

LAWS AND JURISPRUDENCE AND OTHER RULES AND REGULATIONS ON DISCLOSURES

LAWS / REGULATIONS	PROVISIONS	REQUIREMENTS ON DISCLOSURE / LEGAL PRINCIPLES	RESTRICTIONS ON DISCLOSURES / PRIVILEGED COMMUNICATION
<p>1987 Constitution</p>	<p>- Article II Sec. 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.</p> <p>-Article III Sec. 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts,</p>	<p>Categories of Documents for Public Consumption/Disclosure:¹</p> <p>(1) <u>Official records</u> -Any document that is part of the public records in the custody of government agencies or officials</p> <p>(2) <u>Documents and papers pertaining to official acts, transactions and decisions</u> - Documents and papers recording, evidencing, establishing, confirming, supporting, justifying or explaining official acts, transactions or decisions of government agencies or officials -includes contracts²</p> <p>(3) <u>Government research data used in formulating policies</u> -Research data, whether raw, collated or processed, owned by the government and used in formulating</p>	<p>Privileged Communication¹¹</p> <p>(1) National security matters and intelligence information;</p> <p>(2) Trade secrets and banking transactions;</p> <p>(3) Criminal matters - Information on investigations of crimes by law enforcement agencies before the prosecution of the accused (which courts have long recognized as confidential)¹²</p> <p>(4) Confidential or classified information officially known to public officers and employees by reason of their office and not made available to the public</p> <p>(5) Diplomatic correspondence</p> <p>(6) Closed door Cabinet meetings and executive sessions of either house of Congress</p> <p>(7) Internal deliberations of the Supreme</p>

¹ *Chavez v. Public Estates Authority (PEA) and Amari Coastal Bay Development Corporation, G.R. No. 133250. July 9, 2002.*

² *Initiatives for Dialogue and Empowerment Through Alternative Legal Services, Inc. (IDEALS, INC.) et. al., v. Power Sector Assets and Liabilities Management Corporation (PSALMS), G.R. No. 192088, October 9, 2012.*

¹¹ A.M. No. 09-8-6-SC RE: REQUEST FOR COPY OF 2008 STATEMENT OF ASSETS, LIABILITIES AND NETWORTH [SALN] AND PERSONAL DATA SHEET OR CURRICULUM VITAE OF THE JUSTICES OF THE SUPREME COURT AND OFFICERS AND EMPLOYEES OF THE JUDICIARY, June 13, 2012.

¹² *Chavez v. PCGG, 299 SCRA 744 (1998) cited in Chavez v. PEA.*

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	<p>transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.</p>	<p>government policies.</p> <p>(4) <u>Others:</u> (a) <i>Reports and Minutes</i> -Evaluation reports, recommendations, legal and expert opinions, minutes of meetings, terms of reference and other documents attached to such reports or minutes³</p> <p>(b) <i>Where public bidding is required</i> a government agency, before the consummation of any contract, must, on its own and without demand from anyone, disclose to the public matters relating to the disposition of its property. These include the size, location, technical description and nature of the property being disposed of, the terms and conditions of the disposition, the parties qualified to bid, the minimum price and similar information. If the government agency fails to make this disclosure, any citizen can demand from said government agency this information at any time during the bidding process.⁴</p>	<p>Court (8) Presidential conversations, correspondences, or discussions during closed-door Cabinet meetings¹³</p> <p><i>Other limitations:</i> (1) The right to information does not compel a government agency to prepare lists, abstracts, summaries and the like relating to the contract. The right only affords access to records, documents and papers, which means the opportunity to inspect and copy them. One who exercises the right must copy the records, documents and papers at his expense.¹⁴</p> <p>(2) The exercise of the right is also subject to reasonable regulations to protect the integrity of the public records and to minimize disruption to government operations, like rules specifying when and how to conduct the inspection and copying.¹⁵</p>

³ Chavez v. PEA

⁴Chavez v. PEA.

