



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 814, S-2021

AN ORDINANCE INSTITUTING THE "MandaTrack" APPLICATION AS MANDALUYONG CITY'S CONTACT TRACING TOOL, MANDATING THE USE THEREOF BY ALL RESIDENTS AND NON-RESIDENTS IN ALL KINDS OF ESTABLISHMENTS, WHETHER PUBLIC OR PRIVATE, WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF MANDALUYONG, AND PROVIDING PENALTIES FOR VIOLATION THEREFOR

WHEREAS, the 1987 Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, the State shall also protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, in Republic Act No. 11332, the State shall endeavor to protect the people from public health threats through the efficient and effective disease surveillance of notifiable diseases including emerging and re-emerging infectious diseases, diseases for elimination and eradication, epidemics, and health events including chemical, radio-nuclear and environmental agents of public health concern and provide an effective response system in compliance with the 2005 International Health Regulations (IHR) of the World Health Organization (WHO);

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support the promotion of health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the same Code also provides that the Sangguniang Panlungsod shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 thereof, and for an efficient and effective city government, maintain peace and order by enacting measures to prevent and suppress lawlessness and disorder, and adopt measures to protect the inhabitants of the city from the harmful effects of man-made or natural disasters and calamities;

WHEREAS, there is an emergence of a Corona Virus Infectious Disease-19 (COVID-19) that has been acknowledged by the global community to cause public health emergencies of international concern;

WHEREAS, the World Health Organization (WHO) has already made the assessment that COVID-19 is a pandemic;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922 declaring a Public Health Emergency throughout the Philippines following confirmed accounts of local transmission;

WHEREAS, on March 16, 2020, Proclamation No. 929, (s.2020) was promulgated declaring a State of Calamity throughout the Philippines for a period of six (6) months due to COVID-19. On September 16, 2020, it was further extended by Proclamation No. 1021 for a period of one (1) year from September 13, 2020 to September 12, 2021;

WHEREAS, despite government interventions, the number of confirmed cases of COVID-19 continues to rise;

WHEREAS, the Department of the Interior and Local Government (DILG) issued a Memorandum on April 24, 2020 directing the local government units to establish their own task forces against COVID-19 which includes Contact Tracing Teams (CTT);

WHEREAS, the Department of Trade and Industry (DTI) issued a Memorandum encouraging the use of technology, such as, but not limited to, the use of contactless forms in the contact tracing of customers, including visitors, entering establishments or business premises;

WHEREAS, manual logging by customers, visitors and employees of the contact tracing forms prior to entering establishments may contribute in the transmission of the disease;

WHEREAS, the City Government of Mandaluyong, in furtherance of public health and safety services and in promotion of the general welfare of the residents of the City, has undertaken various measures to prevent and combat the further spread of the disease within its territorial jurisdiction including the establishment and development of the Mandaluyong City Epidemiology and Surveillance Unit (MCESU), a health monitoring system to equip it to deliver better health outcomes;

WHEREAS, there is an available contact tracing tool that can be linked to MCESU that can aid in the City's contact tracing efforts;

WHEREAS, the City of Mandaluyong considers the COVID-19 a matter of serious and urgent concern, and there is a need to establish preparedness, and ensure appropriate and efficient local government response to assess, monitor, contain, control and prevent the spread of the disease;

WHEREAS, in compliance with the Department of Health and Inter-Agency Task Force on Emerging Infectious Disease (IATF-EID)'s objective, the City of Mandaluyong is committed to take the lead in the extensive and more effective contact tracing utilizing the existing technologies to prevent and control the transmission of COVID-19 in furtherance of public service;

WHEREAS, the City deems it necessary and beneficial to establish an automated contact tracing system through the use of QR Codes to provide safe, timely and more complete contact identification and follow-up compared with traditional system;

WHEREAS, the City Government of Mandaluyong in collaboration with NIKOSTEK, INC., has developed a software (MandaTrack) which logs basic information and provides unique QR Code for each individual registrant that will be transmitted by registered establishments immediately to the MCESU for contract tracing;

WHEREAS, the establishment of MandaTrack could help in the efforts of the government in contact tracing and in the prevention of the further transmission of COVID-19.

