



06 June 2019

**ADVISORY OPINION**

Reference No. DPO 19-25

FOR : ██████████

SUBJECT : **Payo Hinggil sa Pagkuha ng mga Datos**

██████████:

Amin pong nauunawaan ang kahalagahan ng inyong research. Sa kabilang banda, amin ding pinupuri ang ██████████ sa kanilang masigasig na pagbabantay ng data privacy. Naka-CC sa sulatroniko na ito si ██████████ at si ██████████. Sila ay may hurisdiksiyon sa isyu na ating hinaharap.

Ang isang **research** ay hindi saklaw ng mga pagbabawal ng Data Privacy Act (*i.e. exempted from the scope of the Data Privacy Act*) kung ang lahat ng sumusunod ay umiiral:

1. The research purpose is intended for a public benefit;
2. The requirements of applicable laws, regulations, and ethical standards are complied with; and
3. Personal information is processed only to the minimum extent necessary to achieve the specific purpose of the research.

[Implementing Rules and Regulations of the Data Privacy Act of 2012, Sections 5-6].

Dagdag dito, pinahihintulutan ng Data Privacy Act ang pagproseso ng "information about any individual who is or was an officer or employee of a government institution". Ayon sa Data Privacy Act of 2012 Section 4:

Dagdag dito, pinahihintulutan ng Data Privacy Act ang pagproseso ng "information about any individual who is or was an officer or employee of a government institution". Ayon sa Data Privacy Act of 2012 Section 4:

"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;"

Ang inyong hinihiling ay ang mga sumusunod na impormasyon:

- 1) Pangalan
- 2) Tanggapan
- 3) Salary Grade
- 4) SRP/eSRP benefit

Maliban sa Expanded Service Recognition Pay (SRP/eSRP), ang lahat ng inyong hinihiling ay hayagang hindi sakop ng mga pagbabawal ng Data Privacy Act.

Ukol sa SPR/eSRP, mapapansin na ang pananalita ng batas ay "including". Ito ay nangangahulugan na ang mga nakasaad na exempted information ay hindi eksklusibo. May iba pang impormasyon ukol sa current or former government employees na maaaring i-disclose. Tulad ng "Salary Grade" kung saan *range* lamang ang maaaring isiwalat, maari lamang kayong manghingi ng *range* patungkol sa SRP/eSRP benefit. Ito ay sa kadahilanang hindi maaaring malamang ang saktong halaga ng natanggap na salapi ng isang empleyado - *range* lamang.

Samakatuwid, aming opinyon na maaaring ninyong hiligin sa [REDACTED] ang Pangalan, Tanggapan, Salary Grade at *range information* ukol sa SRP/eSRP benefit **kung inyong susundin ang lahat ng sumusunod:**

1. The research purpose is intended for a public benefit;
2. The requirements of applicable laws, regulations, and ethical standards are complied with; and
3. Personal information is processed only to the minimum extent necessary to achieve the specific purpose of the research.

Nawa ay natugunan namin ang inyong katanungan. Maaari ninyong lapitan ang kinaauukulang Privacy Focal Person kung kayo ay may nais linawin.

Sumasainyo,

**(Sgd.) Elson B. Manahan**  
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