

MAP Letter to NPC Comm. RAYMUND E. LIBORO concerning the Draft Circular on Administrative Fines



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June 10, 2021

Commissioner RAYMUND E. LIBORO
Commissioner and Chairman
National Privacy Commission (NPC)
DOST - Main Compound
Gen. Santos Avenue
Bicutan, Taguig City

Dear Comm. Liboro:

We write to express our concerns on the Draft Circular on Administrative Fines.

The proposed administrative fines in the draft NPC Guidelines far exceed the penalties provided under Chapter VIII (Penalties) of Republic Act (RA) No. 10173 or the Data Privacy Act (DPA) of 2012. We note that the administrative fines proposed by the NPC can reach 5% of a company's annual gross income.

On the other hand, Chapter VIII (Penalties) of RA 10173 only provides for fines ranging from P500,000 to P5,000,000. This could potentially lead to unreasonable fines which are significantly in excess of the fines for criminal violations of the DPA. The magnitude of the fines could also result in severe financial distress which could greatly impact the viability of a corporation, resulting in harm not only to its shareholders but also to its employees, suppliers, partners and its other stakeholders.

We further pray that prohibited acts be clearly defined by the NPC in order to properly guide regulated entities.

We are fully supportive of the NPC and recognize its mandate of protecting individual personal information; however, we urge the Commission to adjust the circular to ensure that penalties are reasonable and well understood.

Thank you.

Very truly yours,


FRANCISCO ED. LIM
Co-Chair, MAP National Issues Committee


RIZALINA G. MANTARING
Co-Chair, MAP National Issues Committee