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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Item No.: 10
Date: JUN 06 2023

SANGGUNIANG PANLALAWIGAN
19 May 2023
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PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
May 18, 2023

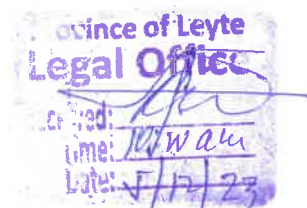
Provincial
J. Raymund A. Acol
5.19.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 3, S.2023 of the Sangguniang Bayan of Tolosa, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of the Local Government Code. The Provincial Legal Office further opines that the ordinance is in line with R.A. 10173, otherwise known as the Data Privacy Act of 2012 in relation with Section 3. Article III of the 1987 Philippine Constitution.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
12 May 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 3**, series of **2023** of the **Municipality of TOLOSA, LEYTE**, entitled: An Ordinance operationalizing Republic Act No. 10173 or the Data Privacy Act of 2012 in the Municipality of Tolosa and providing guidelines therefor.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
 Province of Leyte
 Municipality of Tolosa
 Office of the Sangguniang Bayan

SANGGUNIANG PANG-LAWIGAN
 PROVINCE OF LEYTE
 12 May 2023
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**EXCERPT FROM THE MINUTES OF THE 35TH REGULAR SESSION
 OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE
 SESSION HALL ON MARCH 20, 2023, AT 11:00 A.M.**

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Manny R. Martinez, RN, MPRM.	-	-	Sangguniang Bayan Member/OIC Mayor
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbre	-	-	Sangguniang Bayan Member
Hon. Angelo R. Lumbre	-	-	Ex-Officio Member/SK Fed. President

ABSENT:

Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President

RESOLUTION NO. 03-69-2023

A RESOLUTION ENACTING AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR

WHEREAS, Article II, Section 24 of the constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II Section 11 thereof emphasizes that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, on 15 August 2012, Republic Act No. 10173 entitled "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes", also known as the Data Privacy Act of 2012 (DPA), was enacted;

WHEREAS, Section 2 of the DPA provides that it is the policy of the State to protect the fundamental human right of privacy while ensuring the free flow of information to promote innovation and growth. The state also recognizes its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are protected;

WHEREAS, all LGUs processing personal or sensitive personal information (collectively, personal data) are considered as personal information controllers having obligations under the DPA;

WHEREAS, the National Privacy Commission (NPC), created under the DPA, is an independent body tasked to administer and implement the provisions of the DPA, and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, pursuant to Section 7 of the DPA, the NPC is charged with carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the country, in coordination with other government agencies and the private sector;

WHEREAS, recognizing the vital role of data in driving government decisions, policies, public services, and innovation that will benefit its constituents, with the aim of improving the delivery of basic goods and services, the Local Government Unit of Tolosa deems it necessary to provide a local mechanism for its offices to abide by the provisions of the DPA for the processing of personal data of its constituents

HON. FELICITO D. BELTRAN III (ABSENT)
 Sangguniang Bayan Member
 HON. MANNY R. MARTINEZ, RN, MPRM
 Sangguniang Bayan Member
 HON. EDILBERTO R. ZABALA, JR.
 Sangguniang Bayan Member
 HON. MANUEL B. BALLEDO
 Sangguniang Bayan Member
 HON. FELIPE V. CANONIGO III
 Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
 Sangguniang Bayan Member
 HON. IRENEO ROLANDO A. LUMBRE
 Sangguniang Bayan Member
 HON. ROLLY A. CINCO (ABSENT)
 Sangguniang Bayan Member
 HON. MELANIE FELISA M. VIVERO (ABSENT)
 Sangguniang Bayan Member
 ABC President
 HON. ANGELO R. LUMBRE
 Sangguniang Bayan Member
 PPSK President

HON. MENARDO M. MATE
 Municipal Vice-Mayor

CONSUELO R. LUMBRE
 SB Secretary

as data subjects, whereby the people's right to data privacy is respected and upheld, subject to limitations provided by law;

WHEREAS, Information System is important for data driven policies for effective and efficient intervention;

WHEREAS, the COLLABDev Project conducted in Tolosa, contracted by USAID TO ACTION FOR ECONOMIC REFORM DEFINE DATA MANAGEMENT, DATA FOR POLICY AND DEVELOPMENT, a template for FREEDOM OF INFORMATION;

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Bayan of Tolosa, of Local Government Unit of Tolosa in session assembled:

ORDINANCE NO. 03
Series of 2023

AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE ^{DATA} PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR

SECTION 1. Title - This Ordinance shall be known as the "Data Privacy Ordinance of the Municipality of Tolosa.

SECTION 2. Definition of Terms - The terms used in the DPA and its Implementing Rules and Regulations (IRR), as amended, are adopted herein.

SECTION 3. Coverage - This Ordinance shall cover all departments and offices under the Municipality of Tolosa.

SECTION 4. General duties and obligations - The following are the general duties and obligations of the Municipality of Tolosa as a personal information controller (PIC):

- a. Personal data shall be processed for the purposes of facilitating the performance of its public functions and the provision of public services pursuant to its mandate. In all instances, it shall adhere to the general data privacy principles of transparency, legitimate purpose, and proportionality;
- b. Reasonable and appropriate safeguards shall be implemented for the protection of personal data of data subjects of the Municipality of Tolosa, whether internal (officials, employees, job order, contract of service, casual, etc.) or external (clients, visitors, other stakeholders, etc.);
- c. The rights of the data subjects shall be upheld, subject to limitations as may be provided for by law. The free exercise of applicable rights shall be enabled through mechanisms that are clear, simple, straightforward, and convenient for the data subjects; and
- d. The data privacy rights of the affected data subjects shall be harmonized with the right to information on matters of public concern. It is recognized that both rights are imperative for transparent, accountable, and participatory governance, and are key factors for effective and reasonable public participation in social, political, and economic decision-making.

