing and privacy policies and guidelines, and the requirements specified in Annex A of this Agreement;

6. Provide the Second Party, when so requested, with information vital to the proper use and protection of the shared data, particularly on relevant stipulations under the Data Privacy Act and DSWD data sharing and privacy policies and guidelines;
7. Respond, within reasonable time, to information requests and complaints from data subjects concerning processing of the personal data by the Second Party to the extent reasonably possible and with the information reasonably available to it if the Second Party is unwilling and unable to respond;
8. Make available, upon request and following the procedures laid out in DSWD data sharing and privacy policies and guidelines, a copy of this Agreement to the affected data subjects; and
9. Provide the Second Party with a password that will be used to access encrypted Listahanan data; **Provided**, that only the Second Party, through its duly authorized staff, will use such password.

Obligations of the Second Party

The Second Party shall:

1. Act as and have the duties and accountabilities of a personal information controller for all personal data received from the First Party and covered under this Agreement;
2. Have in place appropriate physical, technical and organizational measures to protect the personal data received from the First Party against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, as well as against any other unlawful processing;
3. Uphold the rights of the data subject in accordance with RA No. 10173 and relevant rules;
4. Receive and further process personal data from the First Party in accordance with RA No. 10173 and the data sharing and privacy policies and guidelines of the First Party, and for purposes described in Annex A;
5. Have the legal authority to give warranties and fulfill the undertakings set out in this Agreement;
6. Have in place the required procedures or protocols so that any person or party acting under the authority of the Second Party to have access to the personal data will be legally answerable to the Second Party to respect and maintain the confidentiality and security of the personal data, and shall be obligated to process the personal data only on instructions from the Second Party;
7. Not disclose or transfer the personal data to a third party, except those disclosures authorized by law, or provided that any such transfer or disclosure of personal data to be made by the Second Party to a third party personal information controller will be:
 - a. the sole responsibility of the Second Party as a personal information controller, and therefore, will no longer be the accountability or liability of the First Party;
 - b. compliant to the Data Privacy Act, its IRR and other relevant laws, and executed with adequate safeguards in place for the protection of personal data; and
 - c. covered by a separate agreement;

8. Have no reason to believe, at the time of entering into this MOA, in the existence of any laws that would have a substantial adverse effect on the guarantees provided for under this Agreement, and it will inform the First Party if it becomes aware of any such laws;
9. Identify to the First Party a designated data protection officer within its organization authorized to respond to information requests and complaints concerning processing of the personal data, and will cooperate in good faith with the First Party and the data subject concerning all such enquiries within a reasonable time;
10. Allow the First Party to inspect the Second Party's data processing facilities, data files and documentation needed for processing to ascertain compliance with the warranties and undertakings in this MOA;
11. Provide the First Party with information necessary for the sharing of personal data, including but not limited to specific data requirements, processes to be applied to the personal data, timeframe as to when the said data will be needed, and the list of names of the staff and respective position titles who will be authorized to access Listahanan data;
12. Submit period feedback report to the First Party detailing how the shared Listahanan data was utilized; and
13. Indemnify the First Party against all costs, claims, damages or expenses incurred by the First Party or for which the First Party may become liable due to any failure by the Second Party or its employees, subcontractors or agents, and any other party receiving the personal data from the Second Party, to comply with the obligations under this Agreement.

General Provisions

1. The Parties agree that the provisions of RA No. 10173 shall be considered read into this Agreement and that the same principles of transparency, legitimate purpose and proportionality shall govern the implementation of this Agreement

Each party shall be liable for the violation of pertinent provisions of RA No.10173, and may be penalized as stipulated in Sections 25-37, Chapter VIII of the Act.

2. The Parties agree that a data subject shall have the right to enforce his or her rights as stipulated in RA No. 10173 against either Party, for their respective breach of their contractual obligations, with regard to the data subject's personal data. In cases involving allegations of breach by the Second Party, the data subject must first directly enforce his or her rights against the Second Party. If the Second Party does not take appropriate action within a reasonable period (which under normal circumstances would be one month) the data subject may then request the First Party to take appropriate action to enforce his or her rights against the Second Party.
3. This MOA shall automatically be deemed terminated upon availability of the results of the 3rd nationwide Listahanan assessment. Either party may also be entitled to terminate the MOA in the event of any breach of obligations under the same. The parties agree, however, that the termination of the Agreement at any time, in any circumstances and for whatever reason, does not exempt them from the obligations and/or conditions under the clauses as regards the processing of the personal data transferred.