NOW THEREFORE, be it ORDAINED by the Sangguniang Panlungsod of Mandaluyong, in session duly assembled:

SECTION 1. Short Title. This Ordinance shall be known as the "MandaTrack Ordinance";

SECTION 2. Definition of Terms. Whenever used in this Ordinance, the following terms shall have the respective meanings herein set forth:

- a. MandaTrack shall refer to the Mandaluyong QR Code based COVID-19 contact tracing application which is an integral module of the Mandaluyong Central Contact Tracing System. It is an application software which allows individuals to log their basic personal information upon registration. When the registration is complete, the individuals shall be provided with a unique MandaTrack generated QR Code which they can store on their smartphones or print for physical copy. When MandaTrack QR Code is scanned by a registered establishment, their personal information shall be transmitted directly to the Mandaluyong Central Contact Tracing System for easy and more effective contact tracing of individuals who may have been in contact with a COVID-19 positive individual;
- b. QR (Quick Response) Code shall refer to a machine-readable code containing a matrix of dots which typically stores information, and which can be scanned using a QR scanner or a smartphone with built-in camera;
- c. Mandaluyong Contact Tracing System shall refer to the system which gathers, stores, and disposes all information of the individuals who registered in the MandaTrack;

- d. Registrant shall refer to the customers, visitors and employees of public and private establishments, whether resident or non-resident of the City of Mandaluyong;
- e. Public Establishment shall refer to a building or enclosed place which is owned, leased, or controlled by government entity for government purpose;
- f. Private Establishment shall refer to a building or enclosed place which is owned, leased, or controlled by a non-governmental entity for a non-government purpose, which includes but not limited to, commercial, industrial, indoor establishments, churches, hotels, motels and inns, supermarkets and markets;
- g. Scanner shall refer to a device with functional camera, supports wireless internet access, and has the ability to run software applications that will be used for scanning QR Codes;
- h. Data Subject shall refer to an individual whose personal information is processed; and
- i. Consent of the Data Subject shall refer 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/her. Consent shall be evidenced by written, electronic, or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.

SECTION 3. The Mandaluyong Contact Tracing Application "MandaTrack". The MandaTrack is an application software which allows individuals to log their basic personal information upon registration. When the registration is complete, the individuals shall be provided with a unique MandaTrack generated QR Code which they can store on their phones or print for physical copy. When MandaTrack QR Code is scanned by a registered establishment, their personal information shall be transmitted directly to the Mandaluyong Central Contact Tracing System for easy and more effective contact tracing of individuals who may have been in contact with a COVID-19 positive individual.

SECTION 4. Coverage.

- a. Covered Establishments. This Ordinance shall apply to all public and private establishments within the territorial jurisdiction of the City of Mandaluyong, including but not limited to government and private offices or workplaces, commercial, industrial, and indoor establishments, churches, hotels, motels, inns, hospitals, schools, supermarkets and markets;
- b. Covered Individuals. This Ordinance shall apply to all customers, visitors and employees of the above-mentioned covered establishments, whether residents or non-residents of the City of Mandaluyong.

SECTION 5. Basic Information Required Upon Registration.

a. Public and Private Establishments.

- 1.) Name of the Establishment;
- 2.) Complete Address;
- 3.) Business Permit Number (if applicable);
- 4.) Contact Person;
- 5.) Contact Number;
- 6.) Email Address (if applicable).

b. Registrants.

- 1.) Full Name (First Name, Middle Name, Last Name);
- 2.) Birthdate;
- 3.) Age;
- 4.) Gender;
- 5.) Complete Address (House No., Street, Barangay, Town/City/Province);
- 6.) Contact Number;
- 7.) Email Address (if applicable).