SECTION 5. Specific compliance requirements. The following specific compliance requirements under the DPA, its IRR as amended, and relevant issuances of the NPC, are hereby set out as follows:

A. Designation of a Data Protection Officer (DPO) - Pursuant to Section 21 of the DPA, PICs shall designate individual/s who shall facilitate and ensure the PIC's responsibility and accountability for the organization's compliance with the DPA., The following are hereby designated:

- 1. The executive department shall designate the DPO, tasked with the duties and responsibilities of ensuring compliance of the Municipality of Tolosa with the DPA, its IRR, and other NPC issuances and shall create a committee thru Executive Order;

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member
(ABSENT)

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDUARDO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIX CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member
(ABSENT)

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President
(ABSENT)

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

2. The designated DPO shall be assisted by a Compliance Officer for Privacy (COP) or Data Privacy Committee created herein and composed based on the perusal or decision of the Local Chief Executive.
3. DPO, COP, (and the Committee, if created) shall be:
 - a. Consulted at the earliest stage possible on all issues relating to privacy and data protection of all personal data processing systems;
 - b. Provided with resources necessary to keep themselves updated with the developments in data privacy and security;
 - c. Granted appropriate information and access, where necessary, to the details of personal data processing activities of the departments and offices;
 - d. Invited to participate in the appropriate meetings of any department and office to represent the interest of data privacy;
 - e. Consulted promptly in the event of a personal data breach or security incident; and
 - f. Included in all relevant working groups that deal with personal data processing activities.
4. The DPO or his or her authorized representative/s shall create the necessary user accounts in the applicable NPC system/s for compliance with the requirements for registration and personal data breach notification and management;
5. The DPO shall ensure that data privacy awareness seminars and other necessary trainings for the personnel of Local Government Unit of Tolosa are duly conducted; and
6. The contact details of the DPO should be made available and easily accessible on the official website and social media page/s and should include the following information:
 - a. Title or designation - the name of the DPO need not be published but should be made available upon request by a data subject;
 - b. Postal address; and
 - c. Dedicated telephone number and email address.

B. Conduct of Privacy Impact Assessment - All departments and offices as process owners shall conduct a privacy impact assessment (PIA) on any personal data processing system prior to their adoption, use, or implementation.

1. For existing systems, the DPO (and the Committee, if created) shall be consulted by the respective process owners on the appropriateness of conducting a PIA and the reasonable timeframe to accomplish the same;
2. For both existing and proposed systems, there may be a determination that the conduct of a PIA is not necessary if the processing involves minimal risks to the rights and freedoms of data subjects, taking into account the recommendations from the DPO. In making this determination, the following should be considered:
 - a. Size and sensitivity of the personal data being processed;
 - b. Duration and extent of processing;
 - c. Likely impact of the processing to the life of data subject; and
 - d. Possible harm in case of a personal data breach;
3. The conduct of a PIA may be outsourced to a third-party service provider, as may be recommended by the DPO (and the Committee, if created) subject to the laws, rules, and regulations applicable to government procurement;
4. The relevant issuances and other information, education, and communication materials of the NPC on PIA and other relevant issuances shall serve as additional guidance; and
5. The results of the PIA conducted shall be made the basis for the preparation of the Privacy Management Program, the Privacy Manual, and the crafting of the appropriate privacy notices specific to the personal data processing activities being undertaken by the pertinent departments and offices and other applicable policies relevant to data privacy and security.

HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARQUEZ, RN,MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE X. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
(ABSENT)
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
(ABSENT)
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

C. Adoption of a Privacy Management Program and Privacy Manual - The Local Government Unit of Tolosa shall prepare a Privacy Management Program, which shall contain, among others, the necessary policies and processes that remediates the gaps identified in the PIA and a Privacy Manual, as may be supplemented by the existing or prospective codes, guides, manuals, privacy notices, ordinances, policies, and other documented information on processes that may deal with any data privacy matter.

1. The DPO (and the Committee, if created) shall be tasked to ensure that all relevant records and other documentation on data privacy are maintained and kept up to date; and
2. The Privacy Management Program and Privacy Manual shall be subject to regular review, evaluation, and updating where appropriate, considering the best practices and national and/or international standards for data privacy and security.

D. Implementation of security measures - Reasonable and appropriate organizational, technical, and physical security measures shall be implemented by all departments and offices processing personal data.

1. The determination of what is reasonable and appropriate shall take into account the following factors as determined following the PIA conducted:
 - a. Nature and volume of the personal data to be protected;
 - b. Risks of the processing to the involved data subjects;
 - c. Size of the department or office and complexity of its personal data processing activities;
 - d. Current data privacy best practices; and
 - e. Cost of implementation;
2. The security measures to be implemented shall ensure the protection of personal data against any unlawful processing and the confidentiality, integrity, and availability of the personal data being processed. The DPO (and the Committee, if created) in consultation and coordination with the ICT unit shall make the appropriate determination and recommendation on the measures and policies to be implemented. These may include back-up solutions, access controls, secure log files, acceptable use, encryption, and data disposal mechanisms, among others, for any personal data processing activity, whether done through paper-based or electronic systems.

E. Security incident Management - Personal Data Breach Management. - The following policies and procedures are set out for the purpose of managing security incidents, including personal data breaches:

1. Data Breach Response Team (DBRT). A data breach response team is hereby created with the following members: the DPO, the Data Privacy Committee, if created, and upon the decision of the Local Chief Executive. The DBRT shall be responsible for the following actions:
 - a. Assess and evaluate all security incidents, including personal data breaches;
 - b. Restore integrity to the affected information and communications systems;
 - c. Recommend measures for mitigation and remedies on any resulting damage to the Local Government Unit of Tolosa and the affected data subjects;
 - d. Comply with the mandatory notification and other reporting requirements indicated in the appropriate NPC issuance; and
 - e. Coordinate with the appropriate government Computer Emergency Response Team (CERT) and law enforcement agencies, where appropriate.
2. Incident Response Procedure. The DBRT shall recommend the actual procedure or manual for the timely discovery and management of security incidents. This shall include:
 - a. Identification of person or persons responsible for regular monitoring and evaluation of security incidents;
 - b. Reporting lines in the event of a personal data breach;
 - c. Evaluation of the security incidents or personal data breaches as to its nature, extent and cause, the adequacy of safeguards in place, immediate and long- term impact of the personal data breach, and its actual and potential harm and negative consequences to affected data subjects;

