

OFFICE OF THE CHANCELLOR

25 March 2019

MEMORANDUM NO. MLT 19-113

TO: All Deans, Directors, Heads of Units, Staff, Faculty and
Information Officers / Data Privacy Compliance Focal Persons

SUBJECT: **Clarifications on Privacy and Confidentiality Notice, Non-
Disclosure Agreement, and CCTV Notice**

To shed light on questions regarding the (I) Privacy and Confidentiality Notice; (II) Non-Disclosure Agreement; and (III) CCTV Notice, below are clarifications on the Office of the Chancellor Memoranda on these matters.

I. CLARIFICATIONS ON THE PRIVACY AND CONFIDENTIALITY NOTICE

The suggested **UP Diliman Privacy and Confidentiality Notice** ("Notice") under the UPD Message and Communication Policy and promulgated by the Office of the Chancellor Memorandum No. MLT-18-135 reads:

Privacy and Confidentiality

This message, its thread, and any attachments are private and confidential. Except for the legitimate purpose of this message, no part of this message or identity of a person may be disclosed, reproduced or exhibited in any form or manner without the consent of the sender. In case of wrongful receipt of or unauthorized access to this message, please immediately inform the sender and permanently delete all wrongfully received copies. Your access to this message subjects you to the UP Diliman Message and Communication Policy and relevant data privacy regulations.

Below are clarifications on the Notice:

(i) A Notice is only required for a limited set of instances

OC Memorandum No. MLT-18-135 and the UP Diliman Message and Communication Policy state that the Notice is required only when **all** of the following requisites are present:

- The message is an "official" UP message
- The message contains "confidential, privileged or personal information"

- The message is from the "University of the Philippines System, including the University of the Philippines Diliman" and sent to a non-UP external party

If one of the above requisites is absent, then a Notice is not required.

(ii) There is no mandatory wording for the Notice

If a Notice is needed, a sender may draft his/her words for a Notice:

- OC Memorandum MLT18-135 refers to a "suggested footer"
- The UPD Message and Communications Policy states "suggested notice"
- Both of the above state that "This suggested notice may be revised or added to in accordance with the **context** of each correspondence."

(iii) Notices are only for non-UP external parties

A Notice is only required for official messages from a UP unit to a non-UP external party (e.g. from UP Diliman HRDO to the Department of Labor and Employment).

UP is a single juridical entity. This means that all emails within UP are all internal to UP. There is no disclosure to third parties to speak of when a message is from one UP unit/office to another. Only official messages to external parties must have a Notice.

The UPD Message and Communication Policy states that its Scope are messages "related to the University of the Philippines System, including the University of the Philippines Diliman, and their respective units". This does not include internal or personal messages from one UP faculty/staff to another.

II. CLARIFICATIONS ON THE NON-DISCLOSURE AGREEMENT

OC Memorandum No. MLT 18-190 requires faculty and staff to sign a Non-Disclosure Agreement (NDA). It is kindly noted that **there is no mandated format or version of the NDA**. Hence, UP Diliman units and offices may draft and word their own NDAs as they may deem proper.

NDAs may range from a straightforward mandate to follow existing data privacy laws and regulations to a document tailor-fit to the specific needs of a unit or office. The UP Diliman Data Protection Team is open to assist and provide guidance on these matters. Please note that the UP Diliman Data Protection Team's opinions are not necessarily binding because the requirement of signing an NDA was neither an initiative nor a project of the UP Diliman Data Protection Team.

The Team may be reached by sending an email to dpo@updiliman.edu.ph or calling 981-8500 local 2621.

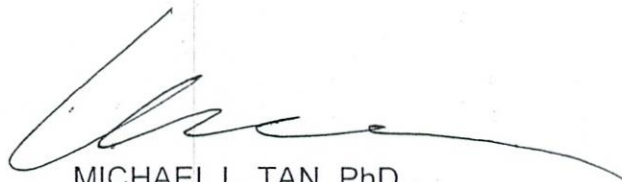
III. CCTV NOTICE

OC Memorandum No. MLT 18-136 provides a *suggested* CCTV Notice. A concise version of a *suggested* Notice which does away with the second paragraph is as follows:

CCTV Privacy Notice

For security purposes, this building and its surrounding premises are monitored by Closed Circuit Television (CCTV) cameras which capture, record for thirty (30) days, and share to relevant units footages which determine your identity, actions, and whereabouts. Your footage may be recorded for a longer duration and processed in other means if it involved in or of use to a security matter.

Please disseminate to all concerned.



MICHAEL L. TAN, PhD
Chancellor