



Implementation *Bulletin*



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VOLUME 1 / ISSUE 9 • SEPTEMBER 28, 2020 • PUBLISHED BY THE EXTERNAL AFFAIRS AND RELATIONS DEPARTMENT

RA 11315: AN ACT ESTABLISHING A COMMUNITY- BASED MONITORING SYSTEM

This law establishes a community-based monitoring system (CBMS) in every city and municipality in the country. It defines a CBMS as “an organized technology-based system of collecting, processing and validating necessary disaggregated data that may be used for planning, program implementation and impact monitoring at the local level.” The CBMS is seen as a tool to formulate and implement poverty alleviation and development programs that are specific, targeted, and responsive to the basic needs of the community. Establishing a CBMS entails a census of households using an “accelerated poverty profiling system” in collecting, processing, mapping, and analyzing data. The census is to be undertaken by local government units (LGUs) with the participation of the community. The Philippine Statistics Authority (PSA) shall be the lead implementing agency of this law.

The implementing rules and regulations (IRR) of this law were approved on May 20, 2020 and published in the Philippine Daily Inquirer on July 11, 2020.

National Statistician and Civil Registrar General Dennis S. Mapa informed the Senate of the following milestones in the implementation of this law.

Creation of new positions

The PSA requested the Department of Budget and Management (DBM) for the creation of 424 plantilla positions in both central and provincial offices to support the implementation of this law, as well as to provide additional manpower for the implementation of the Philippine Identification System (Philsys) law (RA 11055)¹.

¹ See Implementation Bulletin, Vol. 1 Issue 1, September 7, 2020 (<http://legacy.senate.gov.ph/publications/ELLS/IB%20RA%2011055%20PSA.pdf>)

Moreover, PSA is proposing the creation of the Community-Based Statistics Service (CBSS) to be lodged under the agency's Censuses and Technical Coordination Office. CBSS shall be responsible for developing, enhancing, and implementing an "organized technology-based system of data collection, processing, validation, management of data, and dissemination of information useful for planning and impact monitoring at the local level." It shall be composed of three divisions: Community-Based Monitoring System Planning and Coordination Division, Community-Based Statistics Division, and Geospatial Management Division. The creation of the CBSS is pending the approval of DBM.

In the meantime, an interim CBSS office was set up on July 1, 2020 to handle the administrative and technical preparations for the pilot CBMS in selected municipalities. The interim office's main activities include the following:

- Prepare an operational framework for the implementation of CBMS and the overall three-year plan for one full cycle of implementation;
- Conduct consultations with stakeholders on the data items to include and for advocacy purposes;
- Develop an enhanced CBMS standard protocol;
- Conduct a series of pretests of the survey instruments;
- Revise the survey tools based on results of pretests for the pilot run;
- Conduct collaborative meetings on resource sharing arrangements with CBMS Network
- Act as secretariat to the CBMS Council; and
- Recruit and hire temporary staff (contract of service workers) pending the approval of the organizational structure and plantilla positions.

Dr. Mapa noted that the law requires the creation of city/municipal statisticians, whose qualification standards were to be set by PSA. "Setting the qualification standards that will support the Fundamental Principles of Official Statistics will help in the pursuit of professionalism, independence and impartiality among city/municipal statisticians who will take on a significant role in the implementation of the CBMS. Further, the funding requirements to hire and maintain the city/municipal statisticians in each local government unit is also a necessary condition. The issue on the Personnel Services cap should be reviewed to allow the said hiring," he said.

Preparations for the nationwide synchronized rollout

The PSA employs the following strategies to prepare for the CBMS rollout: (1) consult and converse with stakeholders, (2) build capacity, (3) modify data collection approach, and (4) standardize tools and processes.

The CBMS Council, composed of PSA as chair and the Department of Interior and Local Government (DILG) and Department of Information and Communications Technology (DICT) as members, held its first meeting on August 14, 2020. The general plan for CBMS, operational framework, and timeline of activities for 2020-2021 were discussed during the meeting. Moreover, PSA is closely coordinating with the key stakeholders to refine its instruments and processes for CBMS.

For the rest of the year, PSA will conduct the following activities to prepare for the rollout:

- Further improvement of the CBMS questionnaires;
- Further development of tablet-based CBMS household profile questionnaire and online barangay profile questionnaire;
- Preparation of training plans and manuals for operations;
- Pretest of CBMS instruments; and
- Assessment of ICT equipment availability in LGUs for possible use in the CBMS data collection and management.

