25 January 2021

HON. SALVADOR C. MEDIALDEA
Executive Secretary
Office of the President
Malacanang, Manila

Re   :   IRR of E.O. No. 122 (Strengthening Border Control through the Adoption and Implementation of the Advance Passenger Information System)

Dear Executive Secretary Medialdea,

Greetings!!!

In compliance to the Memorandum from the Executive Secretary dated 29 December 2020 re: *Adoption and Implementation of the Advance Passenger Information (API)*, may I respectfully submit the Implementing Rules and Regulations (IRR) of the Advance Passenger Information System (APIS) pursuant to Executive Order No. 122 as approved by the Department of Justice.

Respectfully submitted.

Thank you.

JAIME H. MORENTE
Commissioner

RULES AND REGULATIONS TO IMPLEMENT EXECUTIVE ORDER NO. 122 OTHERWISE KNOWN AS "STRENGTHENING BORDER CONTROL THROUGH THE ADOPTION AND IMPLEMENTATION OF THE ADVANCE PASSENGER INFORMATION SYSTEM"

Pursuant to Section 11 of Executive Order (E.O.) No. 122, s. 2020 *(Strengthening Border Control through the Adoption and Implementation of the Advance Passenger Information System)*, the following rules and regulations ("APIS Rules") are hereby adopted and promulgated:

RULE I
TITLE AND SCOPE

Section 1. Title. These rules and regulations shall be referred to as the *"Implementing Rules and Regulations of Executive Order No. 122"*. (APIS Rules)

Section 2. Scope.

(a) These Rules shall apply in the collection, sharing, treatment, and transmission of Advance Passenger Information (API) from the captain, master, agent, owner or consignee of an aircraft or vessel which is expected to arrive in the Philippines or is expected to depart from Philippine territory.

(b) These Rules shall apply to protect and ensure the integrity and availability of the Advance Passenger Information (API), such as restricting access thereto and using security mechanisms or other reasonable safeguards to prevent un-authorized access.

RULE II
DEFINITION OF TERMS

Section 1. DEFINITION OF TERMS. The following definition of terms shall apply for the purpose of these Rules:

(a) **BI** refers to the Bureau of Immigration.

(b) **Advance Passenger Information (API)** refers to an electronic communication containing passenger- or crew/non-crew- related

information transmitted to the BI prior to arrival or departure and made available on the primary line at the port of entry/exit. API includes data relating to the passenger and the flight: (i) *individual passenger or crew/non-crew*, such as name, date of birth, gender, citizenship and travel document data found in the machine-readable zone passport or its equivalent; and (ii) *flight*, such as flight number, arrival and departure times.

(c) **API System (APIS)** refers to an electronic communication system that collects biographical data from machine readable passports, other official travel documents or basic details provided by commercial carriers. APIS shall be interactive in line with international best practices implemented in other countries using Advance Passenger Processing (APP/iAPI) or legacy non-interactive/batch-style for legacy APIS and PNR. The API data shall also include other booking data coming from carrier reservation systems - Passenger Name Record (PNR) - and programs/systems authorized or recommended under pertinent international best practices/standards and guidelines to enhance security and improve facilitation.

(d) **BI-APIS (Single Window)** refers to an information and communication system maintained by the BI whereby collected data elements are generated, recorded, collected, stored and transmitted to the border control agencies prior to flight departure and arrival available at the port at entry/exit.

(e) **Commercial Carriers** refer to persons, corporations, firms or associations engaged in the business of carrying or transporting passengers or goods, or both, by sea or air, for compensation, offering their services to the public. A commercial carrier may be a public/common or private carrier including military aircraft or vessel providing special flights for civilian persons.

(f) **Crew Members** refer to air carrier or vessel personnel on board the aircraft or vessel who are responsible for flying the aircraft or operating the vessel or are providing cabin services.

(g) **Data Sharing** refers to the disclosure or transfer of API data under the custody of the BI as information controller.

(h) **Immigration formalities** refer to the process of conducting arrival and departure formalities of any passenger or crew member at any port of entry/exit by the BI through the Immigration Officers.

