



## DATA PRIVACY

### 1. Guiding Policy and Principle

The Philippine International Trading Corporation ("PITC") is guided by the Philippine Data Privacy Act of 2012 ("DPA"), its implementing rules and regulations ("DPA IRR") and applicable laws and regulations on data privacy, while balancing government transparency and confidentiality of information, and assures its stake holders that the manner of its collection of personal information and sensitive personal information ("personal data"), processing, securing, retention and disposal shall be in accordance therewith.

### 2. Definitions of Terms

- (a) Commission shall refer to the National Privacy Commission
- (b) Consent of the data subject refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.
- (c) Data subject refers to an individual whose personal information is processed.
- (d) Direct marketing refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals.
- (e) Filing system refers to any act of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible.
- (f) Information and Communications System refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar device by or which data is recorded, transmitted or stored and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document.
- (g) 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.
- (h) 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. The term excludes:
  - (1) A person or organization who performs such functions as instructed by another person or organization; and
  - (2) An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.
- (i) Personal information processor refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.
- (j) 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.
- (k) Privileged information refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.



- (l) Sensitive personal information refers to personal information:
- (1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
  - (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;
  - (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; and
  - (4) Specifically established by an executive order or an act of Congress to be kept classified.

### **3. Manner of collecting Personal Data**

PITC obtains personal data in various ways, depending on the business involved and purpose of the data subject for submitting personal data, as follows:

- a. participation in procurement activities and all the stages required under Republic Act No. 9184 and its Implementing Rules and Regulations
- b. entering into an agreement for PITC services relating to its businesses, which are allowed under its charter, and employment and consultancy agreements
- c. submission of any application, form, request, or other similar documents including application for and inquiries for employment;
- d. becomes PITC's employee, officer, consultant, agent, supplier or service provider
- e. browse or use of our websites, platforms, social media presence, and other online presence; or
- f. otherwise provides us with personal data, whether directly or through another Person.
- g. data accessible to the public

### **4. Purposes for collecting and processing and recipients of personal data**

Personal data collected under clause 3 hereof are for the following purposes:

Schedule 3 - Purposes for collection and processing of personal data

- a. Personal Data received via procurement under RA 9184 is for determining compliance thereto by the bidders and the implementation of the subsequent contracts
- b. Personal Data received in relation to PITC's other businesses and services is for proper implementation and compliance as required by the respective agreements and the law
- c. In general, implement the contracts and agreements as may be required by our operations in pursuit of our commercial activities and in accordance with our mandate under our charter
- d. customer services and redress of grievances by our customers and improvement of our services
- e. communication and correspondence
- f. Personal Data received in relation to employment, current or prospective employees, for the processing of application, hiring, emoluments, benefits and discipline processes in accordance with the Civil Service Commission rules

Recipients of collected personal data include PITC officers and personnel and third parties to whom we have outsourced or may outsource certain business or operating activities, advisers, suppliers, and service providers, in order to achieve the Purposes. Some of these entities may be outside the Philippines, so that transfer of data will be cross-border. We may also disclose information, whether intended to be kept confidential or not, upon lawful request by a governmental authority, in response to a court order, or when required by applicable law.



## **5. Personal data which are not covered**

The following information are not covered by this Policy

- 5.1. Information processed for the purpose of allowing public access to information that fall within matters of public concern, pertaining to:
  - a. Information about any individual who is or was an officer or employee of government that relates to his or her position or functions;
  - b. Information about an individual who is or was performing a service under contract for a government institution, but only insofar as it relates to such service, including his name and the terms of his contract; and
  - c. Information relating to a benefit of a financial nature conferred on an individual upon the discretion of the government, such as the granting of a license or permit, including the name of the individual and the exact nature of the benefit: Provided, that they do not include benefits given in the course of an ordinary transaction or as a matter of right.
- 5.2. Personal information that will be processed for research purpose, intended for a public benefit, subject to the requirements of applicable laws, regulations, or ethical standards; and
- 5.3. Information necessary in order to carry out the functions of public authority, in accordance with a constitutionally or statutorily mandated function pertaining to law enforcement or regulatory function, including the performance of the functions of the independent, central monetary authority, subject to restrictions provided by law.

## **6. Data subject's consent**

In case the data subject provides information in any of the circumstances provided for in Clause 3 of this Policy, the data subject, in providing or making available the personal data, agrees and consent to collection, use, disclosing, sharing and otherwise processing of the personal data for the Purposes, and in the manner and under the terms and conditions, in this Policy, DPA and DPA IRR.