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member
(ABSENT)

HON. MANNY R. MARTINEZ, RN, APRN
Sangguniang Bayan Member

HON. EDKBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE X. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member
(ABSENT)

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
(ABSENT)

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

- d. Procedures for contacting law enforcement, if necessary;
- e. Conduct of investigations on the security incident, including personal data breaches;
- f. Procedures for notifying the NPC and data subjects when the personal data breach is subject to mandatory notification requirements;
- g. Procedures for assisting affected data subjects to mitigate the possible harm and negative consequences in the event of a personal data breach.

F. Funding - The funding requirements needed for this Ordinance shall be provided for through an Appropriation Ordinance.

SECTION 6. Rights of data subjects; mechanisms for the exercise of rights, - The relevant NPC issuances on data subject rights, the guidance on transparency, procedures for the exercise of rights, and appropriate templates indicated therein, are hereby adopted.

SECTION 7. Remedies. - The DPO, in coordination with the concerned department or office as the process owner, shall endeavor to address and resolve all data subject clarifications, complaints, concerns, questions, and requests, among others, relating to the processing of their personal data, exercise of rights, personal data breaches, and other similar matters without undue delay, following the applicable provisions of Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 and its Implementing Rules and Regulations.

SECTION 8. Interpretation. Any doubt in the interpretation of any provision of this Ordinance and corresponding policies shall be construed in a manner that accords the highest respect for data privacy, and liberally interpreted in a manner mindful of the rights and interests of data subjects.

SECTION 9. Transitory Provision. Departments and offices affected by the implementation of this Ordinance shall be given three (3) months transitory period from the effectivity of the Ordinance to comply with its requirements.

SECTION 10. Separability Clause. If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 11. Repealing Clause. All other ordinances, orders, issuances, rules, and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 12. Effectivity. This Ordinance shall take effect fifteen (15) days after publication. ENACTED on this 20th day of March 2023.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer

(ABSENT)
HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member


HON. EDILBERTO R. ZABALA JR.
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member



HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member




HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member



HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

(ABSENT)
HON. ROLLY A. CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President



HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President

APPROVED:



HON. MANNY R. MARTINEZ, RN, MPRM
SB Member/OIC Municipal Mayor



Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa


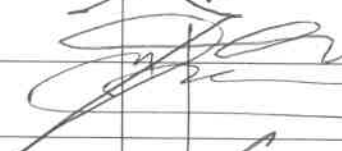

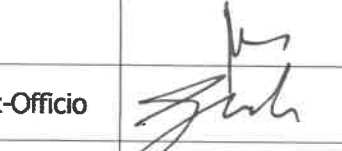

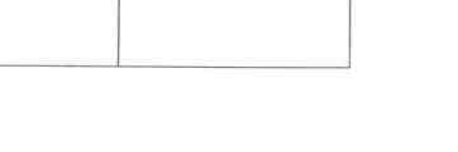
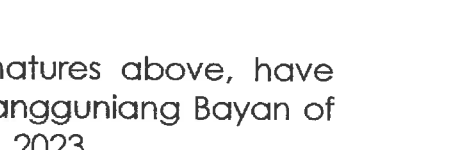

Office of the Sangguniang Bayan

ATTENDANCE SHEET

35TH Regular Session
of the Sangguniang Bayan

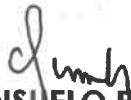
SB Session Hall
Venue

March 20, 2023
Date

No.	Name	Designation	Signature
1	Hon. Menardo M. Mate	Municipal Vice-Mayor	
2	Hon. Manny R. Martinez, RN, MPRM	Municipal Councilor	
3	Hon. Edilberto R. Zabala, Jr.	Municipal Councilor	
4	Hon. Manuel B. Balledo	Municipal Councilor	
5	Hon. Felipe V. Canonigo III	Municipal Councilor	
6	Hon. Virman Jessi O. Pundavela	Municipal Councilor	
7	Hon. Ireneo Rolando A. Lumbre	Municipal Councilor	
8	Hon. Angelo R. Lumbre	SK Fed. President, Ex-Officio	
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CERTIFICATION

I hereby **CERTIFY** that those who have signatures above, have actually attended the **35TH Regular Session** of the Sangguniang Bayan of Tolosa, Leyte, held at the SB Session Hall on March 20, 2023.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

MINUTES OF THE 35TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE SESSION HALL ON MARCH 20, 2023 AT 1:00 P.M.

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN, MPRM.-	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela-	-	-	Sangguniang Bayan Member
Hon. Treno Rolando A. Lumbré -	-	-	Sangguniang Bayan Member
Hon. Angelo R. Lumbré	-	-	Ex-Officio Member/SK Fed. President

ABSENT:

Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President

CALL TO ORDER. - The session was called to order by the Presiding Officer at 1:00 P.M.

NATIONAL ANTHEM, INVOCATION, TOLOSA HYMN. - Computer Generated.

ROLL CALL. - Roll call was done by the SB Secretary and 3 members were absent, Hon. Felicito D. Beltran III, Hon. Rolly A. Cinco and Hon. Melanie Felisa M. Vivero, hence the Presiding Officer declared a quorum.

APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION. - Hon. Manny R. Martinez, RN, MPRM suggested to include the name of the sister of Hon. Felipe V. Canonigo III for the free lunch and he did not moved for the approval of the resolution of KAKAK Foundation. There being no more corrections, Hon. Manny R. Martinez, RN, MPRM moved for the approval of the previous minutes and seconded by Hon. Angelo R. Lumbré.