(i) **Non-Crew Members** refer to air carrier or vessel employees, their families and individuals who are traveling for the safety of the aircraft or vessel. The definition of non-crew members only arises in the context of all-cargo flights.

(j) **Passenger** refers to a person carried on board a vessel or aircraft excluding the master and crew members or other persons employed or engaged in any capacity on board such commercial vessel or aircraft.

(k) **Passenger Name Record (PNR)** refers to personal information provided by passengers and collected and held by commercial carriers. It is the generic name given to records created by commercial carriers or their authorized agents for each journey booked by or on behalf of any passenger.

RULE III
ROLE OF THE BUREAU OF IMMIGRATION

Section 1. Mandate. The BI is principally responsible for the administration and enforcement of immigration, citizenship and alien registration laws, including the entry and admission of foreigners into the Philippines in accordance with the provisions of Commonwealth Act No. 613 (C.A. No. 613), as amended, otherwise known as the Philippine Immigration Act of 1940.

Section 2. Functions. The BI shall have the following functions:

(a) Issue rules and regulations in order to meet minimum standards for protection of personal information transmitted by commercial carriers and/ or data service providers to the government authorities;

(b) Ensure compliance by all government agencies or instrumentalities and commercial carriers as regards security and technical measures under these Rules and other relevant laws and regulations;

(c) Specify electronic format and technical standards, modalities and procedure for data portability;

(d) Act on requests of other law enforcement agencies in furtherance of national security, law enforcement, immigration, intelligence and counter-terrorism, as may be required for public safety, public health or public order;

(e) Seek assistance from appropriate government agencies for the imposition of administrative fines, sanctions and penalties within their regulatory powers for non-compliance with APIS requirements in these Rules, such as delay or non-submission of API data, including erroneous data entry or incomplete data entry in the API;

(f) Enter into any agreement with other agencies for the further implementation of these Rules;

(g) Facilitate BI-APIS data processing systems and notifications;

(h) Procure/Invite design, supply, installation and commissioning of software/hardware and related services and collection of necessary and incidental charges for the roll out and implementation of BI-APIS and Data Acquisition Services (APIS-DAS) relating to APIS project; and

(i) Exercise such other functions as may be necessary to fulfill its mandate under these Rules.

RULE IV
DUTIES OF COMMERCIAL CARRIERS

Section 1. Duties and Obligations. The following are the duties and obligations of commercial carriers, whether aircraft or sea vessel, under these Rules:

(a) Provide API to the BI;
(b) Transmit to the BI the required API data within the timeframe provided under these Rules;
(c) Submit accurate and correct data based on the passenger's provided information; and
(d) Provide adequate notice to passengers regarding their obligation as required by law to provide the BI with any or all of the passenger data held by the commercial carrier in relation to a flight to, from, or in transit through any port within the territory of the Philippines and that the information might be passed to other government authorities.

Section 2. Notwithstanding the preceding section, the BI, through its Commissioner, may, subject to the approval of the Secretary of Justice, enter into any relevant agreement with commercial carriers or any of their associations if circumstances warrant, pursuant to applicable laws, rules and regulations.

RULE V
API REQUIREMENT AND DATA ELEMENTS

Section 1. API Requirement. The captain, master, agent, owner or consignee of a commercial carrier whose vessel or aircraft is arriving in or departing from any port within the Philippine territory shall transmit electronically the API, in respect of each person being checked-in, or booked to travel on that vessel or aircraft, including the crew and non-crew members.

Section 2. Data Elements. Pursuant to these Rules the BI shall require the captain, master, agent, owner or consignee of a commercial carrier to transmit the following API data elements:

(a) **Data Relating to Each Individual Passenger:**

Core data elements as may be found in the Machine Readable Zone of the official travel document:
1. Passenger/Crew Member's complete name
2. Date of birth
3. Gender
4. Nationality
5. Place of birth
6. Passport/Travel Document number and country of issuance
7. Travel document type (e.g., Passport, Merchant Mariner Document, Seaman's Book, Emergency Passport, etc.)
8. Issuing state or organization of the official travel document