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		<p>(c) <i>Negotiations with definite propositions</i>⁵</p> <p><i>Other legal principles</i>⁶</p> <ul style="list-style-type: none"> • The "state" includes various agencies, departments, ministries and instrumentalities of the government and GOCCs and individual public officers.⁷ • The right to privacy belongs to the individual in his private capacity, and not to the (sic) public, governmental agencies or juridical entities..⁸ • Officers of a government agency cannot invoke the right to privacy of its borrowers. The right is purely personal in nature and hence may be invoked only by the person whose privacy is claimed to be violated.⁹ • In determining whether or not a particular piece of information is of 	

¹³ *Almonte v. Vasquez*, 244 SCRA 286 (1995) cited in *Chavez v. PEA*

¹⁴ *Chavez v. PEA*.

¹⁵ *Chavez v. PEA* See also Sec. 5(e) of RA 6713.

⁵ *Chavez v. PEA*

⁶ *Based on jurisprudence*

⁷ V Record of the Constitutional Commission 24-25, cited in *Valmonte v. Belmonte, Jr.*, G.R. No. 74930.

⁸ *Valmonte v. Belmonte, Jr.*, G.R. No. 74930. February 13, 1989, citing *Vassar College v. Loose Wills Biscuit Co.* [197 F. 982 (1912)].

⁹ *Id.* [Cf. *Atkinson v. John Doherty & Co.*, 121 Mich 372, 80 N.W. 285, 46 L.R.A. 219 (1899); *Schuyler v. Curtis*, 147 N.Y. 434, 42 N.E. 22, 31 L.R.A. 286 (1895)].

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		<p>public concern, there is no rigid test which can be applied. Public concern like public interest is a term that eludes exact definition. Both terms embrace a broad spectrum of subjects which the public may want to know, either because such matters directly affect their lives, or simply because such matters naturally arouse the interest of an ordinary citizen. In the final analysis, it is for the courts to determine in a case by case basis whether the matter at issue is of interest or importance, as it relates to or affects the public.¹⁰</p>	
R.A. No. 3591 (PDIC Charter)	- Sec. 10 (e) (3)	<p>Disclosure of information relating to the condition or business of banks/banking institution allowed under the following conditions:</p> <ol style="list-style-type: none"> 1. Under order of the court; 2. Giving of information to the Board of Directors, PDIC President, Congress, government agency authorized by law 3. As otherwise provided in the PDIC Charter 	<p>General Rules:</p> <p>-Personnel of the Corporation are prohibited from revealing in any manner information relating to the condition or business or any such bank/banking institution.</p>

¹⁰*Legaspi v. Civil Service Commission*, 234 Phil. 521 (1987) cited in *Guingona Jr., et. al. v. Commission on Elections*, G.R. No. 191846, May 6, 2010 and *Gonzales v. Narvasa*, G. R. No. 140835. August 14, 2000.

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	<p>-----</p> <p>-Sec. 11(c)</p>	<p>-----</p> <p>-When there is a failure of prompt corrective action as declared by the Monetary Board due to capital deficiency, the Corporation, its duly authorized officers or employees, may examine, inquire, or look into the deposit records of a bank...For this purpose, banks, their officers and employees are hereby mandated to disclose and report to the Corporation or its duly authorized officers and employees, deposit account information in said bank.</p>	<p>-----</p> <p>- PDIC, its authorized officers or employees are prohibited from disclosing to any person, government official, bureau or office information obtained from the examination of deposit records of the bank, which authority is triggered by a failed PCA due to capital deficiency</p> <p>- Disclosing of information obtained by reason of such examination authority is deemed a violation of RA Nos. 1405 (Secrecy of Bank Deposits Act), 6426 (Foreign Currency Deposit Act), 8791 (General Banking Law) and other similar laws protecting or safeguarding the secrecy and confidentiality of bank deposits.</p>
<p>R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees)</p>	<p>Section 5. Duties of Public Officials and Employees. - (e); Rule VI, Sec. 6 of IRR</p> <p>-----</p> <p>- Section 8. Statements</p>	<p>In the performance of their duties, all public officials and employees are under obligation to make documents accessible to the public. All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours</p> <p>-----</p> <p>1. Public officials and employees have</p>	<p>See exceptions in IRR (below)</p> <p>-----</p> <p>Prohibited acts. - It shall be unlawful for</p>

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	and Disclosures	<p>an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.</p> <ul style="list-style-type: none"> (a) within thirty (30) days after assumption of office; (b) on or before April 30, of every year thereafter; and (c) within thirty (30) days after separation from the service <p>2. They shall also execute, within 30 days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.</p> <p>3. Every official or employee shall identify and disclose under oath to the best of</p>	<p>any person to obtain or use any statement filed under this Act for:</p> <ul style="list-style-type: none"> (a) any purpose contrary to morals or public policy; or (b) any commercial purpose other than by news and communications media for dissemination to the general public.

