



16 February 2019

**ADVISORY OPINION**

Reference No. DPO 19-06

FOR : [Redacted]  
[Redacted]

SUBJECT : **Requests for Information of Graduating Students**

Dear [Redacted]:

We respond to your request for advice and guidance on the information requested by some UP and non-UP units for student information such as a list of candidates for graduation.

**OPINION**

**Educational information, which includes the information that a student is graduating, may not be disclosed for job placement purposes** because they are classified by the Data Privacy Act as *sensitive* personal information. Job placement is not among the limited set of exceptions which allows the processing of sensitive personal information.

However, we recognize that some students may wish to be matched to employment opportunities and not providing alternatives would be a disservice to our student body. The following are suggested alternatives:

- (1) Include a checkbox in one of the forms accomplished by our graduating students granting them the **option to consent** to the disclosure of their information to job opportunities; and/or
- (2) The College can email students sign up pages of employers and career assistance organizations and the students can be the ones to **apply directly** without the College as intermediary; and/or
- (3) The College can **host an online hub** where employers and careers assistance organizations post their job opportunities and where graduating

students can submit the information they are comfortable to submit to employers they wish to apply to.

## **Discussion**

You are correct in your good evaluation that “the sharing of student information to an outside entity (organisers of job fair) is not allowed under the Data Privacy Law unless there is consent from the graduating students that their names will be shared to a third-party entity for profiling and possible to share with potential employers.”

### ***Processing information for job placement is beyond the mandate of the University***

Unless the College obtains the consent of students or unless the students are the ones to reach out to the employers or career assistance organizations, the College cannot disclose any of their information to UP and non-UP units because this amounts to processing their information for purposes beyond the mandate of our University.<sup>1</sup>

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.

### ***Educational information may not be processed for commercial objectives***

Educational information, which includes information that a person is a graduating student, are classified by the Data Privacy Act as *sensitive* personal information.<sup>2</sup> The general rule is that the processing of sensitive personal information is prohibited save for the six (6) exceptions allowed by the law.<sup>3</sup> Of these exceptions, 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;

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<sup>1</sup> The mandates of the University of the Philippines are enacted in Act No. 1870 and Republic Act No. 9500.

<sup>2</sup> Data Privacy Act of 2012, Section 3(I).

<sup>3</sup> *Idem*, Section 13.

2. The sensitive personal information are not transferred to third parties; and
3. Consent of the data subject was obtained prior to processing;”

In the case at hand, the three requisites above are not complied with: (1) employers are not “*bona fide* members” of the University; (2) educational information will be transferred to “third parties” (i.e. companies); and (3) the consent of students were not obtained.

More importantly, the processing must be “necessary” (not just convenient) for “noncommercial objectives”. Unfortunately, the objectives of job fairs are commercial.

Hence, the College cannot disclose educational information to potential employers and career assistance organizations – whether part of or affiliated with the University or not.

### **Suggested course of action**

We recognize that some students may wish to be matched to employment opportunities and not providing alternatives would be a disservice to our student body. The following are suggested alternatives:

- (1) Include a checkbox in one of the forms accomplished by our graduating students granting them the **option to consent** to the disclosure of their information to job opportunities; and/or
- (2) The College can email students sign up pages of employers and career assistance organizations and the students can be the ones to **apply directly** without the College as intermediary; and/or
- (3) The College can **host an online hub** where employers and careers assistance organizations post their job opportunities and where graduating students can submit the information they are comfortable to submit to employers they wish to apply to.

Please do not hesitate to reach out for clarifications or further inquiries.

Yours,

Elson Manahan  
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University of the Philippines Diliman