

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 470



Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to establish safeguards for the online privacy of children by regulating the collection, storage, and use of their personal information. It requires verifiable parental consent before any online service provider collects or processes a child's data, prohibits targeted advertising directed at minors, and ensures that online platforms implement default privacy settings that prioritize children's safety. By strengthening enforcement mechanisms through the National Privacy Commission, this measure aims to hold online platforms accountable and prevent the exploitation of children's personal data for commercial gain.

While the Data Privacy Act of 2012 (RA 10173) provides a general framework for data protection, it does not contain specific provisions for children. The Consumer Act of the Philippines (RA 7394) regulates deceptive advertising, but it does not explicitly ban targeted advertising aimed at minors. The Cybercrime Prevention Act of 2012 (RA 10175) penalizes online fraud and cyber-related crimes but does not address the legal yet harmful collection of children's personal information. These gaps leave Filipino children vulnerable to privacy violations, behavioral profiling, and potential exploitation by online service providers. This proposed measure addresses these gaps by providing clear parental control mechanisms over children's data, prohibiting platforms from collecting or processing minors' information without consent, and ensuring that default privacy settings minimize data collection.

Internationally, similar measures have been enacted to protect children's online privacy. The United States' *Children's Online Privacy Protection Act* (COPPA) requires parental consent before collecting data from children under 13¹, while the European Union's *General Data Protection Regulation* (GDPR) includes specific provisions to safeguard minors' data². These policies serve as models for strengthening child-specific data protections in the Philippines.

By enacting this piece of legislation, the Philippines aligns its policies with international best practices and provide Filipino children with stronger legal protections in the digital

¹ <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title15-section6501&edition=prelim>

² **General Data Protection Regulation** (<https://gdpr-info.eu/>)

environment. This bill ensures that children's online experiences are safe, privacy-conscious, and free from exploitative data collection practices.

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



JAIME R. FRESNEDI
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Lone District, Muntinlupa City

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AN ACT
PROVIDING FOR THE ONLINE PRIVACY AND DATA PROTECTION OF
CHILDREN, PRESCRIBING REGULATIONS FOR THE COLLECTION AND USE
OF PERSONAL INFORMATION OF MINORS, AND FOR OTHER PURPOSES

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

Section 1. *Short Title.* – This Act shall be known as the "*Children's Online Data Privacy Act.*"

SEC 2. *Declaration of Policy.* – It is the policy of the State to promote the protection of children's rights, including their right to privacy and digital security. Recognizing the risks associated with the collection and misuse of personal information of minors, the State shall regulate online platforms and service providers to ensure that children's data is not exploited for commercial or harmful purposes.

SEC 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- a) Child or Minor refers to any individual under the age of thirteen (13).
- b) Personal Information refers to any data that can be used to identify an individual, including but not limited to name, address, phone number, email, biometric data, and online identifiers such as IP addresses and cookies.
- c) Online Service Providers refers to any website, mobile application, or digital platform that collects, processes, or stores user data.
- d) Parental Consent refers to any express and verifiable permission from a parent or legal guardian allowing the collection, use, or disclosure of a child's personal information.
- e) Digital Space refers to the place or environment where digital exchanges and transactions take place. It encompasses websites, social media platforms, online communities, mobile applications, and other digital channels where people can engage with each other, access content, and conduct various activities.

SEC 4. *Regulation of Online Platforms.* – The National Privacy Commission (NPC) shall be primarily tasked in the protection of personal information of children in the digital space. It shall ensure that:

- a) Online service providers shall not collect, store, or process personal information of children without verifiable parental consent;
- b) Online platforms shall provide clear and accessible privacy policies explaining how children’s data is collected, stored, and used;
- c) Online platforms must implement default privacy settings that minimize data collection from children and provide child-friendly user experiences;
- d) No targeted advertising shall be directed at minors based on their personal data, browsing habits, or online behavior.

SEC 5. *Responsibilities of Online Platforms and Service Providers.* – To ensure the protection of children’s personal information in the digital space, online platforms and service providers shall be required to:

- a) Establish mechanisms for parental consent verification;
- b) Provide parents or legal guardians with the option to review, modify, or delete their child’s personal information;
- c) Delete a child’s personal information within a reasonable period upon request by the parent or legal guardian.

SEC 6. *Penalties.* – Any online service provider found violating this Act shall be subject to the following penalties:

- a) A fine of not less than Five Hundred Thousand Pesos (₱500,000.00) but not exceeding Five Million Pesos (₱5,000,000.00) for each instance of non-compliance;
- b) Suspension or revocation of business permits for repeated violations;
- c) In cases of willful or reckless misuse of children’s data, criminal liability may be imposed in accordance with applicable laws.

SEC 7. *Implementing Rules and Regulations (IRR).* – The NPC, in coordination with the Department of Information and Communications Technology (DICT), Department of Social Welfare and Development (DSWD), and other relevant agencies, shall jointly promulgate the implementing rules and regulations (IRR) to implement the provisions of this Act and issue the same within sixty (60) days from its effectivity.

The IRR issued pursuant to this section shall take effect thirty (30) days after its publication in a newspaper of general circulation.

SEC. 8. *Separability Clause.* – If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 9. *Repealing Clause.* – All laws, decrees, ordinances, administrative order, rules and regulations, or any part thereof, which are inconsistent with this Act are repealed or amended accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,