9. Expiration date of official travel document
10. Personal ID Number (if applicable).

(b) **Data Relating to the Flight and Voyage (Header Data):**

1. Flight/voyage identification *(IATA Airline code, flight/voyage number, aircraft/vessel name and country of registry/flag)*
2. Scheduled departure date *(date of scheduled departure of aircraft/vessel based on local time of departure location)*
3. Scheduled departure time *(time of scheduled departure of aircraft/vessel based on local time of departure location)*
4. Scheduled arrival date *(date of scheduled arrival of aircraft/vessel based on local time of arrival location)*
5. Scheduled arrival time *(time of scheduled arrival of aircraft/vessel based on local time of arrival location)*
6. Last place/port of call of aircraft/vessel *(aircraft/vessel departed from this last foreign place/port of call to go to "place/port of aircraft initial arrival")*
7. Place/port of aircraft/vessel initial arrival *(place/port in the country of destination where the aircraft/vessel arrives from the "last place/port of call of aircraft")*
8. Subsequent place/port of call within the Philippines (subsequent place/port of call within the Philippines)
9. Number of passengers *(total number of passengers on the flight).*

(c) **PNR Data Elements:**

1. Country of residence
2. Health Declaration
3. Destination address *(for arriving passengers except for PH citizens, lawful permanent residents, crew and persons in transit)*
4. Address of permanent residence (flight crew only)
5. Pilot certificate number and country of issuance (flight crew only, if applicable)
6. Visa type and number
7. Issue date of the visa
8. Place of issuance of the visa
9. Other document number used for travel *(the other document number used for travel when the official travel document is not required)*
10. Type of other document used for travel
11. Traveler's status *(passenger, crew, in-transit)*
12. Place/port of original embarkation
13. Place/port of clearance *(place/port where the traveller is cleared by the border control agencies)*
14. Place/port of onward foreign destination *(for passengers not intending to enter the territory of the country of transit)*
15. Passenger name record locator number (or unique identifier) *(as available in the traveller's Passenger Name Record in the carrier's airline reservation system)*

16. Seating information *(specific seat assigned to the passenger for the flight)*
17. Baggage information *(number of checked-in bags, and where applicable, the baggage tag numbers associated with each)*

Section 3. Transmission of PNR Data Elements. The BI shall publish a technical guide which will specify the stages and phases in the implementation of the transmission of the PNR data elements as provided in Rule V, Section 2(c).

RULE VI
TRANSMISSION OF DATA

Section 1. Timeframe for Data Transmission. Consistent with the provisions of Section 32 of C.A. No. 613, as amended, the captain, master, agent, owner or consignee of a commercial carrier shall be fully responsible in ensuring that the flight and passenger data transmitted are accurate and complete and shall reach the BI-APIS within the following timeframes:

(a) In case of an aircraft – upon aircraft door-close stage; and
(b) In case of a vessel – at least 96 hours before entering the port or place of destination, for voyages of 96 hours or more; at least 24 hours before entering the port or place of destination, for voyages of less than 96 hours but not less than 24 hours; or prior to departing the port or place of departure, for voyages of less than 24 hours.

In the event of any changes to the flight/vessel data or data relating to an individual on board, an updated API file is required to be immediately transmitted by the aircraft or vessel.

Section 2. Format. The format of the API shall be in the UN/EDIFACT PAXLST and CUSRES standards which conforms to internationally recognized standards and practices found in the WCO/IATA/ICAO API Guidelines and EDIFACT Implementation Guide. Details of the format and transmission method shall be published by the BI in a Technical Implementation Guide to be provided to the representative of each commercial carrier.

Section 3. Transmission of API. The API must be directly transmitted electronically to the BI-APIS to ensure strict data privacy and integrity.

RULE VII
VERIFICATION AND CORRECTION OF DATA

Section 1. Creation of BI-APIS Operations Center. The Commissioner shall create a BI-APIS Operations Center under his direct supervision to perform security vetting or derogatory information verification after receipt of the API. This Operations Center shall act as 24/7 one-stop-shop of APIS, composed of authorized personnel at the sound discretion of the Commissioner. Data Protection

Officer/s shall be designated and included in the BI-APIS Operations Center, in accordance with Republic Act (R.A.) No. 10173, otherwise known as the Data Privacy Act of 2012.

