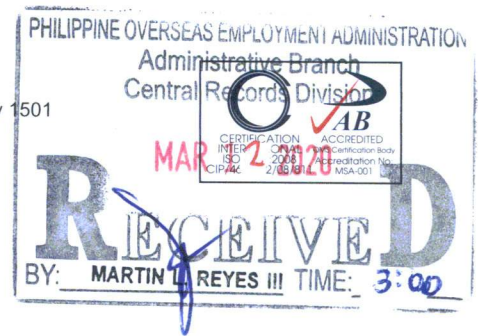




Philippine
Overseas
Employment
Administration

Republic of the Philippines
Department of Labor and Employment
BFO Building, Ortigas Avenue cor. EDSA, Mandaluyong City 1501
Website: www.poea.gov.ph E-mail: info@poea.gov.ph
Hotlines: 722-1144, 722-1155



MEMORANDUM CIRCULAR NO. 05
Series of 2020

TO : ALL CONCERNED
SUBJECT : POEA'S DATA PRIVACY NOTICE

Pursuant to the **National Privacy Commission (NPC)** Republic Act No. 10173, or the Data Privacy Act of 2012, an act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, and as compliance with the Privacy and Data Protection in day-to-day operations, POEA will publish its Data Privacy Notice on POEA's official website, to inform our data subjects of their data privacy rights in the collection and use of their personal information. Attached as Annex "A" is POEA's Data Privacy Notice.

For the information and guidance of all concerned.


BERNARD P. OLALIA
Administrator

09 March 2020

CONTROLLED AND DISSEMINATED
BY CRD ON MAR 13 2020

DATA PRIVACY NOTICE

The **Philippine Overseas Employment Administration (POEA)** is committed to protect your privacy and ensure that all personal data collected from you are processed according to the fulfillment of the specified purpose pursuant to R.A. 10173 (Data Privacy Act of 2012).

I. PURPOSE OF COLLECTING PERSONAL DATA

POEA is tasked under Republic Act 8042, otherwise known as the Migrant Workers' Act of 1995, as amended, under Republic Act 10022 series of 2010 to administer, regulate and enforce the processing, placement and deployment of Filipino citizens for overseas employment. As such, we collect a wide range of data, including personal and family background, education, skills and work experiences for the purpose of proper job evaluations, matching and hiring.

II. TYPES OF PERSONAL DATA THAT WE COLLECT

The types of personal data we collect and share depends on the type of service you request from us. This includes among others:

- Basic personal information like your name, date of birth, gender, marital status, passport number, language spoken, religion, beneficiaries including supporting documents such as government ID details
- Your contact details like your home address, mobile, telephone numbers, email address
- Education details, employment details, skills, certificates
- Financial information - monthly salary, overtime pay, leave pay, allowance, fees paid, membership fees
- Health and occupation insurances
- Scanned/photocopied images – picture, passport

III. WAYS WE COLLECT DATA

There are different ways how we collect data from you. Your personal data is collected primarily through the following channels:

- When you use our online services: e-registrations, surveys, mobile apps and the likes
- When you submit required documents to us, to recruitment/manning agencies/foreign employers for processing, verification and documentation
- When you fill-out a form and submit it to us for verification and clearance
- When you interact with our employees via telephone calls, emails, letters, fax, face to face meeting
- When you are contacted by us via telephone call or notified via email that you are shortlisted/passed the position you're applying for
- When a complaint is filed due to employment dispute against agencies/foreign employers

IV. HOW WE SHARE YOUR DATA

If you are hired and deployed for overseas employment, your information is basically shared to recruitment/manning agencies/foreign employers to process this information based on the qualification standards and skill sets needed in the manpower pooling.

We also share your information amongst different government agencies of the Republic of the Philippines who are involved in managing overseas employment, protecting against illegal recruitment and human trafficking, ensuring the welfare, repatriation, legal and livelihood assistance. These agencies may include Overseas Welfare Worker Administration (OWWA), Department of Foreign Affairs (DFA), Department of Health (DOH), the Bureau of Immigration (BI), Philippine Overseas Labor Offices (POLOs), Inter-Agency Council Against Trafficking (IACAT), Maritime Industry Authority (MARINA), National Labor Relations Commission (NLRC), National Conciliation and Mediation Board (NCMB), Philippine Employment Service Office (PESO) and/or their subordinate offices.

