

## **DATA PRIVACY ACT AND CHILD ONLINE PROTECTION**

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The National Privacy Commission is a newly constituted government agency mandated to administer and implement the Data Privacy Act of 2012 and ensure compliance of the country with international standards set for data protection. In this sense, we are still laying the groundwork for personal data protection in the country. We are well aware of global efforts to strengthen child online protection and combat crimes that exploit and victimize children. We intend to be an active partner in this campaign.

The Philippines has an existing legal framework for child online protection, including laws that penalize child pornography, and online child abuse and exploitation. It is a reality, however, that in today's digital age where information is readily accessible, implementation and enforcement remains a challenge. Advancements in technology become a double-edged sword, and many online activities remain unregulated.

In the efforts towards child online protection, there may be concerns about how data protection laws would impact law enforcement activities. The right to privacy should not be viewed as incompatible with the mandate of public authorities to carry out their functions. Online child abuse, exploitation and child pornography are not protected activities, and are recognized limitations on freedom of expression and right to privacy. Under the Data Privacy Act, law enforcement activities will not be unduly restricted, subject to requirements of due process. Existing laws safeguard the privacy of victims of child abuse and impose obligations on different sectors to cooperate in law enforcement investigations.

We acknowledge that children represent a vulnerable sector requiring special protection and that addressing the serious problem of online child abuse and exploitation demands inter-agency coordination and cooperation, not just in the apprehension or prosecution of child predators, but in prevention and education. On this point, the National Privacy Commission commits to including child online protection in its policy development and public information programs. Personal data protection is not just about implementing safeguards to protect people against identity theft or security breaches, but includes promoting responsible social media and internet use, and ensuring that any use or sharing of personal data would not put children at risk for exploitation or other forms of abuse.