



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-397

60th Regular Session

ORDINANCE NO. SP- **3019**, S-2021

AN ORDINANCE MANDATING THE USE OF THE KYUSIPASS CONTACT TRACING METHOD THROUGH SAFE PASS FOR ALL RESIDENTS AND NON-RESIDENTS, AND ESTABLISHMENTS WITHIN THE CITY, WHETHER PUBLIC OR PRIVATE AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors FRANZ S. PUMAREN and RAM V. MEDALLA.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Eden Delilah "Candy" A. Medina, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

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;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, declaring the Philippines under a state of Public Health Emergency; mobilizing a whole-of-government response against the COVID-19 pandemic;

WHEREAS, essential to breaking the chains of transmission of COVID-19 is contact tracing, the process of identifying, assessing, and managing people who have been exposed to the virus;

WHEREAS, the Department of the Interior and Local Government (DILG) issued Memorandum Circular No. 2020-077 directing all Local Government Units to fully establish and activate their respective task force against COVID-19 including its contact tracing teams;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF), in its Resolution No. 42 Series of 2020, adopts SafePass for COVID-19 Prevention and Incident Management platform for all business establishments which aims to complement the previously adopted StaySafe.ph;

WHEREAS, the Department of Trade and Industry enjoins business establishments to cooperate in the contact tracing efforts of the Department of Health (DOH) and the Local Epidemiology and Surveillance Unit/local health authority;

WHEREAS, KyusiPass aims to strengthen the city's contract tracing solution in order to prevent the further transmission of COVID-19 virus.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. - This Ordinance shall be known as the "KyusiPass Ordinance".

SECTION 2. DEFINITION OF TERMS. - Whenever used in the Ordinance, the following terms shall be defined as:

- a. KyusiPass - Quezon City Government's QR Code based contact tracing method powered by SafePass and integrated with the Quezon City Contract Tracing and Incident Management System.
- b. SafePass - an all-digital incident mitigation and management, health declaration, and capacity management solution to help ensure public health.

9

5

10

6

- c. QR (Quick Response) Code - machine-readable code consisting of an array of black and white squares, used for storing information. This can be scanned using a QR scanner or a smartphone with built-in camera.
- d. Quezon City Digital Contact Tracing and Incident Management System - a system which serves as the repository of information integrated with the KyusiPass. This system processes COVID-19 incidents, identifying linkages and sends exposure notification to relevant registered individuals.
- e. Individuals - these are eighteen (18) years old and above individuals who are residing, working, doing business, visiting, travelling, or passing through Quezon City.
- f. Government establishment - a building or enclosed place which is owned, leased, or controlled by the National or Local Government.
- g. Private establishment - a building or enclosed place which is owned, leased, or controlled by non-governmental entity for a non-governmental purpose, which includes but not limited to, commercial, industrial, indoor establishment, hospitals, places of worship, hotels, motels and inns, supermarkets and markets.
- h. Scanner - a device with a functional camera, supports internet access, and has the ability to run an application for scanning KyusiPass QR Codes.
- i. Data Subject - an individual whose personal information is processed.
- j. Consent of the Data Subject - 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.

9

16

5

6






SECTION 3. COVERAGE. - This Ordinance shall apply to the following:

- a. *Covered Establishments: All private and government establishments, such as but not limited to, commercial buildings and their tenants, malls and their tenants or stores, groceries, supermarkets, and markets, financial institutions, hospitals and clinics, educational institutions, factories, restaurants, motels, inns or hotels, and religious entities conducting religious gatherings.*

For purposes of this Ordinance, establishments shall include bazaars, weekend markets, outdoor fairs, and similar activities, even if done in places that are not primarily designated as events places.

- b. *Covered Individuals: All customers, visitors, and employees of the abovementioned covered establishments, eighteen (18) years old and above, whether resident or non-resident of Quezon City.*

SECTION 4. REGISTRATION. -

- a. *All covered establishments are required to register with the Quezon City Government to access their unique KyusiPass QR code and SafePass scanner application system.*
- b. *Registration to KyusiPass via SafePass is free of charge. Upgrading to a higher plan is NOT mandatory.*
- c. *Establishments with existing QR Code tracing solutions must be interoperable with SafePass.*
- d. *All individuals covered by this Ordinance are required to register with KyusiPass via SafePass for their unique QR Code.*
- e. *All Quezon City Barangay Governments are enjoined to assist their constituents in registering with KyusiPass via SafePass through, but not limited to the following measures:*
- i) *Setting an area with computer and internet connection for registration;*
 - ii) *Assigning personnel to assist registrants; and*
 - iii) *Printing of QR code.*
- 
- 
- 
- 
- 

SECTION 5. MANDATORY USE OF KYUSIPASS. - All covered establishments are mandated to post their unique KyusiPass QR code and provide a QR Code scanner at the entrance of their establishment. All customers, visitors, and employees of the covered establishments must present their unique QR code in print or digital format to enter.

