

SENATE

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S. B. No. 742

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Introduced by SEN. SHERWIN T. GATCHALIAN

AN ACT
TO PROVIDE GUIDELINES FOR THE INSTALLATION OF THE CLOSED
CIRCUIT TELEVISION VIDEO (CCTV) AND THE PROCEDURE FOR
ACCESS TO THE IMAGES

EXPLANATORY NOTE

The spate of violent crimes to continue to proliferate not only in the densely populated Metropolitan Manila area but also occurs even in remote rural communities throughout the country. Although the Closed Circuit Television Video (CCTV) has been invented in 1942 to observe the launch of the German V-2 rockets, it became only widely used by New York City policemen in 1968 for crime prevention. Nowadays, the use of CCTV has become increasingly real and normal. An Ordinance by the City Council of Quezon City has remarkably been passed to oblige owners of commercial establishments to install CCTV cameras to aid in crime prevention. Several lawmakers have likewise filed similar legislations, acknowledging the usefulness of the CCTV and requiring its utilization by local businesses to deter crime.

However, its unbridled use despite the benefits it has demonstrated, has raised serious and valid concerns on its undue intrusion to privacy. In the words of an Information Commissioner, we agree with his observation that *"while the use of the CCTV continues to enjoy general public support, it necessarily involves intrusion into the lives of ordinary individuals as they go about their day to day business. Research has shown that the public expect it to be used responsibly with effective safeguards in place. Maintaining public trust and confidence in its use is essential if its benefits are to be realized and its use is not to be viewed with suspicion as part of a surveillance society"*.

Hence, this proposed legislation envisioned to impose the parameters/provide the guidelines in CCTV installation and access to its recordings to help ensure practice standards that are responsible and necessary to foster confidence in the use of the system.

In view of the foregoing, the enactment of this bill is earnestly recommended.



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*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assembled:*

1 SEC. 1. **Short Title.** – This Act shall be known as the “CCTV Act of
2 2019”.

3 SEC 2. **Declaration of Policy.** - It is hereby the declared policy
4 of the State to: (a) maintain peace and order, protect life, liberty and
5 property and to promote general welfare; and (b) value the dignity of
6 every Filipino and guarantee full respect for human rights.

7 SEC 3. **Objective of this Act.** - It is the objective of this Act to
8 provide the guidelines for the installation, use and utilization of the
9 Closed Circuit Television Videos (CCTV) in public, private and residential
10 establishments with due regard to the privacy and civil rights of every
11 individual by maintaining peace and order in the communities,
12 promoting crime prevention and upholding public safety.

13 SEC. 4. **Definition of Terms.** For the purpose of this Act, the

1 following terms shall be defined as follows:

- 2 a) CCTV - Shall refer to the use of video cameras to transmit a
3 signal to a specific place, on a set of monitors/a television
4 system that transmits images on a "closed loop" basis, where
5 images are only available to those directly connected with to
6 the transmission system;
- 7 b) Video Surveillance - Shall refer to a closed circuit television
8 system for direct visual monitoring and/or recording of
9 activities on the premises or in a specific place;
- 10 c) Private Installations - shall refer to CCTV Cameras installed in
11 private establishments such as but not limited to private
12 subdivisions, condominiums and other residential areas,
13 business hubs, malls and shopping centers;
- 14 d) Pubic Installations - shall refer to CCTV Cameras installed in
15 public places such as but not limited to government offices and
16 instrumentalities, parks, streets and highways including public
17 markets, airports and public transport terminals;
- 18 e) Images - Shall refer to recorded images in the CCTV Cameras;
19 and
- 20 f) Persons in Authority - Shall refer to elements of the Philippine
21 National Police, Barangay Chairman and the Barangay Tanods.

22 SEC. 5. **Functions of CTV.** - The installation of CCTVs in
23 both private and public establishments shall have the following
24 functions:

- 25 a) Crime Prevention - the CCTV shall function as a tool of law
26 enforcement and crime prevention by way of effective
27 monitoring of public places, such as pathways and streets,
28 parks and other areas;
- 29 b) Traffic Monitoring - the CCTV shall enable the viewing of a
30 wider range of data images on motorists, pedestrians and
31 critical thoroughfares, to provide quicker apprehension of road
32 safety violators and pinpoint causes of traffic build-up;

- 1 c) Surveillance - the CCTV shall function as a surveillance tool
2 that will allow security agencies to monitor private
3 establishments and ensure the safety and security of
4 individuals and the protection of private properties from theft
5 and robbery;
- 6 d) Household Affairs - the CCTV shall function to monitor
7 households by way of monitoring health, security and safety of
8 household members, unauthorized access to household
9 premises and general conduct of household affair;
- 10 e) Monitor Employees - the CCTV shall function as a tool to
11 monitor the general administrative conduct of employees to aid
12 in the review of employee workmanship and performance; and
- 13 f) Documentation - the CCTV shall function as a tool to monitor
14 the progress or development of data; or the sequences of events
15 in a facility or institution.

16 The data to be collected shall be relevant, adequate and not
17 excessive for the purposes for which they are obtained.