REFERENCE OF BUSINESS:

1. Letter request of the Local Chief Executive.
 - a. Resolution authorizing Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the New Terminal of Barangay Quilao in the Municipality of Tolosa.

Hon. Manny R. Martinez, RN, MPRM moved to suspend the rule.

Hon. Virman Jessie O. Pundavela asked for any comments. There being none he moved to pass a resolution and seconded unanimously.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. TRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
(ABSENT)
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
(ABSENT)
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

RESOLUTION NO. 03-63-2023

RESOLUTION AUTHORIZING HON. ERWIN C. OCAÑA, MUNICIPAL MAYOR, TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) REGIONAL OFFICE VIII, REPRESENTED BY REGIONAL DIRECTOR, EDGAR B. TABACON, CESO IV FOR THE IMPLEMENTATION OF RAINWATER COLLECTION SYSTEM 2022 (REPUBLIC ACT 6716) FOR THE NEW TERMINAL OF BARANGAY QUILAO IN THE MUNICIPALITY OF TOLOSA

WHEREAS, the Sangguniang Bayan in session assembled is hereby authorizing Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the New Terminal of Barangay Quilao in the Municipality of Tolosa;

WHEREFORE, on motion of Hon. Virman Jessie O. Pundavela, and seconded unanimously, be it

RESOLVED, as it is hereby resolved, to authorize Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the New Terminal of Barangay Quilao in the Municipality of Tolosa;

RESOLVED FINALLY, that copy of this resolution be forwarded to Hon. Erwin C. Ocaña, Municipal Mayor, Tolosa, Leyte, and Regional Director, Edgar B. Tabacon, CESO IV, Department of Public Works and Highways (DPWH) Regional Office VIII, Baras, Palo, Leyte, for their information and appropriate action.

APPROVED.

- b. Resolution authorizing Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the Polyclinic of Barangay Telegrafo in the Municipality of Tolosa, Leyte.

Hon. Ireneo Rolando A. Lumbré asked for any comments. There being none he moved to pass the resolution and seconded unanimously.


RESOLUTION NO. 03-64-2023

RESOLUTION AUTHORIZING HON. ERWIN C. OCAÑA, MUNICIPAL MAYOR, TO ENTER INTO AND SIGN THE MEMORANDUM OF AGREEMENT (MOA) WITH THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH) REGIONAL OFFICE VIII, REPRESENTED BY REGIONAL DIRECTOR, EDGAR B. TABACON, CESO IV FOR THE IMPLEMENTATION OF RAINWATER COLLECTION SYSTEM 2022 (REPUBLIC ACT 6716) FOR THE NEW TERMINAL OF BARANGAY TELEGRAFO IN THE MUNICIPALITY OF TOLOSA

WHEREAS, the Sangguniang Bayan in session assembled is hereby authorizing Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the New Terminal of Barangay Telegrafo in the Municipality of Tolosa;

WHEREFORE, on motion of Hon. Ireneo Rolando A. Lumbré, and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to authorize Hon. Erwin C. Ocaña, Municipal Mayor, to enter into and sign the Memorandum of Agreement (MOA) with the Department of Public Works and Highways (DPWH) Regional Office VIII, represented by Regional Director, Edgar B. Tabacon, CESO IV for the Implementation of Rainwater Collection System 2022 (Republic Act 6716) for the New Terminal of Barangay Telegrafo in the Municipality of Tolosa;


HON. MENARDO M. MATE
Municipal Vice-Mayor


CONSUELO R. LUMBRE
SB Secretary

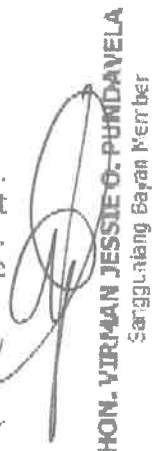
HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARQUEZ RIVAPRIM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
(ABSENT)
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
(ABSENT)
Sangguniang Bayan Member
ABC President


HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PSK President

RESOLVED FINALLY, that copy of this resolution be forwarded to Hon. Erwin C. Ocaña, Municipal Mayor, Tolosa, Leyte, and Regional Director, Edgar B. Tabacon, CESO IV, Department of Public Works and Highways (DPWH) Regional Office VIII, Baras, Palo, Leyte, for their information and appropriate action.

APPROVED.

- 2. Resolution requesting for the grant of ____ Intern Tolosanos Beneficiaries under the Government Internship Program from the Office of the Vice President thru Alan P. Tanjuakio, Manager-OVP Satellite Office, Barangay 74 Nulatula, Tacloban City.

Hon. Virman Jessie O. Pundavela informed that it's about the intern paid by DOLE and with Memorandum of Agreement from the Local Chief Executive from the Office of the Vice President which is about the assistance of 2 personnel to be detained in his office like the medical assistance, burial.

The Presiding Officer asked to prepare the MOA.

Hon. Virman Jessie O. Pundavela said that the Committee on Rules will prepare the MOA.

Hon. Manny R. Martinez, RN, MPRM said that it's a tripartite MOA since the office is found in her residence.

Hon. Virman Jessie O. Pundavela requested to calendar for committee meeting so as to make a Memorandum of Agreement.

- 3. Resolution respectfully requesting Honorable Sara Duterte, Vice President of the Republic of the Philippines, thru Alan P. Tanjuakio, Manager-OVP Satellite Office, Barangay 74 Nulatula, Tacloban City, for the construction of Slope Protection in Barangay Imelda, Tolosa, Leyte, in the amount of Ten Million (PhP10M) Pesos.

Hon. Virman Jessie O. Pundavela requested to calendar and clarified the slope protection is like a sea wall and moved to pass a resolution and seconded unanimously.

