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Department of Social Welfare and Development

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MEMORANDUM CIRCULAR

No. 12
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SUBJECT: GUIDELINES IN SHARING THE DATA GENERATED FROM LISTAHANAN 2

1. RATIONALE

One objective of the reform agenda under the National Sector Support for Social Welfare and Development Reform Project (NSSSWDRP) of the Department is to improve the service delivery systems to the public, particularly to the poor. Having a unified and transparent targeting system is a key factor to achieve this.

On this premise, Department Order No. 1¹ was signed by Secretary Esperanza I. Cabral on 30 September 2008. The Order stipulates the operationalization of a household targeting system that will facilitate the establishment of a socio-economic database of poor households that will be used in identifying beneficiaries of current and future social protection programs.

For all stakeholders requesting data from the National Household Targeting System for Poverty Reduction (NHTS-PR) or Listahanan, these guidelines will address the requirement for the proper management of the data of poor households. In addition, it will strengthen the mechanism for data sharing by ensuring compliance to pertinent laws including Republic Act 10173 otherwise known as the Data Privacy Act of 2012 and Executive Order No. 02, series of 2016 on the Freedom of Information.

2. LEGAL BASES

These Guidelines are anchored on the provisions of the following relevant laws and issuances relating to data protection and security and data sharing.

2.1 Republic Act 10173 or the Data Privacy Act of 2012

RA 10173 is an Act protecting individual personal information in information and communications systems in the government and the private sector. The law protects the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth.

2.2 Executive Order No. 2, Series of 2016

The Order operationalizes in the Executive Branch of Government the People's Constitutional Right to Information and the State policies to Full Public Disclosure and Transparency in the Public Service. The Executive Order prescribes the procedures that will guide public officials in ensuring the full protection of an individual's right to information and privacy.

¹ Adopting a Household Targeting System for Poverty Reduction for DSWD Programs and Services

July 3, 2017

2.3 General Circulars Nos. 1 and 2, National Archives of the Philippines (NAP)

The NAP Circulars prescribe the Rules and Regulations Governing the Management of Public Records and sets the Guidelines on the Disposal of Valueless Records in Government Agencies.

2.4 RA 6713, Section 7(c). Disclosure and/or Misuse of Confidential Information.

The law stipulates that public officials and employees shall not use or divulge confidential or classified information officially known to them because of their office and not made available to the public either [i] to further their private interests or give undue advantage to anyone or [ii] to prejudice the public interest.

2.5 Executive Order No. 867, s. 2010

Promulgated in March 2010, the Order provides for the adoption of the National Household Targeting System for Poverty Reduction as the mechanism for identifying poor households who shall be recipients of social protection programs nationwide. All National Government Agencies are mandated to use the data generated by the system in prioritizing beneficiaries of the government's social protection programs and projects.

2.6 DSWD Memorandum Circular No. 21 s. 2012; Section 4, Article IV

The Circular enjoins DSWD personnel not to disclose any confidential information in the course of or because of their employment. Confidential information means information that cannot be made public, unless otherwise ordered or authorized by the Court or authorities of the Department, as the unauthorized disclosure thereof may be prejudicial to the interest of the Department, or any of its offices, bureaus or services or any particular official or employee.

3. DEFINITION OF TERMS

3.1 Social Protection - constitutes policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the vulnerable by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks. The components of social protection are labor market programs, social insurance, social welfare, and social safety nets.

3.2 Listahanan - or the National Household Targeting System for Poverty Reduction (NHTS-PR) is an information management system that provides national government agencies, development partners, and other social protection duty-bearers with information on who and where the poor are in the Philippines. This information is used for the identification and selection of potential beneficiaries of social protection programs.

3.3 National Privacy Commission (NPC) is an independent body created under RA 10173 otherwise known as the Data Privacy Act of 2012 and mandated to administer and implement the Act and to monitor and ensure compliance of the country with international standards set for personal data protection.

3.4 Data Requisition and Clearance - refers to the phase where data from the Listahanan is officially requested by a stakeholder for the purpose of identifying and verifying target beneficiaries of their programs and services. The process includes the review of the requests as to purpose and kind of data needed, and securing approval of authorized officials for data generation and to ensure that the personal information, statistics and raw data requested will indeed be used for social protection programs or activities.

3.5 Data Generation – refers to the phase covering the data mining activity and the preparation of requested data on the poor in electronic form. All data requests generated involving personal and sensitive personal information shall be prepared in electronic form that is encrypted and password-protected.

3.6 Data or Information Sharing – refers to the phase wherein prepared electronic data is officially transmitted to the requesting parties. All encrypted and password-protected electronic data approved for sharing shall be physically transmitted to stakeholders of social protection programs through their designated Data Protection Officers (DPO).

