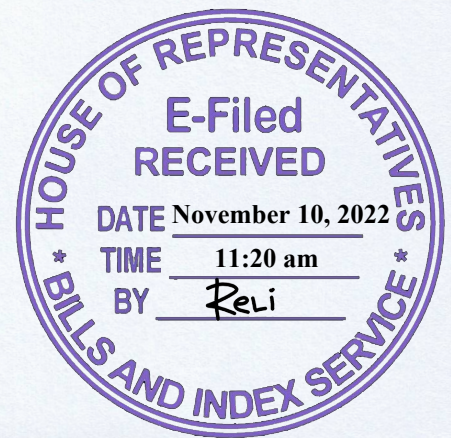


Republic of the Philippines
HOUSE OF REPRESENTATIVES

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6018



Introduced by Representative Rex Gatchalian

AN ACT
PROVIDING GUIDELINES FOR THE INSTALLATION AND USE OF THE CLOSED
CIRCUIT TELEVISION VIDEO (CCTV) SYSTEMS, THE PROCEDURE FOR
ACCESS TO THE IMAGES AND RECORDINGS, THE PROHIBITED ACTS AND
PENALTIES THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Closed Circuit Television (CCTV) systems play a valuable role in deterring crimes and ensuring the security of people in their homes, in establishments, and along the streets, among others. Unfortunately, privacy issues in relation to the installation and use of CCTV systems arose as the use of CCTVs increased.

To address this, the National Privacy Commission (NPC) issued Advisory No. 2020-04, Guidelines on the Use of CCTV systems, dated November 16, 2020, which applies to all personal information controllers and personal information processors engaged in the processing of personal data of data subjects through the use of CCTV systems operating in public and semi-public areas. These include CCTV systems that record videos, as well as those systems with both video and audio capabilities. The capture, use, retention, and destruction of video and/or audio footages obtained from CCTVs are considered as processing of personal data under Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012".

This bill seeks to institutionalize NPC Advisory No. 2020-04. It further provides for the prohibited acts and recordings, and penalties thereto; the procedure for access and disclosure of recordings; the recordings' retention, storage and preservation; and taking into full consideration the right to privacy of the people which is substantially necessary to foster confidence in the use of the CCTV system.

In view of the foregoing, the passage of this bill is earnestly sought.


HON. REX GATCHALIAN
Representative
1st District, Valenzuela City

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION. 1.** *Short Title.* – This Act shall be known as the “CCTV Act of 2022”.
2

3 **SEC 2.** *Declaration of Policy.* - It is hereby the declared policy
4 of the State to maintain peace and order, protect life, liberty and property, promote
5 the general welfare, value the dignity and privacy of every Filipino, and guarantee
6 the full respect for human rights. Towards this end, the State shall develop the
7 guidelines for the installation, use and utilization of the Closed-Circuit Television
8 Videos (CCTV) in public, private and residential establishments with due regard to
9 the privacy and civil rights of every individual as provided under the 1987 Philippine
10 Constitution and Republic Act No. 10173, otherwise known as the “Data Privacy Act
11 of 2012”. The purpose for the installation of the CCTVs is to maintain peace and
12 order in the communities, promote crime prevention, and uphold public safety and
13 security.
14

15 **SEC. 3.** *Definition of Terms.* For the purpose of this Act, the
16 following terms shall be defined as follows:

- 17 a) *Closed-Circuit Television (CCTV)* refers to the use of video cameras to
18 transmit a signal to a specific place, on a set of monitors/a television
19 system that transmits images on a "closed loop" basis, where images

are only available to those directly connected with the transmission system;

b) *Video Surveillance* refers to a closed-circuit television system for direct visual monitoring and/or recording of activities on the premises or in a specific place;

c) *Private Installations* refer to CCTV Cameras installed in private establishments such as but not limited to private subdivisions, condominiums and other residential areas, business hubs, malls and shopping centers;

d) *Public Installations* refer to CCTV Cameras installed in public places such as but not limited to government offices and instrumentalities, parks, streets and highways including public markets, airports and public transport terminals;

e) *Images* refer to recorded images in the CCTV Cameras; and

f) *Persons in Authority* refer to elements of the Philippine National Police (PNP), Barangay Chairman and the Barangay Tanods.

SEC. 4. Purposes of CCTV Installation. - The installation of CCTV in both private and public establishments shall have the following functions:

a) *Crime Prevention.* - The CCTV shall function as a tool of law enforcement and crime prevention by way of effective monitoring of public places, such as pathways and streets, parks and other areas;

b) *Traffic Monitoring.* - The CCTV shall enable the viewing of a wider range of data images on motorists, pedestrians and critical thoroughfares, to provide quicker apprehension of road safety violators and pinpoint causes of traffic build-up;

c) *Surveillance.* - The CCTV shall function as a surveillance tool that will allow security agencies to monitor private establishments and ensure the safety and security of individuals and the protection of private properties from theft and robbery;

d) *Household Affairs Monitoring.* - The CCTV shall function to monitor households by way of monitoring health, security and safety of household members, unauthorized access to household premises and general conduct of household affairs;

e) *Workplace Monitoring.* - The CCTV shall function as a tool to monitor the general administrative conduct of employees to aid in the review

1 of employee workmanship and performance; and

- 2 f) *Documentation for Institutional Purposes.* - The CCTV shall function as a tool
3 to monitor the progress or development of data; or the sequences of events
4 in a facility or institution.

