

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6610



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT

MANDATING BUSINESS ESTABLISHMENTS TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM, PROVIDING GUIDELINES FOR ITS INSTALLATION, USE, AND PROCEDURE FOR ACCESS TO ITS IMAGES AND RECORDINGS, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

Article II, Section 4 and 5 of the 1987 Constitution states that: "The prime duty of the Government is to serve and protect the people"; and "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

The use of closed-circuit televisions (CCTVs) is among the most effective tools in crime deterrence, prevention, detection, and solution since there is a video recording that can be used as evidence.

The installation of CCTV system is an effective measure to increase the security of any business site and to enhance the efficiency and performance of a business operation. The Philippine National Police (PNP) acknowledges the importance of these CCTV cameras in deterring crimes because they believe that having them installed, will deter unacceptable behavior, ensure security and safety of individuals transacting within any organization or businesses.

The Department of Interior and Local Government (DILG) through its Memorandum Circular No. 2022-060 dated 18 May 2022 has directed cities/capital towns to require the installation of CCTVs for certain business establishments, which effectively amends DILG Memorandum Circular No. 2014-119 dated 15 September 2014 by expanding the CCTV system requirement for securing business permits.

Such move seeks to ensure that the guidelines for the specifications, operation and retention of CCTV systems, and the data it collects are consistent

with the progress in technology and are addressing the growing privacy concerns over the years.

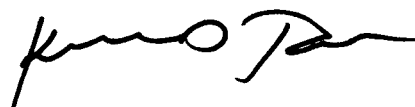
In view of intensifying the government's drive to deter, prevent, detect, and solve criminality, this bill aims to require the use of CCTV systems in all business establishments.

It also seeks to address the privacy issues in relation to the installation and use of CCTV systems in light of the National Privacy Commission's Advisory No. 2020-04, Guidelines on the Use of Closed-Circuit Television (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".

Hence, this proposed legislation institutionalizes the parameters and guidelines for authorized CCTV installations, and 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 thereof, immediate consideration of this bill is earnestly sought.



Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6610

Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT

MANDATING BUSINESS ESTABLISHMENTS TO INSTALL A CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM, PROVIDING GUIDELINES FOR ITS INSTALLATION, USE, AND PROCEDURE FOR ACCESS TO ITS IMAGES AND RECORDINGS, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

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

SECTION 1. *Short Title.* - This Act shall be known as the "Closed-Circuit Television (CCTV) Act."

SEC. 2. *Declaration of Policy.* - It is hereby the declared policy of the State to maintain peace and order, protect life, liberty and property, promote the general welfare, value the dignity and privacy of every Filipino, and guarantee the full respect for human rights. Towards this end, the State shall develop the guidelines for the installation, use and utilization of the closed-circuit television (CCTV) in public, private and residential establishments with due regard to the privacy and civil rights of every individual as provided under the 1987 Philippine Constitution and Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012". The purpose for the installation of the CCTVs is to maintain peace and order in the communities, promote crime prevention, and uphold public safety and security.

SEC. 3. *Definition of Terms.* - For the purposes of this Act:

(a) Closed-circuit television (CCTV) shall refer to the use of video cameras to transmit a signal to a specific place, on a set of monitors/a television 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 shall refer 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 shall 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 shall 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 shall refer to recorded images in the CCTV Cameras; and Persons in Authority refer to elements of the Philippine National Police (PNP), Barangay Chairman and the Barangay Tanods.

SEC. 4. *Installation of CCTVs in All Business Establishments.* - The following business establishments are hereby required to install CCTVs in the area of their business operations:

(a) Financial establishments such banks, pawnshops, money lenders, money remittance services, money changers and other establishments with similar transactions;

(b) Business establishments that are part of a national chain or have several branches in other parts of the country such as restaurants, fast-food chains, convenient stores, grocery stores, and drug stores;

(c) Shopping malls or centers, supermarkets, wet markets or palengke and other similar establishments;

(d) Hospitals, laboratories, clinics, and other medical facilities;

(e) Theaters, movie houses, perya, arcades, internet cafes, and other places of entertainments;

(f) Airports, ports, public transportation terminals, parking lots, and other similar establishments;

(g) Car dealerships, gasoline or fuel stations, vehicle maintenance or service stations; and

(h) Boarding houses, dormitories, apartments, hotels, condominiums and residential subdivisions; and

(i) Recreational facilities such as spas, saunas, steam baths, swimming pools, fitness and athletic establishments.

