

■ PROGRAM ON ESCAPING THE MIDDLE – INCOME TRAP: CHAINS FOR CHANGE

UNLOCKING GOVERNMENT DATA FOR EVIDENCED-BASED AND AGILE POLICYMAKING

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EXECUTIVE SUMMARY

The Philippines’ Data Privacy Act of 2012 (Republic Act No. 10173) protects personal privacy but is often applied in ways that block the use of anonymized data for planning, monitoring, and evaluation. Policy teams struggle to access and link firm-level, tax, and procurement data, weakening program design and assessment. Despite recent reforms, the country lacks a unified framework and a central data steward to enable secure inter-agency data use.

This policy brief reviews the legal foundations of RA No. 10173, identifies key implementation barriers, assesses recent transparency initiatives, and recommends reforms to balance privacy with evidence-based governance. Regional peers offer practical models the Philippines can adapt. Without reform, the government’s ability to design and evaluate policy will remain limited.

LEGAL FRAMEWORK AND INSTITUTIONAL ROLES

RA No. 10173 was enacted to protect personal privacy while also promoting innovation, growth, and the free flow of information (Section 2, RA 10173). The Act defines “personal information,” “sensitive personal information,”

and “anonymized data” (Section 3), and it covers both public and private sector entities engaged in data processing (Section 4).

The Implementing Rules and Regulations (IRR) clarify that data sharing among public authorities is allowed when based on lawful criteria (Rules IV–V), especially for purposes mandated by law or carried out in the public interest (NPC 2016). Rule VI provides guidance on security measures to ensure that data is protected from misuse or unauthorized access (NPC 2016).

Despite these legal foundations, implementation across agencies has been uneven and overly cautious. Public officials report difficulty accessing even anonymized or aggregated administrative datasets due to fear of violating the Act, legal ambiguity, or overly conservative interpretations of lawful processing.¹

BARRIERS TO DATA USE IN POLICY DESIGN AND EVALUATION

While the Act allows lawful data sharing in theory, institutional practice has restricted data use even for legitimate government functions. One example is that firm-level data collected by the Philippine Statistics

¹ Interviews with public policy officials (2023–2025), anonymized; institutional feedback submitted to DEPDev and DTI

Authority (PSA) cannot be readily accessed by policy agencies like the Department of Economic Planning and Development (DEPDev) or the Department of Trade and Industry (DTI), unless users work physically inside one of the PSA's secure data enclaves (PSA 2024). Although the PSA has expanded enclave access to more regional sites, this remains impractical for most policy teams, who often need to run simulations, update dashboards, or respond to agency requests under time constraints.

More critically, data linking across agencies is not possible in practice. For instance, datasets on tax records, firm registries, procurement transactions, and employment are housed in separate systems (e.g. BIR, DTI, PhilGEPS, PSA) with no interoperable framework or secure environment to integrate them. Analysts cannot examine the effects of policies such as CREATE MORE, monitor regional patterns of informality, or track local supplier participation in public procurement.

Data limitations also hinder the functioning of agencies such as the DTI. For instance, the agency does not maintain an accessible, regularly updated list of Philippine producers disaggregated by sector, size, and capacity, information that could assist foreign commercial attachés in responding to sourcing inquiries from overseas buyers. This hampers trade promotion, especially for mid-sized firms that are potential exporters but lack visibility.

The consequences extend beyond industrial policy. When the Department of Social Welfare and Development (DSWD) was unable to access PSA's census data to target poor households for the Pantawid Pamilyang Pilipino Program (4Ps), it conducted its own large-scale household survey instead. This duplication imposed significant costs despite the existence of public census data (Reyes et al. 2015).

The same Data Privacy Act governs both private and public sector data use. Yet in practice, private companies routinely obtain consent from users and extract value from personal data, developing personalized services, targeted advertising, and behavioral analytics, while government agencies face far stricter constraints, despite using anonymized or aggregate data for the public good.

INTERNATIONAL GOOD PRACTICE: BALANCING PRIVACY AND ACCESS

Globally, governments have developed mechanisms that allow the use of sensitive data without compromising privacy. For example:

1. The Five Safes Framework (Desai et al. 2016) assesses the safety of data projects through five dimensions: safe people, projects, settings, data, and outputs.
2. The U.S. Census Bureau uses differential privacy techniques to release statistics that remain useful while preserving confidentiality (Abowd 2018).
3. The UK's Office for National Statistics (ONS) manages secure access to administrative and census data through formal Research Accreditation frameworks and trusted research environments.
4. Singapore's Smart Nation program enables cross-agency data use through secure systems and clearly defined legal roles (Smart Nation Singapore 2022).

