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TITLE	DATA PRIVACY ACT POLICY
OBJECTIVE	To comply with all applicable privacy and data protection laws as part of ActivationMachine Inc.'s (AMI) commitment to its clients and business partners who have trusted AMI with various information in the course of doing business
SCOPE	This policy applies to all information that AMI collects or are provided in the course of doing business and how AMI uses the information.

## A. POLICY STATEMENT

ActivationMachine, Inc. (AMI) respects everyone's right to privacy. This policy summarizes which personal information may be collected, how this information will be used, and other important topics relating to everyone's privacy and data protection.

This Policy applies to all Documents and Forms issued by or on behalf of AMI. It also applies to personal information AMI may collect in the course of doing business.


However, different AMI documents, forms or services have different purposes and features. If additional or different disclosures are required for a specific AMI document, form or service, then we provide those disclosures separately on, or with, the relevant document, forms, or service. Each specific privacy disclosure, policy, or statement ("Specific Privacy Statement") supplements and amends this Policy.

To the extent required by applicable law, whenever AMI collects personal information, AMI will:

- a. provide timely and appropriate notice to the individual, employee or client concerned about our data practices;
- b. collect personal information only for specified and legitimate purposes. The information collected will be relevant, adequate and not excessive for the purposes for which it is collected;
- c. process personal information in a manner consistent with the purposes for which it was originally collected or to which consent has been obtained;
- d. take commercially reasonable steps to ensure that personal information is reliable for its intended use, accurate, complete, and, where necessary, kept up-to-date;
- e. not use personal / corporate information for direct marketing purposes without giving an opportunity to "opt-out"; and
- f. take appropriate measures, by contract or otherwise, to provide adequate protection for personal information that is disclosed to a third party or transferred to another country, including transfers within AMI.

## B. DEFINITION OF TERMS

1. **Data Privacy Act or DPA** - refers to Republic Act No. 10173 or the Data Privacy Act of 2012 and its implementing rules and regulations.
2. **Data Subject** - refers to an individual whose Personal Information, Sensitive Personal Information, or Privileged Information is processed.

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3. **Company** - refers to ActivationMachine, Inc.
4. **Personal Data** - collectively refers to Personal Information, Sensitive Personal Information, and Privileged Information.
5. **Personal Information** - refers to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
6. **Processing** - refers to any operation or set of operations performed upon Personal Data including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data. Processing may be performed through automated means, or manual processing, if the Personal Data are contained or are intended to be contained in a filing system.
7. **Privileged Information** - refers to any and all forms of Personal Data, which, under the Rules of Court and other pertinent laws constitute privileged communication.
8. **Security Incident** - is an event or occurrence that affects or tends to affect data protection, or may compromise the availability, integrity and confidentiality of Personal Data. It includes incidents that would result to a personal data breach, if not for safeguards that have been put in place.
9. **Sensitive Personal Information** - refers to Personal Data:
  - a) About an individual’s race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
  - b) About an individual’s health, education, genetic or sexual life, or to any proceeding for any offense committed or alleged to have been committed by such individual, the disposal of such proceedings, or the sentence of any court in such proceedings;
  - c) Issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
  - d) Specifically established by an executive order or an act of Congress to be kept classified.

## C. GUIDELINES

### Data Privacy Principles

All Processing of Personal Data within the Company should be conducted in compliance with the following data privacy principles as espoused in the Data Privacy Act:

- a. **Transparency.** The Data Subject must be aware of the nature, purpose, and extent of the Processing of his or her Personal Data by the Company, including the risks and safeguards involved, the identity of persons and entities involved in Processing his or her Personal Data, his or her rights as a Data Subject, and how these can be exercised. Any information and communication relating to the Processing of Personal Data should be easy to access and understand, using clear and plain language.

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- b. **Legitimate purpose.** The Processing of Personal Data by the Company shall be compatible with a declared and specified purpose which must not be contrary to law, morals, or public policy.
- c. **Proportionality.** The Processing of Personal Data shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal Data shall be processed by the Company only if the purpose of the Processing could not reasonably be fulfilled by other means.