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		<p>his knowledge and information, his relatives in the government , up to the fourth civil degree of relationship, either of consanguinity or affinity, including bilas, inso , and balae which shall be filed; (a) within thirty (30) days after assumption of office, the information contained therein must be reckoned as of his first day of office;(b) on or before April 30 of every year thereafter, the information contained therein must be reckoned as of the end of the preceding year; or (c) within thirty (30) days after separation from the service, the information contained therein must be reckoned as of his last day of office.</p> <p>4. Accessibility of documents</p> <p>(a) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.</p> <p>(b) Such statements shall be made available for copying or reproduction after 10 working days from the time they are filed as required by law.</p> <p>(c) Any person requesting a copy of a statement shall be required to</p>	

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<p>IRR</p>	<p>----- Rule IV. Transparency of Transaction and Access to Information</p>	<p>pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.</p> <p>(d) Any statement filed under this Act shall be available to the public for a period of 10 years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.</p> <p>-----</p> <p>-Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.</p> <p>-It is the responsibility of heads of departments, offices and agencies to establish measures and standards that will ensure transparency of and openness in public transactions in their respective offices, such as in biddings, purchases, other financial transactions including contracts, status of projects, and all other matters involving public interest.</p> <p>-They shall establish information system</p>	<p>-----</p> <p>- Such public information shall be utilized solely for the purpose of informing the public of such policies, programs and accomplishments, and not to build the public image of any official or employee or to advance his own personal interest.</p> <p>- Every department, office or agency shall provide official information, records or documents to any requesting public, <u>except</u> if:</p> <p>a) such information, record or document must be kept secret in the interest of national defense or security or the conduct of foreign affairs;</p> <p>b) such disclosure would put the life and safety of an individual in</p>

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		<p>that will inform the public of the following:</p> <ul style="list-style-type: none"> (a) policies, rules, and procedures; (b) work programs, projects, and performance targets; (c) performance reports; and (d) all other documents as may hereafter be classified as public information. <p>-Every head of department, office and agency shall establish information systems and networks that will effect the widest possible dissemination of information regarding the provisions of the Code, and the policies and programs relative thereto.</p>	<p>imminent danger;</p> <ul style="list-style-type: none"> c) the information, record or document sought falls within the concepts of established privilege or recognized exceptions as may be provided by law or settled policy or jurisprudence; d) such information, record or document comprises drafts of decisions, orders, rulings, policy decisions, memoranda, etc.; e) it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; f) it would disclose investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) disclose the identity of a confidential source and in the

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			<p>case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, or (iv) unjustifiably disclose investigative techniques and procedures;</p> <p>g) it would disclose information the premature disclosure of which would (i) in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or (ii) in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action, except that subparagraph (f) (ii) shall not</p>

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			<p>apply in any instance where the department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.</p>
<p>Revised Penal Code</p>	<p>-Art. 229</p> <p>-Art. 230</p>		<p>-Revelation of secrets by an officer. - Any public officer who shall reveal any secret known to him by reason of his official capacity, or shall wrongfully deliver papers or copies of papers which should not be published shall suffer penalties</p> <p>-Public officer revealing secrets of private individual. -Any public officer to whom secrets of any private individual shall become known by reason of his office who shall reveal such secrets shall suffer penalties</p>