In the event of termination of this MOA, the Second Party must ensure that the shared Listahanan data will be kept confidential and will not be actively processed for any purpose.

Breach of any clause of this Agreement, and provisions of the data sharing and privacy policy and guidelines of the First Party shall mean the immediate termination of the MOA and the blacklisting of the Second Party from further usage of any data from the Listahanan.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be signed in their respective names in _____, Republic of the Philippines, as of the day and year written above:

For the Department of Social Welfare
and Development (DSWD)

For the SECOND PARTY (Specify the
Name)

(First Party Personal Information
Controller)

(Second Party Personal Information
Controller)

Signed in the Presence of:

(Designated Data Protection Officer)

(Designated Data Protection Officer)

ACKNOWLEDGMENT
REPUBLIC OF THE PHILIPPINES)
_____)S.S.

BEFORE ME, a Notary Public for and in the above jurisdiction, personally appeared the following:

NAME	VERIFIED EVIDENCE OF IDENTITY	DATE/PLACE ISSUED
(Name of First Party)	_____	_____
(Name of Second Party)	_____	_____

known to me to be the named persons who executed the foregoing instrument and acknowledged to me that the same is their own free will and voluntary act and deed.

This instrument consists of six (6) pages including this page wherein this Acknowledgment is written, and is signed by the parties and their instrumental witnesses on each and every page hereof.

WITNESS MY HAND AND SEAL, this ____ day of _____ 20__ at _____, Philippines.

NOTARY PUBLIC

Doc. No. ____:
Page No. ____:
Book No. ____:
Series of 20__

ANNEX A

(Please accomplish this form accurately and exhaustively. Do not be limited by the spaces provided. You may use additional sheets if necessary.)

DESIGNATED DATA PROTECTION OFFICERS

First Party

Second Party

(Name)

(Name)

(Position)

(Position)

(Name)

(Name)

(Position)

(Position)

PURPOSE OF THE DATA SHARING AGREEMENT

The data is shared for the following social protection programs, services or activities *(Please provide detailed information)*:

DATA SUBJECTS

The data shared concern the following data subjects *(Please specify)*¹:

¹ Examples of data subjects: a. Poor households; b. Poor children; c. Poor senior citizens; d. Poor persons with disability; e. Poor women; f. Poor farm workers, foresters and fisher folks; and g. Urban Poor

DATA REQUIREMENTS

(Please check the Listahanan data needed and provide information on how each will be used or processed):

✓	DATA SETS	HOW DATA WILL BE USED OR PROCESSED
	1. Address	
	2. Household Member Information	
	a. Last Name, First Name, Middle Name and Extension Name	
	b. Age	
	c. Sex	
	d. Marital Status	
	e. Relationship to household head	
	3. Housing Condition	
	a. Type of building/house occupied	
	b. Type of construction materials of the roof of housing units occupied	
	c. Type of construction materials of the outer walls of housing unit occupied	
	d. Tenure status of the housing unit and lot occupied	
	e. Access to electricity	
	f. Ownership of assets	
	4. Health	
	a. Access to sanitary toilet facility	
	b. Access to safe water source	
	c. Attending health facility	
	5. Education	
	a. Attending school	
	b. Highest educational attainment	
	6. Labor and Employment	
	a. Type of primary occupation/business reported	
	b. Class of worker	
	c. Nature of employment	
	7. Others	
	a. Cause of displacement experienced	
	b. Indigenous people group	
	c. Household member working abroad	
	d. Programs and services received	
	e. Solo parent	
	f. Type of functional difficulty	

Sample Letter of Request Template

Date

USEC FLORITA R. VILLAR

Deputy Project Director, Listahanan

or

DIRECTOR _____

DSWD Field Office _____

Dear _____:

The (Name of Organization) is (please describe what the organization and its program intends to do, how this will be done, and areas to be covered).

Given the limitations in terms of budget, the need to prioritize those who are financially disadvantaged will require a reliable beneficiary selection mechanism to ensure limited resources go to the most needy. In this regard, we will require the following data or information for (please identify Field Office / province / city or municipality / barangay).

Example of data / information that may be requested:

- a) *Number of poor households by basic sectors;*
- b) *Number of poor households by income deciles;*
- c) *Number of poor households with unemployed household head;*
- d) *Tenure status of house and lot occupied by poor households;*
- e) *Number of poor households with unemployed members 18 years old and above;*
- f) *List of poor households who are self-employed and type of business or occupation;*
(Please identify other data / information needed)

These data from the Listahanan will greatly facilitate the mapping of priority areas and selection of potential beneficiary-households.

