



29 August 2019

ADVISORY OPINION

Reference No. DPO 19-39

FOR : ██████████

SUBJECT : **Review of Personal Data Sheet (PDS)**

Greetings!

We provide our privacy review of the PDS of ██████████.

Collection of personal information must be compatible with UP Diliman's declared purposes

Under the Data Privacy Act of 2012, personal information may be collected if it is “compatible” with the “declared, specified and legitimate purposes” of an institution.¹

In UP Diliman, our purposes for collecting and processing personal information is declared in the [UP Diliman Privacy Policy for Students, Parents and Guardians](https://upd.edu.ph/wp-content/uploads/2019/03/Privacy-Policy-for-Students-Parents-and-Guardians.pdf) found at <https://upd.edu.ph/wp-content/uploads/2019/03/Privacy-Policy-for-Students-Parents-and-Guardians.pdf>.

This policy declares that UP Diliman processes personal data of students, parents and guardian for the following purposes:

- (1) Academic purposes such as:
 - a. Processing of raw or final grades, including evaluation and use of grades to make and act on decisions about students;
 - b. Formulation, study of, and implementation of UP Diliman's policies, guidelines, procedures, processes, rules and regulations;
- (2) Extra-curricular purposes such as:
 - a. Regulation of student organizations and bodies;
 - b. Collaborations with public and private agencies and institutions;

¹ Data Privacy Act of 2012, Section 11(a).

- (3) Medical purposes such as:
 - a. Rendering of medical, dental, psychiatric and psychological aid, whether in emergency situations or otherwise;
 - b. Keeping of health records and medical histories to understand patient context and tendencies;
- (4) Student assistance purposes such as:
 - a. Provision of legal, scholarship, financial, athletic, dormitory assistance;
 - b. Provision of tutorial, mentorship or internship assistance;
- (5) Student disciplinary purposes such as:
 - a. Conducting investigations, hearing of cases or evaluating matters related to UP Diliman policies, guidelines and rules;
 - b. Implementation of laws or orders of government authorities;
- (6) Records and account purposes;
- (7) Security and community affairs purposes; and
- (8) Purposes necessary for UP Diliman to perform its obligations, exercise its rights, and conduct its associated functions as a higher education institution, an instrumentality of the government, and as a juridical entity with its own rights, interests and internal and external affairs.

It is suggested that prior to the collection of any information, ██████████ informs its students, parents and guardians of the UP Diliman Privacy Policy for Students, Parents and Guardians either by giving each parent/guardian a copy or posting a copies in conspicuous places in and around registration and enrollment areas of ██████████.

Only personal information not excessive for UP Diliman's purposes may be collected. ██████████ is in the best position to make this evaluation.

Any personal information collected by ██████████ through its Personal Data Sheet (PDS) must fall under any of the foregoing. Each item in the PDS must be "relevant, suitable, necessary, and not excessive"² to the above enumerated purposes of UP Diliman.

For each field of information collected by the PDS, it is the administrators and educators of ██████████ who are in the best position to evaluate if each specific item of information is "compatible"³ with any of the above eight (8) purposes. All items which are irrelevant, not suitable, unnecessary or excessive to these purposes must be removed from the Personal Data Sheet.

² Implementing Rules and Regulations of the Data Privacy Act of 2012, Section 18(c).

³ *Supra*, 1.

Possible excessively collected personal information

Unless ██████████ can provide a legitimate purpose for the collection of the following personal information, it is our opinion that the following information in the PDS may be excessive for UP Diliman’s purposes:

Information Collected	Reason for possible excessiveness to UP Diliman’s eight (8) purposes
Birthplace	Birthplace may not be necessary for ██████████ to verify the identity of students since birth certificates already verifies their identity.
Religion	Religion may not be relevant since ██████████ is non-sectarian and will not discriminate any student based on religion (unless religion is relevant in the manner of treating medical emergencies).
Provincial address	Provincial address may not be necessary in reaching out to parents/guardians (unless it is needed to track down parents/guardians with liabilities).
Family Background	Most information here may not be relevant because regardless of family background, ██████████ will still offer the same type of education to the student concerned.
Number of children in the family	This may not be relevant to educating the student (if for guidance and counselling purposes, then ██████████ can just collect this information when the proper time comes).
“Other significant info. about the child &/or the family which would help us understand him/her better”	This is too broad and hence excessive. It can be rephrased so that the collection of information does not seem mandatory and so that the purpose of the question is made specific. A suggested rephrasing is: <i>“What information or considerations about your child do you like to share with us for us to educate and provide for his/her needs better?”</i>

Please feel free to reach out for clarifications or additional concerns.

Yours,

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