In contrast, the Philippines has yet to establish a centralized data stewardship body. Neither the PSA nor the Department of Information and Communications Technology (DICT) is formally mandated to coordinate inter-agency data access for policy purposes, and the National Privacy Commission (NPC) focuses on regulatory compliance rather than data governance.²

While the PSA and the Development Academy of the Philippines (DAP) recently launched the *Data Observatory Philippines* to improve statistical data use (Development Academy of the Philippines 2025), this remains a platform initiative, not a formal regulatory or institutional mechanism. The absence of a national data governance authority creates legal and operational uncertainty.

MEASURES ALREADY TAKEN, AND THEIR LIMITS

2 While the Philippine Statistics Authority (PSA) is the central statistical agency and leads coordination on official statistics, it does not have a formal mandate to oversee inter-agency data access for broader policy use beyond statistics. The DICT is responsible for digital infrastructure and interoperability but lacks authority over statistical or policy data governance. The National Privacy Commission (NPC) regulates compliance with RA 10173 but is not a data steward. As of June 2025, no government body holds a system-wide mandate to coordinate secure, anonymized data sharing across agencies for policy formulation. See: PSA-DAP (2025); Open Data Watch (2024); NEDA (2025); Tech for Good Institute (2025).

Several efforts in recent years aim to improve inter-agency data sharing:

1. The Securities and Exchange Commission's (SEC) launch of the HARBOR platform and data sharing agreements for beneficial ownership (BO) information have improved transparency and interoperability in the financial sector (Open Ownership (2025).
2. The Government Procurement Act of 2024 mandates full data disclosure and has accelerated the modernization of the Philippine Government Electronic Procurement System (PhilGEPS), including integration of open contracting data standards (OCDS) (DBM 2025).
3. The Open Government Partnership (OGP) commitments promote digital transparency and interoperability of databases among agencies like DTI, BIR, and SEC (Open Government Partnership 2025).
4. The Public Financial Management Reforms Roadmap (2024–2028) outlines digital integration goals across fiscal and procurement systems (DBM 2025).
2. Issue regulatory guidance through the National Privacy Commission (NPC) or the PSA/DEPDev to clarify lawful bases for inter-agency data sharing of anonymized or aggregate data. This could include model Data Sharing Agreements (DSAs), metadata protocols, and use-case guidance.
3. Establish a national data stewardship unit, either within the Philippine Statistical System or under the DICT, that manages access protocols, metadata standardization, and governance rules across public agencies. While recent partnerships like the Data Observatory Philippines represent progress, no such formally mandated body yet exists for system-wide implementation (Development Academy of the Philippines 2025; Tech for Good Institute 2025).
4. Adopt international standards such as the Five Safes or trusted research environments to secure access while ensuring usability for public policy objectives.
5. Ensure harmonization with ongoing digital reforms, including the rollout of PhilSys, modernization of PhilGEPS, and open government initiatives. These systems must be designed with policy use in mind, not only compliance or transparency.

While these are meaningful steps, they remain limited in scope. No system-wide mechanism exists to allow anonymized microdata access across agencies for policy analysis. Furthermore, most reforms focus on transparency, not internal policy design needs. Without clarifying the legal basis for such use, many data owners default to overly cautious interpretations of the Data Privacy Act.

THE CASE FOR REFORM: LEGAL AND INSTITUTIONAL RECOMMENDATIONS

To address these barriers and enable the use of government data for public policy, the following reforms are proposed:

1. Amend RA No. 10173 to explicitly authorize the use of anonymized public-sector data for policy formulation, monitoring, and evaluation, with safeguards. This would align legal intent with national planning functions.

CONCLUSION

Government cannot govern well if it cannot access its own data. The inability to use anonymized datasets for planning, evaluation, and program design hampers the Philippine state's capacity to deliver effective and evidence-based policies. Industrial upgrading, export promotion, and local supplier development are all affected when basic firm-level information cannot be integrated or analyzed.

While RA No. 10173 remains essential in protecting personal privacy, its interpretation must evolve to allow for secure, lawful, and responsible data use in the public interest. Without legal and institutional reform, many of the goals of national development policy – including those advanced under current digital governance programs – will remain out of reach.

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