## **7. Data retention and disposal**

Subject to applicable requirements of the DPA and other relevant laws and regulations, PITC shall not retain Personal Data for a period longer than necessary and/or proportionate to the purposes for which such data was collected. The DPO team and officers or personnel responsible for the Processing of Personal Data, shall be responsible for developing measures to determine the applicable data retention schedules, and procedures to allow for the withdrawal of previously given consent of the Data Subject, as well as to safeguard the destruction and disposal of such Personal Data in accordance with the DPA and other applicable laws and regulations.

## **8. Rights of the Data Subject**

In accordance with Section 16 of DPA, the rights of the Data Subject are as follows:

- (a) Be informed whether personal information pertaining to him or her shall be, are being or have been processed;
- (b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity:
  - (1) Description of the personal information to be entered into the system;
  - (2) Purposes for which they are being or are to be processed;
  - (3) Scope and method of the personal information processing;
  - (4) The recipients or classes of recipients to whom they are or may be disclosed;
  - (5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;
  - (6) The identity and contact details of the personal information controller or its representative;



- (7) The period for which the information will be stored; and
- (8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission.

Any information supplied or declaration made to the data subject on these matters shall not be amended without prior notification of data subject: Provided, that the notification under subsection (b) shall not apply should the personal information be needed pursuant to a subpoena or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

- (c) Reasonable access to, upon demand, the following:
  - (1) Contents of his or her personal information that were processed;
  - (2) Sources from which personal information were obtained;
  - (3) Names and addresses of recipients of the personal information;
  - (4) Manner by which such data were processed;
  - (5) Reasons for the disclosure of the personal information to recipients;
  - (6) Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;
  - (7) Date when his or her personal information concerning the data subject were last accessed and modified; and
  - (8) The designation, or name or identity and address of the personal information controller;
- (d) Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof: Provided, That the third parties who have previously received such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;
- (e) Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from the personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information; and
- (f) Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

## **9. Amendments and supplements**

The Data Subject agrees to be bound by the prevailing terms of this Policy as updated from time to time, upon the amendment or supplement being published on our website or otherwise advised.

## **10. Security Measures**

PITC have taken appropriate security measures to protect the data subject's personal data against unauthorized access or unauthorized alteration, disclosure, or destruction. These measures include internal reviews of our data collection, storage, and processing practices, as well as physical security measures to protect your information against unauthorized access. As part of our efforts to ensure your information is protected, we restrict access to personal data to personnel who would need that information to perform their functions.



## 11. Data breaches

PITC will comply with the relevant provisions of the DPA, DPA IRR, National Privacy Commission's rules and circulars on handling personal data security breaches, including notification to you or to the National Privacy Commission, where an unauthorized acquisition of sensitive personal information or information that may be used to enable identity fraud has been acquired by an unauthorized person, and is likely to give rise to a real risk of serious harm to the affected data subject. Please note that under applicable law, not all personal data breaches are notifiable.

## 12. Data Protection Officer

PITC memorandum with reference number TOP/M-2020-06-323 was issued, designating Attorney V as the PITC's Data Protection Officer (DPO).

The Data Protection Officer (DPO) is the individual principally responsible for ensuring PITC's compliance with applicable laws and regulations for the protection of data privacy and security. The DPO is responsible for the supervision and enforcement of this Policy, and the relevant contact details are as follows:

Data Protection Officer

**PHILIPPINE INTERNATIONAL TRADING CORPORATION**

National Development Company Building

116 Tordesillas Street, Salcedo Village, 1227 Makati City

Trunk Line (632) 8818 98 01 Fax Nos.: (632) 8892 20 54; 8892 07 82

E-mail Address: [dpo@pitc1973.onmicrosoft.com](mailto:dpo@pitc1973.onmicrosoft.com)

For any inquiry related to this Policy, please contact our Data Protection Officer through the contact details indicated above.

All requests, demands or notices which a data subject may send or submit to us under this Policy must be in writing, should be addressed to the Data Protection Officer using the contact details above, and will be deemed duly given (i) on the date of delivery if delivered personally, (ii) on the fifth Business Day following the date of sending if delivered by a nationally recognized next-day courier service and the service has confirmed delivery, or (iii) if given by electronic mail, when such electronic mail is transmitted to the email address specified above and the appropriate confirmation has been received by the sender via email.