**Personal Information**

Philippine law defines personal information as any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.


The personal information collected by the Company may include, but not limited to, the following:

1. name, age, title, address, civil status, nationality, religion, gender, or birthdate;
2. personal identification and/or government issued identification numbers;
3. email address, telephone, or mobile phone number;
4. personal data with regards to previous employment, schools attended, family members and their name, age, title, relation and occupation;
5. records of communications with the Company;

**Data Processing Records**

Adequate records of the Company’s Personal Data Processing activities shall be maintained at all times. The Data Processing Officer (DPO) shall be its Deputy General Manager and Head of Shared Services handling Finance and the Human Resources Department, with the cooperation and assistance of all the concerned business and operational units involved in the Processing of Personal Data, shall be responsible for ensuring that these records are kept up-to-date. These records shall include, at the minimum:

1. information about the purpose of the Processing of Personal Data, including any intended future Processing or data sharing;
2. a description of all categories of Data Subjects, Personal Data, and recipients of such Personal Data that will be involved in the Processing;
3. general information about the data flow within the Company, from the time of collection and retention, including the time limits for disposal or erasure of Personal Data;
4. a general description of the organizational, physical, and technical security measures in place within the Company; and

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5. the name and contact details of the DPO, as well as any other staff members accountable for ensuring compliance with the applicable laws and regulations for the protection of data privacy and security.

**Management of Human Resources**

The DPO, with the cooperation of the Company’s HRAD, shall develop and implement measures to ensure that all the Company’s staff who have access to Personal Data will strictly process such data in compliance with the requirements of the Data Privacy Act and other applicable laws and regulations. These measures may include drafting new or updated relevant policies of the Company and conducting training programs to educate employees, individuals, and agents on data privacy related concerns. The DPO, with the assistance of HRAD, shall ensure that the Company shall obtain the employee’s, individuals, or client’s informed consent, evidenced by written, electronic or recorded means, to:


1. The Processing of his or her Personal Data, for purposes of maintaining the Company’s records; and
2. A continuing obligation of confidentiality on the employee’s, individual’s or client’s part in connection with the Personal Data that he or she may encounter during the period of employment with the Company. This obligation shall apply even after the employee has left the Company for whatever reasons; even after the individual or client has completed the arrangement for which the data was maintained.

**Data Retention Schedule**

Subject to applicable requirements of the DPA and other relevant laws and regulations, Personal Data shall not be retained by the Company for a period longer than necessary and/or proportionate to the purposes for which such data was collected. The DPO, with the assistance of the Company’s HRAD and any other departments of the Company responsible for the Processing of Personal Data, shall be responsible for developing measures to determine the applicable data retention schedules, and procedures to allow for the withdrawal of previously given consent of the Data Subject, as well as to safeguard the destruction and disposal of such Personal Data in accordance with the DPA and other applicable laws and regulations.

**Physical Security Measures**

The DPO, with the assistance of HRAD, shall develop and implement policies and procedures for the Company to monitor and limit access to, and activities in, the offices of HRAD, as well as any other departments and/or workstations in the Company where Personal Data is processed, including guidelines that specify the proper use of, and access to, electronic media. The design and layout of the office spaces and work stations of the abovementioned departments, including the physical arrangement of furniture and equipment, shall be periodically evaluated and readjusted in order to provide privacy to anyone Processing Personal Data, taking into consideration the environment and accessibility to unauthorized persons. The duties, responsibilities, and schedules of individuals involved in the Processing of Personal Data shall be clearly defined to ensure that only the individuals actually performing official duties shall be in the room or work station, at any given time. Further, the rooms and workstations used in the Processing of Personal Data shall, as far as practicable, be secured against natural disasters, power disturbances, external access, and other similar threats.

