

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **9448**



Introduced by Representative KAREN HOPE F. GARCIA

EXPLANATORY NOTE

The rapid expansion of digital platforms has fundamentally reshaped how Filipino children learn, communicate, and participate in society. While online spaces offer educational and social benefits, they also expose children to serious risks such as online sexual exploitation, cyberbullying, harmful content, algorithmic manipulation, and the misuse of personal data. Recent international developments, including Australia's decision to restrict social media access for children under sixteen¹, underscore the growing global consensus that stronger state action is necessary to protect minors in digital environments.

In the Philippines, existing laws recognize the special protection owed to children, including Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, and Republic Act No. 11930 or the Anti-Online Sexual Abuse or Exploitation of Children (Anti-OSAEC) Act. However, these laws were enacted before the widespread dominance of algorithm-driven platforms, immersive digital environments, and large-scale data profiling of minors. There remains a regulatory gap in imposing affirmative, child-specific duties on digital platforms operating in the country.

Children today are growing up in a digital environment where online platforms, social media applications, games, educational tools, and content-sharing services play an increasingly central role in their daily lives. Filipino children are among the most active internet users in Southeast Asia. According to UNICEF², Filipino children spend

¹ "Australia Bans Social Media for Children Under 16." The New York Times, 9 Dec. 2025, www.nytimes.com/2025/12/09/world/asia/australia-social-media-ban-under-16.html

² UNICEF Philippines. Executive Summary: Protecting Children Online in the Philippines. United Nations Children's Fund, 2021, <https://www.unicef.org/philippines/media/2616/file/UNIPH-2021-PKO-Executive-Summary.pdf>

an average of two hours per day online, often beginning as early as age nine. This suggests the need for younger children – including those at primary school - to be taught the technical skills, and digital citizenship, that may be required to ensure that they stay safe online.

Recent global research underscores the scale of the problem. A 2023 report by the Organization for Economic Cooperation and Development (OECD) found that digital platforms routinely collect extensive data on minors, including location data, browsing behavior, biometric identifiers, and inferred psychological traits, often without meaningful parental awareness or consent.

In the Philippine context, online harms affecting children are rapidly increasing. Data from the Philippine National Police Anti-Cybercrime Group shows a sharp rise in online sexual exploitation of children, identity misuse, and data-driven grooming cases since the COVID-19 pandemic. The Department of Justice has likewise noted that social media platforms and messaging services are frequently used to collect, store, and disseminate children's personal information without adequate safeguards. These risks are exacerbated by algorithm-driven content systems that amplify harmful material and normalize intrusive data collection practices.

While the Republic Act No. 10173, also known as the Data Privacy Act of 2012, establishes a general framework for the protection of personal information, it does not contain explicit provisions addressing the unique vulnerabilities of children in digital and online environments. The Act treats children's data largely the same as adult data, relying on general consent and security standards that are insufficient in the context of algorithmic profiling, targeted advertising, and large-scale data processing by global technology platforms. In contrast, international best practices now recognize children as a distinct category of data subjects requiring heightened protection.

For example, the European Union's General Data Protection Regulation (GDPR)³ mandates enhanced safeguards for children, including limits on profiling, stricter consent requirements, and child-specific transparency obligations. The United Kingdom's Age Appropriate Design Code⁴ further requires platforms to design systems with the best interests of the child as a primary consideration. These measures reflect a growing global consensus that child data protection must be proactive, preventive, and embedded in system design.

³European Union. General Data Protection Regulation (GDPR): Summary. EUR-Lex, <https://eur-lex.europa.eu/EN/legal-content/summary/general-data-protection-regulation-gdpr.html>

⁴Information Commissioner's Office (ICO). Age-Appropriate Design: A Code of Practice for Online Services – Executive Summary. ICO, <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/childrens-information/childrens-code-guidance-and-resources/age-appropriate-design-a-code-of-practice-for-online-services/executive-summary/>

Amending the Data Privacy Act to explicitly integrate child-specific data protection standards will align Philippine law with these international norms while strengthening accountability for digital platforms operating in the country. By imposing heightened duties of care, requiring child-focused data protection impact assessments, restricting harmful data practices such as behavioral profiling and targeted advertising, and empowering the National Privacy Commission to enforce child-centered standards, the proposed amendment seeks to close critical regulatory gaps.

Ultimately, protecting children's personal data is not merely a privacy issue but a matter of child welfare, digital safety, and human rights. In an era where data-driven technologies increasingly shape children's experiences, opportunities, and vulnerabilities, the State has a duty to ensure that the legal framework evolves accordingly. The immediate passage of this measure is therefore earnestly sought.

This measure does not seek to prohibit or ban children from accessing social media or digital platforms. Instead, it adopts a child-rights-based and proportionate approach by imposing stringent safety, transparency, and data protection obligations on platforms, enhancing parental controls, and strengthening government oversight. By shifting responsibility toward platform accountability and informed supervision, this Act ensures that children can safely benefit from digital technologies without sacrificing their rights to protection, privacy, and development.

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



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Introduced by Representative KAREN HOPE F. GARCIA

AN ACT
STRENGTHENING THE PROTECTION OF CHILDREN'S PERSONAL DATA IN
DIGITAL AND ONLINE ENVIRONMENTS, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 10173, OTHERWISE KNOWN AS THE "DATA PRIVACY ACT
OF 2012"

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

CHAPTER I
GENERAL PROVISIONS

Section 1. *Short Title.* - This Act shall be known as the "Child Online Data Protection and Safety Amendment Act."

