
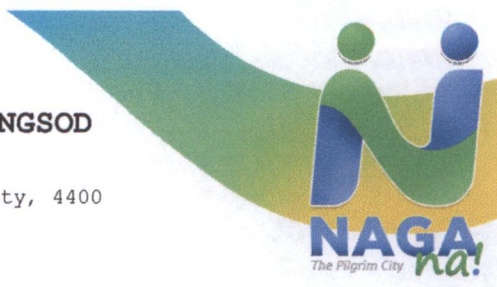




Republika ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Naga

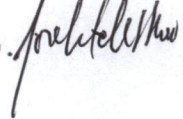
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205-2980 local 2060



ORDINANCE NO. 2020-086
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AN ORDINANCE REINFORCING THE NAGA CITY CONTACT TRACING SYSTEM THROUGH eSALVAR, PRESCRIBING GUIDELINES AND PROCEDURES IN THE IMPLEMENTATION THEREOF, PROVIDING SANCTIONS FOR NON-COMPLIANCE, AND FOR OTHER PURPOSES:-

Author: **City Councilor Joselito S.A. del Rosario, Ph.D.** 

EXPLANATORY NOTE

Health authorities strongly suggest that COVID-19 transmission can be controlled through two complementary approaches -- breaking chains of transmission by detecting, isolating, testing and treating cases, and subjecting contacts under quarantine and monitoring hotspots of disease circulation. These two actions include active surveillance, early detection, isolation, case management and contact tracing to prevent the further spread of Covid-19.

With this, contact tracing plays an important role in containing outbreaks of infectious diseases. A creative and systematic approach on contact tracing has become even more vital in view of the recent spike in the number of COVID-19 cases in Naga City.

The city together with the private sector has seen the need for the use of digital tool to complement manual tracking and therefore expedite contact tracing with timely and accurate information guided by the provisions of the Data Privacy Act.

Mandating its use has become imperative for every individual and all government offices as well as private establishments in the city. Hence, this ordinance.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - Title. - For brevity, this ordinance shall be cited as the **"Digital Contact Tracing System Ordinance of Naga City."**

SECTION 2. - Purposes. - This ordinance is enacted to contain and avert the spread and transmission of COVID-19 by:

- (a) Reinforcing the Naga City Contact Tracing System;
- (b) Prescribing guidelines and procedures in the implementation of eSalvar as digital contact tracing tool; and,
- (c) Providing sanctions and penalties for non-compliance with the applicable provisions of this ordinance.

SECTION 3. - Coverage. - This ordinance shall cover all residents, transients, business establishments and public and private offices within the territorial jurisdiction of the City of Naga.





SECTION 4. - Definition of Terms. - For purposes of this ordinance, the following terms and phrases are hereby defined as follows:

- (a) Contact Tracing QR Identification Card (QR ID Card) - refers to a system-generated card issued by the City Government of Naga to any individual, whether permanent or temporary residents, transients or visitors of Naga City, that will be used for logging into a digital logbook when entering the premises of any public or private office/establishment for the purpose of recording the date and time of entry or visit of said person, and which digitally bears the holder's name, photograph and other data stored in a uniquely-assigned Quick Response (QR) code;
- (b) Contact Tracing - the identification, listing and follow-up of persons who may have come into close contact with a COVID-19 patient.
- (c) Contact Tracing Task Force - a team created by the City Government of Naga that is tasked to conduct case investigation, to collect data and other actions necessary for contact tracing.
- (d) COVID-19 individuals - are those persons classified by protocols and guidelines of the Department of Health (DOH) as:
 - d.1 Suspect patient - an individual who is showing any of the conditions below:
 - A. Influenza-Like Illness (ILI) with any of the following:
 - i. no other etiology that fully explains the clinical presentation and a history of travel to or residence in an area that has a reported local transmission of COVID-19 during the 14 days prior to onset of symptoms; or
 - ii. contact to a confirmed or probable patient of COVID-19 within the duration and criteria set by the Contact Tracing Task Force. .
 - B. Individual with fever or cough or shortness of breath or other respiratory signs or symptoms fulfilling any of the following conditions:
 - i. Aged 60 years and above
 - ii. With comorbidity