18 SEC. 6. **Guiding Principles** - This Act shall have the following guiding
19 principles:

- 20 a) The CCTV shall at all times be operated with respect to people's
21 privacy and their right to conduct or engage in lawful activities;
- 22 b) The owner/operator of the CCTV shall be publicly known to
23 ensure appropriate accountability and shall be appropriately
24 registered before the Philippine National Police;
- 25 c) Signage informing the public of the existence of CCTV cameras
26 shall be erected. It shall be visible, distinctive and located in
27 areas with good lighting;
- 28 d) The premise for use of CCTV as crime deterrent shall mobilize a
29 quick and adequate response unit from the persons of authority
30 such as but not limited to the local ponce force or barangay
31 watchmen on reported incidents;
- 32 e) Persons of Authority shall develop a system for addressing complaints

1 to receive and investigate complaints about alleged violations of
2 privacy;

3 f) A recorded material shall not be released to the media except
4 only to acquire relevant information on the identity and
5 whereabouts of an individual wanted for a criminal offense, and
6 provide the general public information of critical concern in the
7 community. In such cases, the recognizable characteristics of
8 other people in the footage shall be obscured; and

9 g) Tapes or still photographs shall be disposed of in a manner which does
10 not allow the reproduction of any of the recorded material.

11 **SEC 7. *Prohibited Acts and Recordings.*** - It shall be unlawful
12 for any person or establishment to perform the following acts:

13 a) Install or use the CCTV on someone else's property;

14 b) Install or use the CCTV cameras in any restroom, toilet, bathroom,
15 changing room and other similar areas utilized for private activities;

16 c) Use CCTV with a device to overhear events, conversations or sounds
17 without the permission of the people involved shall not be allowed;

18 d) Install CCTV's in public places without the display of due notice on the
19 walls or at the entrance of the establishment;

20 e) Install a CCTV in the external part of one's residential or private
21 property that encroaches on the private property of another or
22 of a neighbor;

23 f) Install CCTV to monitor the conduct or performance in a
24 workplace without due notice to all employees;

25 g) Install and use CCTV as surveillance tool of particular
26 individuals on behalf of 3rd parties or paying clients covered by
27 a contract of engagement more than the duration specified by
28 the Philippine National Police;

29 h) Install and use CCTV inside a residence to manage one's family
30 without notice given to the staff and members of the household;

31 i) To sell or publish any recorded material or still photographs for
32 commercial purposes; and

1 j) To upload any image, recording or stills from the CCTV on the
2 Internet for entertainment purposes.

3 **SEC. 8. Procedure for Access and Disclosure of Recordings. -**

4 Only authorized persons shall have access to images and recordings from
5 CCTV's, Viewing of the images and recordings shall take place in a restricted
6 area or in private conditions. All access allowed or granted under the
7 circumstances must be documented and for limited or prescribed
8 circumstances The use, viewing, copying or disclosure of images and
9 recordings performed in accordance with this Act shall only be allowed in the
10 following instances only:

- 11 a) Upon a written request from a person in authority in connection
12 with and limited to an investigation for the prosecution of an
13 offense punishable by law;
- 14 b) Upon lawful order of the court, in connection with a pending
15 criminal or civil proceeding;
- 16 c) To determine whether an offense has been committed against a
17 person or property and to ascertain the identity of the
18 perpetrator and the manner by which the crime was committed;
- 19 d) Any person whose image has been recorded may make an
20 application in writing for a copy of the recording or its still
21 images;
- 22 e) Upon compliance with the Rules of Procedure set by security
23 agencies operating under the management of clients.
- 24 f) Law Enforcement Agencies shall not be allowed to release
25 images or recordings from the CCTV to the media, except only
26 when the circumstances warrant to help identify the perpetrator
27 of a crime or locate his whereabouts, or as a matter of public
28 information.

29 The use, copying or disclosure of images and recordings shall be
30 authorized within twenty-four (24) hours after submission of the request, as
31 herein specified.

32 **SEC. 9. Retention, Storage and Preservation. –** Unless otherwise

1 reserved for a specific purpose to review the events of a crime
2 or that the information needs to be studied further for any number of
3 reasons, data of recordings shall not be kept for more than 30 days and
4 should be automatically overwritten or deleted beyond said period.

5 SEC. 10. **Penalties.** - Any act or omission by the owner
6 and/or operator of the CCTV in violation of the provisions of this Act
7 shall be punishable with an imprisonment of not less than six (6) months
8 but not exceeding six (6) years, or a fine not less than Ten Thousand
9 Pesos (Php10,000.00) but not more than One Hundred Thousand Pesos
10 (Php100,000.00) or both such fine and imprisonment at the discretion of
11 the court.

12 SEC. 11. **Implementing Rules and Regulations.** - The
13 Director General of Philippine National Police in close coordination with
14 the Secretary Department of Interior and Local Government, the
15 Secretary of National Defense, the Secretary of Transportation and
16 Communications, the Secretary of Justice, the National Security Adviser,
17 and the Director of National Bureau of Investigation shall issue the
18 necessary rules and regulations for the effective implementation of this
19 Act.

20 SEC. 12. **Repealing Clause.** - All laws, presidential decrees,
21 executive orders, rules and regulations or part thereof, contrary to or
22 inconsistent with the provisions of this Act, are hereby repealed or
23 modified accordingly.

24 SEC. 13. **Separability Clause.** - If any section or provision of
25 this Act is held unconstitutional or invalid, all other sections or
26 provisions shall remain in full force and effect

27 SEC. 14. **Effectivity Clause** - This Act shall take effect
28 fifteen (15) days after its publication in the *Official Gazette* and/or in at least
29 two (2) newspapers of general publication.

Approved,