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R.A. No. 1405 (Secrecy of Bank Deposits Act)¹⁶	SECTION 2. All deposits of whatever nature with banks or banking institutions in the Philippines including investments in bonds issued by the Government of the Philippines, its political subdivisions and its instrumentalities, are hereby considered as of an absolutely confidential nature and may not be examined, inquired or looked into by any person, government official, bureau or office, except upon written permission of the depositor, or in cases of impeachment, or upon order of a competent court in cases of bribery or dereliction of duty of public officials, or in cases where the money	<i>Disclosures, when allowed:</i> <ol style="list-style-type: none"> 1. Upon written permission of the depositor; 2. In cases of impeachment; 3. Upon order of a competent court in cases of bribery or dereliction of duty of public officials; and 4. In cases where the money deposited or invested is the subject matter of the litigation 	<i>General Rule:</i> Prohibition on disclosure of or inquiry into, deposits of clients with any banking institution

¹⁶ As amended by Presidential Decree (PD) No. 1792 issued 16 January 1981 and R.A. No. 7653 (New Central Bank Act) approved June 14, 1991

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	deposited or invested is the subject matter of the litigation.		
R.A. No. 6426 (Foreign Currency Deposit Act)¹⁷	Section 8. <i>Secrecy of foreign currency deposits.</i> – All foreign currency deposits authorized under this Act, as amended by PD No. 1035, as well as foreign currency deposits authorized under PD No. 1034, are hereby declared as and considered of an absolutely confidential nature and, except upon the written permission of the depositor, in no instance shall foreign currency deposits be examined, inquired or looked into by any person, government official,	Exception: Written permission by the account holder allowing a person, government official, bureau or office to look into or examine his/her foreign currency deposits.	General Rule: All foreign currency deposits are absolutely confidential SECTION 3. It shall be unlawful for any official or employee of a banking institution to disclose to any person other than those mentioned in Section two hereof any information concerning said deposits. SECTION 4. All Acts or parts of Acts, Special Charters, Executive Orders, Rules and Regulations which are inconsistent with the provisions of this Act are hereby repealed. SECTION 5. Any violation of this law will subject offender upon conviction, to an imprisonment of not more than five years or a fine of not more than twenty thousand pesos or both, in the discretion of the court.

¹⁷ As amended by PD No. 1035 issued 30 September 1976 and further amended by PD No. 1246 issued 21 November 1977

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Manual of Regulations for Banks (MORB)	bureau or office whether judicial or administrative or legislative, or any other entity whether public or private; xxx ----- Subsection X501.7	-----	----- Prohibits disclosure of or inquiry into foreign currency deposits of clients with any banking institution except upon the written permission of the depositor
R.A. No. 9510 (Credit Information System Act or CISA) and IRR	SEC. 6. Confidentiality of Credit Information	(IRR) -The following shall have access to basic credit data ¹⁸ from the CIC ¹⁹ : 1. Submitting entities ²⁰ 2. Special Accessing entities ²¹ 3. Data Subjects	- The CIC, the submitting entities, the accessing entities, ²³ the outsource entities, the special accessing entities and the duly authorized non-accessing entities ²⁴ shall hold the credit information

¹⁸ Refers to positive and negative credit information provided by a borrower to a submitting entity in connection with the application for and avilment of a credit facility and any information on the borrower's creditworthiness in the possession of the submitting entity and other factual and objective information related or relevant thereto in the submitting entity's data files or that of other sources of information: Provided, That in the absence of a written waiver duly accomplished by the borrower, basic credit data shall exclude confidential information on bank deposits and/or clients funds under Republic Act No. 1405 (Law on Secrecy of Bank Deposits), Republic Act No. 6426 (Foreign Currency Deposit Act), Republic Act No. 8791 (The General Banking Law of 2000) and their amendatory laws.

¹⁹ The law created the Credit Information Corporation (CIC), the primary purpose of which is to receive and consolidate basic credit data, to act as a central registry or central repository of credit information, and to provide access to reliable, standardized information on credit history and financial condition of borrowers. The SEC Chairman shall be the Chairman of the Board of Directors of the Corporation.

²⁰ Refers to any entity that provides credit facilities such as, but not limited to, banks, quasi-banks, trust entities, investment houses, financing companies, cooperatives, nongovernmental, micro-financing organizations, credit card companies, insurance companies and government lending institutions.

²¹ Refers to a duly accredited private corporation engaged primarily in the business of providing credit reports, ratings and other similar credit information products and services.

