

University of the Philippines Diliman
DATA PROTECTION TEAM

MEMORANDUM

Reference No. DPT 18-16

FOR : **[Redacted]**
[Redacted]

SUBJECT : **Request for Clearance to Release Data**

DATE : 20 August 2018

Dear [Redacted]:

We respond to your letter dated 10 August 2018 requesting for clearance to release data to the UPD [Redacted].

FACTS

- On 06 August 2018, the UPD [Redacted], through its Director [Redacted], requested the UP [Redacted] for names of awardees, contact details, exact location of houses and other related materials on pioneer houses of UP Diliman. The purpose of the requested information is to “conceptualize different components of the month-long celebration” of the UP Diliman Arts Month to be held in February 2019 with the theme *Lupang Hiniraing: Routes in Place-making* to commemorate the University’s move to the Diliman campus.
- On 10 August 2018, the [Redacted] transmitted a letter of request to the UP Diliman Data Protection Team for clearance to provide the information requested by [Redacted].

ADVISORY OPINION

While the motives of [Redacted] are commendable, the names, addresses and other identifying information of pioneer house awardees are personal information which may not be used without their consent. Before [Redacted] allow [Redacted] to use the personal information of house awardees, either [Redacted] and/or [Redacted] should first inform the awardees of the specific purposes for using their information and then obtain their consent for such use.

If obtaining the consent of pioneer house awardees proves to be a challenge, there are alternatives such as (1) using aggregated data such as statistics; and (2) reaching out to a limited number of pioneer house awardees for their consent.

DISCUSSION

The plan to commemorate the move to the Diliman campus is an admirable endeavor. [Redacted] motives for the requested information are commendable as it honors and preserves our University's rich history.

Information regulated by the data privacy act

The Data Privacy Act of 2012 regulates processing of *personal information*. The inverse of this is that the Data Privacy Act does not prohibit [Redacted] from providing non-personal information to [Redacted].

Personal information are those information which can singly or collectively be used to reasonably ascertain the identity of an individual. These include the names, addresses and other identifying information of individuals. Non-personal information are those which do not identify individuals such as location plans, anonymized data and aggregated data.

Hence, if [Redacted] indicates that the "other related materials" it requests include floor plans and location plans, these may be provided by [Redacted] because these are not personal information regulated by the Data Privacy Act.

Requisite for [Redacted] to use personal information

[Redacted] and [Redacted] are both under UP Diliman which is the juridical entity. The requirements of the National Privacy Commission regarding the *sharing* of personal information involving government agencies does not apply. The reason for this is that there is no "sharing" because information does not go out of UP Diliman.

However, the requirements for *processing* of personal information must be complied with before [Redacted] can *use* the personal information of pioneer house awardees.

Personal information of house awardees may only be used by [Redacted] if the awardees grant their *consent*. House awardees have the right to **keep private** their addresses and periods of occupancy because these information form part of their personal identities and their personal lives.

It is understandable that obtaining the consent of pioneer house awardees is no small feat. However, this does not diminish UP Diliman's obligation to respect the privacy of awardees by not using their personal information without their consent.

Practical alternatives to using personal information of awardees are (1) requesting aggregated data from the [Redacted] such as statistics; and (2) identifying a limited number of pioneer awardees to approach for their consent.

The purpose of using the information must be specific

In case [Redacted] and/or [Redacted] decides to reach out to house awardees to obtain their consent, the house awardees must be informed of the *specific* purposes for the prospective *use* of their personal information.

Under the Data Privacy Act, personal information may only be processed for a *specified* purpose. Understandably, [Redacted] preparations for the Diliman Arts Month in February 2019 are still in its preliminary stages to be specific enough to indicate the precise purposes of the use of the requested information. Currently, [Redacted] purpose in requesting for the information is to “conceptualize the different components of the month-long celebration”. This purpose is too broad and general; it is not specific enough for the house awardees to know what precise uses of their information they are consenting to.¹

The “other related materials” requested by [Redacted] must also be identified so that a specific purpose of use can be attributed to each particular item requested.

Conclusion

While [Redacted] plan is an admirable endeavor, information which can be singly or collectively used to reasonably ascertain the identities of pioneer house awardees are *personal information* and hence should be kept private. [Redacted] may not use personal information without the awardees’ consent to the specified purpose of the use of their information.

If obtaining the consent of pioneer house awardees proves to be a challenge, [Redacted] may resort to alternatives such as (1) using aggregated data such as statistics; and (2) reaching out to a limited number of pioneer house awardees for their consent.

We hope that we have addressed your concern. Please feel free to reach out for questions or clarifications.

Yours truly,

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

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