We will appreciate receiving the data by (indicate the reasonable timeline when the data is needed).

Thank you.

Truly yours,

Name and Signature of Head of Organization

**Department of Social Welfare and Development
National Household Targeting Office**

TERMS OF REFERENCE

**Data Privacy Officers (DPO) of Personal Information Controllers (PIC)
Accessing Listahanan Data**

As a general rule, an agency may appoint one or a team of persons to be its DPO. Agencies are free to assess and decide, according to their needs, whether the DPO function should be a dedicated responsibility or an additional function within an existing role in the organization. Agencies should take time to assess their needs before appointing a person suitable for the role of a DPO.

RESPONSIBILITIES OF THE DPO

The DPO will be responsible for everything related to data protection. His primary concern is protecting data and enabling compliance.

Reporting directly and accountable to a higher authority to be decided by management, the DPO shall perform the following functions:

1. Develop privacy policies and procedures to ensure compliance with the Data Privacy Act (DPA) and relevant laws.
2. Monitor the application of data protection policies and procedures.
3. Respond to all requests for information by data subjects including access to personal information and their rectification, updating, removal, or destruction.
4. Ensure that all staff are trained in regards to protecting data.
5. Monitor and notify Management and the National Privacy Commission about personal data breaches.
6. Monitor and provide technical assistance on quality control and data-base maintenance.
7. Advise Management and staff on the provisions of the Data Privacy Act.
8. Liaise with the NPC on matters pertaining to the interpretation of the DPA and its IRR.

QUALIFICATIONS OF THE DPO

In consideration of its critical functions, the DPO to be identified and designated must possess the following characteristics, desirable qualities, and qualification.

1. At least a middle management employee holding a permanent position not lower than a Division Chief.
2. With good working knowledge of the DPA and expertise in protecting data. The level of knowledge and expertise required for a particular agency depends on the type and the amount of data to be processed.
3. With good technical knowledge and expertise on IT systems and programs.
4. A clear and capable communicator to be able to effectively share his knowledge.
5. Skilled in using his understanding to develop and implement concrete data protection practices.

DENIAL OF REQUEST FOR DATA

Dear _____,

Greetings!

Thank you for your request for information dated _____.

In your letter, you asked for quote exactly the content of the request and how it will be used

_____.

While Listahanan is mandated to provide information to stakeholders of social protection programs and services, we are in this instance unable to share (some of / all the information) you have requested because _____

_____.

If you are unhappy with this response to your request, you may appeal for a review of the merits of your request by writing to **Undersecretary Florita R. Villar / Regional Director _____**. Your appeal for review should explain why you are dissatisfied with this response, and should be made within 10 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 10 calendar days from the date when we receive your review request.

Thank you.

Respectfully,

Compliance Officer for Privacy
NHTO, DSWD

Or

Compliance Officer for Privacy
NHTU, DSWD

ADMINISTRATIVE ORDER

No. _____

Series of 2017 _____

**Guidelines in Accessing the Results of Listahanan 2
for DSWD Offices**

1. Introduction

Executive Order No. 867 provides for the adoption of the NHTS-PR, now known as Listahanan, as mechanism for identifying poor households who shall be recipients of social protection programs nationwide. It further mandates all national government agencies (NGAs) to use the data generated by the system in prioritizing beneficiaries of such programs and services.

In compliance with the Directive, data generated from the results of the 2nd Listahanan Assessment (Listahanan 2) shall be shared primarily to National Government Agencies.

2. Objective

This procedural guide is crafted to facilitate sharing of the results of Listahanan 2 specifically with DSWD Offices. It will strengthen the mechanism for data sharing by ensuring compliance to pertinent laws including Republic Act 10173 otherwise known as the Data Privacy Act of 2012 and Executive Order No. 02, series of 2016 on the Freedom of Information.

3. Definition of Terms

3.1 Personal Information (PI) - refers to information from which the identity of an individual is apparent or can be reasonably ascertained by someone holding the information, or when put together with other information would certainly identify an individual.

