



Executive Order No. 045
Series 2022

AN ORDER ADOPTING NATIONAL PRIVACY COMMISSION ADVISORY NO. 2020-04 OTHERWISE KNOWN AS “GUIDELINES ON THE USE OF CLOSED CIRCUIT TELEVISION (CCTV) SYSTEMS” IN THIS MUNICIPALITY

WHEREAS, the use of CCTV system shall consider its impact on the rights and freedoms of data subjects and be subject to regular review to ensure that its use remains to be necessary for specified and legitimate purposes;

WHEREAS, the capture, use, retention, and destruction of video and/or audio footages obtained from CCTVs are considered as processing of personal data under the Data Privacy Act of 2012 (DPA);

WHEREAS, access to the area where the CCTV footages are stored shall be secured and restricted to authorized personnel or persons only;

NOW THEREFORE, I, AVELINO N. AGUSTIN, JR., Municipal Mayor of Cabarroguis, Quirino, by virtue of the powers vested in me by law, do hereby adopt NPC Advisory No. 2020-04 with the following guidelines:

Section I. Specific Use for Security. – The use of CCTV as mandated by Local Government Units (LGUs) for security and peace and order purposes is recognized. Reference can be made to the Department of Interior and Local Government (DILG) Memorandum Circular No. 2014-1193 on the requirement for the installation of CCTVs for certain business establishments and in strategic areas frequented by the public to support law enforcement and crime prevention, deterrence, detection, and solution efforts of the government;

Section II. Storage and Retention.–Footage recorded by CCTV cameras shall be stored in a secure manner, whereby its confidentiality, integrity, and availability are maintained and protected. The recorded footage shall be encrypted;

Access to the area where the CCTV footages are stored shall be secured and restricted to authorized personnel or persons only. Access logs for the CCTV footage shall be updated on a regular basis, including transfers, reproductions, and access requests.

Likewise, PICs should restrict monitoring of live CCTV feeds. It should identify responsible persons who are the only ones allowed to monitor such live feeds.

There is no specific or fixed minimum or maximum retention periods for CCTV footage. The same shall be retained only for as long as necessary to fulfill of the purposes for which the CCTV footage was obtained. Retention period shall not be determined based solely on the storage capacity of a system. Once determined, such information on retention period shall be clearly documented and form part of the CCTV policies.

Section III. Data Subject request for Access. – Any person whose image is recorded on a CCTV system has a right to reasonable access and/or be supplied with a copy of their own personal data from the footage, subject to Section VI of this Order;

PICs shall establish policies and procedures allowing for such access and/or obtaining a copy, and shall consider the following:

- a. Use of a standard form for requests for access: *provided*, that a request for access containing information sufficient to process the request should be acted upon even if a standard form is not used;
- b. Verification of the identity of the individual requesting for access through the presentation and/or submission of supporting documentation: *provided*, that the required information is only to the extent necessary to confirm such identity;
- c. For persons requesting access for and on behalf of another, the PIC may request for evidence of proper authorization and other supporting documents

- to validate the authority and identity of the representative as well as to confirm the identity of the requesting party;
- d. Purpose/s of the request for access, which should not be contrary to law, morals or public policy; and
- e. Sufficient details on the requested footage such as the specific date/s, approximate time, location, among others, to enable the PIC to locate such footage.

Where images of parties other than the requesting data subject and/or the person/s sought to be identified as part of the request (e.g. identification of malefactors for investigation or law enforcement purposes) appear on the CCTV footage, legitimate interest under Section 12(f) of the DPA may apply as basis for disclosing, subject to Section 9 of this Advisory.

Section IV. Third Party Access Request. – When a person, other than a data subject, requests for access to CCTV footage, it shall be treated as a third-party access request. The same policies and procedure as outlined in the previous section on data subject access request shall also be applicable;

PICs should decide on the merits of the request for disclosure based on its internal policy, the DPA, and other existing laws and regulations. Once a Personal Information Controller (PIC) has disclosed information to another, the latter becomes responsible for the copy they hold. It is their responsibility to comply with the DPA in relation to any further disclosures. The method of disclosing information should be secure to ensure they are only seen by the intended recipient.

CCTV footage may be disclosed for, but not limited to, the following purposes:

- a. *Law enforcement and criminal investigations.* With respect to request for CCTV footage to be disclosed in relation to a criminal investigation, PICs shall require the law enforcement officer or the requesting party to provide sufficient proof as to the occurrence of a crime and the investigation thereof as well as proof of authority of the law enforcement officer before release of the CCTV footage.

This request for CCTV footage shall be done following existing standard operating procedures in the conduct of an investigation and law enforcement operation as stated in the Revised PNP Operational Procedures, and other pertinent laws, rules, and regulations governing the same should be strictly adhered to.