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- iii. Assessed as having a high-risk pregnancy
 - iv. Health worker or active frontliner
- d.2 Probable patient - individual who has any of the following:
- a.2.1 Non-conclusive Covid 19 Rapid Antibody Test (RAT) and/or RT-PCR (swab test)
 - a.2.2 Suspect patient who tested positive for COVID-19 but whose test was not conducted in a national or subnational reference laboratory or officially accredited laboratory for COVID-19 confirmatory testing;
- d.3 Confirmed patient - any individual, irrespective of presence or absence of clinical signs and symptoms, who tested positive for CoViD-19 in a test conducted at the national reference laboratory, a subnational reference laboratory, and/or DOH-certified laboratory testing facility.
- (e) Close Contact - a person who may have come into contact with probable or confirmed patient within the duration and criteria set by the Contact Tracing Task Force.
 - (f) Naga City Contact Tracing System - a localized application developed for purposes of contact tracing;
 - (g) Private office or business establishment - refers to any building, structure, or portion thereof that is owned, leased, controlled, or operated by a non-governmental entity for a non-governmental purpose operating within the territorial jurisdiction of Naga City, including religious and private educational institutions;
 - (h) Public or government office - refers to any office created by law to carry out governmental functions and are operating located within the territorial jurisdiction of Naga City;
 - (i) Quick Response (QR) Code - a trademark for a type of matrix barcode which is a machine-readable code consisting of an array of black and white squares, typically used for storing Uniform Resource Locators (URLs) or other information for reading by the camera on a smartphone or gadget;
 - (j) Residents - persons living permanently or working temporarily or permanently in any public or private office/establishment within the territorial jurisdiction of Naga City;

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- (k) Visitors or transients - persons who are non-residents seeking entry or have already entered the territorial jurisdiction of Naga City;
- (l) Logbook - a digital or manual record of important data relative to contact tracing.

References:

- DOH DM 2020-0189 - Updated Guidelines on Contact Tracing of Close Contacts of Confirmed COVID-19 Case
- DOH DC 2020-0108 - Public Advisory No. 14-Clarification on Management and Referral of Close Contacts of Confirmed COVID-19 Cases
- Naga City Ordinance No. 2020- 033 - Anti-Discrimination of COVID-19 Or Other Human Infectious Diseases Patients' Ordinance of Naga City
- Naga City Executive Order No. 2020-026 - Strengthening the Contact Tracing Efforts of Naga City and Creating the Naga City Contact Tracing Task Force)

SECTION 5. -The Naga City Contact Tracing System Application.
- The Naga City Contact Tracing System Application shall be governed by the following guidelines:

- (a) The web- and mobile-based application for Contact Tracing, named as "eSalvar", is a digital platform for COVID-19 surveillance activities used for contact tracing, analysis and networking of data and communication. The application shall be made available to the public for the systematic collection, analysis and storage of information of persons who may have been possibly exposed to positive COVID-19 confirmed patients within the city. Such information shall be used by the Contact Tracing Task Force for contact tracing purposes. All information furnished to the system shall strictly comply with the provisions of Republic Act No. 10173 or the Data Privacy Act of 2012.
- (b) The following information shall be collected through the eSalvar for purposes of contract tracing:
 - b.1 Complete name
 - b.2 Birthdate
 - b.3 Complete and updated address
 - b.4 Sex
 - b.5 Photograph
 - b.6 Contact number
 - b.7 Other details needed by the Contact Tracing Task Force

SECTION 6. - Mandatory Registration to the Naga City Contact Tracing Application. - All individuals in Naga City, whether

permanent or temporary residents shall register to eSalvar in the following manner:

- (a) Any individual may register through the provided on-line registration site following the steps therein for registration. After registration, the registrant will be provided with a system-generated QR ID Card through the device used for registration. The QR ID Card can be printed and laminated or stored in a mobile device, to be scanned/read with an electronic scanner as identification prior to entry at any public or private office/establishment;
- (b) Individuals who have no access to smartphone or internet may proceed to their respective barangay or to the registration places so designated or sanctioned by the city, wherein they will be assisted to register and have their QR ID Card;

In any case, the QR ID Card is non-transferrable.