3.7 Feedback reporting on the use of Listahanan data – refers to the phase where reports on how Listahanan data was utilized in the development and implementation of specific programs and services for the poor are submitted periodically to the National Household Targeting Office (NHTO) or National Household Targeting Units (NHTU).

3.8 Data Subject refers to individuals whose personal information were processed and are included in the Listahanan database.

3.9 Information refers to any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials or other tapes recorded, stored or archived in whatever format, whether offline or online, which are made, received or kept in or under the control and custody of any government office pursuant to law, executive order and rules and regulations or in connection with the performance or transaction of official business by any government office.

3.10 Personal Information (PI) refers to information whether recorded in material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

3.11 Sensitive Personal Information (SPI) refers to personal information about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or

political affiliations. It also includes information on an individual's health, education, genetic or sexual life, or to any proceedings for any offense committed / alleged to have been committed by such person, the disposal of such proceedings or the sentence of court proceedings. If lost, compromised, or disclosed without authorization, this could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

3.12 Personal Information Controller (PIC) refers to a person or organization who controls the collection, holding, processing, or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf.

3.13 Personal Information Processor (PIP) refers to any natural or juridical person to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

3.14 Processing refers to any operation performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

3.15 Data Protection Officers (DPO) are individuals designated by the Personal Information Controller and tasked to ensure compliance with applicable laws and regulations for the protection and security of data. The DPOs shall manage the privacy aspect in the different areas of operations and shall plan, implement, and evaluate policies for data privacy and security.

3.16 Compliance Officer for Privacy (COP) – refers to an individual or individuals who shall perform some of the functions of the DPO as provided under NPC Advisory No. 2017-01 on the Designation of Data Privacy Officers. The COP also ensures that the PIC and PIP comply with applicable laws for data protection and security.

3.17 Encryption is the process of converting electronic data into another form called ciphertext so that it cannot easily be understood except by authorized parties.

4. OBJECTIVES

Data generated from the Listahanan shall be shared primarily to serve as basis in prioritizing beneficiaries of social protection programs as mandated by Executive Order No. 867. Towards that end, the guidelines aim at:

4.1 Establishing a systematic way of sharing data as well as information on poor households that may be eligible for various social protection programs and services;

4.2 Ensuring that mechanisms to safeguard the personal and sensitive personal information of households in the Listahanan database are in place.

4.3 Increasing coordination on the use of the data generated by the Listahanan vis-à-vis other databases of households utilized by agencies engaged in implementing social protection programs and services.

5. COVERAGE

The Guidelines shall apply to requests for Listahanan 2 data coming from:

5.1 National Government Agencies (NGAs) and Government-owned and Controlled Corporations (GOCCs);

5.2 Local Government Units (LGUs), Non-Government Organizations (NGOs), Civil Society Organizations (CSOs), and Private Foundations.

5.3 Requests from other stakeholders whose objective is to use Listahanan data for research and academic advancement or for purposes other than the development and implementation of social protection initiatives shall be elevated to the Listahanan Deputy Project Director or to the DSWD Regional Director for decision.

6. GENERAL GUIDELINES

6.1 Data to be shared shall be used for purposes of social protection activities, such as but not limited to, provision of social services or enrollment in poverty reduction programs and the development of programs or projects.

6.2 Requests involving PI and SPI shall require the perfection of a Memorandum of Agreement (MOA) between the stakeholder and the DSWD. The MOA template is attached hereto as Annex A.

Subsequent request for data while the MOA is still valid will be processed upon submission of a Letter with the Description of Transfer Form (Annex A of MOA) fully filled-in with details of data sets requested.

For statistical and raw data, a MOA is not required. The request shall be supported by a letter (Annex B) citing the reasons for the request, enumerating the kinds of data needed, and a reasonable timeline for the expected release of the data.

6.3 Stakeholders requesting PI and SPI shall be required to designate at least one (1) DPO who shall plan, implement, and evaluate policies for data privacy and security as stipulated in the Implementing Rules and Regulations (IRR) of RA 10173. The Terms of Reference for the DPO as prescribed by the NPC is appended as Annex C.

6.4 The DSWD reserves the right to disapprove any request for data or information, which, upon its assessment, the disclosure of such information or data will violate existing laws or any Department policies or guidelines.

Consistent with Section 12, Executive Order No. 02 on the Freedom of Information, the denial of requests for Listahanan 2 data shall be communicated in writing to the requesting party within 15 working days from the receipt of request. The template for the Denial of Request for Data is attached as Annex D.

The DSWD FOI Agency Manual enumerates the Exceptions where the Right of Access to Information may be denied.

The agency, organization or person whose request for data has been denied may avail of the remedies prescribed in Section 13, Executive Order No. 02.

