

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session



HOUSE OF REPRESENTATIVES

HOUSE BILL NO. **10417**

Introduced by **REPRESENTATIVE VIRGILIO S. LACSON**

Explanatory Note

This Bill, entitled the Philippine Government Data Ownership and National Data Governance Act, aims to address the importance of data collected by contractors through the implementation of programs and projects, in partnership with the government.

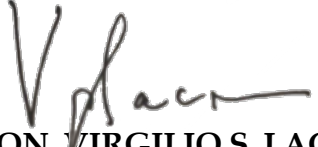
This Bill recognizes data's pivotal role in executing various programs, and facilitating public services, along with the need of upholding transparency, accountability, and the protection of public interests.

The creation of a National Data Governance Framework Policy is deemed pertinent to standardize and modernize data collection practices, improve governance standards, and promote data-driven research and innovation.

Key provisions outlined in the draft bill include clear definitions of pertinent terms such as "Contractors" and "Data," establishment of government ownership over data collected through contractual engagements.

Moreover, the bill stipulates prohibitions against contractors asserting proprietary rights or engaging in actions compromising data integrity, security, or confidentiality. It also outlines enforcement mechanisms and penalties for violations, ensuring accountability and recourse for aggrieved parties. To ensure effective implementation, the bill mandates collaboration among the relevant government agencies.

For the foregoing reasons, the immediate passage of this bill is earnestly sought.


HON. VIRGILIO S. LACSON

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HOUSE BILL NO. 10417

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**AN ACT
ESTABLISHING THE INSTITUTIONAL FRAMEWORKS FOR PHILIPPINE
GOVERNMENT DATA OWNERSHIP, MANAGEMENT, AND NATIONAL
DATA GOVERNANCE POLICY, FOR THE PROTECTION, AND PROMOTION
OF TRANSPARENCY, ACCOUNTABILITY, AND DATA SECURITY OF
GOVERNMENT-HELD DATA RESOURCES, AND PROVIDING PENALTIES
THEREFOR**

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

Section 1. Title - This Act shall be known as the "Philippine Government Data Ownership and National Data Governance Act."

Section 2. State Policy – It is hereby declared the policy of the State recognize the importance of data collected by contractors in collaboration with the government. The State acknowledges the pivotal role of data in facilitating public services and programs, emphasizing transparency, accountability, and the protection of public interests. In line with this policy, the state aims to modernize data collection practices through the enactment of a National Data Governance Framework Policy. This policy seeks to enhance governance standards and promote data-driven research and innovation. Furthermore, the state asserts government ownership over data collected through contractual engagements and prohibits contractors from asserting proprietary rights or compromising data integrity, security, or confidentiality.

Section 3. Definitions - For the purposes of this Act:

"Contractors" shall refer to any person that enters into a contract with the government for the provision of goods, services, or expertise.

"Data" shall encompass any information, including but not limited to, personal data, non-personal data, statistical data, research findings, reports, and any other data

collected, generated, or processed in the course of fulfilling a contract with the government.

Section 4. National Data Governance Framework Policy - The DICT shall create a comprehensive National Data Governance Framework Policy to govern the collection, management, and utilization of data collected by contractors in partnership with the government.

This policy shall establish clear guidelines and standards for data governance, including but not limited to data ownership, security, integrity, and confidentiality. Additionally, the policy shall outline procedures for data sharing, access, and dissemination in accordance with Republic Act no. 10173 or the Data Privacy Act of 2012, as amended, and other relevant laws and regulations. The National Data Governance Framework Policy shall aim to modernize data collection practices, enhance transparency and accountability, and promote innovation and research in the country's data ecosystem.

Section 5. Ownership of Data - All data collected, generated, or processed by contractors in furtherance of their contracts with the government shall be owned by the government.

The National Data Governance Framework Policy shall provide guidelines for the collection, storage, and use of data by the government and contractors, ensuring compliance with data privacy and protection principles.

Section 6. Prohibited Actions - Contractors shall not have any proprietary rights or ownership claims over the data collected during the execution of their contracts with the government. Contractors shall not engage in any activities that may compromise the integrity, security, or confidentiality of the data collected during the execution of their contracts. Any attempt by contractors to transfer, sell, or otherwise dispose of government-owned data to third parties shall be deemed unlawful and subject to penalties as prescribed in this Act.

Section 7. Enforcement and Penalties - The Department of Information and Communications Technology (DICT) shall be responsible for monitoring compliance with this Act and the National Data Governance Framework Policy, and enforcing their provisions.

Any person found to be in violation of the provisions of this Act or the National Data Governance Framework Policy shall be subject to the penalty of imprisonment of not less than 6 years but not more than 12 years, and not less than 100,000 pesos for every violation. For the purpose of computing the monetary penalty, it shall be deemed that each compromised data constitutes one violation.

Individuals or entities aggrieved by violations of this Act or the National Data Governance Framework Policy shall have the right to seek legal recourse through the appropriate channels.

Section 8. Implementing Rules and Regulations. - The Department of Information and Communications Technology (DICT) shall, within ninety (90) days from the effectivity of this Act, promulgate the necessary rules and regulations for the effective implementation thereof.

Section 9. Separability Clause. - The invalidity and unconstitutionality of any section or provision of this Act shall not affect the validity of the remaining portions thereof.

Section 10. Effectivity Clause. -This act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,