RESOLUTION NO. 03-65-2023

RESOLUTION RESPECTFULLY REQUESTING HONORABLE SARA DUTERTE, VICE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, THRU ALAN P. TANJUAKIO, MANAGER-OVP SATELLITE OFFICE, BARANGAY 74 NULATULA, TACLOBAN CITY, FOR THE CONSTRUCTION OF SLOPE PROTECTION IN BARANGAY IMELDA, TOLOSA, LEYTE, IN THE AMOUNT OF TEN MILLION (PHP10M) PESOS

WHEREAS, the Sangguniang Bayan in session assembled is hereby requesting Honorable Sara Duterte, Vice President of the Republic of the Philippines, thru Alan P. Tanjuakio, Manager-OVP Satellite Office, Barangay 74 Nulatula, Tacloban City, for the construction of Slope Protection in Barangay Imelda, Tolosa, Leyte, in the amount of Ten Million (PhP10M) Pesos;

WHEREFORE, on motion of Hon. Virman Jessie O. Pundavela, and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to request Honorable Sara Duterte, Vice President of the Republic of the Philippines, thru Alan P. Tanjuakio, Manager-OVP Satellite Office, Barangay 74 Nulatula, Tacloban City, for the construction of Slope Protection in Barangay Imelda, Tolosa, Leyte, in the amount of Ten Million (PhP10M) Pesos;

RESOLVED FINALLY, that copy of this resolution be forwarded to Honorable Sara Duterte, Vice President of the Republic of the Philippines, thru Alan P. Tanjuakio, Manager-OVP Satellite Office, Barangay 74 Nulatula, Tacloban City, for their information and favorable action.

APPROVED.

- 4. Resolution respectfully requesting financial assistance from Senator Christopher "Bong" Go, for the Construction of Evacuation Center in Barangay Telegrafo, Tolosa, Leyte in the amount of Fifty Million Pesos (PhP50,000,000.00).

HON. FELICITO D. BELTRAN III (ABSENT)
Sangguniang Bayan Member
HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member
HON. EDUARDO B. ZABALA, JR.
Sangguniang Bayan Member
HON. MANUEL B. BALLEDO
Sangguniang Bayan Member
HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member
HON. ROLLY A. CINCO
Sangguniang Bayan Member
HON. MELANIE FELISA M. VTIERO
Sangguniang Bayan Member
ABC President
HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

Hon. Ireneo Rolando A. Lumbré asked for any questions. There being none he moved to pass a resolution and seconded unanimously.

RESOLUTION NO. 03-66-2023

RESOLUTION RESPECTFULLY REQUESTING FINANCIAL ASSISTANCE FROM SENATOR CHRISTOPHER "BONG" GO, FOR THE CONSTRUCTION OF EVACUATION CENTER IN BARANGAY TELEGRAFO, TOLOSA, LEYTE IN THE AMOUNT OF FIFTY MILLION PESOS (PHP50,000,000.00)

WHEREAS, the Sangguniang Bayan in session assembled is hereby respectfully requesting financial assistance from Senator Christopher "Bong" Go, for the Construction of Evacuation Center in Barangay Telegrafo, Tolosa, Leyte in the amount of Fifty Million Pesos (PhP50,000,000.00);

WHEREFORE, on motion of Hon. Ireneo Rolando A. Lumbré, and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, request financial assistance from Senator Christopher "Bong" Go, for the Construction of Evacuation Center in Barangay Telegrafo, Tolosa, Leyte in the amount of Fifty Million Pesos (PhP50,000,000.00);

RESOLVED FINALLY, that copy of this resolution be forwarded to Senator Christopher Lawrence T. Go, Philippine Senate, Manila, for his information and favorable action.

APPROVED.

- 5. Resolution No. 8, Series of 2023, of Barangay Capangihan, Tolosa, Leyte. Re: A resolution respectfully requesting for financial assistance from the Office of the Honorable Senator Christopher Lawrence T. Go "Bong Go", for the Construction of Barangay Evacuation Center of Barangay Capangihan, Tolosa, Leyte.

Hon. Manuel B. Balledo asked for any questions. There being none he moved to pass a resolution and seconded unanimously.

COMMITTEE REPORTS:

- 1. Report of the Committee on Social Services. Re:
 - a. Resolution to enact an ordinance to create Senior Citizens and Person with Disability helpdesk in the Municipality of Tolosa and in every barangay.

Hon. Manuel B. Balledo requested to defer "a" and "b".

- b. An ordinance to create Senior Citizens and Person with Disability helpdesk in the Municipality of Tolosa and in every barangay.

Deferred.

- 2. Report of the Committee on Cooperatives. Re:

- a. To enact a Local Ordinance Strengthening Participatory Governance in the Municipality of Tolosa, Leyte through Empowerment of Civil Society Organizations and Establishing a People's Council.

Hon. Virman Jessie O. Pundavela reported that the committee convened last March 15, 2023 (Wednesday) at 9:00 O'clock in the morning to discuss the proposed Local Ordinance Strengthening Participatory Governance in the Municipality of Tolosa, Leyte through Empowerment of Civil Society Organizations and Establishing a People's Council.

It was deliberated by the members of the Sanggunian who were present during the committee meeting that this Ordinance shall govern Civil Society and People's Organizations' participation in local governance processes in the Municipality of Tolosa, Leyte including its accreditation, the accreditation procedure, the creation of People's Council, CSO and PO membership to the People's Council.

Hon. Virman Jessie O. Pundavela recommends the Item to calendar for second reading.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member
(ABSENT)

HON. MANN MARTINEZ, RN,MPRM
Sangguniang Bayan Member

HON. EDUARDO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE A. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member
(ABSENT)

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President
(ABSENT)

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

b. Accreditation of Pedicab Driver's Alliance (PEDAL), Barangay Quilao, Tolosa, Leyte.

Hon. Virman Jessie O. Pundavela reported that the committee found out that they complied all the requirements so the committee recommends for 2nd reading

- 3. Report of the Committee on Health. Re: Barangay Ordinance No. 004, Series of 2022 of Barangay Tanghas Tolosa, Leyte, Entitled "An Ordinance Imposing Liability of Dog Owner/s for Bites and Any Injury or Damage that the Dog May Cause to Another Person, Providing Penalties for Violators and Providing Control and Elimination of Human and Animal Rabies Within the Barangay."

