

University of the Philippines Diliman
DATA PROTECTION TEAM

MEMORANDUM

Reference No. DPT 18-11

FOR : **[Redacted]**
[Redacted]
SUBJECT : **Vehicle Sticker Acknowledgment Statement**
DATE : 14 May 2018

Dear [Redacted]:

We provide an advisory opinion on your inquiry on whether data privacy rules are complied with by providing vehicle sticker applicants a flyer of the University's Road Rules, giving them sufficient time to read such, and having them sign an acknowledgment statement.

There is no violation of the data privacy laws and regulations in your concern.

However, your application forms need to comply with data privacy requirements as they collect *personal information* from applicants.¹ We kindly take this opportunity to suggest the following:

(1) Transparency

The law requires that there should be transparency in the purpose and use of the collection of information.² It is suggested that your application form contain a brief introductory statement why you need to collect the information you are requiring in your application forms.

(2) Proportionality

It is prohibited to collect information excessive to what is necessary to your purpose of evaluating and recording applicants. Some information may not be necessary to evaluate whether an applicant should be granted a vehicle sticker. Marital status, Tax Identification Number, and similar information are commonly collected by institutions but these are usually not necessary to make a determination regarding applicants. We kindly suggest that your good office remove items in your application forms which are not necessary to evaluate whether a vehicle sticker should be granted to an applicant.

¹ Data Privacy Act of 2012, Section 3(i).

² Implementing Rules and Regulations of the Data Privacy Act of 2012, Section 18(a).

(3) Consent

Collecting, recording, and using personal information and sensitive personal information require the consent of the individuals whose information are collected.³

Personal information are those which can singly or cumulatively ascertain the identity of an individual. Sensitive personal information is a subset of personal information specifically enumerated under the law. This type of information is provided a higher degree of protection of its potential to damage or discriminate against an individual.⁴

It is suggested that the application form have a section wherein the applicant grants consent to the processing of his or her personal information. This consent must be:

- (1) Informed;⁵
- (2) Obtained prior to the processing of personal information;⁶
- (3) Specific to the purpose which must be declared, specified, and legitimate;⁷
- (4) Time-bound;⁸
- (5) Evidenced by written, electronic or recorded means.⁹

Under the Data Privacy Act, individuals whose information are processed should be informed of their rights. It is suggested that your good office have a notice informing applicants of their following rights:

“DATA PRIVACY ACT OF 2012

Rights of the Data Subject. – The data subject is entitled to:

(a) Be informed whether personal information pertaining to him or her shall be, are being or have been processed;

(b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity:

- (1) Description of the personal information to be entered into the system;
- (2) Purposes for which they are being or are to be processed;
- (3) Scope and method of the personal information processing;
- (4) The recipients or classes of recipients to whom they are or may be disclosed;

³ Data Privacy Act of 2012, Section 12.

⁴ *Idem*, Section 3.

⁵ *Supra* 2, Section 3 (c).

⁶ *Idem*, Section 19(a)(1).

⁷ *Id.*, Section 19(a).

⁸ *Supra* 7.

⁹ *Supra* 5.

- (5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;
- (6) The identity and contact details of the personal information controller or its representative;
- (7) The period for which the information will be stored; and
- (8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the [National Privacy] Commission.”¹⁰

It is suggested that the acknowledgment statement your good office will require applicants to sign also include a declaration that the applicant has been informed of his or her data subject rights.

We thank you in our mutual efforts to uphold data privacy rights while serving the needs of our University’s people.

Yours,

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

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¹⁰ Data Privacy Act of 2012, Section 16.