



28 August 2019

**ADVISORY OPINION**

Reference No. DPO 19-38

FOR

:



SUBJECT

:

**Access to Files of Deceased Individuals**






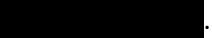

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Dear  :

We respond to your inquiry on whether we can allow Researchers to have access on a deceased individual who studied at UP Diliman.

**Facts**

As communicated in your email dated 14 August 2019, the facts are:

-  sent a letter dated 09 August 2019 to  requesting “to access the records” that  might have concerning the ;
- Particular information requested are: birth year, subjects taken, and grades;
- Purpose of the request is purely academic and will not be use for any other purpose or endeavor;
- As an attachment to the letter request above,  wrote a letter stating that he is the nephew of . Based on his letter, he was entrusted to handle her estate and giving authorization for  to process the request and be given with the same copy.

**Issue**

Can personal information of a deceased individual be disclosed for research purposes?

### Advisory Opinion

The lawful heirs and assigns of the deceased individual may invoke the rights of the data subject to which he or she is an heir or an assignee, at any time after the death of the data subject or when the data subject is incapacitated or incapable of exercising the rights of data subjects.<sup>1</sup>

Although processing of personal information for research purposes is exempt from the prohibitions of the Data Privacy Act,<sup>2</sup> the information that can be processed is only the minimum extent necessary to achieve the specific purpose of the research.<sup>3</sup>

Hence, the purpose of the research must first be determined and specified.

It is suggested that the [REDACTED] request the researcher to specify in writing the specific purpose of the research and the specific use of the information requested. Thereafter, [REDACTED] must determine if the requested information is necessary for the purposes provided by the researcher.

Grades are classified as sensitive personal information.<sup>4</sup> It must not be processed unless there is consent of the heirs of the deceased.<sup>5</sup> There is a high probability that the specific grades of the deceased is excessive and disproportionate<sup>6</sup> to the purpose of the research. In this case, the specific grades of the deceased should not be disclosed.

Please feel free to reach out for additional concerns.

Yours,

[REDACTED]  
[REDACTED]

Noted by:

**(Sgd.) Elson B. Manahan**  
Data Protection Officer

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<sup>1</sup>Data Privacy Act of 2012, Section 17.

<sup>2</sup>*Idem*, Section 4(c).

<sup>3</sup>*Id.*, Section 4, *last paragraph*.

<sup>4</sup>*Id.*, Section 3(l).

<sup>5</sup>*Id.* Section 13 in relation to Section 17.

<sup>6</sup>Implementing Rules and Regulations of the Data Privacy Act Section 18(c).