Section 2. Duties and Functions. The BI-APIS Operations Center shall:

(a) Immediately after receipt of the API, analyze data using the BI database to perform security vetting (a process for investigating, screening, or establishing the accuracy or truthfulness of the API data elements as listed in Rule V, Section 2), or derogatory information verification (a method of confirming the availability of derogatory information regarding the passenger, crew or non-crew member);

(b) Whenever necessary, use other available law enforcement and non-law enforcement databases, including notices issued by the International Criminal Police Organization and those subject of UN Security Council sanctions and travel bans, in performing security vetting or derogatory information verification;

(c) Coordinate with the commercial carriers if passenger, crew or non-crew member is found to have any derogatory information;

(d) Facilitate and ensure the timely transmission of API by commercial carriers;

(e) Correct or amend API data information subject to the approval of the Commissioner; and

(f) Comply with the provisions of Data Privacy Act, and its implementing rules and regulations, in the processing of personal information and sensitive personal information considered as API.

Section 3. Arrival/Departure Formalities. Notwithstanding the provisions in the preceding Sections, these Rules shall not divest the BI from conducting regular inspection and immigration formalities of all arriving and departing passengers.

Section 4. Further verification and correction of information. API data may also be verified by the Immigration Officers during physical processing of arrival/departure formalities of any passenger or crew member at any port of entry/exit by comparing the API information with the information contained in the travel document presented.

Section 5. Procedure in the Verification of Information by Primary Inspector. Immigration Officers at the primary inspection shall scan the biographical page of each passport of all arriving and departing passengers on the passport reader to electronically check and verify the authenticity, validity, and information details of API passenger data and derogatory record check. In case of discrepancy between the API data and passport presented by a passenger, the Border Control Information System (BCIS) shall prompt the primary Immigration Officer with a *"No Match"* message from the BI-APIS, and the primary Immigration Officer shall proceed to exclude the passenger under Section 29(a)(17) of C.A. No. 613, as amended.

Section 6. Exclusion. Notwithstanding the inclusion of the passenger's data elements in the BI-APIS, an alien passenger may still be a subject for exclusion under Section 29(a) of C.A. No. 613, as amended, subject to compliance with applicable immigration laws, rules and regulation.

Section 7. Correction of Information. In the event that errors are found in the API, the BI-APIS Operations Center shall provide an opportunity to correct such errors or perform correction after verification based on travel or other related documents, within a reasonable time as the circumstances may permit. If errors are found, authorized BI personnel may correct the data at the point of entry and update the information; provided however that, correction of these errors shall not waive the liability of the captain, master, agent, owner or consignee of a commercial carrier as provided under these Rules; provided further that, the BI-APIS Operations Center shall not amend or correct the data unless with the written authorization from the Commissioner or his authorized personnel.

An individual may only seek access to the API supplied by the commercial carrier if he or she is the subject of the data being accessed. Any request to seek access to certain information maintained in the BI-APIS shall be submitted to the Office of the Commissioner. The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and under oath. However, records and information pertaining to the results of the vetting of the passenger may not be accessed. The Commissioner, in his discretion, may respond to each request in accordance with any applicable provision of immigration laws.

RULE VIII
MANAGEMENT OF ADVANCE
PASSENGER INFORMATION SYSTEM
(APIS)

Section 1. Management and Information System Division. The BI-Management Information System Division (MISD) shall be the repository of the BI-APIS. It shall implement reasonable and appropriate organizational, technical, and physical security measures in compliance with the Data Privacy Act and other existing rules and regulations to protect and ensure the confidentiality, integrity and availability of the API.

