

University of the Philippines Diliman
DATA PROTECTION TEAM

19 March 2018

MEMORANDUM

Reference No. DPT 18-05

FOR : [Redacted]
[Redacted]

SUBJECT : Data privacy issues in requested research on understating the role of technology in physical habit formation

Facts

[Redacted], introducing herself as [Redacted] of the [Redacted] and [Redacted] of the University, is requesting the [Redacted], thru the [Redacted], for permission to gather data from students or staff of the University by (1) using a mobile application to collect unspecified data; and (2) asking survey questions on attitudes toward physical activities. The information gathered will be used in her research in her thesis in the University of Wisconsin on understating the role of technology in physical habit formation.

Inquiry

Does the request have data privacy issues?

Opinion

Yes, the request has data privacy issues. The informed consent of the respondents should be obtained. The following are suggested:

- (1) The researcher be requested to provide the specific information to be collected from data subjects;
- (2) It should be made clear to respondents that this is not a research of the University; and
- (3) The researcher be requested to sign a Non-Disclosure Undertaking.

Discussion

The information on physical activities sought to be collected are **health information** which are considered as **sensitive personal information** under the Data Privacy Act of 2012.

As such, the informed consent of the respondents should be obtained **prior** to data gathering, processing, and analysis. For the consent to be informed, it should be made known to the respondent “whether personal data pertaining to him or her shall be, are being, or have been processed, including the existence of automated decision-making and profiling.”

To avoid liability on the part of the University, the researcher should make it clear to respondents that the research and its data gathering are not activities of the University but rather of University of Wisconsin – Madison.

To establish the limitations of the researcher’s use of data as well as the rights of the respondents and the University against the researcher, it is suggested that the researcher be required to execute a Non-Disclosure Undertaking.

It is hoped that this Memorandum addressed your inquiry. Feel free to reach out for questions or clarifications.

Yours,

Elson B. Manahan
Data Protection Officer
University of the Philippines Diliman

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