The CCTVs shall be continuously operated and maintained in proper working condition at all times.

SEC. 5. *Required Minimum Technical Specifications.* – All business establishments covered under the immediately preceding Section are strictly required to install a CCTV system that meet the following minimum specifications:

A. Camera

- (1) High-definition analog or at least two (2) megapixel digital camera;
- (2) 0.1 Lux minimum illumination;
- (3) 2.8mm to 3.6mm Focal length;
- (4) Auto-iris focus lens (fixed/vari-focal);
- (5) 1/30s to 1/50,000s Shutter speed;
- (6) 50-meter Infrared range;
- (7) 120dB Wide dynamic range;
- (8) Pan and tilt adjustment of zero (0) degrees to 180 degrees and rotate adjustment of zero (0) degrees to 360 degrees; and
- (9) Outdoor cameras must be vandal-proof with IP 66 weatherproof casing.

B. Video/Audio Input

- (1) Hybrid type (accepts digital and analog signal), minimum of four (4) camera input;
- (2) Video and audio stream input;
- (3) H.264 (Advanced video coding) video compression and G.711u audio compression;
- (4) 30 Frames-per-second (FPS) recording capability per camera;
- (5) Analog high-definition input (1080p@25FPS, 1080p@30FPS, 720p@25FPS, 720p@30FPS);
- (6) Hard disk drive storage system with enough capacity to

accommodate the prescribed retention period; and

(7) Time stamping feature.

C. Video and Audio Output

(1) 720p or 1080p Resolution;

(2) 30 FPS; and

(3) At least ten (10) megabits per second (Mbps) video bitrate and at least 64 kilobits (Kbps) audio bitrate.

D. Other Specifications

(1) At least four (4) cameras covering the areas of transaction and risks. Provided, That as far as practicable, one (1) camera must be facing the street or entrance of the establishment with the actual number of cameras to depend on the size of the establishment and nature of business, as determined by the Department of Interior and Local Government (DILG);

(2) Centralized power supply for the video recorder and cameras; and

(3) Uninterruptible power supply (UPS) to provide standard, reliable, and continuous back-up power to the video recorder and cameras.

E. Installation

(1) Cameras must be installed at a secure location with maximum area coverage of entrances and exits and areas of transaction or risk, making sure that there will be no blind spots;

(2) Video recorders must be mounted at a secure or concealed locations to protect them from deliberate tampering;

(3) CCTVs must be installed in well-lit areas and with consistent lighting to pick-up identifying details such as facial features;

(4) The angle of the cameras must be considered to avoid lens flare and backlighting;

(5) The following objectives and recording distance when installing CCTV cameras shall be determined:

(a) General surveillance must be ten (10) feet or greater;

(b) Facial recognition must be five (5) to seven (7) feet; and

(c) For parking lots, plate recognition must be three (3) to four (4) feet

(6) As far as practicable, a back-up system must be installed alongside the CCTV system to ensure that data is kept secure in the event of physical harm to the storage devices such as fires, earthquakes, and any form of deliberate tampering and other similar situations;

(7) As far as practicable, dummy CCTV cameras must also be placed in a conspicuous area to deter possible criminal acts and protect the cameras;

(8) Signages indicating that the establishment or area is being monitored by a CCTV system must be installed in areas that are visible to the public and must use plain, clear, and concise language;

(9) At least one staff or employee shall be trained to operate the CCTV system.

The Anti-Cybercrime Group of the Philippine National Police shall regularly update the minimum specifications and guidelines for the installation of the CCTV systems as provided under this Act.