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		<p>4. Outsource entities accredited by the CIC²²</p> <p>-Obligation of a submitting entity:</p> <ol style="list-style-type: none"> 1. To notify its borrowers of its obligation to submit borrowers' basic credit data and the disclosure of said data to the CIC; 2. To hold strictly confidential any credit information received from the CIC; 3. To regularly submit to the Corporation any negative or positive credit information that tends to update and/or correct the credit status of borrowers; and 4. To use credit card information only for the declared purpose of establishing the creditworthiness of the borrower. <p>-In the absence of a written waiver duly accomplished by the borrower, basic credit data shall exclude confidential</p>	<p>under strict confidentiality and shall use the same only for the declared purpose of establishing the creditworthiness of the borrower.</p> <p>-Outsource entities, which may process and consolidate basic credit data, are absolutely prohibited from releasing such data received from the CIC other than to the CIC.</p> <p>-The CIC shall be authorized to release and disclose consolidated basic credit data only to the Accessing Entities, the Special Accessing Entities, the Outsource Entities and Borrowers.</p> <p>-Basic credit data released to Accessing Entities shall be limited to those pertaining to existing Borrowers or borrowers with pending credit applications.</p> <p>-Credit information shall not be released</p>

²³ Refers to any submitting entity or any other entity authorized by the CIC to access basic credit data from the CIC.

²⁴ Refers to an entity other than a Submitting Entity, Special Accessing Entity or Borrower that is authorized by the Corporation to access credit information from a Special Accessing Entity.

²² Refers to any accredited third-party provider to whom the CIC may outsource the processing and consolidation of basic credit data pertaining to a borrower or issuer of debt or convertible securities under such qualifications, criteria and strict confidentiality guidelines that the Corporation shall prescribe and duly publish.

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		<p>information on bank deposits and/or clients funds under the following laws:</p> <ol style="list-style-type: none"> 1. Republic Act No. 1405 (Law on Secrecy of Bank Deposits) 2. Republic Act No. 6426 (The Foreign Currency Deposit Act) 3. Republic Act No. 8791 (The General Banking Law of 2000) 4. Republic Act No. 9160 (Anti-Money Laundering Law) 	<p>to entities other than those enumerated except upon order of the court.</p> <p><u>Consequences of unauthorized Disclosure:</u></p> <p>-The accreditation of an accessing entity, a special accessing entity and/or an outsource entity which violates the confidentiality of, or which misuse, the credit information accessed from the Corporation, may be suspended or revolted.</p> <p>-Any entity which violates this Section may be barred access to the credit information system and penalized under this Act.</p>
<p>R.A. No 9160 (Anti-Money Laundering Act)²⁵</p> <p>Revised Rules and Regulations Implementing RA</p>	<p>Rule 9.c.3. Exemption from Bank Secrecy Laws</p>	<p>– When reporting covered or suspicious transactions to the AMLC, covered institutions and their officers and employees, shall not be deemed to have violated R.A. No. 1405, as amended, R.A. No. 6426, as amended, R.A. No. 8791 and other similar laws</p>	<p>-Prohibits covered institutions and their officers and employees, from communicating, directly or indirectly, in</p>

²⁵ Dated 29 September 2001, as amended by R.A. No. 9194 dated 06 August 2003

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No. 9160	<p>-----</p> <p>Rule 9.c.4. Confidentiality Provisions.</p> <p>-----</p> <p>Rule 9.c.5. Safe Harbor Provisions.</p>	<p>-----</p> <p>– When reporting covered transactions or suspicious transactions to the AMLC, covered institutions and their officers and employees, are prohibited from communicating, directly or indirectly, in any manner or by any means, to any person, entity, the media, the fact that a covered or suspicious transaction report was made, the contents thereof, or any other information in relation thereto. Neither may such reporting be published or aired in any manner or form by the mass media, electronic mail, or other similar devices. In case of violation thereof, the concerned officer, and employee, of the covered institution, or media shall be held criminally liable.</p> <p>-----</p> <p>No administrative, criminal or civil proceedings shall lie against any person for having made a covered transaction report or a suspicious transaction report</p>	<p>any manner or by any means, to any person, entity, or the media, the fact that a covered or suspicious transaction report was made, the contents thereof, or any other information in relation thereto.</p> <p>- Neither may such reporting be published or aired in any manner or form by the mass media, electronic mail, or other similar devices. In case of violation thereof, the concerned officer, and employee, of the covered institution, or media shall be held criminally liable.²⁶</p> <p>-----</p>

