



23 January 2019

ADVISORY OPINION UPDATE

Reference No. DPO 19-01A

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

CC : **[Redacted]**
[Redacted]

SUBJECT : **Standard Reply to Organizations Requesting for a list of graduating students or alumni**

Dear [Redacted]:

We provide an **update** to the attached Advisory Opinion No. 19-01 to expound on its second paragraph which states:

“You are correct that we cannot provide educational information as this is sensitive personal information. We kindly note that **unless we obtain the consent of our graduating students and alumni**, we cannot send them job opportunities because this amounts to using their email address for purposes beyond the *mandate* of our University.”

We kindly note that **we may** send our graduating students and alumni job opportunities **if we obtain their consent**. If we can find a method of reaching out to students and record their consent without **unduly** consuming the time and resources of our staff, then we may refer job opportunities to them. An option is to send emails and keep a record of those who granted their consent. Another option is to include this consent in one of the forms graduating students accomplish.

If your good office decides to facilitate forwarding job opportunities to our graduating students and alumni, then the we may append the following additional statement in our suggested standard reply:

“Dear _____:

We appreciate your interest in the quality of our students and alumni. However, we cannot grant your requested educational information as it is classified as **sensitive personal information** under the Data Privacy Act of 2012 which is prohibited to be disclosed save for certain exceptions. Also, as a government institution, we can only process sensitive personal information for noncommercial objectives.

To facilitate your objective, we can forward your message to our consenting graduating students or alumni so that those interested may reach out to you.”

Please do not hesitate to reach out for further questions or concerns.

Yours,

Elson Manahan
Data Protection Officer
University of the Philippines Diliman

22 January 2019

ADVISORY OPINION

Reference No. DPO 19-01

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

CC : **[Redacted]**
[Redacted]

SUBJECT : **Standard Reply to Organizations Requesting for a list of graduating students or alumni**

Dear [Redacted]:

We received your 22 January 2019 email requesting for a review of your draft standard reply to organizations requesting for a list of our University's graduating students or alumni.

You are correct that we cannot provide educational information as this is sensitive personal information. We kindly note that unless we obtain the consent of our graduating students and alumni, we cannot send them job opportunities because this amounts to using their email address for purposes beyond the *mandate* of our University.

The relevant rule is Section 22(d) of the Implementing Rules and Regulations of the Data Privacy Act of 2012 which states:

"The processing of sensitive personal and privileged information is prohibited, except in any of the following cases:

x x x

(d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations provided that:

1. Processing is confined and related to the *bona fide* members of these organizations or their associations;
2. The sensitive personal information are not transferred to third parties; and
3. Consent of the data subject was obtained prior to processing;"

Hence, the general rule is that we cannot disclose sensitive personal information such as educational information. In case we decide to process sensitive personal information in accordance with Section 22(d) above, we still have to comply with the three (3) enumerated requisites.

In NPC Advisory Opinion No. 2018-007, the National Privacy Commission did not allow the Public Attorney's Office (PAO) to request for a list of students vaccinated with Dengvaxia

because PAO is already acting beyond its *mandate*. Similarly, it is beyond our University's mandate to refer potential employers or headhunters to our graduating students and alumni.

Also, referring potential employers to students may unduly consume the time and resources of our government-employed staff for the benefit of private interests.

We suggest the following standard reply:

“Dear _____:

We appreciate your interest in the quality of our students and alumni. However, we cannot grant your requested educational information as it is classified as **sensitive personal information** under the Data Privacy Act of 2012 which is prohibited to be disclosed save for certain exceptions. Also, as a government institution, we can only process sensitive personal information for noncommercial objectives.”

Please feel free to reach out for further questions or concerns.

Yours,

Elson Manahan
Data Protection Officer
University of the Philippines Diliman