Hon. Manny R. Martinez, RN, MPRM reported that the committee found out that there is a barangay ordinance and quite the same the attachment is complete so the committee recommends to pass the resolution and moved to pass the resolution.

RESOLUTION NO. 03-68 2023

RESOLUTION APPROVING BARANGAY ORDINANCE NO. 004, SERIES OF 2022 OF BARANGAY TANGHAS, TOLOSA, LEYTE, ENTITLED "AN ORDINANCE IMPOSING LIABILITY OF DOG OWNER/S FOR BITES AND ANY INJURY OR DAMAGE THAT THE DOG MAY CAUSE TO ANOTHER PERSON, PROVIDING PENALTIES FOR VIOLATORS AND PROVIDING CONTROL AND ELIMINATION OF HUMAN AND ANIMAL RABIES WITHIN THE BARANGAY"

WHEREAS, the Sangguniang Bayan in session assembled is hereby approving Barangay Ordinance No. 004, Series of 2022 of Barangay Tanghas, Tolosa, Leyte, Entitled "An Ordinance Imposing Liability of Dog Owner/s for Bites and Any Injury or Damage that the Dog May Cause to Another Person, Providing Penalties for Violators and Providing Control and Elimination of Human and Animal Rabies Within the Barangay;"

WHEREFORE, on motion of Hon. Manny R. Martinez, RN, MPRM, and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to approve Barangay Ordinance No. 004, Series of 2022 of Barangay Tanghas, Tolosa, Leyte, Entitled "An Ordinance Imposing Liability of Dog Owner/s for Bites and Any Injury or Damage that the Dog May Cause to Another Person, Providing Penalties for Violators and Providing Control and Elimination of Human and Animal Rabies Within the Barangay;"

RESOLVED FINALLY, that copy of this resolution be forwarded to Hon. Teresita A. Ocaña, Punong Barangay, Barangay Tanghas, Tolosa, Leyte, for her information.

APPROVED.

SECOND READING:

- A. Unfinished Business
- B. Business for the Day

- 1. Discuss Sangguniang Panlalawigan Resolution No. 2023-037. Re: A Resolution returning to the Sangguniang Bayan of Origin Ordinance No. 11, Series of 2022 of Tolosa, Leyte, for clarification.

Hon. Edilberto R. Zabala, Jr. requested to defer.

THIRD READING:

- 1. Proposed Local Ordinance operationalizing Republic Act No. 10173 of the Data Privacy Act of 2012 in the Municipality of Tolosa, Leyte.

Hon. Manny R. Martinez, RN, MPRM moved to make a motion.

The Presiding Officer asked who are infavor. All members present infavor of the motion and moved to pass a resolution and seconded unanimously and moved to enact an ordinance and seconded unanimously.

HON. MENARDO M. MATE
Municipal Vice Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO J. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE J. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
(ABSENT)
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
(ABSENT)
Sangguniang Bayan Member

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member

RESOLUTION NO. 03-69-2023

A RESOLUTION ENACTING AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE A PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR

WHEREAS, Article II, Section 24 of the constitution provides that the State recognizes the vital role of communication and information in nation-building. At the same time, Article II Section 11 thereof emphasizes that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, on 15 August 2012, Republic Act No. 10173 entitled "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes", also known as the Data Privacy Act of 2012 (DPA), was enacted;

WHEREAS, Section 2 of the DPA provides that it is the policy of the State to protect the fundamental human right of privacy while ensuring the free flow of information to promote innovation and growth. The state also recognizes its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are protected;

WHEREAS, all LGUs processing personal or sensitive personal information (collectively, personal data) are considered as personal information controllers having obligations under the DPA;

WHEREAS, the National Privacy Commission (NPC), created under the DPA, is an independent body tasked to administer and implement the provisions of the DPA, and to monitor and ensure compliance of the country with international standards set for data protection;

WHEREAS, pursuant to Section 7 of the DPA, the NPC is charged with carrying out efforts to formulate and implement plans and policies that strengthen the protection of personal information in the country, in coordination with other government agencies and the private sector;

WHEREAS, recognizing the vital role of data in driving government decisions, policies, public services, and innovation that will benefit its constituents, with the aim of improving the delivery of basic goods and services, the Local Government Unit of Tolosa deems it necessary to provide a local mechanism for its offices to abide by the provisions of the DPA for the processing of personal data of its constituents as data subjects, whereby the people's right to data privacy is respected and upheld, subject to limitations provided by law;

WHEREAS, Information System is important for data driven policies for effective and efficient intervention;

WHEREAS, the COLLABDev Project conducted in Tolosa, contracted by USAID TO ACTION FOR ECONOMIC REFORM DEFINE DATA MANAGEMENT, DATA FOR POLICY AND DEVELOPMENT, a template for FREEDOM OF INFORMATION;

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Bayan of Tolosa, of Local Government Unit of Tolosa in session assembled:

**ORDINANCE NO. 03
Series of 2023**

AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE A PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR

SECTION 1. Title - This Ordinance shall be known as the "Data Privacy Ordinance of the Municipality of Tolosa.

SECTION 2. Definition of Terms - The terms used in the DPA and its Implementing Rules and Regulations (IRR), as amended, are adopted herein.

SECTION 3. Coverage - This Ordinance shall cover all departments and offices under the Municipality of Tolosa.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member
(ABSENT)

HON. MANNY R. MONTES, JR.
Sangguniang Bayan Member

HON. EDUARDO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MARIBEL B. BALDEG
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member
(ABSENT)

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
(ABSENT)

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member

SECTION 4. General duties and obligations - The following are the general duties and obligations of the Municipality of Tolosa as a personal information controller (PIC):

- a. Personal data shall be processed for the purposes of facilitating the performance of its public functions and the provision of public services pursuant to its mandate. In all instances, it shall adhere to the general data privacy principles of transparency, legitimate purpose, and proportionality;
- b. Reasonable and appropriate safeguards shall be implemented for the protection of personal data of data subjects of the Municipality of Tolosa, whether internal (officials, employees, job order, contract of service, casual, etc.) or external (clients, visitors, other stakeholders, etc.);
- c. The rights of the data subjects shall be upheld, subject to limitations as may be provided for by law. The free exercise of applicable rights shall be enabled through mechanisms that are clear, simple, straightforward, and convenient for the data subjects; and
- d. The data privacy rights of the affected data subjects shall be harmonized with the right to information on matters of public concern. It is recognized that both rights are imperative for transparent, accountable, and participatory governance, and are key factors for effective and reasonable public participation in social, political, and economic decision-making.

