



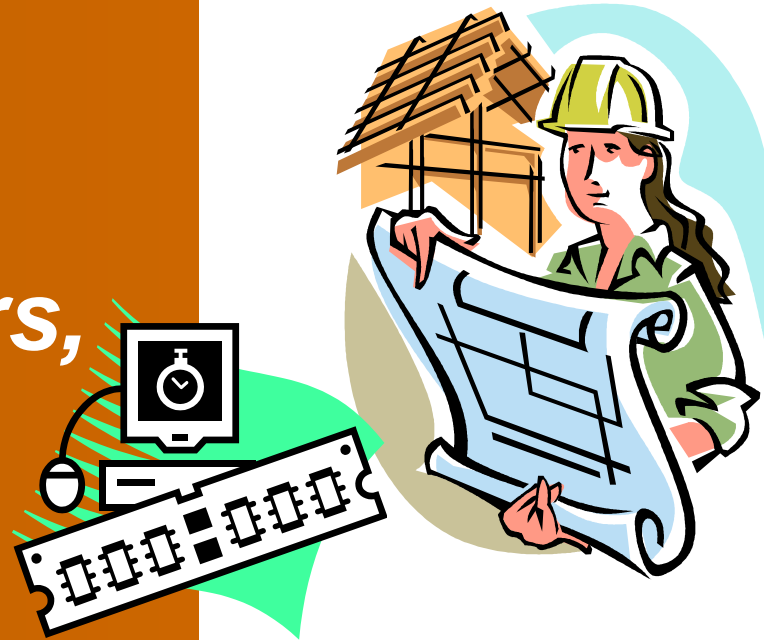
The GSIS BUILDING
where the Senate is presently housed.

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Malcolm Crompton

A brief to Senators and Members, Congress of the Philippines

*Batasan Pambansa, Quezon City, Philippines
18 February 2009*



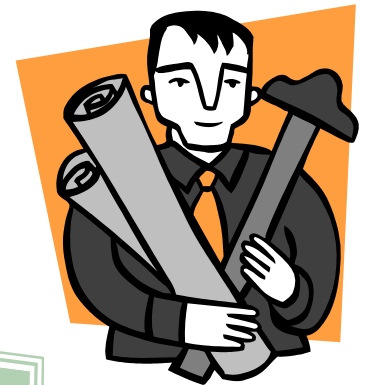
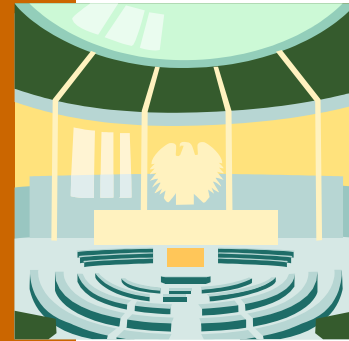
Outline

Introduction

A practical approach

Australian experience

Observations on drafting of
the Bill



A practical approach

Law and its enforcement to match objectives, eg

- Protect citizens domestically
- Protect citizens internationally
- Philippines as the safest place in Asia Pacific for onshoring data processing

What's the rest of the world doing?

- Importance of Philippines values; impact of globalisation

Approach to compliance equally important as wording of law

- Powers & functions of regulator
- Ethos & approach of regulator: Ethical, Effective, Efficient

Australian experience

- Listening to competing interest groups a challenge
 - Advocates, domestic companies, domestic providers of onshoring services, global business
- Australia chose ‘light touch’ 2001; already needs update
 - Not EU ‘adequate’ but more effective than some that are
 - APEC
- “An Australian culture that respects privacy”
 - More than ‘enforce the law’
- Responsive regulation approach

Observations on drafting of the Bill

- Internal consistency of Bill
- Simplicity
 - Controller/processor
 - Definition of personal information
- Sanctions
- ALRC approach may be relevant, eg
 - targeted statutory cause of action for a serious invasion of privacy: highly offensive + reasonable expectation + defences incl public interest
 - data breach notification if a real risk of serious harm

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