Facial recognition technology has received significant importance for a wide range of applications related to law enforcement. These include the use of CCTV cameras, smartphones, social media, and other online activities to identify a person by comparing and analyzing patterns based on the person’s facial contours.

In March 2020, the city of Manila has engaged in the use of surveillance cameras capable of biometric systems through facial recognition. The cameras are capable of quickly identifying citizens’ criminal records with the Philippine National Police, National Bureau of Investigation, and the Philippine Drug Agency. While the use of facial recognition technology may prove beneficial in deterring crimes, there are reasonable worries from the public that it may violate their right to privacy.

Unlike other biometric systems, facial recognition technology can be operated for surveillance using public video cameras and be utilized in a manner that does not require the knowledge or consent of a person of interest. As with the storage of information, facial recognition data may be attacked by hackers and acquire sensitive personal data.

The use of facial recognition technology is far from exemplary as it still lacks a consistent legislative framework in terms of ethical use and limitations. It raises concerns such as invasion of privacy, data privacy concern, low reliability, and lack of regulation. This bill intends to regulate the development, sale, and distribution of Facial Recognition Technology in the country. It shall mandate companies and other entities to first acquire authorization and accreditation from the Department of Information and Communications Technology (DICT) before engaging in any Facial Recognition Technology.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List
AN ACT
REGULATING THE USE OF FACIAL RECOGNITION TECHNOLOGY AND FOR OTHER PURPOSES

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

SECTION 1. Short Title.— This Act shall be known as the “Facial Recognition Technology Regulation Act”.

Sec. 2. Declaration of Policy.— It is hereby the policy of the State to protect its citizens from present or future technology that may pose a risk to their right to privacy and may be detrimental to their well-being. Towards this end, measures should be taken to ensure that innovative technology such as, but not limited to facial recognition, shall be regulated, and be used only for the safety and security of all citizens.

Sec. 3. Definition of Terms.— As used in this Act, the following terms shall mean:
(a) **Biometrics** refers to any technological and scientific authentication method based on biology and used in information assurance (IA);

(b) **Facial Recognition Technology (FRT)** refers to any biometric software application capable of uniquely identifying or verifying a person by comparing and analyzing patterns based on a digital image or set of a person’s facial contours stored in a database; and

(c) **Software** refers to any computer programs, including any and all software implementation of algorithms, models and methodologies, whether in source code, object code, human readable form or other form.

**Sec. 4. Limitations on the Development, Sale and Distribution of Facial Recognition Technology.**– No company or entity shall develop, sell or otherwise distribute any Facial Recognition Technology (FRT) hardware and/or software in the Philippines without authorization and accreditation from the Department of Information and Communications Technology (DICT).

**Sec. 5. Limitations on the Use of Facial Recognition Technology.**– Law enforcement agencies and duly authorized safety and security firms shall utilize FRT solely for profiling, identifying, and locating law offenders and fugitives. In any case, the subject shall always be informed that his or her biometrics are being taken.

**Sec. 6. Use of Facial Recognition Technology by Private Companies.**– Private companies such as, but not limited to banks, pawnshops, remittance centers, money transfer services, and other financial institutions or similar businesses may utilize the use of Facial Recognition Technology to secure and help facilitate their business transactions with clients. *Provided*, That said private companies must register the Facial Recognition Technology hard and/or software with the Department of Information and Communications Technology. *Provided further*, That private companies using Facial Recognition Technology to facilitate business transactions with
clients shall offer other options that said clients may utilize other than FRT to facilitate transacting business with them.

Sec. 7. Implementing Rules and Regulations.—The Department of Information and Communications Technology (DICT), in coordination with the National Privacy Commission, shall promulgate the corresponding implementing rules and regulations of this Act within ninety (90) days from the date of its effectivity.

Sec. 8. Separability Clause.—If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

Sec. 9. Repealing Clause.—All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 10. Effectivity.—This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,