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**Technical Security Measures**

The DPO, with the cooperation and assistance of HRAD, shall continuously develop and evaluate the Company’s security policy with respect to the Processing of Personal Data. The security policy should include the following minimum requirements:

- a. safeguards to protect the Company’s computer network and systems against accidental, unlawful, or unauthorized usage, any interference which will affect data integrity or hinder the functioning or availability of the system, and unauthorized access;
- b. the ability to ensure and maintain the confidentiality, integrity, availability, and resilience of the Company’s data processing systems and services;
- c. regular monitoring for security breaches, and a process both for identifying and accessing reasonably foreseeable vulnerabilities in the Company’s computer network and system, and for taking preventive, corrective, and mitigating actions against security incidents that can lead to a Personal Data breach;
- d. the ability to restore the availability and access to Personal Data in a timely manner in the event of a physical or technical incident;
- e. a process for regularly testing, assessing, and evaluating the effectiveness of security measures; and
- f. encryption of Personal Data during storage and while in transit, authentication process, and other technical security measures that control and limit access thereto.


**Rights of the Data Subject**

As provided under the DPA, Data Subjects have the following rights in connection with the Processing of their Personal Data: right to be informed, right to object, right to access, right to rectification, right to erasure or blocking, right to data portability, right to file a complaint and right to damages. Employees, individuals, and agents of the Company are required to strictly respect and obey the rights of the Data Subjects. The DPO, with the assistance of HRAD shall be responsible for monitoring such compliance and developing the appropriate disciplinary measures and mechanism.

**A. Right to be Informed**

The Data Subject has the right to be informed whether Personal Data pertaining to him or her shall be, are being, or have been processed. The Data Subject shall be notified and furnished with information indicated hereunder before the entry of his or her Personal Data into the records of the Company, or at the next practical opportunity:

- a. description of the Personal Data to be entered into the system;
- b. purposes for which they are being or will be processed, including Processing for direct marketing, profiling or historical, statistical or scientific purpose;

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- c. basis of Processing, when Processing is not based on the consent of the Data Subject;
- d. scope and method of the Personal Data Processing;
- e. the recipients or classes of recipients to whom the Personal Data are or may be disclosed or shared;
- f. methods utilized for automated access, if the same is allowed by the Data Subject, and the extent to which such access is authorized, including meaningful information about the logic involved, as well as the significance and the envisaged consequences of such Processing for the Data Subject;
- g. the identity and contact details of the DPO;
- h. the period for which the Personal Data will be stored; and
- i. the existence of their rights as Data Subjects, including the right to access, correction, and to object to the Processing, as well as the right to lodge a complaint before the National Privacy Commission.

**B. Right to Object**


The Data Subject shall have the right to object to the Processing of his or her Personal Data, including Processing for direct marketing, automated Processing or profiling. The Data Subject shall also be notified and given an opportunity to withhold consent to the Processing in case of changes or any amendment to the information supplied or declared to the Data Subject in the preceding paragraph. When a Data Subject objects or withholds consent, the Company shall no longer process the Personal Data, unless:

- 1. the Personal Data is needed pursuant to a subpoena;
- 2. the Processing is for obvious purposes, including, when it is necessary for the performance of or in relation to a contract or service to which the Data Subject is a party, or when necessary or desirable in the context of an employer-employee relationship between the Company and the Data Subject;
- 3. the Personal Data is being collected and processed to comply with a legal obligation.

**C. Right to Access**

The Data Subject has the right to reasonable access to, upon demand, the following:

- 1. Contents of his or her Personal Data that were processed;
- 2. Sources from which Personal Data were obtained;
- 3. Names and addresses of recipients of the Personal Data;

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4. Manner by which his or her Personal Data were processed;
5. Reasons for the disclosure of the Personal Data to recipients, if any;
6. Information on automated processes where the Personal Data will, or is likely to, be made as the sole basis for any decision that significantly affects or will affect the Data Subject;
7. Date when Personal Data concerning the Data Subject were last accessed and modified; and
8. The designation, name or identity, and address of the DPO.


