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**Department of Social Welfare and Development**

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**POLICY AND PLANS GROUP**

29 June 2016

**HONORABLE RAYMUND E. LIBORO**

Commissioner

National Privacy Commission

Malacanang, Manila

[info@privacy.gov.ph](mailto:info@privacy.gov.ph)

Dear **Commissioner Liboro**:

This has reference to the draft Implementing Rules and Regulations (IRR) of Republic Act No. 10173 or the Data Privacy Act of 2012.

In line with this, the Department of Social Welfare and Development wishes to share with you its position paper on the matter in view of the *Listahanan* - an information management system it has launched in 2009 which identifies who, where and how many are the poor nationwide. The use of the said system, as supported by Executive Order No. 867 Series of 2010, facilitates the poor's access to social protection programs and services of the government.

We also wish to convey, following the recent conduct of a consultation on the IRR, that we are looking forward to discuss the contents of this position paper with your Commission along with our business processes and security measures.

Thank you.

Very truly yours,

**FLORITA R. VILLAR**

Undersecretary and

National Project Director

## **DSWD POSITION PAPER ON THE DATA PRIVACY ACT IN VIEW OF THE LISTAHANAN**

### **Introduction**

Knowing who, where and how many are poor households in the country is crucial in ensuring efficient and effective delivery of social protection programs and services. Recognizing this, the Department of Social Welfare and Development (DSWD) as lead agency in social protection instituted the National Household Targeting System for Poverty Reduction (NHTS-PR), now known as the Listahanan.

Listahanan is an information management system that identifies who, where and how many are poor households nationwide. These three (3) parameters are considered critical in terms of ensuring the provision of an efficient and effective social protection and poverty alleviation campaign by the government. DSWD, including other National Government Agencies (NGAs) as well as other social protection stakeholders need this information to ensure that programs and projects are adequate (thus the need to know how many), efficient and effective (the need to know who, where they are and what their needs are). Listahanan provides all this crucial information.

The Project, which was launched in 2009, generates and maintains a socio-economic database of poor households through the use of unified, objective and transparent selection criteria. The process of identifying the poor household is done using a statistical model referred to as the Proxy Means Test (PMT). This statistical model approximates the income of a household using carefully selected non-income variables that can be visually identified by enumerators during the conduct of the nationwide field enumeration. All relevant data are captured using the Household Assessment Forms (HAFs) and/or Family Assessment Forms (FAFs). In order to ensure alignment with other tools developed and used by other government agencies, the PMT model was derived and tested against the result of the Family Income and Expenditure Survey (FIES), Labor Force Survey (LFS) and the Census of Population and Housing (CPH).

The Final Output after running the PMT against all assessed is a **Nationwide List** (popularly referred to as the Listahanan) of the poor and vulnerable households and families. It should be noted that Listahanan contains not only statistical data, economic profile, other relevant information about the household and the surrounding locality but also personal information of individuals in the household. It is this list that the DSWD shares with various social protection stakeholders including other NGAs, Local Government Units (LGUs) and Civil Society Organizations (CSOs). Lately, however, access to the entire database and not just the poor households proved to be very relevant and important, especially during the aftermath of typhoon Yolanda. Quite a number of humanitarian agencies made use of the information in the Listahanan database to provide assistance to poor and non-poor families in the affected areas. DSWD is confident that a number of these development partners will willingly attest to the benefit of having accessed the entire database and not just the Listahanan.



Listahanan already had two (2) nationwide assessments:

- The first was in 2009 where it was able to identify 5.2 million households out of the 11 million assessed
- The second, in 2016 where it was able to gather information on 15 million households, 5.1 million of which were identified as poor.

