



Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT BULWAGANG DON RAMON G. DE LEON OF THE CITY OF MALOLOS ON JULY 20, 2020.

MEMBERS PRESENT:

HON. NOEL G. PINEDA	City Vice Mayor
	Presiding Officer
HON. FRANCISCO J. CASTRO	City Councilor
HON. NIÑO CARLO C. BAUTISTA	"
HON. MICHAEL M. AQUINO	"
HON. ENRICO C. CAPULE	"
HON. DENNIS D. SAN DIEGO	"
HON. EMMANUEL R. SACAY	"
HON. EDGARDO F. DOMINGO	"
HON. LUIS ALFONSO M. ARCEGA	"
HON. PATRICK S. DELA CRUZ	SK President
HON. DIONISIO C. MENDOZA	ABC President

MEMBERS ABSENT:

HON. KIRK LOUIS NICOLAS	City Councilor
HON. MIGUEL CARLOS B. SOTO	"

CITY ORDINANCE NO. 54-2020

AN ORDINANCE DESIGNATING/CREATING A CITY DATA PROTECTION OFFICER (CDPO), ESTABLISHING ITS FUNCTIONS, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES.

AUTHORED BY: HON. NIÑO CARLO C. BAUTISTA

EXPLANATORY NOTE

WHEREAS, it is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth.

WHEREAS, the State 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 government and in the private sector are secured and protected.

WHEREAS, section 22 of Republic Act No. 10173 also known as the Data Privacy Act of 2012 mandates that all sensitive personal information maintained by the government, its agencies and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission. The head of each government agency or instrumentality shall be responsible for complying with the security requirements mentioned herein while the Commission shall monitor the compliance and may recommend the necessary action in order to satisfy the minimum standards.

WHEREAS, section 26, Rule VI of the Implementing Rules and Regulations (IRR) of Republic Act No. 10173 provides that any natural or juridical person or other body involved in the processing of personal data shall designate an individual or individuals who shall function as **data protection officer**, compliance officer or otherwise be accountable for ensuring compliance with applicable laws and regulations for the protection of data privacy and security.

WHEREAS, section 16 of Republic Act No. 7160 also known as the Local Government Code of 1991 mandates that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public

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HON. NOEL G. PINEDA
CITY VICE MAYOR

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CITY COUNCILOR

HON. DENNIS D. SAN DIEGO
CITY COUNCILOR

morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod of the City of Malolos in session assembled, that:

SECTION 1. - TITLE - This Ordinance shall be known and be cited as the "CITY DATA PROTECTION ORDINANCE".

SECTION 2. - CREATION - There shall be hereby created a City Data Protection Officer (CDPO) under the Office of the City Mayor in close coordination with the Information Technology Division.

The City Mayor is hereby given the authority to designate or appoint temporary Data Protection Officer from the roll of existing qualified employee of the City Government of Malolos until the existence of availability of funds and after the due implementation of the fifth tranche of the Salary Standardization Law.

SECTION 4. - QUALIFICATIONS - The applicant for the position shall possess the following qualifications:

- a. A graduate of a four year degree;
- b. With at least 5 years experience in the service;
- c. Civil Service Eligible;
- d. Resident of the City of Malolos.

SECTION 5. - FUNCTIONS - The designated City Data Protection Officer (CDPO) shall have the following functions and duties:

- a. To administer and implement the provisions of Republic act No. 10173 also known as the Data Privacy Act of 2012;
- b. To monitor and ensure compliance of the City with international standards set for data protection;
- c. Coordinate with other government agencies and the private sector on efforts to formulate and implement plans and policies to strengthen the protection of personal information in the city;
- d. Recommend to the City Mayor through the City Legal Officer the prosecution and imposition of penalties specified in Sections 25 to 29 of Republic Act No. 10173;
- e. Provide assistance on matters relating to privacy or data protection at the request of a local agency, a private entity or any person;
- f. Shall operate and hold personal data under strict confidentiality if the personal data are not intended for public disclosure. This obligation shall continue even after leaving the public service, transferring to another position, or upon terminating their employment or contractual relations;
- g. And such other functions as may be mandated by ordinance/law.