Issues and concerns

Dr. Mapa cited the following issues and concerns in the implementation of this law.

Budget allocation

Based on its initial discussions with DBM, PhP 85 million for maintenance and other operating expenses (MOOE) could be granted to PSA in 2021 for CBMS activities. This amount is 3 percent of the PhP 2.54 billion originally proposed by the agency that would allow it to cover 729 cities and municipalities in the fourth to sixth income classes. "The CBMS under the law is a technology-based system and shall be a complete enumeration of households every three years. With the indicative budget of PhP 85 million, meeting these fundamental characteristics of the CBMS under the law poses a big challenge to the PSA as the lead implementing agency," remarked Dr. Mapa. Other agencies such as DILG, DICT and LGUs would also need additional funds to meet the data collection requirements of the law. "The intricacies in resource-sharing among these agencies will be a challenge, especially as many government agencies/LGUs have already planned for their 2021 activities which may or may not consciously include the CBMS," he added.

Moreover, the PhP 85 million budget would not be able to cover items to be procured under the CBMS Information Systems Strategic Plan². These include tablet computers for data collection and geotagging, as well as cloud storage and servers for data storage and the National CBMS Databank.

In the meantime, PSA is preparing alternative plans, and endorsing multi-agency budget proposals for CBMS. It is exploring the use of medium-term expenditure framework, as well as the development of standard costs for CBMS implementation (e.g. cost per respondent) to facilitate the inclusion of CBMS appropriations for the internal revenue allotment of LGUs. It is also seeking local and international partners that could support the ICT infrastructure for CBMS.

Timing of nationwide and synchronized rollout

The actual timing of the rollout is still under discussion. Stakeholders such as DILG, Union of Local Authorities of the Philippines, and the Department of Social Welfare and Development generally favor 2021, but the years 2022 and 2023 are also a possibility.

² The plan has been submitted to DICT for consideration

Field operations amid the pandemic

The spread of Covid 19 and the resulting fear of infection on the part of respondents and data collectors could adversely affect the recruitment of both data collections and respondents. After all, the law explicitly states that participation in the CBMS is purely voluntary.

For now, PSA is building on existing tools while planning for alternative modes of data collection. It is studying and revisiting experiences from the 2020 Census of Population and Housing and the Labor Force Survey to determine the effectiveness of telephone and web-based instruments. PSA is piloting an online CBMS or remote interview method of data collection in Orion, Bataan.

Legal basis for integration of CBMS with Philsys and the civil registration system (CRS)

One of the recurring themes of PSA's interactions with stakeholders is the integration or linking of databases to optimize the value that can be derived from them. However, key provisions in RA 11315, RA 19625 (Philippine Statistical Act of 2013) and RA 10173 (Data Privacy Act) prevent it from doing so.

Dr. Mapa wondered whether some legal authority could be "explicated" from these laws and their IRRs that would allow the linking of CRS and Philsys databases with CBMS. To wit:

Law	Provision
Republic Act No. 10625 (Philippine Statistical Act of 2013)	Section 5. Second Paragraph. <i>"...The data produced by the PSA shall be the official and controlling statistics of the government. <u>The PSA shall be primarily responsible for all national censuses and surveys, sectoral statistics, consolidation of selected administrative recording systems and compilation of the national accounts.</u>"</i> Section 26. Confidentiality of information <i><u>Individual data furnished by a respondent to statistical inquiries, surveys and censuses of the PSA shall be considered privileged communication and as such shall be inadmissible as evidence in any proceeding.</u></i> <i><u>The PSA may release aggregated information from statistical inquiries, surveys and censuses in the form of summaries or statistical tables in which no reference to an individual, corporation, association, partnership, institution or business enterprise shall appear.</u></i> <i>The National Statistician and all staff of the PSA shall take a solemn oath regarding confidentiality of information. However, confidentiality of information does not apply to:</i>