SECTION 6. MandaTrack QR Code.

a. Public and Private Establishments. All establishments covered by this Ordinance are required to register with the Mandaluyong City Central Contact Tracing system. They will be given access to the software which will allow them to scan the MandaTrack QR Code of registrants prior to entry in the establishments.

b. Registrants. All individuals covered by this Ordinance who want to register shall visit the official website <https://mandatrack.appcase.net> or the official social media page of the City Government of Mandaluyong where a link to MandaTrack Registration is available. Upon completion of the registration, they shall be given a unique personal MandaTrack generated QR Code which is non-transferrable.

i. For registrants who are smartphone users, they can store the unique personal QR Code on their phones and present it for scanning prior to their entry in the establishments;

ii. For registrants who are non-smartphone users, they may print a physical copy of their unique personal QR Code and present it for scanning prior to their entry in the establishments;

iii. In case of loss of the unique personal QR Code, the registrants may register again in the link provided in the aforesaid website or social media page subject to security measures and policies of the application. A new unique personal QR Code will be generated and the lost QR Code will be blocked.

SECTION 7. Mandatory Use of QR Code or the "No QR Code. No Entry Policy". All covered establishments are mandated to designate personnel on every entrance of the establishments who shall make sure that each individual who enter the establishment processes a MandaTrack generated unique personal QR Code. The establishment shall provide scanner and personnel who shall scan and monitor the authenticity of the QR Code of the registrants prior to entry. The establishment and/or the designated personnel shall use only the authorized scanner or software in scanning the Registrants' QR Code.

All customers, visitors and employees of the public and private establishments shall not be allowed entry unless they present their own MandaTrack generated unique personal QR Code. This notwithstanding, the establishment may assist the concerned individual, customer or visitor in registering to the MandaTrack and/or in securing the QR Code for him or her.

In the event that such customers, visitors, employees are still unable to generate the required QR Code, he or she may seek assistance from the nearest barangay office or at the City Information and Communication Technology Department located at the 3rd Floor of the Mandaluyong City Hall for the purpose of securing the required QR Code.

SECTION 8. Processing and Storing of Gathered Information. Upon scanning of the QR Code, the personal information of the registrant shall automatically be transmitted and integrated to the Mandaluyong Central Contact Tracing System.

In cases when the scanner is not connected or cannot connect to the internet for purposes of transmitting the data collected to the Mandaluyong Central Contact Tracing System, the software will allow the scanner to store the personal information of the registrant in an offline mode. The personnel, the owner, or person-in-charge of the establishment shall make sure that the stored personal information, while the system was in offline mode, be transmitted to the Mandaluyong Central Contact Tracing System within twenty-four (24) hours from the time data was collected.

The City Government of Mandaluyong shall handle all information gathered from the data subjects with the highest degree of confidentiality and shall securely dispose of them after thirty (30) days from the time it was collected.

SECTION 9. Prohibited Acts. The following acts are hereby declared unlawful under this Ordinance:

- a. For Covered Establishments.
 - i. Non-registration with the Mandaluyong Central Contact Tracing System;
 - ii. Failure to designate personnel tasked to make sure that all customers, visitors and employees of the establishment process QR Code prior to their entry;
 - iii. Failure to provide scanners to scan registrant's MandaTrack generated QR Code prior to entry;

- iv. Deliberate non-scanning of the Registrants' QR Code;
- v. Allowing entry of customers, visitors and employees to enter the establishment without QR code;
- vi. Deliberate non-transmittal of the personal information of the registrants within twenty-four (24) hours from being offline;
- vii. Unauthorized access to the personal information of the registrants;
- viii. Processing of registrants' personal information for an unauthorized purpose.

b. Covered Individuals.

- i. Providing false information upon registration in the MandaTrack application;
- ii. Allowing other person to use his/her MandaTrack generated QR Code to gain entry into the premises of the covered establishment;
- iii. Intentionally registering more than once for the purpose of possessing more than one (1) unique personal QR Code;
- iv. Deliberate non-scanning of the Registrants' QR Code;
- v. Entering covered establishments without QR Code.

SECTION 10. Penalty. Any establishment/juridical person found violating Section 9 (a) of this Ordinance shall be charged with an administrative penalty of:

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| First Offense: | Three Thousand Pesos (P3,000.00), and suspension of franchise or business permit until violation has been rectified; |
| Second Offense: | Five Thousand Pesos (P5,000.00), and suspension of franchise or business permit until violation has been rectified; |
| Third Offense: | Five Thousand Pesos (P5,000.00), and revocation of franchise or business permit. |

Any person found violating Section 9 (b) of this Ordinance shall suffer the penalty of:

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| First Offense: | One Thousand Pesos (P1,000.00); |
| Second Offense: | Three Thousand Pesos (P3,000.00); |

Third Offense: Five Thousand Pesos (P5,000.00), or imprisonment of not more than thirty (30) days, or both, at the discretion of the court.