Being the first of its kind in terms of form and purpose, Listahanan gained the support and recognition of the Executive branch and partner agencies. Such support is expressed through the following issuances:

- The National Statistical Coordination Board (NSCB) was first to pass Resolution No. 18, Series of 2009 which enjoined support to the Listahanan as a tool to identify beneficiaries of social protection programs.
- Executive Order 867 was promulgated in March 2010 and directed all National Government Agencies to use the Listahanan as the mechanism in identifying potential recipients of social protection programs.
- In 2011, the Listahanan was commended by the World Bank as the crowning achievement of the Social Welfare and Development Reform Project (SWDRP).
- Two (2) legislations also made reference to the Listahanan as the source of data on poor households: Republic Act 10354 or the Responsible Parenthood and Reproductive Health Act of 2012 and Republic Act 10606 or the National Health Insurance Act of 2013.
- DILG Memorandum Circular No. 2015-69 enjoined all LGUs to support the conduct of the nationwide assessment by allowing DSWD field staff to do household assessment in their areas, helping identify pockets of poverty in their barangays, and support the organization and activities of the Local Verification Committee (LVC) during validation phase.

To date, 1,252 organizations are also using the Listahanan database, 52 of which are National Government Agencies (NGA), 1,095 are Local Government Units (LGU), 56 are Non-Government Organizations (NGO), 34 are members of Congress and 15 are from the academic community. In addition, 22 national programs made use of Listahanan in selecting their beneficiaries. These programs are:

- DOH: Rotavirus Vaccination and Catastrophic Benefit Package, Compack Program and War on Worms (WOW), PHILHEALTH's Indigent Program and POPCOM's Responsible Parenthood/Family Planning Program.
- DOLE: Special Program for the Employment of Students (SPES), Child Labor Program, Livelihood Emergency Employment Program (LEEP) and Government Internship Program

- DOE: Rural Electrification Program and the National Intensification of Household Electrification Program
- DILG: Sagana at Ligas na Tubig Para sa Lahat (SalinTubig) and Listong Pamilyang Pilipino
- DENR: National Greening Program
- CHED: Expanded Student Grant-in-Aid Program
- NHA: Socialized Housing Project
- TESDA: Special Training for Employment Program (STEP)
- BFAR: Targeted Actions to Reduce Poverty and Generate Economic Transformation (TARGET)

This is in addition to the DSWD's existing programs, Pantawid Pamilyang Pilipino Program, Sustainable Livelihood Program (SLP), KALAHI CIDSS-NCDDP, Social Pension for Indigent Senior Citizens and other programs extended to the victims of typhoons *Habagat, Pablo* and *Sendong*.

In anticipation of the release of results from the second round assessment, 45 stakeholders have sent in their requests for data and signified their intention to enter into a Memorandum of Agreement on Data Sharing with the Department.

### **Implications of the Data Privacy Act on the Listahanan**

By virtue of Executive Order 867, the Department of Social Welfare and Development thru its Listahanan, has the mandate to identify who and where the poor are and share this information, including sensitive personal information, to stakeholders. This way, the poor can be helped through the convergence of social protection programs and services at various levels. Poverty is a multi-dimensional phenomenon and mitigating its crippling effects requires shared responsibility from all concerned stakeholders.

This year, the Department will again embark on an aggressive advocacy for the use of the Listahanan database. However, this initiative is shadowed by certain provisions posed by the Data Privacy Act (DPA) and its draft Implementing Rules and Regulations (IRR) as enumerated below:

- Chapter III, Section 14 of the DPA and Rule VI, Section 26e of the IRR

These sections emphasize the accountability of the DSWD as personal information controller which may subcontract processing of personal information. In the context of the DPA, the Department is held responsible for ensuring that



proper safeguards are in place not only within but also with the agencies or third parties to whom it shares the Listahanan information.

One of the primary objectives of the Department is to encourage NGAs, CSOs and other stakeholders to utilize the Listahanan in targeting beneficiaries for their development programs. The stringent compliance requirement of the law may serve as hindrance for them to be able to make use of the data to address the needs of the targeted poor and deliver of timely and appropriate interventions.

- Chapter VII, Section 23(b) of the DPA and Section 31(b) of the IRR.

Both sections deal with Access by Agency Personnel to Sensitive Personal Information. DSWD has authorized the staff to access the Listahanan database. However, it is the sharing aspect of sensitive personal information indicated in the law and its draft IRR that will hinder the prompt sharing of the List of Poor Households/Families to concerned stakeholders.

