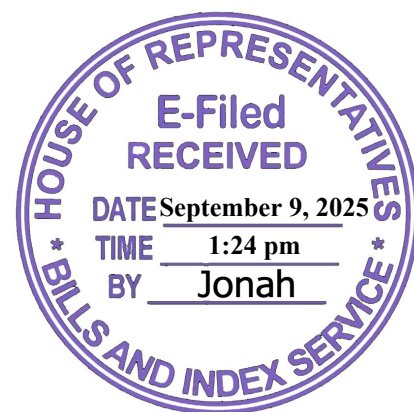


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4456



Introduced by **HONORABLE RAMON JOLO B. REVILLA III,**
HONORABLE LANI MERCADO-REVILLA, and
HONORABLE BRYAN B. REVILLA

AN ACT
PROTECTING THE USERS OF RADIO FREQUENCY
IDENTIFICATION DEVICES

EXPLANATORY NOTE

Radio frequency identification (RFID) tags and trackers were introduced as early as 1970s but their use was limited due to high cost. The continuous development in information and technology, together with the gradual increase in its use, brought down the cost of using RFID and expanded its features and uses.

At present, different industries have already shifted to RFID for various purposes and it is, in fact, present in items that we use everyday such as passports, train cards, toll booth cards, access cards in offices and schools, and microchip implants in animals. The use of RFID tags and trackers undoubtedly make various systems and operations in our daily lives convenient and efficient, but authorities should put in place measures to ensure that such usage is regulated and monitored.

The National Telecommunications Commission (NTC) issued Memorandum Circular No. 03-08-2006 regarding “Use and operation of Radio Frequency Identification (RFID) within the 13.553-13.567 MHz, 918-920 MHz, and 2446-2454 MHz bands”, which provides for rules and regulations regarding RFIDs, as well as penalties, for violations thereof.

This bill aims to protect RFID users, particularly by ensuring that its usage does not violate any rights of our citizens as enshrined in the Constitution, particularly their right to privacy. It outlines the measures on how RFID users can protect their personal information that have been solicited or gathered.

In this light, the immediate passage of this bill is highly recommended.



RAMON JOLO B. REVILLA III



LANI MERCADO-REVILLA



BRYAN B. REVILLA

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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 “*RFID Users Protection Act*”.

Sec. 2. *Definition of Terms.* – As used in this Act, the term:

- a. *Data* means personal information, numerical values associated with a person’s facial features, or unique personal identifier numbers stored on an identification device;
- b. *Identification device* means an item that uses radio frequency identification technology;
- c. *Personal Information* includes any of the following information associated with an individual:
 - i. Social security number;
 - ii. Driver’s license number;

- iii. Bank account number;
- iv. Credit or debit card number;
- v. Personal identification number;
- vi. Automated or electronic signature;
- vii. Unique biometric data;
- viii. Account passwords;
- ix. Telephone number;
- x. Address;
- xi. Date of birth; or
- xii. Any other piece of information that can be used to access an individual's financial accounts, or to obtain goods or services, or offer goods or services based on that information without an individual's consent.

d. *Radio frequency identification or RFID* means a technology that uses radio waves to transmit data remotely to readers and are intended to carry data in suitable transponders, generally known as tags, and to retrieve data, by hand- or machine-readable means, at a suitable time and place to satisfy particular application needs. Data within a tag may provide identification of an item, goods in transit, a location, the identity of persons and/or their belongings, a vehicle or assets, an animal or other types of information;

e. *RFID systems* employ tiny chips and wireless antennas that can be embedded into products and used for unique identification purposes. It is a contact-less solution that works with proximity readers and RFID tags.

f. *Proximity reader* is a device that transmits an interrogating/ querying signal to an RFID tag and receives unique information from the tag. Readers have two

high level versions – those that store data and those that simply store a reference key for look-up on host system;

g. *Remotely* means that no physical contact between the identification device and the reader is necessary in order to transmit data; and

h. *RFID tag* is a microchip attached to an antenna that picks up signals from and sends signals to a reader. A tag contains a unique number, but may have other information, such as customers' account number. RFID tags may be classified as:

i. Active tag which is used for long distance purposes, such as in toll highways, parking areas, and gas stations. This tag uses small batteries which enable it to send signals at a longer distance; and

ii. Passive tag which is used very near or in close proximity to a reader, and does not use any internal battery.

i. *Unique personal identifier number* means a randomly assigned string of numbers or symbols that is encoded on the identification device and is intended to identify the identification device.

Sec. 3. Notice Requirement. – Any person who sells, issues, or distributes items containing an electronic communication device must post a notice informing the consumer of the use of such technology. The notice must disclose the following information:

a. The item contains or may contain an electronic communication device;

b. The consumer has the legal right to request that an item containing an electronic communication device be removed or deactivated before the item leaves the premises; and

c. The consumer has the right to request a copy of all personal information collected about himself or herself through an electronic communication device, including the identity of any person who has had access to the consumer's personal information.

Sec. 4. *Labelling Requirement.* – A person must not sell, use, or distribute an item that contains an electronic communication device without labelling the item with a notice stating that:

- a. The item contains an electronic communication device capable of engaging in electronic communication; and,
- b. The device can transmit personal information to an independent reader or scanner both before and after purchase or issuance.

Sec. 5. *Requesting Review of Personal Information.* – A consumer may request all stored personal information pertaining to himself or herself, including the identity of any individual or entity who has had access to the consumer's personal information. After reviewing one's personal information, the consumer must be given the opportunity to contest the accuracy of his or her personal data, correct or amend the data, and request that the information be removed or destroyed from the database, unless such removal or destruction is prohibited by law.

Sec. 6. *Removal or Deactivation.* – Upon request by a consumer, a person who sells, issues, or distributes an item containing an electronic communication device must remove or deactivate the device before the consumer leaves the premises. Any costs associated with removal or deactivation cannot be passed on to the consumer. Once deactivated, it must not be reactivated without the express written consent of the consumer associated with the item.

Sec. 7. *Security Measures.* – Any person who sells or utilizes an electronic communication device must implement adequate security measures to ensure that

the information is secure from unauthorized access, loss or tampering. These security measures should be consistent with industry standards that are commensurate with the amount and sensitivity of the information being stored on the system.

Sec. 8. *Unauthorized Scanning and Other Prohibited Uses.* – A person may not use an electronic communication device to remotely scan, or attempt to scan, an item associated with a consumer without the consumer’s knowledge. A person may not disclose, either directly or through an affiliate, a consumer’s personal information associated with information gathered by, or contained within, a device capable of engaging in electronic communication. A person may not use, either directly or through an affiliate or non-affiliated third party, information gathered by, or contained within, a device capable of engaging in electronic communication in order to identify a consumer.

Sec. 9. *Penalty for Unlawful Scanning.* – A person who intentionally scans another person’s identification device remotely, without that person’s prior knowledge and prior consent, for the purpose of fraud, identity theft, or for any other purpose, shall be subject to a fine of not less than Fifty Thousand Pesos (P50,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00).

Sec. 10. *Separability Clause.* – If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

Sec. 11. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof contrary to, or inconsistent with, this Act are hereby repealed, modified or amended accordingly.

Sec. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication either in the *Official Gazette* or in a newspaper of general circulation.

Approved,