SECTION 5. Specific compliance requirements. The following specific compliance requirements under the DPA, its IRR as amended, and relevant issuances of the NPC, are hereby set out as follows:

- A. Designation of a Data Protection Officer (DPO)** - Pursuant to Section 21 of the DPA, PICs shall designate individual/s who shall facilitate and ensure the PIC's responsibility and accountability for the organization's compliance with the DPA. The following are hereby designated:
1. The executive department shall designate the DPO, tasked with the duties and responsibilities of ensuring compliance of the Municipality of Tolosa with the DPA, its IRR, and other NPC issuances and shall create a committee thru Executive Order;
 2. The designated DPO shall be assisted by a Compliance Officer for Privacy (COP) or Data Privacy Committee created herein and composed based on the perusal or decision of the Local Chief Executive.
 3. DPO, COP, (and the Committee, if created) shall be:
 - a. Consulted at the earliest stage possible on all issues relating to privacy and data protection of all personal data processing systems;
 - b. Provided with resources necessary to keep themselves updated with the developments in data privacy and security;
 - c. Granted appropriate information and access, where necessary, to the details of personal data processing activities of the departments and offices;
 - d. Invited to participate in the appropriate meetings of any department and office to represent the interest of data privacy;
 - e. Consulted promptly in the event of a personal data breach or security incident; and
 - f. Included in all relevant working groups that deal with personal data processing activities.
 4. The DPO or his or her authorized representative/s shall create the necessary user accounts in the applicable NPC system/s for compliance with the requirements for registration and personal data breach notification and management;
 5. The DPO shall ensure that data privacy awareness seminars and other necessary trainings for the personnel of Local Government Unit of Tolosa are duly conducted; and
 6. The contact details of the DPO should be made available and easily accessible on the official website and social media page/s and should include the following information:
 - a. Title or designation - the name of the DPO need not be published but should be made available upon request by a data subject;
 - b. Postal address; and
 - c. Dedicated telephone number and email address.

HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, BALAPRAN
Sangguniang Bayan Member

HON. EDUARDO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE Y. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSE O. PUMBAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUÉLO R. LUMBRE
SB Secretary

B. Conduct of Privacy Impact Assessment - All departments and offices as process owners shall conduct a privacy impact assessment (PIA) on any personal data processing system prior to their adoption, use, or implementation.

1. For existing systems, the DPO (and the Committee, if created) shall be consulted by the respective process owners on the appropriateness of conducting a PIA and the reasonable timeframe to accomplish the same;
2. For both existing and proposed systems, there may be a determination that the conduct of a PIA is not necessary if the processing involves minimal risks to the rights and freedoms of data subjects, taking into account the recommendations from the DPO. In making this determination, the following should be considered:
 - a. Size and sensitivity of the personal data being processed;
 - b. Duration and extent of processing;
 - c. Likely impact of the processing to the life of data subject; and
 - d. Possible harm in case of a personal data breach;
3. The conduct of a PIA may be outsourced to a third-party service provider, as may be recommended by the DPO (and the Committee, if created) subject to the laws, rules, and regulations applicable to government procurement;
4. The relevant issuances and other information, education, and communication materials of the NPC on PIA and other relevant issuances shall serve as additional guidance, and
5. The results of the PIA conducted shall be made the basis for the preparation of the Privacy Management Program, the Privacy Manual, and the crafting of the appropriate privacy notices specific to the personal data processing activities being undertaken by the pertinent departments and offices and other applicable policies relevant to data privacy and security.

C. Adoption of a Privacy Management Program and Privacy Manual - The Local Government Unit of Tolosa shall prepare a Privacy Management Program, which shall contain, among others, the necessary policies and processes that remediates the gaps identified in the PIA and a Privacy Manual, as may be supplemented by the existing or prospective codes, guides, manuals, privacy notices, ordinances, policies, and other documented information on processes that may deal with any data privacy matter.

1. The DPO (and the Committee, if created) shall be tasked to ensure that all relevant records and other documentation on data privacy are maintained and kept up to date; and
2. The Privacy Management Program and Privacy Manual shall be subject to regular review, evaluation, and updating where appropriate, considering the best practices and national and/or international standards for data privacy and security.

D. Implementation of security measures - Reasonable and appropriate organizational, technical, and physical security measures shall be implemented by all departments and offices processing personal data.

1. The determination of what is reasonable and appropriate shall take into account the following factors as determined following the PIA conducted:
 - a. Nature and volume of the personal data to be protected;
 - b. Risks of the processing to the involved data subjects;
 - c. Size of the department or office and complexity of its personal data processing activities;
 - d. Current data privacy best practices; and
 - e. Cost of implementation;
2. The security measures to be implemented shall ensure the protection of personal data against any unlawful processing and the confidentiality, integrity, and availability of the personal data being processed. The DPO (and the Committee, if created) in consultation and coordination with the ICT unit shall make the appropriate determination and recommendation on the measures and policies to be implemented. These may include back-up solutions, access controls, secure log files, acceptable use, encryption, and data

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RM, MPRM
Sangguniang Bayan Member

HON. ED R. BERTOLINI R. TABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. YIRMAN JESSIE O. PUMDAYETA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
(ABSENT)
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIYERO
(ABSENT)
Sangguniang Bayan Member
A3C President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
FPSK President

disposal mechanisms, among others, for any personal data processing activity, whether done through paper-based or electronic systems.