SECTION 6. - CONFIDENTIALITY - The City Data Protection Officer (CDPO) shall ensure at all times the confidentiality of any personal information that comes to its knowledge and possession.

SECTION 7. - APPROPRIATION - The City Government of Malolos shall allocate the necessary fund for the effective implementation of this ordinance.

SECTION 8. - REPEALING CLAUSE - All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 9. - SEPARABILITY CLAUSE - If for any reason, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTIONS 10. - EFFECTIVITY CLAUSE - This Ordinance shall take effect 15 days after approval and full publication as required by Republic Act No. 7160.

APPROVED.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. MINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KIRK LOUIS NICOLAS
CITY COUNCILOR

HON. NOEL G. PINEDA
CITY VICE MAYOR

HON. MICHAEL N. AQUINO
CITY COUNCILOR

HON. EMYLIO C. CAPULE
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HON. PATRICK S. DIMA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

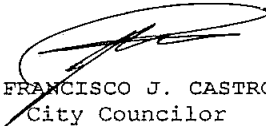
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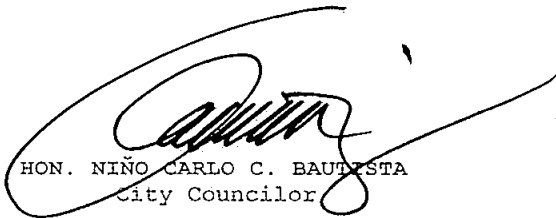
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HON. ROGELIO DOMINGO
CITY COUNCILOR

HON. MACABELL E. SICA
CITY COUNCILOR


HON. DENNIS DIEGO
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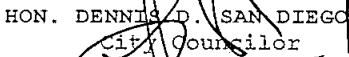

HON. FRANCISCO J. CASTRO
City Councilor



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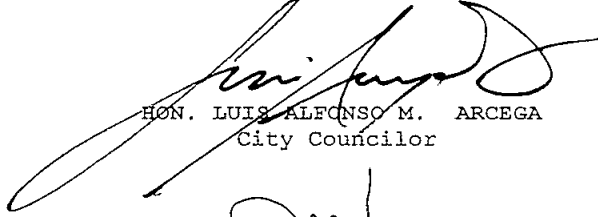

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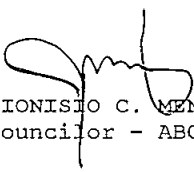

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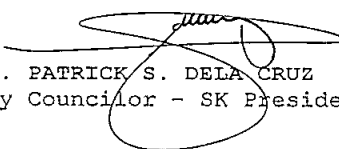

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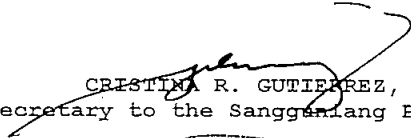

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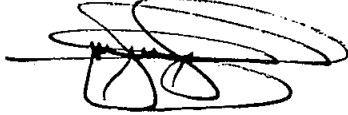

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City Councilor - ABC President

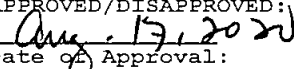

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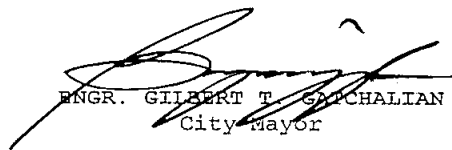
I HEREBY CERTIFY that the aforementioned City Ordinance was duly approved by the Sangguniang Panlungsod of Malolos.


CRISTINA R. GUTIERREZ, EnP
Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. NOEL G. PINEDA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

Date of Approval:


ENGR. GILBERT T. GATCHALIAN
City Mayor

*absent

*DhorieTrago*07202020