



05 September 2019

**ADVISORY OPINION**

Reference No. DPO 19-40

FOR : ██████████  
██████████

SUBJECT : **Review of ██████████ Forms**

Dear ██████████:

Thank you for your sensitivity to privacy. Your initiative to keep your forms compliant with data privacy regulations is a welcome step to building a culture of privacy in UP Diliman. We address your concerns below.

**Aplikasyon para sa Permit sa Pagpapakumpuni ng Sariling Gawang Istruktura**

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

All items in the Aplikasyon should be compatible with ██████████’s purposes of evaluating the application and taking action against the applicant in case of a violation.

The following is the suggested revision to the Aplikasyon:

Section: Pupunan ng Aplikante

Field: Hanapbuhay

Suggestion: Remove item

Reason:

The occupation of the applicant is not a determining factor to approve or disapprove the application. In fact, deciding on an application based on the applicant’s occupation may be cause for others to claim discrimination.

Also, the occupation of the applicant should not affect whatever legal or administrative action UP Diliman may take against the applicant in case of any current or future violation.

<sup>1</sup> