

### Republic of the Philippines

# Department of Education

REGION X – NORTHERN MINDANAO SCHOOLS DIVISION OF EL SALVADOR CITY

Office of the Schools Division Superintendent

07 JUNE 2024

DEPARTMENT OF EDUCATION SALVADOR CITY- RECORDS SECTI

DIVISION MEMORANDUM No.\_\_227\_\_\_\_, s. 2024

#### GUIDANCE ON POSTING LEARNERS' IMAGES OR DATA POSTINGS ON SOCIAL MEDIA

To: Assistant Schools Division Superintendent
Chief Education Supervisors, CID and SGOD
Public Elementary and Secondary School Heads
All Others Concerned
This Division

- 1. Please be informed of the attached **Memorandum OM-OUOPS-2024-05-03942** titled "Guidance on Posting Learners' Images or Data Postings on Social Media" dated May 15, 2024 for reference and guidance.
- 2. This Office reiterates the rights to privacy of our learners in this digital age and provide protection adhering the provisions of DedEd Order No. 40, s.2012 or the "Child Protection Policy", hence prior consent is needed from the parents or guardians of the learner on posting of their personal information or image if it is relevant to the education and informational purposes.
- 3. Attached is a template for Consent, Waiver, Indemnity and Release.
- 4. For dissemination, guidance and strict compliance.

RANDOLPH B. TORTOLA
chools Division Superintender

Schools Division Superintendent

Encl: As stated
Reference: Memorandum OM-OUOPS-2024-05-03942
To be indicated in the <u>Perpetual Index</u>
under the following subjects:

DATA

LEARNERS

LRP

SGOD/evm



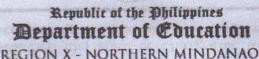
Address: Zone 3, Poblacion, El Salvador City Telephone No: (088) 855-0113 Website: www.depedelsalvadorcity.net Email Address: elsavador.city@deped.gov.ph

Foi

Transforming Schools, Forging Partners



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June 3, 2024

REGIONAL MEMORANDUM No. 040], s. 2024

### DISSEMINATION OF THE GUIDANCE ON POSTING LEARNERS' IMAGES OR DATA POSTINGS ON SOCIAL MEDIA

To: Schools Division Superintendents Assistant Schools Division Superintendents THE SAME ALLEGATION AND THE PROPERTY HER THE SECTION OF THE SECTIO

All Others Concerned

- 1. This Office disseminates Memorandum OM-OUOPS-2024-05-03942 titled Guidance on Posting Learners' Images or Data on Postings on Social Media for the relevant information and guidance of all concerned and to support the salient provisions of DepEd Order No. 40, s. 2012 or the "Child Protection Policy."
- Please see the attached document for complete details.

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This Office directs the immediate and wide dissemination of this Memorandum.

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DR. ARTURO B. BAYOCOT, CESO III Regional Director

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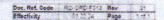






Address: DepEd Regional Office X, Zone 1, Upper Balulang, Cagayan de Oro City

Telephone No: (088) 881-3137 Email: region10@deped.gov.ph Website: r10.deped.gov.ph





#### Republika ng Pilipinas

### Department of Education

#### OFFICE OF THE UNDERSECRETARY FOR OPERATIONS

MEMORANDUM OM-OUOPS-2024-6t- 03142

TO

: REGIONAL DIRECTORS

SCHOOLS DIVISION SUPERINTENDENTS

SCHOOL DISTRICT SUPERVISORS

SCHOOL HEADS

LEARNER RIGHTS AND PROTECTION FOCAL PERSONNEL

ALL OTHERS CONCERNED.

FROM

ATTY, REVSEE A. ESCOBEDO

Undersecretary for Operations

SUBJECT

: GUIDANCE ON POSTING LEARNERS' IMAGES OR DATA

POSTINGS ON SOCIAL MEDIA

DATE

: May 15, 2024

This is to reiterate the need to protect the right to privacy of our learners in this digital age. For emphasis, the Department of Education (DepEd) strictly adheres to the United Nations Convention on the Rights of the Child (UNCRC) in safeguarding our learners against abuse, neglect, and exploitation. DepEd issued DepEd Order No. 40, s. 2012 or the "Child Protection Policy," reiterating DepEd's zero-tolerance policy for any act of abuse, exploitation, violence, discrimination, bullying, and other forms of violence directed towards our learners.

Pursuant to Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", learners including teaching and non-teaching personnel are considered as data subjects whose personal information are protected by law, Section 13 and 16:

- Sec. 3. (b) Consent of the data subject refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic, or recorded means.
- Sec. 3. (g) 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.
- Sec. 16. Rights of the Data Subject The data subject is entitled to:
  - (a) Be informed whether personal information pertaining to





him or her shall be, are being, or have been processed.

- (b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of personal information into the processing system of the personal information controller, or at the next practical opportunity:
  - (1) Description of the personal information to be entered into the system;
  - (2) Purposes for which they are being or are to be processed;
  - (3) Scope and method of the personal information processing;
  - (4) The recipients or classes of recipients to whom they are or may be disclosed;
  - (5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;
  - (6) The identity and contact details of the personal information controller or its representative;
  - (7) The period for which the information will be stored; and
  - (8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission.

In consideration of the learners minority, parental or guardian's consent is necessary prior to the use of the learner's data for media posting<sup>1</sup>. Additionally, D.O. 32, s. 2022<sup>2</sup> recognizes our learners as subjects with rights and obligations. As duty-bearers, it is our responsibility to empower them to know and advocate their rights and be involved in policies or activities affecting them. As such, their affirmative consent is needed prior to posting of their personal information or image.

This Office reminds all school personnel to uphold their responsibilities as duty-bearers in ensuring that the rights of learners are recognized and protected. Consequently, all school personnel are to exercise special parental authority<sup>3</sup> and responsibility over the learners under their supervision. DepEd Order No. 40, s. 2012<sup>4</sup> highlights the specific duties and responsibilities of the school personnel in ensuring that the rights of learners are protected and exemplify respect for the data privacy of individuals, to wit:

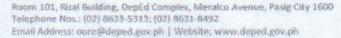
B. Keep them in their company and support, educate and instruct them by the right precept and good example;

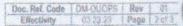
G.Inculcate the value of respect and obedience.

<sup>4</sup> DepEd Order No. 40, s. 2012, "Child Protection Policy", Section 8,b and g.











<sup>&</sup>lt;sup>1</sup> DepEd Order No. 40, s. 2012, "Child Protection Policy", Section 3.a.

<sup>&</sup>lt;sup>2</sup> DepEd Order No. 31, s. 2022, "Rights-Based Education (RBE) Framework in Philippine Basic Education".

<sup>3</sup> Family Code of the Philippines, Article 218.

Under the Cybercrime Prevention Act<sup>5</sup>, consent is necessary when sharing or posting images of other people on social media to avoid possible legal consequences especially if the person affected believes that his privacy or reputation has been violated or compromised.

Accordingly, enclosed is a copy of the DepEd's Consent, Waiver, Indemnity, and Release form which is required to be filled out by learners' parents or guardians involved in any media posting by the said agency whether written, audio-recorded, or photographed. Moreover, following the Rights-Based Education (RBE), learners should also be consulted in matters affecting them. This Office would like to compel school personnel from all schools division offices to refer and use this form prior to posting any information or image of learners in social media.

For your guidance and strict observance.

Thank you very much.

[LRPO/ASPR]

<sup>5</sup> Republic Act No. 10175, "Cybercrime Prevention Act of 2012".



Doc. Ref. Code | DM CUCPS | Rev Effectivity | 03.23.23 | Page dinh.

# Department of Education

Republic of the Philippines

## CONSENT, WAIVER, INDEMNITY and RELEASE

I,	, M/ F,	years of age, hereby grant permission to the
/or videos in which I appe	n (DepEd) and its representatives to make recor at in, to be used for the communications and ve extronic media, at the event and location stated by	rdings of my voice and to take photographs and various public campaigns of the Agency be it is
Productio	n name/ Project title:	
Location:		
representatives the right to	t the DepEd owns all rights to these images and o use, display, exhibit, reproduce, distribute, and w known or later developed.	
	right to inspect or approve the use of the image ets. I also waive any right to royalties or other o	
claims, damages, or liabilit limited to claims of defan distortion, blurring, altera	defend, indemnify, and hold harmless the DepE y arising from or related to the use of the imagnation, invasion of privacy, or rights of public tion, optical illusion or use in composite for roduction of the finished product, its publication	ges, recordings, or materials, including but no city or copyright infringement, or any misuso m that may occur or be produced in taking
I am 18 years of a contract/ NAME OF GUARDI contract. I have read this d consent, waiver, indemnity	age or older/ I am accompanied by my legal guans:  ocument before signing below, and I fully under and release.	uardian, and I am competent to enter into the has legal authority to enter into the erstand the contents, meaning and impact of the
This consent, wait	ver, indemnity and release is binding on me, my	heirs, executors, administrators and assigns.
		, ,
	Signature	mm dd yyyy
Signature ov	er printed name of Patent / Guardian/ Teacher	mm dd yyyy
Address:		
Home phone:	Mobile phone:	**
Home phone:	Mobile phone:	

DepFd Complex, Meralco Avenue, Pasig City, Philippines 1600 Tel: (632) 633-7208 / 633-7228 / 632-1361 • Fax: (632) 735-6167 www.deped.gov.ph



# Department of Education

## Republic of the Philippines

In line with the mission of the Department of Education (DepEd) to provide quality, equitable, culture-based, and complete basic education where:

- Students learn in a child-friendly, gender-sensitive, safe, and motivating environment;
- · Teachers facilitate learning and constantly nurture every learner;
- Administrators and staff, as stewards of the institution, ensure an enabling and supportive environment for effective learning to happen;
- Family, community, and other stakeholders are actively engaged and share responsibility for developing life-long learners;

And in accordance with the DepEd's thrust to continuously improve itself to better serve its stakeholders, an effective communications strategy paves the way to a more efficient public policy formulation and implementation.

The Department of Education and its representatives are therefore seeking your permission to take and make use of voice recordings and/ or audiovisual images of you/ your children/ your students for the purposes stated above.

Please furnish us with your full name and signature on the next page should you confirm your consent to the proposed use of your/ your children/ your students' photographs and video/voice recordings in our communications and publicity materials.

Thank you very much.