Section 2. Functions. The MISD shall:

(a) Provide assistance to the BI-APIS Operations Center in the performance of security vetting and derogatory information verification functions;
(b) Adopt and establish technical and cyber security measures;
(c) Protect the information network against accidental, unlawful and unauthorized usage which may affect data integrity or hinder the functioning or availability of the system, and unauthorized access thorough electronic network;

(d) Ensure and maintain the confidentiality, integrity, availability, and resilience of API processing systems and services;

(e) Monitor security breaches and provide process both for identifying and accessing reasonably foreseeable vulnerabilities in their computer networks, and taking preventive, corrective, and mitigating action against security incidents that can lead to a personal data breach;

(f) Restore the availability and access to API data in a timely manner in the event of a physical or technical interference;

(g) Maintain a process for regularly testing, assessing, and evaluating the effectiveness of security measures; and

(h) Ensure encryption of API data during storage and while in transit, authentication process, and other technical security measures that control and limit access.

Section 3. On-time Data Transmission. Further to the preceding Section, the MISD shall provide assistance to the BI-APIS Operations Center to ensure the timely transmission of API data by commercial carriers.

The BI-APIS and the BCIS shall be made interoperable in order that the API can be verified and validated during security vetting and immigration primary inspection at the Philippine ports of entry and exit; provided, that, the BI-APIS shall conform to Annex 9 of the Convention on International Civil Aviation.

RULE IX
SECURITY OF API DATA

Section 1. Data Security. All API data maintained by the BI shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, subject to the Data Privacy Act. Access terminals, mainframe processors, and databases are all maintained in BI controlled space. All information shall be kept secured, accurate and controlled. The Commissioner shall be responsible for complying with the security requirements through the use of strict access controls for the users, passwords, background checks for individuals accessing the data, as well as system audits that track and report on access to the data. Only BI personnel who have undergone the annual privacy training shall have access to API data.

Section 2. Access to BI-APIS; Authorization. The BI, through its Commissioner, shall strictly regulate access to API data under its custody or control. Access to the system is granted on and limited to a need-to-know basis. The system will use assigned roles based on an individual's need to know, official duties, agency of employment, and appropriate background investigation and training. An employee of the BI shall only be granted a security clearance when the performance of his or her official functions or the provision of a public service directly depends on and cannot otherwise be performed unless access to the API data is allowed. To prevent unauthorized use and access, only personnel authorized by the Commissioner shall have access to the BI-APIS. No offsite access shall be allowed.

Section 3. Re-authorization. To ensure the protection of API data, the user, through his or her immediate supervisor, must request reauthorization every six (6) months from the Commissioner to access the BI-APIS. Reauthorization is dependent upon a user's continuing role or duty and the absence of any derogatory or disciplinary complaint relating to access.

Section 4. Responsibility of the BI. To protect and ensure the integrity and availability of the API, the BI shall:

(a) Restrict access of the BI-APIS to authorized personnel only;
(b) Assign username and password to the authorized individuals to track and monitor all BI-APIS transactions;
(c) Conduct monthly audit of all BI-APIS transactions to ensure that the data are being handled consistently with the existing rules and regulations;
(d) Maintain audit trails or logs for the purpose of reviewing user activity;
(e) Submit report of inconsistent or irregular use of API data; and
(f) Maintain BI-APIS to protect API data.

RULE X
DATA SHARING

Section 1. Authority to share API. Subject to existing treaties, laws, rules and regulations, and whenever consistent with national interest, the BI may share information contained in the API in furtherance of regional or international security. API may also be provided to the following law enforcement agencies, in furtherance of national security, law enforcement, immigration, intelligence and counter-terrorism functions, as may be required for public safety, public health or public order:

(a) Department of Finance- Bureau of Customs;
(b) Department of Transportation (DOTr) - Office of Air Transportation Security;
(c) Philippine Coast Guard;
(d) Department of Health - Bureau of Quarantine;
(e) Department of Justice - National Bureau of Investigation;
(f) Department of the Interior and Local Government - Philippine National Police;
(g) Department of National Defense;
(h) National Intelligence Coordinating Agency;
(i) Armed Forces of the Philippines;
(j) National Security Council;
(k) Anti-Terrorism Council;
(l) Philippine Ports Authority/Cebu Ports Authority; and
(m) Other similar agencies already existing, or which may be created in furtherance of Executive Order No. 122, series 2020.

Section 2. Criteria for Data-Sharing. Data may be shared when it is necessary for the performance of a public function or the provision of a public service, specifically in furtherance of national security, law enforcement, immigration, intelligence, and counter-terrorism functions, as may be required for public safety, public health or public order, and pursuant to the respective constitutional or statutory mandates of the BI and the above-listed agencies.