5 The data to be collected shall be relevant, adequate and not excessive for the
6 purposes for which they are obtained.

7
8 **SEC. 5.** *Guiding Principles* - This Act shall have the following guiding
9 principles:

- 10 a) The CCTV shall at all times be operated with respect to people's
11 privacy and their right to conduct or engage in lawful activities;
12 b) The owner/operator of the CCTV shall be publicly known to ensure
13 appropriate accountability and shall be appropriately registered before the
14 PNP;
15 c) Signage informing the public of the existence of CCTV cameras shall be
16 erected. It shall be visible, distinctive and located in areas with good lighting;
17 d) The premise for use of CCTV as crime deterrent shall mobilize a quick and
18 adequate response unit from the persons of authority such as but not limited
19 to the local police force or barangay watchmen on reported incidents;
20 e) Persons of Authority shall develop a system for addressing complaints to
21 receive and investigate complaints about alleged violations of privacy;
22 f) A recorded material shall not be released to the media except only to acquire
23 relevant information on the identity and whereabouts of an individual wanted
24 for a criminal offense, and provide the general public information of critical
25 concern in the community. In such cases, the recognizable characteristics of
26 other people in the footage shall be obscured; and
27 g) Tapes or still photographs shall be disposed of in a manner which does not
28 allow the reproduction of any of the recorded material.

29
30 **SEC 6.** *Prohibited Acts and Recordings.* - It shall be unlawful
31 for any person or establishment to perform the following acts:

- 32 a) Install or use the CCTV on someone else's property;
33 b) Install or use the CCTV cameras in any restroom, toilet, bathroom, changing
34 room and other similar areas utilized for private activities;
35 c) Use CCTV with a device to overhear events, conversations or sounds without
36 the permission of the people involved shall not be allowed;

- d) Install CCTV's in public places without the display of due notice on the walls or at the entrance of the establishment;
- e) Install a CCTV in the external part of one's residential or private property that encroaches on the private property of another or of a neighbor;
- f) Install CCTV to monitor the conduct or performance in a workplace without due notice to all employees;
- g) Install and use CCTV as surveillance tool of particular individuals on behalf of third parties or paying clients covered by a contract of engagement more than the duration specified by the PNP;
- h) Install and use CCTV inside a residence to manage one's family without notice given to the staff and members of the household;
- i) To sell or publish any recorded material or still photographs for commercial purposes; and
- j) To upload any image, recording or stills from the CCTV on the Internet for entertainment purposes.

SEC. 7. Procedure for Access and Disclosure of Recordings. - Only authorized persons shall have access to images and recordings from CCTV's. Viewing of the images and recordings shall take place in a restricted area or in private conditions. All access allowed or granted under the circumstances must be documented and for limited or prescribed circumstances. The use, viewing, copying or disclosure of images and recordings performed in accordance with this Act shall be allowed in the following instances only:

- a) Upon a written request from a person in authority in connection with and limited to an investigation for the prosecution of an offense punishable by law;
- b) Upon lawful order of the court, in connection with a pending criminal or civil proceeding;
- c) To determine whether an offense has been committed against a person or property and to ascertain the identity of the perpetrator and the manner by which the crime was committed;
- d) Any person whose image has been recorded may make an application in writing for a copy of the recording or its still images;
- e) Upon compliance with the Rules of Procedure set by security agencies operating under the management of clients; and
- f) Law Enforcement Agencies shall not be allowed to release images or

1 recordings from the CCTV to the media, except only when the circumstances
2 warrant to help identify the perpetrator of a crime or locate his whereabouts,
3 or as a matter of public information.

4 The use, copying or disclosure of images and recordings shall be authorized
5 within twenty-four (24) hours after submission of the request, as herein specified.
6

7 **SEC. 8. *Retention, Storage and Preservation.*** – Unless otherwise reserved for
8 a specific purpose to review the events of a crime or that the information needs to
9 be studied further for any number of reasons, data of recordings shall not be kept
10 for more than thirty (30) days and should be automatically overwritten or deleted
11 beyond said period.
12

13 **SEC. 9. *Penalties.*** - Any act or omission by the owner and/or operator of the
14 CCTV in violation of the provisions of this Act shall be punishable with an
15 imprisonment of not less than six (6) months but not exceeding six (6) years, or a
16 fine not less than Ten Thousand Pesos (Php 10,000.00) but not more than One
17 Hundred Thousand Pesos (Php 100,000.00) or both such fine and imprisonment at
18 the discretion of the court.
19

20 **SEC. 10. *Implementing Rules and Regulations.*** – The Director General of the
21 PNP, in close coordination with the National Privacy Commission, the Secretary of
22 Interior and Local Government, the Secretary of National Defense, the Secretary of
23 Transportation, Secretary of Information and Communications Technology, the
24 Secretary of Justice, the National Security Adviser, and the Director of National
25 Bureau of Investigation, shall issue the necessary rules and regulations for the
26 effective implementation of this Act.
27

28 **SEC. 11. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
29 rules and regulations or part thereof, contrary to or inconsistent with the provisions
30 of this Act, are hereby repealed or modified accordingly.
31

32 **SEC. 12. *Separability Clause.*** - If any section or provision of this Act is held
33 unconstitutional or invalid, all other sections or provisions shall remain in full force
34 and effect
35

1 **SEC. 13. Effectivity.** - This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* and/or in at least two (2) newspapers of general
3 publication in the Philippines.

Approved,