**D. Right to Rectification**

The Data Subject has the right to dispute the inaccuracy or rectify the error in his or her Personal Data, and the Company shall correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the Personal Data has been corrected, the Company shall ensure the accessibility of both the new and the retracted Personal Data and the simultaneous receipt of the new and the retracted Personal Data by the intended recipients thereof: Provided, That recipients or third parties who have previously received such processed Personal Data shall be informed of its inaccuracy and its rectification, upon reasonable request of the Data Subject.

**E. Right to Erasure or Blocking**

The Data Subject shall have the right to suspend, withdraw, or order the blocking, removal, or destruction of his or her Personal Data from the Company’s filing system.

1. This right may be exercised upon discovery and substantial proof of any of the following:
  - a. The Personal Data is incomplete, outdated, false, or unlawfully obtained;
  - b. The Personal Data is being used for purpose not authorized by the Data Subject;
  - c. The Personal Data is no longer necessary for the purposes for which they were collected;
  - d. The Data Subject withdraws consent or objects to the Processing, and there is no other legal ground or overriding legitimate interest for the Processing by the Company;
  - e. The Personal Data concerns private information that is prejudicial to Data Subject, unless justified by freedom of speech, of expression, or of the press or otherwise authorized;
  - f. The Processing is unlawful; or
  - g. The Data Subject’s rights have been violated.

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2. The DPO may notify third parties who have previously received such processed Personal Data that the Data Subject has withdrawn his or her consent to the Processing thereof upon reasonable request by the Data Subject.

**F. Transmissibility of Rights of Data Subjects**

The lawful heirs and assigns of the Data Subject may invoke the rights of the Data Subject to which he or she is an heir or an assignee, at any time after the death of the Data Subject, or when the Data Subject is incapacitated or incapable of exercising his/her rights.

**G. Data Portability**

Where his or her Personal Data is processed by the Company through electronic means and in a structured and commonly used format, the Data Subject shall have the right to obtain a copy of such data in an electronic or structured format that is commonly used and allows for further use by the Data Subject. The exercise of this right shall primarily take into account the right of Data Subject to have control over his or her Personal Data being processed based on consent or contract, for commercial purpose, or through automated means. The DPO shall regularly monitor and implement the National Privacy Commission’s issuances specifying the electronic format referred to above, as well as the technical standards, modalities, procedures and other rules for their transfer.

**DATA BREACHES AND SECURITY INCIDENTS**

All employees of the Company involved in the Processing of Personal Data are tasked with regularly monitoring for signs of a possible data breach or Security Incident. In the event that such signs are discovered, the employee shall immediately report the facts and circumstances to the DPO within twenty-four (24) hours from his or her discovery for verification as to whether or not a breach requiring notification under the Data Privacy Act has occurred as well as for the determination of the relevant circumstances surrounding the reported breach and/or Security Incident. The DPO shall notify the National Privacy Commission and the affected Data Subjects pursuant to requirements and procedures prescribed by the DPA. The notification to the National Privacy Commission and the affected Data Subjects shall at least describe the nature of the breach, the Personal Data possibly involved, and the measures taken by the Company to address the breach. The notification shall also include measures taken to reduce the harm or negative consequences of the breach and the name and contact details of the DPO. The form and procedure for notification shall conform to the regulations and circulars issued by the National Privacy Commission, as may be updated from time to time.


**D. MANAGEMENT CLAUSE**

Management reserves the right to subject this policy for periodic reviews and revisions.

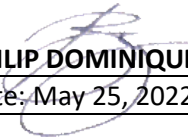


This Policy supersedes all previously issued letters, procedures or interoffice memoranda on relating to Data Privacy

**E. ATTACHMENT**

F-HRD-REC-012 Data Privacy Act Agreement

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Prepared by:  <b>PHILIP DOMINIQUE I. ALDAY</b> Date: May 25, 2022	Reviewed by:  <b>MA. KRISTINA I. OCAMPO</b> Date: May 25, 2022	Approved by:  <b>TANIA MARIE C. MORADA</b> Date: May 25, 2022
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