Section 3. Information Transmission and Disclosure. The information may be transmitted either electronically or as printed materials to authorized personnel. Hard copies of information shall be protected by sealed envelopes and shared via official or accredited inter-agency couriers. Authorized personnel must possess a mission or job-related need and intended use before information may be shared and granted.

Section 4. Confidentiality of API Data Information. A law enforcement agency, its members, and employees shall ensure at all times the confidentiality of any personal information that come to their possession or knowledge.

Section 5. Authority from the Commissioner. Request of API data shall not be released without prior written authority from the Commissioner specifying the general terms, conditions and limitations that govern the use of data. Where disclosure is authorized, the recipient agency is likewise bound to comply with the Data Privacy Act and other relevant laws.

Section 6. Memorandum of Understanding. Notwithstanding the preceding sections, the BI, through its Commissioner, may enter into a Memorandum of Understanding or Data Sharing Agreement with other agencies to define roles and responsibilities and enhance collaboration and coordination among agencies and the private sector.

Section 7. BI- Anti-Terrorist Group. The BI-Anti Terrorist Group under the Office of the Commissioner shall maintain close coordination with and provide assistance to other law enforcement offices on matters involving terrorism, transnational crimes and other illegal activities that may require the use of API data.

RULE XI
FINES AND PENALTIES

Section 1. Penalty for violation of API Data Privacy. The unauthorized processing, accessing, disposal, disclosure, sharing, publication or use of the API shall be punishable in accordance with the relevant provisions of the Data Privacy Act, its implementing rules and regulations, and other relevant laws.

Section 2. Penalty for submission of erroneous or false API data. Any captain, master, agent, owner, consignee or any person in charge of a commercial carrier arriving at any port in the Philippines from a place outside thereof or departing from the Philippines for a place outside thereof, who submits an erroneous or false API data of a passenger or crew shall be subject to a fine ranging from Twenty

Thousand Pesos (Php20,000.00) to Fifty Thousand Pesos (Php50,000.00) for each erroneous or false API data entry, regardless of whether the BI eventually cleared the person for entry or exit in the country, without prejudice to the filing of appropriate administrative, civil and/or criminal charges in accordance with Sections 37(a)(9), 44(a)(1) and (2), 45(a) to (f), 46 and 46-A of C.A. No 613, as amended, and other existing laws, rules and regulations.

Section 3. Penalty for delay or failure to submit API Data, failure to account every passenger and crew, or unauthorized discharge of crew member or seaman. Any captain, master, agent, owner, consignee or any person in charge of a commercial carrier arriving at any port in the Philippines from a place outside thereof, or departing from the Philippines for a place outside thereof, who shall delay or fail to submit to the immigration authorities through the BI-APIS a complete and accurate crew list or advance passenger manifest shall be subject to a fine ranging from Twenty Thousand Pesos (Php20,000.00) to Fifty Thousand Pesos (Php50,000.00), and a further amount of Fifty Thousand Pesos (Php50,000.00) for each unaccounted person for failure to produce a crew member or passenger whose name appears in the system or manifest. The penalty hereof is without prejudice to any action that the Commissioner may recommend to the appropriate government agencies within their regulatory powers for the imposition of administrative, civil and/or criminal charges in accordance with Sections 37(a)(9), 44(a)(1) and (2), 45(a) to (f), 46 and 46-A of C.A. No 613, as amended, and other existing laws, rules and regulations.

The fines and penalties under this Rule shall apply to any crew member who shall be paid off or discharged without permission of immigration authorities while the vessel is at a port in the Philippines.

Section 4. General Fines and Penalties. Any violation of the provisions of these Rules, or any order, rule or regulation issued thereunder, or failure to comply with any directives under these Rules for which no penalty is expressly provided shall be subject to a fine ranging from Twenty Thousand Pesos (Php20,000.00) to Fifty Thousand Pesos (Php50,000.00) for each violation, without prejudice to the filing of appropriate administrative, civil and/or criminal charges in accordance with Sections 37(a)(9), 44(a)(1) and (2), 45(a) to (f), 46 and 46-A of C.A. No 613, as amended, and other existing laws, rules and regulations.

