



MEMORANDUM – 2018-030

TO : ALL TRADING PARTICIPANTS

SUBJECT : COMPLIANCE WITH DATA PRIVACY LAWS
AND DATA PROTECTION REGULATIONS

DATE : 29 OCTOBER 2018

Pursuant to the Securities and Exchange Commission's ("SEC") letter dated 8 October 2018, which was received on 25 October 2018, the Capital Markets Integrity Corporation is reminding all trading participants of the requirements of the following data privacy laws and data protection regulations:

A. Data Privacy Act of 2012 ("DPA")

The DPA aims to protect personal data in the information and communications systems both in the government and the private sectors. It mandates the establishment of policies and implementation of control measures of personal data that are processed by the entities processing said data. The DPA further requires the below actions, among other requirements:

1. Registration with the National Privacy Commission ("NPC"); and
2. Institution of Privacy Management Program and creation of Privacy Manual.

In line with the DPA, the SEC is enjoining all corporations which are grantees of secondary license from the SEC, especially those which collect personal information from their customers, to determine if they are covered by the DPA, either as Personal Information Controllers or Personal Information Processors, and if covered, comply with the DPA.

For further information, interested parties are advised to visit the NPC website below:
<https://privacy.gov.ph/>

B. European Union ("EU") General Data Protection Regulation ("GDPR")

The EU GDPR regulates the processing by an individual, a company, or an organization of personal data relating to individuals in the EU. It took effect on 25 May 2018 and applies to:

1. A company or entity which processes personal data as part of the activities of one of its branches established in the EU, regardless of where the data is processed; or
2. A company established outside the EU offering goods/services (paid or for free) or monitoring the behavior of individuals in the EU.


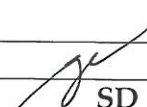
For further information, interested parties are advised to visit the EU website below:
https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en

C. 2015 Implementing Rules and Regulations of the Securities Regulation Code ("2015 SRC IRR")

The 2015 SRC IRR mandate market participants to have a comprehensive information technology plan and to subject their information technology, trading, business continuity, disaster recovery and risk management systems to a regular review and audit by an independent firm. This is to ensure that trading in the market is efficient, and to promote the protection of personal and other data against any accidental or unlawful destruction, alteration and disclosure, and processing.

For your guidance and compliance.


DAISY P. ARCE
President

			
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