3.2 Sensitive Personal Information (SPI) refers to personal information about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations. It also includes information on an individual's health, education, genetic or sexual life, or to any proceedings for any offense committed / alleged to have been committed by such person, the disposal of such proceedings or the sentence of court proceedings. If lost, compromised, or disclosed without authorization, this could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

3.3 Data Protection Officer (DPO) - are individuals designated by the Personal Information Controller and tasked to ensure compliance with applicable laws and regulations for the protection and security of data. For Listahanan concerns at the DSWD Central Office, the Assistant Secretary, PPG shall act as the DPO. The Assistant Regional Director for Operations (ARDO) shall act as the DPO of the Regional Office.

3.4 Compliance Officer for Privacy (COP) - refers to an individual or individuals who shall perform some of the functions of the DPO as provided under NPC Advisory No. 2017-01 on the

Designation of Data Privacy Officers. The COP also ensures that the PIC and PIP comply with applicable laws for data protection and security.

3.5 Focal Person – shall refer to a program staff designated by the OBS Director and tasked to coordinate with the Listahanan on matters pertaining to data sharing.

4. Procedure

To expedite the release of Listahanan data, DSWD Offices at the national and regional levels shall follow the prescribed process.

4.1 National Level Request for Personal Information

4.1.a OBS Director shall submit a Letter of Request (**Annex A**) duly signed by the Cluster Undersecretary and addressed to the Deputy Project Director, Listahanan. Said Letter shall include the following information:

- a) Purpose for the request;
- b) List of data sets (**Annex B**) required and how these will be used;
- c) Reasonable timeline as to when the requested data is needed; and
- d) Name of focal person with whom NHTO will coordinate regarding the release of data and the concomitant data protection and security concerns.

4.1.b The designated DPO shall review the request and make recommendations to the Deputy Project Director for appropriate action.

4.1.c If approved, the Deputy Project Director shall forward said request to the NHTO for data generation. If denied, the NHTO shall prepare the Denial of Request for Data Form (**Annex C**) highlighting the grounds for such denial. This shall be communicated in writing to the requesting party within 15 working days from the receipt of request.

4.1.d NHTO shall generate the requested data and prepare the Certificate of Orientation on the salient provisions of the Data Privacy Act. The Certificate of Orientation (**Annex D**) shall be signed by the focal person of the OBSU and shall serve as basis for releasing the requested data.

4.1.e NHTO shall release to the OBSU focal person the Compact Disc or Hard Drive containing the encrypted and password-protected Listahanan data as well as the password to access the data in the Disc or Drive.

4.2 Regional Level Request for Personal Information

4.2.a Heads of Divisions shall submit a Letter of Request to the DSWD Regional Director. Said Letter should include the following information:

- e) Purpose for the request;
- f) List of data sets required and how these will be used;
- g) Reasonable timeline as to when the requested data is needed; and

- h) Name of focal person with whom the NHTU will coordinate regarding the release of data and the concomitant data protection and security concerns.

4.2.b The designated DPO shall review the request and make recommendations to the Regional Director for appropriate action.

4.2.c If request is approved, the Regional Director shall forward the said request to the NHTU for data generation. If denied, the NHTU shall prepare the Denial of Request for Data Form (**Annex C**) highlighting the grounds for such denial. This shall be communicated in writing to the requesting party within 15 working days from the receipt of request.

4.2.d NHTU shall generate the requested data and prepare the Certificate of Orientation on the salient provisions of the Data Privacy Act. The Certificate of Orientation shall be signed by the focal person representing the Division Chief and shall serve as basis for releasing the requested data.

4.2.e NHTU shall release to the focal person of the Division the Compact Disc or Hard Drive containing the encrypted and password-protected Listahanan data as well as the password to access the data in the Disc or Drive.

8. Effectivity

This Memorandum Circular takes effect immediately.

Issued in Quezon City this ____ day of _____, 2017.

JUDY M. TAGUIWALO

DATA UTILIZATION REPORT

ANNEX F

Name of Agency / Personal Information Controller

Name of Social Protection Program/Activity :
 Brief Description :
 Period of Implementation :
 Geographical Areas of Coverage :

#	HOUSEHOLD ID	LAST NAME	FIRST NAME	MIDDLE NAME	EXT	ADDRESS <small>(Region, Province, City/Municipality, Brgy., Purok/Zone/Sitio, Street, Housing unit #)</small>	DATE OF BIRTH <small>(MM/DD/YYYY)</small>	SEX <small>Male / Female</small>	IDENTIFIED BENEFICIARY <small>(Pls. check)</small>		REMARKS*
									YES	NO	

*Any additional remark that the Second Party may have re: the accuracy of the data provided and how it was utilized.