SECTION 7. - *Procedures for Digital Logbooking.* - Entry and management of a digital logbook shall be governed by the following:

- (a) All individuals who are entering any public or private office/establishment shall present their QR ID Card to a personnel assigned therein for scanning/reading on an electronic scanner.
- (b) The information on the QR ID Card shall be stored and maintained in the database of eSalvar for contact tracing purposes.

SECTION 8. - *Procedures for Manual Logbooking.* - Entry and management of a manual logbook shall be governed by the following:

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- (a) In case that an individual has no QR ID Card or the concerned public or private office/establishment has not yet registered for digital logbooking, they may proceed with the manual logbooking of all individuals entering their premises by gathering the following information:
 - a.1 Complete name
 - a.2 Birthdate
 - a.3 Complete and updated address
 - a.4 Sex
 - a.5 Contact number
 - a.6 Other details needed by the Contact Tracing Task Force

SECTION 9. - *Mandate to Public or Private Offices/Establishments.* - All public and private offices/establishments in Naga City are hereby mandated to:

- (a) Download and install eSALVAR which is offered by the City Government of Naga for free, on a smartphone, tablet, mobile device or other gadget with camera and capacity of reading/scanning a QR Code;
- (b) Place/position the above-described device at the entrance of the office/establishment to be used by an authorized personnel to regulate the entry of customers and clients;
- (c) Conduct mandatory temperature check to all individuals entering their premises;
- (d) Using the gadget capable of QR Code scanning/reading, scan/read the QR ID Card of the individual in order to verify the identity of the person possessing such QR ID Card and check the photograph which should match that of actual person possessing the QR ID Card;
- (e) Upon scanning, eSalvar will either prompt that the individual is clear to enter the establishment, or alert that such individual is a COVID-19 patient and, thus, necessary precautionary measures must be implemented, such as contacting the Naga City Contact Tracing Task Force and containing such person;
- (f) After scanning, eSalvar will log all entries of individuals, including the corresponding date and time of entry in a particular office/establishment;
- (g) If an individual has no QR ID Card, the office or establishment through the designated personnel shall not allow entry of such individual.

SECTION 10. - *Protection of Privacy.* - Data management shall be guided by the following:

- (a) Pursuant to R.A. No. 10173 or the "Data Privacy Act of 2012," all information and data collected from individuals shall be highly protected, and access to such information shall be limited only to persons authorized by the city government;
- (b) All information and data collected in the system shall be under the custody of City Epidemiology and Surveillance Unit (CESU) of the City Health Office (CHO) and the Naga City Contract Tracing Monitoring Center. Access to all gathered information and data shall be limited to duly designated data controllers. Data Controllers shall manage and keep all information with utmost care and confidentiality and shall use the same for contact tracing purposes only following government-sanctioned protocols;

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- (c) All recorded information of an individual's date and time of visit or entry in an office/establishment shall be automatically deleted from the server, and, in case of manual logbook, the forms used for manual logbooking, shall be destroyed sixty (60) days after their storage.

SECTION 11. - Assistance Centers- For purposes of observing the provisions of this Ordinance, barangays and establishments in Naga City are strongly enjoined to set-up assistance centers to aid residents and other individuals in registering in eSalvar and obtaining their QR Codes.

SECTION 12. - *Contact Tracing System Audit Team.* - To ensure compliance with relevant laws aimed at protecting individual privacy, there is hereby created a Contact Tracing System Audit Team.

The City Mayor may invite representatives from the following offices and sectors to compose the said audit team:

- (a) Member, Sangguniang Panlungsod
- (b) Department of Interior and Local Government
- (c) Department of Science and Technology
- (d) Department of Information and Communications Technology
- (e) Naga City People's Council
- (f) Higher educational institutions in Naga City
- (g) Religious institutions

The Team shall conduct regular assessment and evaluation of the overall system performance and ensure data protection and privacy in the entire process or stage of system implementation up to the deletion of data. The Team may also recommend to the City Mayor the continued improvement of the System.

The Team shall choose from among themselves the Chairperson who shall call and preside in its meetings which shall be conducted on a regular basis.