Section 2. *Declaration of Policy.* - Consistent with Article II, Sections 11 and 13 of the 1987 Constitution, the State recognizes the dignity of every human person and affirms its duty to protect children from all forms of abuse, exploitation, and harm, including those arising in digital environments.

It is well within the policy of the State to ensure that children are afforded special protection online by strengthening platform accountability, imposing heightened duties of care on digital service providers, and institutionalizing safeguards that promote safe, age-appropriate, and rights-respecting digital spaces for minors. Regulation shall be exercised in a manner that promotes transparency, innovation, and freedom of expression, while ensuring that the best interests of the child remain paramount.

The State recognizes that children are particularly vulnerable in digital environments and that online platforms have a heightened responsibility to prevent harm, misuse of personal data, and exposure to age-inappropriate or exploitative content. Consistent with this policy, the State shall adopt regulatory measures that ensure child-safe digital environments while respecting freedom of expression, access to information, and parental authority.

Section 3. Amendment of Section 3 of Republic Act No. 10173 (Definition of Terms). Section 3 of Republic Act No. 10173 is hereby amended by adding new paragraphs to read as follows:

“(m) Child – refers to any person whose age is below eighteen (18) years old.”

“(n) Children’s Personal Data – refers to any personal information relating to a child, including but not limited to identifying information, online identifiers, behavioral data, location data, biometric data, educational records, and any data generated through a child’s use of digital or online services.”

“(o) Digital Platform Accessible to Minors – refers to any online service, application, website, or system that is likely to be accessed or used by children, whether intentionally designed for children or not.”

Section 4. Amendment of Section 12 of Republic Act No. 10173 (Criteria for Lawful Processing of Personal Information). Section 12 of Republic Act No. 10173 is hereby amended by adding new paragraphs to read as follows:

“In the case of children’s personal data, lawful processing shall require the consent of a parent or legal guardian, except where processing is necessary to protect the vital interests of the child or as otherwise provided by law. Such consent shall be obtained through age-appropriate and verifiable mechanisms.”

Section 5. Amendment of Section 13 of Republic Act No. 10173 (Sensitive Personal Information and Privileged Information). Section 13 of Republic Act No. 10173 is hereby amended by adding new paragraphs to read as follows:

“Children’s personal data shall be presumed to require a higher level of protection. Digital platforms accessible to minors shall be prohibited from processing such data for purposes of targeted advertising, behavioral

profiling, or automated decision-making that may adversely affect the rights, safety, or well-being of the child.”

Section 6. Amendment of Section 16 of Republic Act No. 10173 (Rights of the Data Subject). Section 16 of Republic Act No. 10173 is hereby amended by adding new paragraphs to read as follows:

“The rights of a child as a data subject shall be exercisable by the child’s parent or legal guardian, without prejudice to the evolving capacities of the child, and personal information controllers shall ensure that such rights are practically accessible and effective.”

Section 7. Amendment of Section 20 of Republic Act No. 10173 (Security of Personal Information). Section 20 of Republic Act No. 10173 is hereby amended by adding new paragraphs to read as follows:

“Where personal information relates to children, personal information controllers shall adopt enhanced security measures commensurate to the heightened risks faced by minors in digital environments.”

Section 8. Insertion of a New Section on Heightened Duties of Care for Children. A new section is hereby inserted after Section 20 of Republic Act No. 10173, to read as follows:

“SEC. 20-A. Heightened Duties of Care for Children’s Personal Data. Personal information controllers and processors whose services are accessible to minors shall:

- (a) Design and operate their systems with the best interests of the child as a primary consideration;
- (b) Implement enhanced organizational, physical, and technical safeguards specifically calibrated to protect children from data misuse, exploitation, and digital harm;
- (c) Collect and process only such children’s personal data as is strictly necessary for the provision of the service;
- (d) Provide privacy notices, terms of service, and consent requests in clear, age-appropriate, and child-friendly language; and
- (e) Establish accessible mechanisms for parents, guardians, and children to exercise data subject rights.”

Section 9. *Insertion of a New Section on Data Protection Impact Assessments for Children.* A new section is hereby inserted after Section 21 of Republic Act No. 10173, to read as follows:

“SEC. 21-A. *Child Data Protection Impact Assessments.* Personal information controllers operating digital platforms accessible to minors shall conduct periodic Child Data Protection Impact Assessments to identify, evaluate, and mitigate risks to children arising from the processing of their personal data, including risks from profiling, algorithmic content recommendation, and data sharing practices.”

Section 10. *Role of the National Privacy Commission.* Section 7 of Republic Act No. 10173 is hereby amended by adding a new paragraph to read as follows:

“The National Privacy Commission shall promulgate rules, in coordination with the Department of Information and Communications Technology and other relevant agencies, to enforce child-specific data protection standards for digital platforms accessible to minors.”

Section 11. *Penalties.* Any violation of the provisions relating to the protection of children’s personal data shall be subject to the penalties provided under Republic Act No. 10173, without prejudice to additional liabilities under special laws protecting children.

Section 12. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current appropriation of the National Privacy Commission. Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 13. *Implementing Rules and Regulations.* Within ninety (90) days from the effectivity of this Act, the National Privacy Commission, in coordination with the Department of Information and Communications Technology, shall promulgate the necessary rules and regulations for its effective implementation.

Section 14. *Separability Clause.* If for any reason, any section, subsection, clause or term of this Act is held invalid or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 15. *Repealing clause.* All existing laws, orders, decrees, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby amended, modified or repealed accordingly.

Section 16. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,