	<p>a. <i>Information in the form of a list or index of individual business firms, establishments or organizations that contain any or all of the following information:</i></p> <ol style="list-style-type: none"> 1. <i>The name, address and telephone numbers;</i> 2. <i>The business and products that they are engaged in; and</i> 3. <i>The specific ranges of number of employees.</i> <p>b. <i>Microdata from statistical inquiries or survey form/questionnaire/schedule prepared by the <u>PSA for purposes of research</u>, with care to ensure that <u>identities of a particular person, business or organization will not be disclosed in whatever form;</u> and</i></p> <p>c. <i><u>Access to census data after one hundred (100) years for historical, genealogical, scientific or other research purposes.</u></i></p>
<p>Implementing Rules and Regulations of Republic Act No. 10625</p>	<p>TITLE VII. Rule 29. Obligation to Provide Information, Confidentiality of Information and Penalties</p> <p><i>ART. 54. <u>The PSA is authorized to gather data from other government agencies for statistical purposes</u></i></p> <p><i>ART. 55. <u>"... The PSA may release aggregated information from statistical inquiries, surveys and censuses in the form of summaries or statistical tables in which no reference to an individual, corporation, association, partnership, institution or business enterprise shall appear</u></i></p>
<p>Republic Act No. 11055 (Philippine Identification System Act)</p>	<p>Section 6. Philippine Identification System Components.</p> <p><i>b) <u>The PhilSys Registry. - The PSA, as repository and custodian of all data shall create and maintain a PhilSys Registry that will contain the PSN, registered records, and information of all persons registered in the PhilSys. The information in the PhilSys Registry shall be classified in a manner that allows safeguards for data privacy and security, access controls, and change management.</u></i></p> <p>Section 17. Protection Against Unlawful Disclosure of Information/Records</p> <p><i><u>No person may disclose, collect, record, convey, disseminate, publish, or use any information of registered persons with the</u></i></p>

PhilSys, give access thereto or give copies thereof to third parties or entities, including law enforcement agencies, national security agencies, or units of the Armed Forces of the Philippines, except in the following circumstances:

- a. When the registered person has given his or her consent, specific to the purpose prior to the processing;
and
- b. When the compelling interest of public health or safety so requires, relevant information may be disclosed upon order of a competent court, provided that the risk of significant harm to the public is established and the owner of the information is notified within seventy-two (72) hours of the fact of such disclosure.

Information disclosed shall not be used except for the specific purposes for which it was authorized and shall not be divulged by any person to any third party other than the person so authorized.

PSA must ensure that information in the PhilSys is used only in accordance with its intended purpose as set forth in this Act.

Any information obtained as a result of unlawful disclosure under this Act shall be inadmissible in any judicial, quasi-judicial or administrative proceedings.

Registered persons may request the PSA to provide access or her registered information and record history subject to the guidelines and regulations to be issued by the PSA.

Section 18. Safeguards on the Philippine Identification System (PhilSys).

The PSA with the technical assistance of the DICT shall be implement reasonable and appropriate organizational, technical and physical security measures to ensure that the information gathered for the PhilSys, including information stored in the PhilSys Registry, is protected from or unauthorized access, use, disclose, and against accidental or intentional loss, destruction, or damage. Moreover, PSA shall ensure that individuals are adequately informed upon registration for PhilSys on how their data will be used and how they can access their registered information and record history.

While upholding the confidentiality provisions under Republic Act No. 10625, otherwise known as the "Philippine Statistical

	<p><i>Act of 2013", <u>all data collated by the PSA under the PhilSys may be used to generate aggregate data or statistical summaries without reference to or identification of any specific individual</u>: Provided, That nothing in this Act shall be construed as prohibiting or limiting the sharing or transfer of any personal data that is already authorized or required by law.</i></p>
<p>Implementing Rules and Regulations of Republic Act No. 11055 (Philippine Identification System Act)</p>	<p>Rule II. Philippine Identification System. Section 6. Philippine Identification System Components</p> <p><i><u>The PhilSys Registry shall be kept, owned, managed, and administered by the PSA separate and distinct from all other databases of the PSA and registration centers.</u></i></p>
<p>Republic Act No. 11315 (Community-Based Monitoring System Act)</p>	<p>Section 2. Declaration of Policy. Fourth Paragraph.</p> <p><i><u>This data collection system shall respect the fundamental human right of privacy, ensure data quality, and uphold data protection principle of legitimate purpose of transparency, and proportionality.</u></i></p> <p>Section. 4. Data. Collection.</p> <p><i><u>A CBMS is hereby established and instituted in every city and municipality as an economic and social tool towards the formulation and implementation of poverty alleviation and development programs which are specific, targeted and responsive to the basic needs of each sector of the community. The CBMS shall have the appropriate security measures for data protection.</u></i></p> <p>SECTION 8. Storage and Access of Data.</p> <p><i><u>The cities and municipalities are allowed to maintain their own CBMS database for use in local level planning and program implementation. The provinces shall have access to their respective local and territory-specific data.</u></i></p> <p>Section 10. Confidentiality of Information.</p> <p><i><u>The right to privacy of every respondent remains inviolable. The citizen participating in the data collection shall be fully informed of the nature and extent of processing intended for his or her personal data. Participation in all data collection activities is purely voluntary. Notwithstanding Section 4 of this Act, respondents may refuse to answer any question or reveal any information at any point, or terminate data collection activities with no further action needed. The person conducting the data collection shall ask the respondents</u></i></p>