SECTION 13. - *Penalties.* - The following acts are hereby prohibited and their commissions are penalized hereunder:

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- (a) Any individual who willfully uses the QR ID Card of another, impersonates another by using the picture, name or data of another person, or cause the printing of QR ID for profit shall be penalized as follows:
- | | | |
|-------------------------|---|---|
| 1 st offense | - | a fine of One Thousand Pesos (P1,000.00) |
| 2 nd offense | - | a fine of Two Thousand Five Hundred Pesos (P2,500.00) |
| 3 rd offense | - | a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not more six (6) months, or both |

fine and imprisonment, at the discretion of the court.

- (b) Failure of any public or private office/establishment to register to eSalvar within thirty (30) days from the effectivity of this ordinance and to observe the steps as well as the appropriate provisions herein mandated shall be liable as follows:

- | | | |
|-------------------------|---|--|
| 1 st offense | - | a fine of One Thousand Pesos (P1,000.00) |
| 2 nd offense | - | a fine of Two Thousand Five Hundred Pesos (P2,500.00) |
| 3 rd offense | - | a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not more six (6) months, or both fine and imprisonment, at the discretion of the court. |

The owner/s, manager/s, operator/s, administrator/s and/or person/s in-charge of public or private offices/business who, despite notice, refuses or fails to comply with the provisions of this Ordinance shall be held responsible and be imposed with the fines and penalties provided above.

- (c) In addition to the penalties stated in the existing laws pertaining to data privacy, any data custodian who shall intentionally divulge, or, thru omission, cause the leakage of information stored in the eSalvar database, shall be made civilly, administratively and criminally liable and, due to violation of the provisions of this Ordinance, shall also be penalized with a fine of Five Thousand Pesos (P5,000.00) and imprisoned for not more than six months.
- (d) Those who are found violating the provisions of orders, guidelines or other issuances promulgated by the Health Emergency Task Force thru the City Mayor shall be imposed with fines and penalties as provided in Section 13(b) hereof.
- (e) Those who are found violating the provisions of national laws, rules and regulations in relation to the implementation of contact tracing, such as but not limited to the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (R.A. No. 11332), shall be prosecuted and penalized in accordance with the provisions of such laws.

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SECTION 14. - Authority of the Health Emergency Task Force thru the City Mayor. - The Health Emergency Task Force thru the City Mayor may issue additional guidelines covering the implementation of the Naga City Contact Tracing System and issuance

of QR ID Card, Contact Tracing Procedures and Management of Close Contacts.

Such issuances shall form part of this Ordinance and non-compliance therein shall constitute violations and shall subject the violators to the penalties provided under Section 13(b) of this Ordinance.

SECTION 15. - Applicability Clause. - This ordinance shall apply in full force and effect during the duration of State of Public Health Emergency and will terminate automatically upon the declaration of the President that the same is lifted, without any need of action by the Sangguniang Panlungsod. The Sangguniang Panlungsod may, however, declare that this ordinance is no longer applicable and effective on an earlier date if upon its appreciation, or upon the recommendation of the City Mayor, the measures herein are no longer necessary.

SECTION 16. - Termination and Deletion/Destruction of the Information and Data. - After the applicability of this Ordinance, the Naga City Contact Tracing Application shall be removed from smartphones and App stores and all information and data collected, processed and stored for purposes of contact tracing in Naga City shall be deleted from the server and the forms used for manual logbooking must also be destroyed.

For this purpose, the Contact Tracing System Audit Team herein created shall be personally present during the termination and destruction process to witness the same and to certify to its completion.

SECTION 17. - Massive Information Campaign. - The City Events, Protocol and Public Information Office is hereby mandated to conduct massive information campaign regarding the contents of this ordinance.

SECTION 18. - Separability Clause. - Should any provision in this ordinance be declared unconstitutional by any competent court, the remaining parts that are not affected shall remain valid and enforceable.

SECTION 19. - Repealing Clause. - Any ordinance, rules and regulations and executive issuances found inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 20. - Effectivity. - This ordinance shall take effect upon its approval and publication in a newspaper of local circulation.

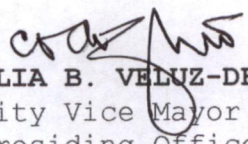
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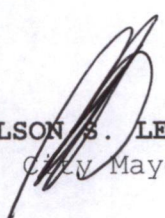
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.


CECILIA B. VELUZ-DE ASIS
City Vice Mayor &
Presiding Officer


GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

APPROVED:


NELSON S. LEGACION
City Mayor 