6.5 For data protection and security, sharing of Listahanan 2 data, whether PI, SPI, statistics, or raw data will be limited only to information covering the total number of identified poor and near-poor households in the data base.

Requests for full/whole database, especially PI and SPI of data subjects, shall be granted only upon proper justification and approval of the Deputy Project Director, NHTS-PR or Listahanan and that the requesting stakeholder shall have demonstrated its technical, physical, and organizational capability for data protection and security.

6.6 To facilitate data sharing and name-matching at the regional level, the NHTO shall provide the 16 DSWD Field Offices with their own regional Listahanan 2 database as provided for in Administrative Order No. _____, series of 2017 or the Guidelines in Accessing Results of Listahanan 2 by DSWD Offices. Annex E

For DSWD ARMM, the release of the regional database shall be subject to the provisions of Section 5 of these Guidelines.

6.7 The formula of the Proxy Means Test (PMT) used in identifying the poor households shall not be shared with any stakeholder.

6.8 The questionnaire or the Household Assessment Form (HAF) used to collect household information, whether hard or electronic copy, may be shared to government and non-government agencies upon approval of a written request. The administration of the form however, will be the exclusive responsibility of the DSWD through the NHTO and its component regional units (NHTUs).

6.9 Stakeholders granted access to Listahanan shall submit to the DSWD Central or Field Offices annual reports on how the data was used. This includes information on which data was also shared with other data users involved in the development and implementation of specific programs and services for the poor. Template for the Data Utilization Report is attached as Annex F.

6.10 Existing agreements executed to access data from the NHTS-PR or Listahanan are deemed revoked when the results of the third Listahanan nationwide assessment are officially made available during the launching of the new database of poor households.

6.11 Kinds of Listahanan Data for Sharing

6.11.1 Names/List of Data Subjects

This includes PI such as the complete names of the household members and their addresses; SPI such as marital status, age, indigenous peoples' group, health, education, and other relevant socio-economic information.

6.11.2 Raw Data

Sometimes referred to as source data, these are unprocessed anonymized data that can be transformed into different formats. These data are usually used for research.

6.11.3 Statistics

These are numerical processed data that are formatted in tabular and graphical form and from which analysis, inferences and interpretations can be made.

6.12 Levels of Data Sharing

To expedite sharing of data to stakeholders identified in Section 5 of these Guidelines, the following shall be observed.

6.12.1 Data Sharing with Central or Head Offices of Agencies

This will cover requests from the following stakeholders with social protection programs that are nationwide in scope.

NGAs, GOCCs, NGOs, CSOs, and Private Foundations

For these stakeholders, the processing of requests for Listahanan data shall be done at the DSWD Central Office through the NHTO.

Where a MOA is required, the DSWD Secretary shall sign the document representing the DSWD as the First Party and the head of the requesting agency for the Second Party. The designated DPO of the Department shall sign as witness of the First Party.

NGOs, CSOs and Private Foundations shall be required to submit additional supporting documents as follows:

- a) Original Copy of the Resolution of the Governing Board authorizing the head of the agency to enter into an agreement for data sharing with the DSWD,
- b) Name/s of designated DPO
- c) Valid proof of the identities of the agency head and the DPO.
- d) Documents attesting to the legitimacy of the organization (e.g. SEC Registration, government accreditation)

The letter requesting for Listahanan data, signed by the head of the agency and accompanied by a duly accomplished MOA, shall be sent to:

The Deputy Project Director
Listahanan
Department of Social Welfare and Development
Batasan Pambansa Complex, Quezon City

6.12.2 Data Sharing with Regional Offices of Agencies

At this level, data sharing shall be facilitated at the DSWD Regional Offices through the NHTUs. This will include requests from the regional or field offices of:

NGAs, GOCCs, NGOs, CSOs, and Private Foundations

Where a MOA is required, the DSWD Regional Director shall sign the document representing the DSWD as the First Party and the head of the requesting agency for the Second Party. The designated DPO of the Regional Office, shall sign as witness of the First Party.

NGOs, CSOs and Private Foundations shall be required to submit additional supporting documents as follows:

- a) Original Copy of the Resolution of the Governing Board authorizing the head of the agency to enter into an agreement for data sharing with the DSWD,
- b) Name/s of designated DPO
- c) Valid proof of the identities of the agency head and the DPO
- d) Documents attesting to the legitimacy of the organization (e.g. SEC Registration, government accreditation)

The letter requesting for Listahanan data, signed by the head of the agency and accompanied by a duly accomplished MOA, shall be sent to:

The Regional Director
Department of Social Welfare and Development

6.12.3 Data Sharing with Local Government Units

6.12.3a Data sharing with Provinces and Highly Urbanized Cities (HUCs)

Data sharing shall be facilitated by the DSWD Regional Offices through the NHTU at the level of the Provincial Government and City Government of HUCs.

