



23 March 2019

ADVISORY OPINION

Reference No. DPO 19-10

FOR : ██████████

SUBJECT : **Request for list of concessionaires, food stalls and kiosks**

Dear ██████████:

We received your request for confirmation of your opinion that a list of concessionaires, food stalls and kiosks may be provided to ██████████ as the name of these enterprises are neither personal information nor sensitive personal information nor privileged information.

Advisory Opinion

We agree with your good evaluation that the requested list of concessionaires, et al., are neither sensitive personal information nor privileged information. With respect to being classified as personal information, we respectfully suggest a minor qualification: if the enterprise is a sole proprietorship or registered with the University under the name of one individual, then the name of the enterprise is personal information.

In a sole proprietorship, the business name is merely a name or branding for the personal business of an entrepreneur. The sole proprietorship business has no separate and distinct juridical personality like those in partnerships and corporations. In its transactions and dealings with a sole proprietorship, UP Diliman is dealing with the *proprietor*, not the *business name*.

A sole proprietorship has no separate personality from its proprietor. Hence, the proper signatory in documents is the proprietor in his/her own capacity. Jurisprudence provides:

“A sole proprietorship does not possess a juridical personality separate and distinct from the personality of the owner of the enterprise. The law merely recognizes the existence of a sole proprietorship as a form of business organization conducted for profit by a single individual and requires its proprietor or owner to secure licenses and permits, register its business name, and pay taxes to the national government.”

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The law does not vest a separate legal personality on the sole proprietorship or empower it to file or defend an action in court.”¹

Since there is no “separate legal personality” between the enterprise and its sole proprietor or sole registrant, **the name of an enterprise solely owned or registered by an individual is unique and directs to a specific individual**. As the identity of an individual “can be reasonably and directly ascertained”² through the name of his/her sole enterprise, the name of the sole enterprise is personal information and hence cannot be disclosed without the consent of the sole proprietor or sole registrant.

Please feel free to reach out for additional concerns.

Yours,

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

¹ *Big AA Manufacturer V. Eutiquio Antonio, et al.*, G.R. No. 160854, March 3, 2006.

² Data Privacy Act of 2012, Section 3(g).