V. HOW WE PROTECT YOUR DATA

To ensure the privacy and security of personal data and transaction information, POEA has set forth the following:

- We deploy intrusion detection systems, firewalls, encryption systems and other internal controls which are meant to safeguard, physically and logically, all our servers and information systems.
- We have an inhouse Network Management Section, which oversees, manages and secures the maintenance of the whole facility.
- Our Data Center is equipped with Biometric Door Access Control System, only authorized personnel can enter the facility.
- We have a designated Data Privacy Officer whose job is to ensure adherence to data privacy principles and implementation of safeguards for data protection.
- We enforce role-based access control (RBAC) or role-based security to restrict access to only qualified and authorized employees to handle your personal data.
- We require users of our online systems to pass through the Log-in authentication process. They have to undergo account registration, data validation and email verification before acquiring username and password.

VI. YOUR DATA PRIVACY RIGHTS

Under the Data Privacy Act, you have the following rights:

- Right to be informed
- Right to access
- Right to object
- Right to erase or block
- Right to damages
- Right to file a complaint
- Right to rectify or correct erroneous data
- Right to data portability

POEA's decision in providing and accepting request in line with the rights stated in the Data Privacy Act of 2012 is always subject for evaluation and approval according to our applicable policies and regulation.

VII. RETENTION AND DISPOSAL OF PERSONAL DATA

POEA's data retention and disposal policy is in accordance with R.A. 9470 National Archives of the Philippines Act. In addition to this, we have also incorporated our internal policy.

Retention

POEA stores your personal data by the following manner:

- Certifications of corrected data, expired/reissuance OEC retained for one (1) year;
- Registration forms, supporting documents, certifications of corrected data, expired/reissuance/cancelled OEC retained for two (2) years;
- Information sheet, clearance, employment contract, and other documentary requirement retained for five (5) years;
- Electronic personal data and processing transactions are stored in a Data Center and cloud service and securely retained permanently. Year 1999 and below data are kept into archives and separated from the live production database.

Disposition/Disposal

- After the retention period, all documents in hard copies are filed and safely kept in boxes and endorsed to the Records Management Division for disposition.

VIII. YOUR OBLIGATION IN PROVIDING YOUR PERSONAL DATA

- You must ensure that the personal information submitted to us are true, accurate and complete and updated, as per your latest contract.
- You should guarantee that the uploaded documents are faithful reproduction of the original.
- You are also responsible for maintaining the confidentiality of your username, password, account details, and are fully responsible for the content, accuracy of information and all activities that occurred under your password and/or account.

IX. CONSENT

By submitting/providing/supplying/encoding the accomplished forms and the different data required by our online systems, you are consenting/agreeing/authorizing POEA to process your personal information based on purpose provided in this notice.

You also authorize POEA to disclose your data to foreign employers and their governments, for their employment and security considerations; and to other government agencies that manage overseas employment, and support welfare and protection of overseas workers, in the following circumstances:

- Necessary in the evaluation of the qualification standards and skill sets needed by a potential overseas employer;
- Necessary to carry out processes needed in times of crisis, emergency, repatriation, claims and for legal purposes.

X. AMENDMENT OF DATA PRIVACY NOTICE

POEA may amend this Data Privacy Notice if there are changes and improvement in the Data Privacy Act as well as in our internal policies. We will keep you updated by publishing the updated version in our website.

XI. HOW YOU CAN CONTACT US

For data privacy requests and concerns, you may write to our designated Data Privacy Officer (DPO) jsanchez@poea.gov.ph.

For inquiries and complaints about overseas employment and the like, you may call us at Hotline 722-1144 and 722-1155, or you may write us at info@poea.gov.ph.

For complete reference on the Data Privacy Act, please visit the National Privacy Commission website at <https://www.privacy.gov.ph/>