

[IRR RUBPLIC ACT NO. 10844, October 17, 2016]

**THE 2016 IMPLEMENTING RULES AND REGULATIONS OF R.A.
NO. 10844 OTHERWISE KNOWN AS THE DEPARTMENT OF
INFORMATION AND COMMUNICATION TECHNOLOGY ACT OF
2015**

Pursuant to Section 21 of Republic Act (R.A.) No. 10344 ("An Act Creating the Department of Information and Communications Technology, Defining Its Powers and Functions Appropriating Funds therefor, and for Other Purposes"), the following Implementing Rules and Regulations (IRR) are hereby promulgated:

RULE I

PRELIMINARY PROVISIONS

Section 1. Title. These Rules shall be known as *"The 2016 Implementing Rules and Regulations of RA No. 10844, otherwise known as the Department of Information and Communication Technology Act of 2015"*.

Section 2. Definition of Terms. As used in these Rules, the following terms are defined as follows:

(a) *Information, and Communications Technology or ICT* shall mean the totality of electronic means to access, create, collect, store, process, receive, transmit, present and disseminate information;

(b) *Convergence* shall mean the interface between and among various telephony, radio, video, broadcasting and multimedia infrastructure, devices and services, enabling users or subscribers thereof to communicate with one another;

(c) *Electronic Government or E-Govamment* shall mean the use of ICT by the government and the public to enhance the access to and delivery of government services to bring about efficient, responsive, ethical, accountable and transparent government service",

(d) *ICT Sector* shall mean those engaged in providing goods and services primarily intended to fulfill or enable the function of information processing and communication by electronic means. The ICT sector includes telecommunications and broadcast information operators, ICT equipment manufacturers, multimedia content developers and providers. ICT solution providers, internet service providers, ICT training institutions, software developers and ICT-ES providers, and other ICT and ICT-ES providers,

(e) *ICT-Enabled Services* or *ICT-ES Sector* shall mean those engaged in providing services that require the intrinsic use of ICTs including engineering or architectural design, informatics service providers, offshoring and outsourcing service providers such as call centers, back office processing, software development, medical or legal transcription, animation, game development, and other services that require the intrinsic use of a networked information infrastructure, and

(f) *Chief Information Officer or CIO* shall mean a senior officer in all national government agencies (NGAs), including constitutional offices, state universities and colleges (SUCs) government-owned and -controlled corporations (GOCCs), and government financial institutions (GFIs) responsible for the development and management of the agency's ICT systems and applications.

RULE II

DECLARATION OF POLICY

Section 3. Declaration of Policy. It is hereby declared the policy of the State:

(a) To recognize the vital role of information and communication in nation-building;

(b) To ensure the provision of strategic, reliable, cost-efficient and citizen-centric information and communications technology (ICT) infrastructure, systems and resources as instruments of good governance and global competitiveness;

(c) To ensure universal access to quality, affordable, reliable and secure ICT services;

(d) To promote the development and widespread use of emerging ICT and foster and accelerate the convergence of ICT and ICT-enabled facilities,

(e) To ensure the availability and accessibility of ICT services in areas not adequately served by the private sector;

(f) To foster an ICT sector policy environment that will promote a broad market-led development of the ICT and ICT-enabled services (ICT-ES) sectors, a level playing field, partnership between the public and private sectors, strategic alliance with foreign investors and balanced investments between high-growth and economically-depressed areas;

(g) To promote and assist the development of local ICT content, applications and services which may include support for ICT-based start-up enterprises through strategic partnerships;

(h) To promote the use of ICT for the enhancement of key public services, such as education, public health and safety, revenue generation, and socio-civic purposes;

- (i) To encourage the use of ICT for the development and promotion of the country's arts and culture, tourism and national identity;
- (j) To promote digital literacy, ICT expertise, and knowledge-building among citizens to enable them to participate and compete in an evolving ICT age;
- (k) To empower, through the use of ICT, the disadvantaged segments of the population, including the elderly, persons with disabilities and indigenous and minority groups;
- (f) To ensure the rights of individuals to privacy and confidentiality of their personal information;
- (m) To ensure the security of critical ICT infrastructures including information assets of the government, individuals and businesses; and
- (n) To provide oversight over agencies governing and regulating the ICT sector and ensure consumer protection and welfare, data privacy and security, foster competition and the growth of the ICT sector.