	<p><u>whether they would like to make an explicit waiver to authorize the city and municipality to disclose their identity and other relevant information about their household to the government agency which provides social protection programs for them.</u></p>
<p>Implementing Rules and Regulations of Republic Act No. 11315 (Community-Based Monitoring System Act)</p>	<p>Rule II. Definition of Terms</p> <p>For purposes of this IRR, the following definition of terms shall apply:</p> <p><i>(f) Data Sharing, pursuant to R.A. No. 10173 or the Data Privacy Act of 2012, is the disclosure or transfer to a third party of personal data under the custody of a personal information controller or personal information processor. In the case of the latter, such disclosure or transfer must have been upon the instructions of the personal information controller concerned. The term excludes outsourcing, or the disclosure or transfer of personal data by a personal information controller to a personal information processor.</i></p> <p><i>(k) Processing of Personal Information, consistent with R.A. 10173 or the Data Privacy Act of 2012, refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.</i></p> <p>Rule VII. Data Sharing and Information Management and Dissemination</p> <p>SECTION 2. Platform for Data Sharing.</p> <p><u>Every data sharing agreement must comply with the conditions set forth in R.A. 10173 or the Data Privacy Act of 2012 and its Implementing Rules and Regulations, and other applicable laws and statutory requirements.</u></p>
<p>Republic Act No. 10173 or the Data Privacy Act of 2012</p>	<p>SEC. 12. Criteria for Lawful Processing of Personal Information.</p> <p><u>The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:</u></p> <ol style="list-style-type: none"> a. <u>The data subject has given his or her consent;</u> b. <u>The processing of personal information is necessary and is related to the fulfillment of a contract with the data subject or in order to take steps at the request of</u>

the data subject prior to entering into a contract;

c. The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;

d. The processing is necessary to protect vitally important interests of the data subject, including life and health;

e. The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate; or

f. The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

SEC. 13. Sensitive Personal Information and Privileged Information.

The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing

Dr. Mapa said that he supported the enactment of an enabling law to support the consolidation of these databases "without uncertainties or reservations". He emphasized that the enabling law must still respect the rights of respondents in consideration of the Data Privacy Act.

Philippine Institute of Development Studies (PIDS)-DILG baseline study

A PIDS discussion paper³ on CBMS as a local planning tool noted the need for a clear distinction between data processing and analysis roles as it appears that some LGUs do not know how to proceed with the collected data. "LGUs send the data to the DLSU AKI (De La Salle University Angelo King Institute) CBMS Network for processing without any follow up afterwards." the authors said.

Furthermore, they said that LGUs seem unaware that some of the data they think are required for developing or updating their Comprehensive Development Plans (CDPs) are already available. "The respondent municipalities in the LGSF-AM Baseline Survey still identified data items that they think are needed for the development and/or updating of their CDPs. However, some identified data items are already available in existing dataset tools and sources. The responses may therefore reflect not just the unavailability of some data but a lack [of] access or information [on] how to access them. The current form (i.e., disaggregation, level) of the available data may also be different from what the LGUs' need that is why they are not able to use them." The PIDS paper was released in March 2020.

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³ Diokno-Sicat, C., Adaro, C., & Maddawin, R. (2020). The Community-Based Monitoring System (CBMS) as a Local Planning Tool: Results from the PIDS-DILG Baseline Study on Policy and Governance Gaps for the Local Government Support Fund Assistance to Municipalities (LGSF-AM) Program. Discussion Paper Series No. 2020-07.