



04 April 2019

ADVISORY OPINION

Reference No. DPO 19-16

FOR : [REDACTED]

SUBJECT : **Announcement of Faculty Updates in
University Council Meetings**

Dear [REDACTED]:

We address your concern on whether there are data privacy issues in announcing faculty movements during University Council meetings.

Facts

In University Council meetings, the following information on faculty are announced:

1. Faculty members who have passed away;
2. Faculty members who are retiring;
3. Faculty members who just received tenure;
4. Faculty members just appointed to administrative positions;
5. Faculty members who just got married, or who just had a baby.

A faculty member claimed that announcing the above information violates data privacy laws.

Issue

Are the data privacy rights of concerned faculty violated with the announcements made in University Council meetings?

Advisory Opinion

No. Certain information about government employees are exempt from the prohibitions of the Data Privacy Act. Also, UP Diliman has a legitimate interest to update the University Council on the status of its own members.

Discussion

Certain information about government employees are exempt from the prohibitions of the Data Privacy Act

Certain information about government employees are not covered by the prohibitions of the Data Privacy Act which states:

“SEC. 4. Scope. – x x x

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

- (1) The **fact that the individual is or was an officer or employee of the government** institution;
- (2) The title, business address and office telephone number of the individual;
- (3) The classification, salary range and responsibilities of the **position held** by the individual; and
- (4) The name of the individual on a document prepared by the individual in the course of employment with the government;”

The passing away and retirement of faculty are information that the concerned faculty are no longer or will no longer be government employees. These information affect the *“fact that the individual is or was an officer or employee of the government”*. Hence, these information may be disclosed.

The tenureship and administrative positions of faculty are information on the *“position held”* of the concerned faculty and hence are also exempt from data privacy regulations.

It should be noted however that the above information may only be disclosed to the “minimum extent necessary to achieve the specific purpose, function or activity”¹. The announcements in University Council meetings comply with this requirement because the mere names, dates of retirement, administrative positions, etc. of faculty are information which are the *“minimum extent necessary”* for the University Council’s announcements.

¹Implementing Rules and Regulations of the Data Privacy Act, Section 5, last paragraph.

UP Diliman has a legitimate interest to update the University Council on the status of its own members

Processing of personal information is allowed as long as it is in pursuance of a “legitimate interest”² of a personal information controller³ such as UP Diliman.

UP Diliman has a legitimate interest to inform members of the University Council on the composition of its membership. The members of the University Council have a right to know whether or not their co-members have passed away, received tenure, changed civil status, etc. Otherwise, we will allow unfounded fear of data privacy regulations to prevail over our University’s commitment to transparency and freedom of information.

Since it is the concerned faculty themselves who disclose that they recently had a child, then it may be disclosed. On a practical aspect, it is unlikely that a faculty member will bring an action against UP Diliman for the simple good-willed act of sending congratulations for being blessed with a child.

Please feel free to reach out for additional concerns.

Yours,

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

² Data Privacy Act of 2012, Section 12(f).

³ *Idem*, Section 3(h).