E. Security incident Management - Personal Data Breach Management. - The following policies and procedures are set out for the purpose of managing security incidents, including personal data breaches:

1. Data Breach Response Team (DBRT). A data breach response team is hereby created with the following members: the DPO, the Data Privacy Committee, if created, and upon the decision of the Local Chief Executive. The DBRT shall be responsible for the following actions:
 - a. Assess and evaluate all security incidents, including personal data breaches;
 - b. Restore integrity to the affected information and communications systems;
 - c. Recommend measures for mitigation and remedies on any resulting damage to the Local Government Unit of Tolosa and the affected data subjects;
 - d. Comply with the mandatory notification and other reporting requirements indicated in the appropriate NPC Issuance; and
 - e. Coordinate with the appropriate government Computer Emergency Response Team (CERT) and law enforcement agencies, where appropriate.
2. Incident Response Procedure. The DBRT shall recommend the actual procedure or manual for the timely discovery and management of security incidents. This shall include:
 - a. Identification of person or persons responsible for regular monitoring and evaluation of security incidents;
 - b. Reporting lines in the event of a personal data breach;
 - c. Evaluation of the security incidents or personal data breaches as to its nature, extent and cause, the adequacy of safeguards in place, immediate and long-term impact of the personal data breach, and its actual and potential harm and negative consequences to affected data subjects;
 - d. Procedures for contacting law enforcement, if necessary;
 - e. Conduct of investigations on the security incident, including personal data breaches;
 - f. Procedures for notifying the NPC and data subjects when the personal data breach is subject to mandatory notification requirements;
 - g. Procedures for assisting affected data subjects to mitigate the possible harm and negative consequences in the event of a personal data breach.

F. Funding - The funding requirements needed for this Ordinance shall be provided for through an Appropriation Ordinance.

SECTION 6. Rights of data subjects; mechanisms for the exercise of rights, - The relevant NPC issuances on data subject rights, the guidance on transparency, procedures for the exercise of rights, and appropriate templates indicated therein, are hereby adopted.

SECTION 7. Remedies. - The DPO, in coordination with the concerned department or office as the process owner, shall endeavour to address and resolve all data subject clarifications, complaints, concerns, questions, and requests, among others, relating to the processing of their personal data, exercise of rights, personal data breaches, and other similar matters without undue delay, following the applicable provisions of Republic Act No. 11032 or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 and its Implementing Rules and Regulations.

SECTION 8. Interpretation. Any doubt in the interpretation of any provision of this Ordinance and corresponding policies shall be construed in a manner that accords the highest respect for data privacy, and liberally interpreted in a manner mindful of the rights and interests of data subjects.

SECTION 9. Transitory Provision. Departments and offices affected by the implementation of this Ordinance shall be given three (3) months transitory period from the effectivity of the Ordinance to comply with its requirements.

SECTION 10. Separability Clause. If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

HON. FELICITO D. BELTRAN III
(ABSENT)
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ PH, PRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALTEDO
Sangguniang Bayan Member

HON. FELIPE X. CANONIGO III
Sangguniang Bayan Member

HON. YRMAN JESSIE G. PUNDAVELA
Sangguniang Bayan Member

HON. IRENO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

SECTION 11. Repealing Clause. All other ordinances, orders, issuances, rules, and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.


SECTION 12. Effectivity. This Ordinance shall take effect fifteen (15) days after publication. ENACTED on this 20th day of **March 2023**.

OTHER MATTERS:


1. Barangay Session on April 17, Telegrafo.
2. Session for the Month of May 2, 10, 22, and 29, 2023

Hon. Manny R. Martinez, RN, MPRM informed about the MOA of KAKAK which was not calendared so he requested for a committee meeting.

Adjournment. - There being no further business. The Presiding Officer moved for the adjournment of the session. The session was adjourned at 4:00 P.M.

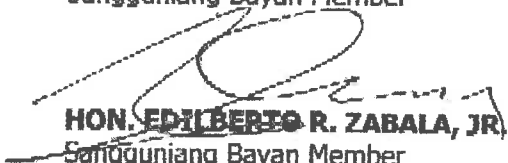

CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer

(Absent)

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

(Absent)

HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President

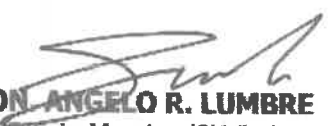

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(Absent)

HON. ROLLY A. CINCO
Sangguniang Bayan Member

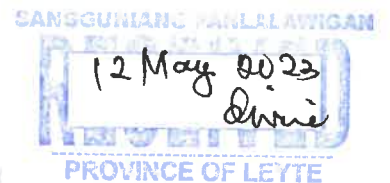

HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President



Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa

Office of the Sangguniang Bayan

1st Endorsement
April 26, 2023



Respectfully forwarded to the Sangguniang Panlalawigan, Province of Leyte, Palo, Leyte, the herein attached **RESOLUTION NO. 03-69-2023, Re: A RESOLUTION ENACTING AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR,** Attendance of Regular Session and Certification of Posting.

For review and approval.

Issued this 26th day of **April 2023** at Tolosa, Leyte, Philippines.

Please acknowledge receipt hereof.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to **CERTIFY** that pursuant to paragraph (a) of Article 114 of RA 7160 Posting of **Ordinance 03, Series of 2023, Re: AN ORDINANCE OPERATIONALIZING REPUBLIC ACT NO. 10173, OR THE DATA PRIVACY ACT OF 2012 IN THE MUNICIPALITY OF TOLOSA AND PROVIDING GUIDELINES THEREFOR**, was posted in three (3) conspicuous places, with Penal Sanctions, the undersigned has complied the said provision last April 11, 2023.

This **Certification** is issued in compliance of Article 114 of RA 7160.

Given this **26th** day of **April 2023**.

CONSUELO R. LUMBRE
Sangguniang Bayan Secretary