The Commissioner shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, financial capability, and such other matters as justice may require. However, all requests for waiver of fines and/or penalties under these Rules shall be subject to the approval of the Secretary of Justice.

Section 5. Repeated violation of these Rules. A captain, master, agent, owner, consignee or any person in charge of a commercial carrier who repeatedly violates these Rules shall be subject to an additional fine ranging from Twenty Thousand Pesos (Php20,000.00) to Fifty Thousand Pesos (Php50,000.00), on top of the fines under Sections 2 to 4 of this Rule.

RULE XII
RETENTION AND DESTRUCTION OF DATA

Section 1. Retention of data. The Data collected in the BI-APIS may be retained only for as long as it is necessary, and shall in no case be retained longer than twelve (12) months from the date of collection and entry, unless otherwise justified for the fulfillment of a legitimate purpose, or for the establishment, exercise or defense of legal claims, or in other cases provided by law; provided that, any information pertaining to terrorism as defined in Section 4 of R.A. No. 11479, otherwise known as the Anti-terrorism Act of 2020, or other crime-related information, may be retained for a longer period as may be provided for by other laws, rules, and regulations.

Section 2. Destruction of Data. With the written authority from the Commissioner, the API data elements considered as personal information shall thereafter be erased, destroyed, disposed of, or discarded in a secure manner that will prevent further processing, unauthorized access, or disclosure to any other party or the public, or prejudice the interests of the data subjects, pursuant to the Data Privacy Act and its implementing rules and regulations.

The provisions of R.A. No. 9470, also known as the National Archives of the Philippines Act of 2007, and related issuances of the National Archives of the Philippines, shall likewise apply to the handling of any records having enduring archival value.

RULE XIII
FUNDING

Section 1. Budget. The amount necessary for the initial implementation of this IRR shall be charged against existing appropriations of the BI. The funding requirements for succeeding years shall be included in the budget proposal of the BI, subject to the usual budget preparation process. The BI shall exert all efforts in the procurement of appropriate APIS and software/hardware facility through various modes of procurement provided under existing laws and regulations.

Section 2. Other Sources. The funding requirements for the continuing maintenance and operation of the BI-APIS shall be primarily funded by a fee that shall be charged each passenger via the commercial carrier in accordance with existing laws, rules and regulations.

RULE XIV
AMENDMENT, SEPARABILITY, REVOCATION, AND INTERPRETATION

Section 1. Amendment. These Rules may be amended, modified or supplemented when necessary for the effective implementation and enforcement

of E.O. No. 122 and in the furtherance of national security, public safety, public health, or public order.

Section 2. Separability. If any clause or provision of these Rules is declared unconstitutional or invalid, the other provisions not affected thereby shall remain valid and subsisting.

Section 3. Revocation. All previous rules, regulations, orders, issuances, or parts thereof which are contrary to and inconsistent with E.O. No. 122 and these IRR are hereby revoked, amended, or modified accordingly.

Section 4. Interpretation. In case of doubt, the provisions of these Rules, including any subsequent related issuances by the BI, shall be construed in the interest of national security, public safety, public health, or public order.

RULE XV
APPROVAL, PUBLICATION AND EFFECTIVITY

Section 1. Approval by the Secretary of the Department of Justice. - These Rules shall be subject to the approval of the Secretary of the Department of Justice.

Section 2. Publication. Upon such approval, the Board Secretary of the BI shall ensure that these Rules shall immediately be published in two (2) newspapers of general circulation.

Section 3. Effectivity. – These Rules shall take effect after fifteen (15) days from the date of such publication and deposit of copies thereof with the Office of the National Administrative Registrar (ONAR), U.P. Law Center, University of the Philippines, Diliman, Quezon City, together with posting of the Rules in the BI official website.

25 January 2021,
Manila, Philippines

JAIME H. MORENTE
Commissioner
Bureau of Immigration

APPROVED:

MENARDO I. GUEVARRA
Secretary
Department of Justice

Department of Justice
CN: O202101106