Of particular concern is limiting access to 1,000 records at a time and prior recognition or approval of the Agency's encryption by the Commission. As it is, DSWD will now have difficulty in sharing the database especially to social protection stakeholders which require the list of the 5.1 million poor households.

- Chapter VII, Section 24 of the DPA and Rule VII, Section 32 of the IRR.

The section requires that any data sharing agreement between a source agency and another government agency needs to be approved by the Commission to ensure that security requirement protocols are complied with.

This would prolong the process of sharing data and may affect the timelines of agencies in planning and rolling out urgent social protection programs and services for the poor. The required approval by the Commission of a perfected agreement entered into by the DSWD (source agency) and another government agency for sharing of the Listahanan data adds another layer of administrative and technical process that will surely affect the timely sharing of vital statistics and other household information.

The Department recognizes that the Data Privacy Law strengthens the citizens' basic right to privacy and security. However, we would like to raise that the aforementioned provisions in the law may serve as deterrent in the use of the Listahanan database to support the implementation of social protection programs and services for the poor.

For one, the data generated from the Listahanan is made available to various stakeholders involved in social protection such as labor market interventions, social insurance, social welfare and social safety nets. The poor as data subjects are aware that their information will be shared as manifested by their affixed signatures in the Household Assessment Form (HAF)/Questionnaire.

Second, the Department has adopted security measures regarding the handling, release and disposal of the data subject's personal data to support this request. This is incorporated in the Listahanan's Operations Manual from the process of data collection, encoding, validation, management and safekeeping/warehousing of the forms until the appropriate periodical disposal.

In terms of Data Sharing Protocols, the existing DSWD Guidelines that provide the framework for operation including the phases of data requisition, report generation, information sharing and feedback reporting as well as the corresponding Memorandum of Agreement on Sharing of Listahanan Data were revised to be aligned with the DPA.

Safeguards and security measures for the database are also in place with a dedicated Systems Administration Group managing the information technology (IT) infrastructure. Some of these measures include firewall security and intrusion prevention system; authentication for remote, database and software access; data encryption; servers are secured in the co-location facility; external access to the DSWD network requires utilization and authentication of the security portal software; password authentication; and server monitoring of users through privileged access management solution.

Third, we are pleased to share that since the Listahanan's launch in 2009, the Department has not received any complaints on the way the database is managed, more so, on the way its contents are shared. Instead, it was able to facilitate access of the poor to various programs and services as enumerated above.

Fourth, we can already claim good practices regarding the use of the Listahanan database through Gawad Listahanan. This award is conferred to Local Government Units (LGUs) for providing services and assistance to the Listahanan-identified poor families. It aims to promote the complementation and convergence of social protection stakeholders on the identified poor to effectively address the different aspects of poverty. Awardees for the 2015 Gawad Listahanan include the Municipality of DALAGUETE, Cebu for its LISSTA Scholarship Program; City of ESCALANTE, Negros Occidental for its Medical Assistance Program and the Province of ILOCOS NORTE for its Millennium Development Goals (MDG) Program.

As a social protection agency, we commit to continuously exercise vigilance in ensuring that our data collection, information systems and data sharing protocols are mindful of the rights of citizens to privacy and security.

### **Our Position**

The Department of Social Welfare and Development's position is to strike a fair balance between the citizens' rights to privacy and security vis a vis their right to benefit from social protection programs and services for an improved quality of life. We reiterate that this is only possible if DSWD is allowed to share the data from the Listahanan database.

Given this, we are requesting that the Implementing Rules and Regulations of the DPA be made more tolerant to facilitate the sharing, use and adoption of the Listahanan database by stakeholders from government and the private sector. This stand should not be misconstrued as maneuvering to ride on the universal concern for social protection. We strive to provide the means by which the poor can be helped out of the poverty situation they are in. And we stand by the belief that Listahanan is central to the convergence of efforts to address poverty in this country.