²⁶ Rule 14.6. Penalties for Breach of Confidentiality. - The punishment of imprisonment ranging from three (3) to eight (8) years and a fine of not less than Five Hundred Thousand Philippine Pesos (Php500,000.00) but not more than One Million Philippine Pesos (Php1,000,000.00), shall be imposed on a person convicted for a violation under Section 9(c). IN CASE OF A BREACH OF CONFIDENTIALITY THAT IS PUBLISHED OR REPORTED BY MEDIA, THE RESPONSIBLE REPORTER, WRITER, PRESIDENT, PUBLISHER, MANAGER, OR EDITOR-IN-CHIEF SHALL BE LIABLE UNDER THIS ACT.

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		<p>in the regular performance of his duties and in good faith, whether or not such reporting results in any criminal prosecution under this Act or any other Philippine law.</p>	
<p>R.A. No. 10173, (Data Privacy Act of 2012)²⁷</p>	<p>Sec. 2. It is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in</p>	<p>Section 4 provides that this Act shall apply to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines.</p> <p><u>However, this Act does not apply to the following:</u></p>	

²⁷ Republic Act No. 10173, also known as the Data Privacy Act of 2012, is an act protecting individual personal information in information and communications systems in the government and the private sector.

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	<p>information and communications systems in the government and in the private sector are secured and protected.</p>	<ol style="list-style-type: none"> 1. Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including: (a) The fact that the individual is or was an officer or employee of the government institution; (b) The title, business address and office telephone number of the individual; (c) The classification, salary range and responsibilities of the position held by the individual; and (d) The name of the individual on a document prepared by the individual in the course of employment with the government; 2. Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services; 3. Personal information processed for journalistic, artistic, literary or research purposes; 4. Information necessary in order to carry 	

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		<p>out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);</p> <p>5. Information necessary for banks and other financial institutions under the jurisdiction of the independent, central monetary authority or <i>Bangko Sentral ng Pilipinas</i> to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and</p> <p>6. Personal information originally collected from residents of foreign jurisdictions in accordance with the laws</p>	

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		of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.	
E.O. 608 s. 2007 (Establishing a National Security Clearance System For Government Personnel with Access to Classified Matters)			-Commands all heads of government offices or agencies handling or having access to classified matters to strictly implement and institutionalize the security clearance procedure approved by the Office of the National Security Adviser regarding the conduct of a comprehensive background investigation on their personnel who by reason of their duty or employment, have access to classified matters as defined under Memorandum Circular No. 78 ²⁸ dated August 14, 1964, as

²⁸ (Promulgating Rules Governing Security Of Classified Matter In Government Offices) Official matter which requires protection in the interest of national security shall be limited to four categories of classification which, in descending order of importance, shall carry one of the following designations: (1) TOP SECRET; (2) SECRE; (3) CONFIDENTIAL; (4) RESTRICTED –

LAWS / REGULATIONS	PROVISIONS	REQUIREMENTS ON DISCLOSURE / LEGAL PRINCIPLES	RESTRICTIONS ON DISCLOSURES / PRIVILEGED COMMUNICATION
			amended by Memorandum Circular No. 196 dated July 19, 1968 ²⁹
E.O. 464 s. 2005 (Ensuring Observance of the Principle of Separation of Powers, Adherence to the Rule on Executive Privilege and Respect for the Rights of Public Officials Appearing in Legislative	SECTION 1. Appearance by Heads of Departments Before Congress.	<p>– In accordance with Article VI, Section 22 of the Constitution and to implement the Constitutional provisions on the separation of powers between co-equal branches of the government, all heads of departments of the Executive Branch of the government shall secure the consent of the President prior to appearing before either House of Congress.</p> <p>-When the security of the State or the public interest so requires and the President so states in writing, the appearance shall only be conducted in executive session.</p>	