SEC. 6. *Privacy.* - All business establishments required to install CCTVs under this Act shall strictly comply with the following guidelines on privacy:

(a) Existing guidelines of the National Privacy Commission (NPC) on the use of CCTV systems; and

(b) Video footages obtained through the CCTV systems shall be retained for a maximum period of three (3) weeks in order to allow investigating authorities to properly retrieve and prepare back-ups of the data relevant to any incidents that may occur.

SEC. 7. *Minimum Coverage.* - All establishments shall be required to install CCTVs as to afford full coverage of the following:

(a) From the interior of the establishment:

(1) All entrances and exits; and

(2) The center of business activity in the establishment including tellers, cashiers, cash registrars, sales counters and areas leading to the vault or safe depending on the nature of business operations of the establishment.

(b) From the exterior of the establishment when the establishment is not located inside a mall or building which has its own exterior cameras:

(1) All entrances and exits;

(2) From the entrance and exits, a clear view of the area to and from the street/s abutting the establishment, including frontage thereof taking into consideration the clarity of shots in relation to the angles thereof; and

(3) Parking lots and drive-through lanes whenever applicable.

SEC. 8. *Purposes of CCTV Installation.* - The installation of CCTV in all establishments, whether private or public, 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 of employee workmanship and performance; and Documentation for Institutional Purposes. - The CCTV shall function as a tool to monitor the progress or development of data; or the sequences of events in a facility or institution.

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

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

(a) The CCTV shall at all times be operated with respect to people's privacy and their right to conduct or engage in lawful activities;

(b) The owner/operator of the CCTV shall be publicly known to ensure appropriate accountability and shall be appropriately registered before the PNP;

(c) Signage informing the public of the existence of CCTV cameras shall be erected. It shall be visible, distinctive and located in areas with good lighting;

d). The premise for use of CCTV as crime deterrent shall mobilize a quick and adequate response unit from the persons of authority such as but not limited to the local police force or barangay watchmen on reported incidents;

(e) Persons of Authority shall develop a system for addressing complaints to receive and investigate complaints about alleged violations of privacy;

(f) A recorded material shall not be released to the media except only to acquire relevant information on the identity and whereabouts of an individual wanted for a criminal offense, and provide the general public information of critical concern in the community with the consent of the owner of the establishment. In such cases, the recognizable characteristics of other people in the footage shall be obscured; and

(g) Tapes or still photographs shall be disposed of in a manner which does not allow the reproduction of any of the recorded material.

SEC 10. *Prohibited Acts and Recordings.* - It shall be unlawful for any person or establishment to perform the following acts:

(a) Install or use the CCTV on someone else's property;

(b) Install or use the CCTV cameras in any restroom, toilet, bathroom, changing room and other similar areas utilized for private activities;

(c) Use CCTV with a device to overhear events, conversations or sounds without the permission of the people involved shall not be allowed;

(d) Install CCTVs 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. 11. *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) Upon request of any person whose image has been recorded may make an application in writing for a copy of the recording or its still images;

(d) Upon compliance with the Rules of Procedure set by security agencies operating under the management of clients; and

(e) When circumstances warrant that Law Enforcement Agencies release the image or recordings from the CCTV to the media to help identify the perpetrator of a crime or locate his whereabouts, or as a matter of public information.

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

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

beyond said period.

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

No business permit or permit to operate shall be issued to or renewed for the business establishments covered by this Act unless the CCTVs as herein specified are installed and fully operational.

SEC. 14. *Implementing Rules and Regulations.* - The Director General of the PNP, in close coordination with the National Privacy Commission, the Secretary of Interior and Local Government, the Secretary of National Defense, the Secretary of Transportation, Secretary of Information and Communications Technology, the Secretary of Justice, the National Security Adviser, and the Director of National Bureau of Investigation, shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or part thereof, contrary to or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 16. *Separability Clause.* - If any section or provision of this Act is held unconstitutional or invalid, all other sections or provisions shall remain in full force and effect.

SEC. 17. *Effectivity.* -This Act shall take effect fifteen (15) days after its publication in the Official Gazette and/or in at least two (2) newspapers of general publication in the Philippines.

Approved,