SECTION 11. Implementing Rules and Authority. This Ordinance shall be implemented by the Local Chief Executive, in accordance with the provisions laid out in Ordinance No. 740, otherwise known as "An Ordinance Establishing the Procedure in the Implementation of a City Ordinance", through the help of the Mandaluyong City Health Department with the assistance of PNP Mandaluyong, all barangay units and their authorized personnel, Business Permit and Licensing Department, Information Technology and Communications Department and other offices/personnel deputized by the Local Chief Executive.

The Local Chief Executive is hereby authorized to issue rules and regulations to implement this Ordinance when necessary.

SECTION 12. Creation of Data Privacy Committee. A Data Privacy Committee or hereinafter referred to as "Committee", is hereby created to hear and decide on all concerns regarding MandaTrack and on all complaints regarding data privacy violation in the implementation of this Ordinance.

a.) Composition of the Committee:

Chairperson: The City Mayor

Members:

- The Data Protection Officer (DPO) of the City Government of Mandaluyong;
- One (1) representative from the Office of the City Administrator;
- One (1) representative from the MCESU;
- One (1) representative from the Public Information Office;
- One (1) representative from the Information Technology and Communications Department;
- One (1) representative from the City Council.

b.) **Secretariat/Technical Working Group.** The Data Privacy Committee is hereby authorized to establish its Secretariat and Technical Working Group as it may deem necessary.

c.) **Functions of Data Privacy Committee:** The Data Privacy Committee shall have the following functions:

- i. Ensure compliance with this Ordinance;
- ii. Receive complaints and initiate investigations, facilitate or enable settlement of complaints through grievance procedures on matters affecting personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates. For this purpose, the Committee may be given access to personal information that is subject of any complaint and to collect the information necessary to perform the functions; and

iii. Generally, perform such acts as may be necessary to ensure that privacy of the data subjects is protected.

d.) **Grievance Procedures.** The Data Privacy Committee is hereby authorized to formulate and issue its own grievance and procedures to carry out its functions effectively, provided that the same is in accordance with this Ordinance, rules and regulations and other pertinent laws.

SECTION 13. Non-Disclosure. The City Government of Mandaluyong shall handle all information gathered from the data subjects with the highest degree of confidentiality as governed by its Privacy Statement and the National Data Privacy Act otherwise known as Data Privacy Act of 2012.

All persons who have access to the data gathered, stored and disposed by under the Mandaluyong Contact Tracing System shall be required to sign a non-disclosure agreement between him or her and the City Government of Mandaluyong. Failure to abide by the agreement shall be subject to the penalties as provided by pertinent laws, rules and regulations.

Section 14. Data Sharing and Interconnectivity. Subject to the execution of a Data Sharing Agreement or other similar agreements, the City Government of Mandaluyong may share and disclose sensitive and personal information of concerned individuals with other local government units solely for the purpose of contact tracing individuals who may have been in contact with a COVID-19 positive individual. In this connection, the City Mayor is hereby authorized to execute, enter or sign the data sharing agreements and other similar agreements for and in behalf of the City Government of Mandaluyong with other LGUs for the purpose of contact tracing.

SECTION 15. Separability Clause. In case any provision, section, or part of this Ordinance is declared unconstitutional or illegal, the remaining provisions shall not be affected.

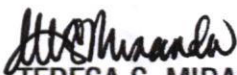
SECTION 16. Repealing Clause. All other existing Ordinances and Resolutions contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 17. Incorporation Clause. Any similar and relevant future issuance either from the national, regional, or local IATF shall automatically form part of this Ordinance.

SECTION 18. Effectivity. This Ordinance shall take effect after fifteen (15) days following its publication in a newspaper of general circulation.

ENACTED on this 25th day of January, 2021, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS. SUVA
Vice Mayor &
Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: JAN 29 2021