

Data Protection of Biometric Data and Genetic Data

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Technological advancements have benefited data collection. Genetic and biometric data, which are instrumental in finding treatment for rare genetic diseases and improving numerous companies' consumer service, are readily available for collection and commercial use. Thus, the European Union adopted the General Data Protection Regulation (GDPR) which instituted "a strong and more coherent data protection framework." Thereafter, various countries amended their own data privacy laws to comply with the strict requirements provided under the GDPR. In the Philippines, Republic Act No. 10173 otherwise known as "Data Privacy Act of 2012" and its corresponding Implementing Rules and Regulations were promulgated. Both are generally reflective of the principles found in the GDPR.

The GDPR provides for a definition of *biometric data*. It is defined as "personal data resulting from specific technical processing relating to the physical, physiological or [behavioral] characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data." In contrast, the Philippines' Data Privacy Act does not provide a definition of *biometric data* or anything related to genetic code. This Article seeks to resolve the issue of whether the absence of a specific express definition in our local laws and regulations of this particular category of data have an impact on an individual's right to privacy.

In answering the question, the Authors argue that despite the absence of a sophisticated definition of *biometric data*, the Philippines' Data Privacy Act and its corresponding Rules and Regulations still consider all health-related information as *sensitive personal information* which are protected by law. Nevertheless, the Authors express their discontent with the commercialization of genetic data, which the Authors' consider as violation of our human rights, liberties, and privacy.