Establishments must still provide, as an option, contact tracing forms for all the people entering their vicinity, while encouraging them to register with KyusiPass. The filled-up forms must be transmitted to the Quezon City Government within three (3) days. Failure to provide contact tracing forms or transmit the same shall be considered a violation punishable under Section 7 of this Ordinance.

SECTION 6. PROHIBITED ACTS. - The following acts are hereby declared unlawful under this Ordinance:

a. For Covered Establishments:

- i) Providing false information;*
- ii) Non-registration to KyusiPass;*
- iii) Non-posting of unique KyusiPass QR Code;*
- iv) Allowing entry without the scanning of customers, visitors, and employees' KyusiPass QR code;*
- v) Failure to have their KyusiPass QR code scanned by customers, visitors, and employees entering their premises;*
- vi) Failure of leasing establishments, such as malls and other commercial buildings that maintain tenants, in ensuring that all their tenants and offices are compliant with the requirements of this Ordinance. The penalty of the entity operating said mall or commercial building shall not be a bar to the liability to be imposed against the erring establishment in said mall or commercial building; and*
- vii) Unauthorized access and processing of personal information of individuals through KyusiPass.*

9

5

1

9

6

b. For Covered Individuals:

- i) Providing false information;*
- ii) Allowing other individuals to use his or her KyusiPass QR code;*
- iii) Using other individual's KyusiPass QR code;*
- iv) Possessing more than one (1) QR code for unlawful purposes; and*
- v) Refusal to have his or her KyusiPass QR code scanned for entry to an establishment.*

SECTION 7. PENALTY. - Any establishment or juridical person found violating Section 6 (a) of this Ordinance shall be charged with the penalty of:

First Offense: Three Thousand Pesos (Php3,000.00) and suspension of franchise or business permit until violation has been rectified.

Second Offense: Five Thousand Pesos (Php5,000.00) and suspension of franchise or business permit with issuance of temporary Closure Order.

Third Offense: Five Thousand Pesos (Php5,000.00) and revocation/cancellation of business establishment with issuance of Closure Order.

Any person found violating Section 6 (b) of this Ordinance shall be charged with the penalty of:

First Offense: One Thousand Pesos (Php1,000.00).

Second Offense: Three Thousand Pesos (Php3,000.00).

Third Offense: Five Thousand Pesos (Php5,000.00) and/or imprisonment of not more than thirty (30) days subject to the discretion of the court.

SECTION 8. NON-DISCLOSURE. - *The Local Government of Quezon City 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 the Data Privacy Act of 2012.*

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

SECTION 9. IMPLEMENTING AUTHORITY. - *The Business Permits and Licensing Department (BPLD) shall be the primary office responsible for the effective implementation of this Ordinance. BPLD shall be assisted by the Barangay and Community Relations Department (BCRD), Quezon City Health Department, Department of Public Order and Safety (DPOS), Quezon City Information Technology Development Department and with the assistance of the Quezon City Philippine National Police.*

SECTION 10. IMPLEMENTING RULES AND REGULATIONS. - *Within thirty (30) days after the effectivity of this Ordinance, the implementing departments and offices shall cause the issuance of the Implementing Rules and Regulations (IRR) as are necessary for the effective implementation of this Ordinance.*

SECTION 11. TRANSITION PERIOD. - *To give ample time for establishments to prepare their QR Code scanner system, the full implementation of this Ordinance shall take effect six (6) months from effectivity. During this transition period, all provisions on liability pertaining to the QR Code scanner shall be suspended until the expiration of the period thereof. All other provisions in this Ordinance that are not related to the QR Code scanner, such as the posting of the KyusiPass QR Code and the registration of covered individuals to SafePass shall remain effective during this period.*

Establishments must still provide, as an option, contact tracing forms for all the people entering their vicinity, while encouraging them to register with KyusiPass. The filled-up forms must be transmitted to the Quezon City Government within three (3) days. Failure to provide contact tracing forms or transmit the same shall be considered a violation punishable under Section 7 of this Ordinance.

9

K

5

7


SECTION 12. 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 13. REPEALING CLAUSE. - All other existing Ordinances and Resolutions contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.


SECTION 14. INCORPORATION CLAUSE. - Any similar and relevant future issuance either from the national, regional or local IATF or agency shall automatically form part of this Ordinance.

SECTION 15. EFFECTIVITY CLAUSE. - This Ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation in the city.

ENACTED: March 22, 2021.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: APR 15 2021


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 22, 2021 and was PASSED on Third/Final Reading under Suspended Rules on the same date.


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

9