- Top Secret-Information and material (matter) the improper handling of which would cause exceptionally grave damage to the nation politically, economically, or from a security aspect. This category is reserved to the nation’s closest secrets and is to be used with great reserve.
- Secret-Information and material (matter) the unauthorized disclosure of which would endanger national security, cause serious injury to the interest or prestige of the nation or of any governmental activity or would be of great advantage to a foreign nation.
- Confidential- Information and material (matter) the unauthorized disclosure of which, while not endangering national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to foreign nation.
- Restricted- Information or material (matter) which requires special protection other than that determined to be Top Secret, Secret, or Confidential.

²⁹ AMENDING MEMORANDUM CIRCULAR 78 DATED AUGUST 14, 1964, ENTITLED “PROMULGATING RULES GOVERNING SECURITY OF CLASSIFIED MATTER IN GOVERNMENT OFFICES.” 1. A new section, to be known as Section XII, is hereby inserted between Sections XI and XII of Memorandum Circular No. 78 dated August 14, 1964, providing security of classified matter in government offices...

LAWS / REGULATIONS	PROVISIONS	REQUIREMENTS ON DISCLOSURE / LEGAL PRINCIPLES	RESTRICTIONS ON DISCLOSURES / PRIVILEGED COMMUNICATION
<p>Inquiries in Aid of Legislation Under the Constitution)</p>	<p>----- SECTION. 2. Nature, Scope and Coverage of Executive Privilege</p>	<p>----- Who are covered. - The following are covered by this executive order:</p> <ul style="list-style-type: none"> i. Senior officials of executive departments who in the judgment of the department heads are covered by the executive privilege; ii. Generals and flag officers of the Armed Forces of the Philippines and such other officers who in the judgment of the Chief of Staff are covered by the executive privilege; iii. Philippine National Police (PNP) officers with rank of chief superintendent or higher and such other officers who in the judgment of the Chief of the PNP are covered by the executive privilege; iv. Senior national security officials who in the judgment of the National Security Adviser are covered by the executive privilege; and 	<p>----- The rule of confidentiality based on executive privilege is fundamental to the operation of government and rooted in the separation of powers under the Constitution (Almonte vs. Vasquez, G.R. No. 95367, 23 May 1995). Further, Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees provides that public officials and employees shall not use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public to prejudice the public interest.</p> <p><u>-Executive privilege covers all confidential or classified information between the President and the public officers covered by this executive order, including:</u></p> <ul style="list-style-type: none"> i. Conversations and correspondence between the President and the public official covered by this executive order (Almonte vs. Vasquez G.R. No. 95367, 23 May 1995; Chavez v. Public Estates Authority, G.R. No.

LAWS / REGULATIONS	PROVISIONS	REQUIREMENTS ON DISCLOSURE / LEGAL PRINCIPLES	RESTRICTIONS ON DISCLOSURES / PRIVILEGED COMMUNICATION
	SECTION. 3. Appearance of Other Public Officials Before Congress.	<p>v. Such other officers as may be determined by the President.</p> <p>- Appearance of Other Public Officials Before Congress</p> <p>All public officials mentioned in this EO shall secure prior consent of the President prior to appearing before either House of Congress to ensure the observance of the principle of separation of powers, adherence to the rule on executive privilege and respect for the rights of public officials appearing in inquiries in aid of legislation.</p>	<p>133250, 9 July 2002);</p> <p>ii. Military, diplomatic and other national security matters which in the interest of national security should not be divulged (Almonte vs. Vasquez, G.R. No. 95367, 23 May 1995; Chavez v. Presidential Commission on Good Government, G.R. No. 130716, 9 December 1998).</p> <p>iii. Information between inter-government agencies prior to the conclusion of treaties and executive agreements (Chavez v. Presidential Commission on Good Government, G.R. No. 130716, 9 December 1998);</p> <p>iv. Discussion in close-door Cabinet meetings (Chavez v. Presidential Commission on Good Government, G.R. No. 130716, 9 December 1998);</p> <p>v. Matters affecting national security and public order (Chavez v. Public Estates Authority, G.R. No. 133250, 9 July 2002).</p>

