



29 July 2019

ADVISORY OPINION

Reference No. DPO 19-34

FOR : ██████████

SUBJECT : **Release of Psychological Assessment**

Dear ██████████:

We address your inquiry whether UP Diliman can release the results of the psychological assessment of applicants as commissioned by other government institutions. Some exam takers are students of UP Diliman.

In situations wherein the UP Diliman ██████████ is requested by another government institution to conduct psychological assessments, ██████████ is merely acting for and in behalf of the government institution. ██████████ is acting as a representative of the commissioning government institution and not for UP Diliman. Hence, the fact that some exam takers are students of UP Diliman is immaterial because ██████████ is *not* acting for UP Diliman.

Since a government institution is outsourcing the psychological assessment to ██████████, then ██████████ can only act in accordance with the instructions of the government institution. ██████████ cannot make a decision by itself whether or not to release exam results. It is the outsourcing government institution which has authority to decide.

Under the Data Privacy Act of 2012, ██████████ is acting as a *Personal Information Processor*¹ merely acting for the government institution. It is the government institution which “controls” the processing of personal information as a *Personal Information Controller*.²

Hence, any decision and action regarding psychological assessments are within the exclusive control of the government institution – not ██████████.

¹ Republic Act No. 10175, Section 3(i).

² *Idem*, Section 3(h).

Regards,

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