RULE III

MANDATE, POWERS AND FUNCTIONS

Section 4. Mandate. The Department shall be the primary policy, planning, coordinating, implementing, and administrative entity of the Executive Branch of the government that will plan, develop, and promote the national ICT development agenda.

Section 4. Powers and Functions. The Department shall exercise the following powers and functions:

I. Policy and Planning

- (a) Formulate, recommend and implement national policies, plans, programs and guidelines that will promote the development and use of ICT with due consideration to the advantages of convergence and emerging technologies;
- (b) Formulate policies and initiatives, in coordination with the Department of Education (DepED), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA), to develop and promote ICT in education consistent with the national goals and objectives, and responsive to the human resource needs of the ICT and ICT-ES sectors;
- (c) Provide an integrated framework in order to optimize all government ICT resources and networks for the identification and prioritization of all E-Government systems and applications as

provided for the E-Government Masterplan and the Philippine Development Plan (POP);

II. Improved Public Access

(d) Prescribe rules and regulations for the establishment, operation and maintenance of ICT infrastructures in underserved and underserved areas, in consultation with the local government units (LGUs), civil society organizations (CSOs), private sector, and the academe;

(e) Establish a free internet service that can be accessed in government offices and public areas using the most cost-effective telecommunications technology, through partnership with private service providers as may be necessary;

III. Resource-sharing and Capacity-Building

(f) Harmonize and coordinate all national ICT plans and initiatives to ensure knowledge, information and resource-sharing, database-building and agency networking linkages among government agencies, consistent with E-Government objectives in particular, and national objectives in general;

(g) Ensure the development and protection of integrated government ICT infrastructures and designs, taking into consideration the inventory of existing manpower, plans, programs, software, hardware, and installed systems;

(h) Assist and provide technical expertise to government agencies in the development of guidelines in the enforcement and administration of laws, standards, rules, and regulations governing ICT;

(i) Assess, review and support ICT research and development programs of the government in coordination with the Department of Science and Technology (DOST) and other institutions concerned;

(j) Prescribe the personnel qualifications and other qualification standards essential to the effective development and operation of government ICT infrastructures and systems;

(k) Develop programs that would enhance the career advancement opportunities of ICT workers in government;

(l) Assist in the dissemination of vital information essential to disaster risk reduction through the use of ICT;

(m) Represent and negotiate for Philippine interest on matters pertaining to ICT in international bodies, in coordination with the Department of Foreign Affairs (DFA) and other institutions concerned;

IV. Consumer Protection and Industry Development

(n) Ensure and protect the rights and welfare of consumers and business users to privacy, security and confidentiality in matters relating to ICT, in coordination with agencies concerned, the private sector and relevant international bodies,

(o) Support the promotion of trade and investment opportunities in the ICT and ICT-ES sectors, in coordination with the Department of Trade and Industry (DTI) and other relevant government agencies and the private sector;

(p) Establish guidelines for public-private partnerships in the implementation of ICT projects for government agencies; and

(q) Promote strategic partnerships and alliances between and among local and international ICT, research and development, educational and training institutions, to speed up industry growth and enhance competitiveness of Philippine workers, firms, and small and medium enterprises in the global markets for ICT and ICT-ES;

V. Cybersecurity Policy and Program Coordination

(r) To formulate a national cybersecurity plan consisting of robust and coherent strategies that would minimize national security risks in order to promote a peaceful, secure, open and cooperative ICT environment;

(s) To extend immediate assistance for the suppression of real-time commission of cybercrime offenses and cyber-attacks against critical infrastructures and/or affecting national security through a computer emergency response learn (CERT);

(t) To provide pro-active government countermeasures to address and anticipate all domestic and transnational incidents affecting the Philippine cyberspace and any cybersecurity threats to the country;

(u) To enhance the public-private partnership in the field of information sharing involving cyber-attacks, threats and vulnerabilities, and to coordinate in the preparation of appropriate and effective measures to prevent and suppress cybercrime as provided in R.A. No. 10175;

(v) To monitor cybercrime cases being handled by participating law and prosecution agencies, and to facilitate international cooperation on intelligence, investigations, training and capacity building related to cybercrime prevention, suppression, and prosecution;

(w) To coordinate the support and participation of the business sector, local government units and nongovernment organizations in cybercrime prevention programs and other related projects;

(x) To recommend the enactment of appropriate laws, issuances, measures and policies;