Data requests from Provincial Governments shall include the consolidated data requirements of municipalities and component cities under its political jurisdiction.

Where a MOA is required, the DSWD Regional Director and the incumbent Provincial Governor or the City Mayor of the HUC shall be the First and Second Parties to the Agreement, respectively.

The Letter requesting for data, signed by the Governor or the City Mayor of the HUC, shall be accompanied by:

- a) Sangguniang Panlalawigan/Panglungsod Resolution authorizing the Governor or City Mayor of the HUC to enter into MOA with DSWD,
- b) MOA with its Annex A properly accomplished,
- c) Executive Order designating the Provincial and the City DPO. These documents shall be endorsed to:

The Regional Director
Department of Social Welfare and Development

6.12.3b Data sharing with Municipalities and Component Cities

The Provincial Government shall facilitate the release of data needed by the municipalities and cities under its political jurisdiction.

To ensure the security of PI and SPI, data transfers shall be covered by a MOA between the Provincial Government and its component Municipal or City Governments. The municipal or city government shall likewise be required to designate its own DPO.

In special cases, municipalities and component cities may directly enter into a data sharing agreement with the concerned DSWD Regional Office to access Listahanan 2 data.

6.12.4 Data Sharing with Members of the Academe

Data sharing with members of the academe shall be limited to raw data and statistics. The letter of request identifying the kinds of data needed shall be signed by the researcher/professor/research adviser and vouched by the Dean or any school authority as requirement to complete an academic degree or to pursue a research agenda shall be sent to:

- a) The Deputy Project Director, Listahanan for data request covering two or more regions; or
- b) The Regional Director of NHTU in the case of requests for data on a particular region

6.13 Data Protection and Security

Consistent with Rule VI of the IRR of RA 10173 or the Data Privacy Law, data users and PICs shall establish organizational, physical and technical security measures for data protection. These measures shall maintain the integrity and confidentiality of personal data, prevent negligent, unlawful or fraudulent processing, access, disclosure, and destruction. Annex E summarizes the minimum requirements for organizational, physical and technical security measures for data protection as stipulated by the above-cited IRR.

6.14 Access to Listahanan Records

Data subjects shall be given reasonable access to their Listahanan records including information on other PIC with whom their personal data have been shared upon a written request. This is in consonance with Section 16 of the Data Privacy Law on the Rights of Data Subject and Section 3 of Executive Order No. 02 on the Freedom of Information.

6.15 Retention and Records Disposal

The retention and disposal of Listahanan 2 records shall be governed by pertinent provisions of NAP Circulars 1 and 2. The DSWD supports the principle that all records should be managed in a way that allows the information contained within them to be available to the person who needs them, at the time and place they are needed.

7. NAME-MATCHING

Name-matching will be undertaken primarily to determine if a household is in the Listahanan database and what its corresponding poverty status is; to confirm inclusion in a particular program; and to determine extent of availment of programs and services.

Name-matching will only be done at the DSWD Central Office through the Information Technology Division of the NHTO and at the DSWD Regional Office through the NHTU using the enhanced name-matching process.

Stakeholders shall prepare a Letter of Request indicating reasons for name-matching and enclosing an electronic copy of the names of households to be matched. The e-file shall include the following minimum fields:

First name, Middle name, Last name, Extension name, Birthday (MM/DD/YYYY), and Address (city / municipality and barangay information).

In cases where name-matching will require cross checking in other regions, the concerned DSWD Regional Office shall forward the request to the NHTO for immediate action.

8. LIMITATIONS OF THE LISTAHANAN 2 DATABASE

Generated in 2015, the 2nd Listahanan database that the DSWD is committed to share contains data on 15.1 million households, roughly 75% of the Philippine population in 2010 as estimated by the Philippine Statistics Authority (PSA). These households were classified as either poor or non-poor based on their income as predicted or estimated by the enhanced Proxy Means Test (PMT). Social protection stakeholders, particularly NGAs, are mandated by E.O. 867 to use the database in the selection of program beneficiaries.

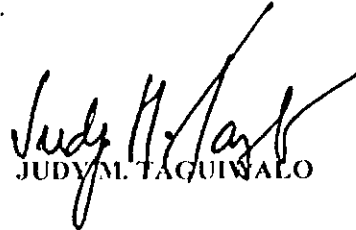
Given the situation, there are potentially poor households who are not included in the Listahanan 2 database.

July 3, 2017

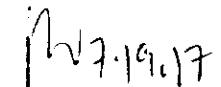
9. EFFECTIVITY

This Memorandum Circular takes effect immediately and revokes previous Issuances contrary hereto.

Issued in Quezon City this 19th day of July, 2017.


JUDY M. TAGUIWALO

Certified True Copy:


MYRNA H. REYES

Records & Archives Mgt. Section