

ANTI-CHILD PORNOGRAPHY

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REPUBLIC OF THE PHILIPPINES
NATIONAL TELECOMMUNICATIONS COMMISSION
BIR Rd., East Triangle, Diliman, Quezon City

MEMORANDUM CIRCULAR NO. 01-01-2014

SUBJECT: GUIDELINES FOR INTERNET SERVICE PROVIDERS IN THE IMPLEMENTATION OF REPUBLIC ACT 9775 (ANTI-CHILD PORNOGRAPHY ACT OF 2009)

WHEREAS, the 1987 Constitution fully recognizes the vital role of communications in nation building and provides for the emergence of communications structures suitable to the needs and aspirations of the nation;

WHEREAS, Memorandum Circular No. 02-05-2008 (MC 02-05-2008- "Value Added Services") requires the registration of internet service providers (ISPs);

WHEREAS, Sec. 9 of Republic Act No. 9775 (RA9775 – known as the "Anti-Child Pornography Act of 2009") provides "*The National Telecommunications Commission (Commission) shall promulgate within ninety (90) days from the effectivity of the Act rules and regulations for the implementation of this provision which shall include, among others, the installation of filtering software that will block access to or transmission of any form of child pornography*";

NOW, THEREFORE, pursuant to RA9775, RA7925 (known as the "Public Telecom Policy Act of 1995"), Executive Order (EO) No. 546 series of 1979, and in order to protect children from child pornography, the Commission hereby promulgates the following guidelines:

1. All Internet Service Providers (ISPs) shall install available technology, program or software that will block access or filter all websites carrying child pornography materials within one hundred twenty (120) days from the submission of the list of carrier grade technology, program or software solutions by the ISPs to the Inter-Agency Council Against Child Pornography (IACACP).
2. The ISP shall submit list of at least three (3) carrier grade technology, program or software solutions to the IACACP for evaluation. If within five (5) days from the submission by the ISPs of the list, the IACACP does not object, the ISP shall acquire any of the carrier grade technology, program or software solutions from the supplier/s included in the list submitted.
3. The National Telecommunications Commission (NTC) shall furnish the list of identified pornographic websites provided by the IACACP to the ISPs for immediate blocking of access or filtering. The ISPs shall be free from any liability arising from its compliance with any order of the NTC for the immediate blocking of access or filtering of any such websites.

4. All ISPs shall submit to the IACACP within 5 days from the end of each month, a list of all websites carrying child pornography materials that were blocked. The list will contain all websites carrying child pornography materials that subscribers of respective ISPs attempted to access but were blocked by the installed carrier grade technology, program or software
5. All ISPs shall notify the Philippine National Police (PNP) or the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child pornography is being committed using its services or facility.
6. All ISPs shall preserve customer data records, specifically the time, origin and destination of access, for purposes of investigation and prosecution by relevant authorities. Nothing in this section shall be construed to require an ISP to engage in the monitoring of any user, subscriber or customer, or the content of any communication of any such person.
7. Violation of any of the provisions of this Circular shall be a ground for the imposition of fines and other appropriate penalties in accordance with law.
8. Any circular, order, memoranda or parts thereof inconsistent herewith are deemed repealed or amended accordingly.
9. This Circular shall take effect fifteen (15) days after publication in a newspaper of general circulation and three (3) certified true copies furnished the University of the Philippines (UP) Law Center.


Quezon City, Philippines 30 January 2014



GAMALIEL A. CORDOBA
Commissioner



DELILAH F. DELES
Deputy Commissioner



CARLO JOSE A. MARTINEZ
Deputy Commissioner