- b. *Court Order.* Requests for disclosure and use of CCTV footage and images by virtue of a lawful order of a court of competent authority is allowed, taking into consideration the pertinent rules on issuance of subpoena.
- c. *Administrative Investigations.* Use of CCTV footage for purposes of an administrative investigation may be allowed. The requesting party must provide sufficient proof of the investigation being conducted or the pending complaint before an administrative body.
- d. *Request from the media.* PICs are not obliged to release CCTV footages to the media, unless there is a lawful basis for processing, and always with due regard to the rights of data subjects and codes of conduct and ethical standards of journalism.

PICs are likewise proscribed from disclosing CCTV images of identified individuals to the media for entertainment purposes, unless it is with the consent of the said individuals. Law enforcement agencies may release CCTV footage to the media, on a case to case basis, considering the requirements of public order and safety, identification purposes, and other relevant factors.

Where images of parties other than the requesting data subject and/or the person/s sought to be identified as part of the request (e.g. identification of malefactors for investigation or law enforcement purposes) appear on the CCTV footage, it is the responsibility of the requesting media personnel or journalist to mask the images of those other parties before making the footage public.

- e. *Other third-party requests.* Third-party access requests for CCTV footage and images shall be approached with care as wider disclosure may be unfair to the individuals concerned. In certain circumstances, it may be appropriate to release information to a third party, where their needs outweigh those of the data subjects whose information is recorded. The PIC must determine on a case to case basis if it will accede to such request taking into consideration the

rights and freedoms of the data subjects whose images recorded by the CCTV system, and considering the provisions of the immediately succeeding section.

Section V. Response Procedure. – Once a Personal Information Controller (PIC) is notified that a request for access is or will be made, the pertinent CCTV footage shall be taken out of the coverage of the usual retention period to enable the same to be saved and accessed;

Upon fulfillment of the requirements in the immediately preceding sections, the PIC response in allowing access to the CCTV footage shall be tiered: either by viewing or providing a copy to the data subject or the third part, as the case may be. The latter option shall be allowed when proportional to the purpose of the request.

- a. *Viewing.* The requesting party may be allowed a reasonable opportunity to view the requested footage; *provided*, that CCTV footages shall be viewed in a secure area; *provided further*, that only the requesting party and the authorized personnel of the PIC shall be allowed to view such footages; *provided finally*, that other security measures to ensure confidentiality of the footage to be viewed may be implemented, such as signing of non-disclosure agreements or prohibiting the capture of the footage through mobile phones and other devices, where appropriate.
- b. *Obtaining a copy of the CCTV footage.* If the requesting party opts to obtain a copy of the CCTV footage, PICs shall likewise provide the same. PICs shall ensure that the copying of footages is made in a secure manner that maintains the integrity of the footage and any associated meta data. Such process shall not interrupt the operation of the CCTV system.

In circumstances where there is technical difficulty in providing a copy of the footage in video format, PICs may provide image stills as an alternative. Where image stills are provided, it would be necessary to supply sufficient stills for the duration of the requested footage.

Section VI. Period for Complying with the Request. – PICs shall act on the request without undue delay, considering whether the request is for viewing only or obtaining a copy and the effort required on the part of the PIC to retrieve the requested information: *provided*, that the period shall not exceed fifteen (15) working days after receipt of the request and/or the necessary supporting or additional documentation when the request involves obtaining a copy, and shall not exceed five (5) working days when the request is for viewing only: *provided further*, that if a request is complex or numerous, compliance with such request may be extended for a period not exceeding another fifteen (15) working days: *provided finally*, that the data subject or his or her authorized representative is notified of the reason for the extension and the final date of release.

Section VII. Denial of Request. – PICS may refuse to provide a copy of CCTV footages or access thereto in the following instances:

- a. Incomplete information regarding the requested CCTV footage, as stated in Section 7;
- b. The access request is frivolous or vexatious. The determination of what constitutes frivolous or vexatious may be made on the basis of the particular circumstances of the request;
- c. Purpose for viewing or obtaining a copy of the footage is contrary to law, morals, or public policy;
- d. The burden or expense of providing access would be unreasonable or involve disproportionate effort on the part of the PIC or PIP;
- e. The footage has been deleted by the time the PIC receives the request, pursuant to its documented retention policy; or
- f. If sharing the footage could put an ongoing criminal investigation at risk.

Should the PIC deny a request for CCTV access, it shall provide the requesting party with a justification for such denial.

Section VIII. Effectivity. – This Order shall take effect immediately.

Done this 27th day of July, 2022 at Cabarroguis, Quirino.


AVELINO N. AGUSTIN, JR.
Municipal Mayor