



# PHILIPPINE MEDICAL ASSOCIATION

**THEME: "BUILD, BUILD, BUILD PMA! BUILDING THE FUTURE TODAY."**

Member : World Medical Association (WMA)  
Co-Founder : Confederation of Medical Association in Asia and Oceania (CMAAO)  
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## MEMORANDUM CIRCULAR NO: 2020-11-03-024

TO	: ALL PMA MEMBERS
DATE	: NOVEMBER 3, 2020
SUBJECT	: DATA PRIVACY UPDATES IN THE HEALTH SECTOR

Greetings from the Philippine Medical Association!

This is to update you of the issues and concerns that were discussed during the 1st Virtual Health Data Privacy Forum on October 14, 2020, organized by the National Privacy Commission.

The National Privacy Commission received thirty (30) data breach notifications from the health sector as of October 2020. Of which, 64% was caused by Human Error, 33% by Malicious Attacks, and 3% caused by System Glitches.

Specific causes of the data breach include:

- Patient data circulated in social media/group chats;
- Lost files due to corrupted software;
- PICs/PIPs suffered a ransomware attack;
- A patient's laboratory result was re-used to print another patient's billing statement.

Based on NPC Bulletin #10, the NPC enumerated the following recommendations to prevent data breaches:

- Regularly remind officials and employees of their ethical and legal duty to protect patient data;
- Establish access control for patient data based on least privileges;
- Equip facilities with physical access controls;
- Only disclose patient data to proper authorities and in appropriate areas;
- Protect the computer display from unauthorized and accidental viewing;
- Lock storage media away when not in use;



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- Ensure that patient data are encrypted;
- Communicate securely.

Moreover, the National Privacy Commission reminds the Health Sector that the rules of patient privacy, the confidentiality of health records, medical ethics, and data subjects' rights should remain in effect even in a state of a public health emergency.

Here are some of the advisory opinions that the NPC released vis-à-vis Covid-19:

1. Can a hospital submit a daily report to the DILG on the Covid-19 related deaths?

**YES.** *Compliance with the reportorial requirement may be warranted under the law. The purposed of the DILG requirement is to ensure that Covid-19-related hospital deaths are reported in a timely manner. Reports should contain only the information requested; reasonable and appropriate safeguards should be implemented to protect all personal data collected against any unauthorized access, disclosure, or processing.*

2. Can we publicly release the identities of Covid-19 confirmed cases for contact tracing?

**NO.** *Contact tracing does not require public disclosure of identities of Covid suspects, probably, and confirmed cases. Unbridled disclosure of patients' personal data to the public has been proven to cause a real risk of severe harm (physical assault, harassment, discrimination, etc.). The DPA has never been a hindrance to contact tracing – the law does not prevent the government from processing personal data when necessary to fulfill their mandates.*

3. Do we always have to execute a Data Sharing Agreement (DSA) for all sharing agreements?

**NO.** *If there is a law/regulation/issuance requiring the data submission/sharing/transfer/furnishing/reporting, etc., a separate DSA is not mandatory. Nevertheless, PICs may execute a DSA should they wish to do so, perhaps to provide details of the data submission, to outline security measures, etc. And DSAs do not need to be reviewed by the NPC.*



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Please visit the website of the National Privacy Commission, [www.privacy.gov.ph](http://www.privacy.gov.ph), and be updated on the various privacy guidelines valuable for the Health Sector:

- JMC No. 2020-0001: Guidelines on the Use of Telemedicine in Covid-19 Response
- JMC No. 2020-0002: Privacy Guidelines on the Processing and Disclosure of Covid-19 Related Data for Disease Surveillance and Response
- JMC No. 2020-0003: Guidelines on the Monitoring and Evaluation of the Use of Telemedicine

We continue to encourage our individual medical practitioners to register as De Facto DPOs with the National Privacy Commission, in compliance with the IRR of the Data Privacy Law, so you can be prepared and stay protected from a data breach. If you have registered between 2018 and 2019, you should have already received your Certificate of Registration which remains valid until year 2020; if not, please follow up thru this email - [compliancesupport@privacy.gov.ph](mailto:compliancesupport@privacy.gov.ph). Otherwise, please register thru this link: [privacy.gov.ph/registration/](http://privacy.gov.ph/registration/).

Should you have queries or need assistance with any data privacy concerns, please do not hesitate to contact me at landline no. (02) 89297361 and email address - [jehanm.century@gmail.com](mailto:jehanm.century@gmail.com).


Thank you and God bless you all!

Very truly yours,

  
**MS. JEHAN ANGELES – MANGAHIS**  
PMA Executive Director/Data Protection Officer

Noted by:

  
**HECTOR M. SANTOS, JR., MD, MMHA**  
Secretary-General

  
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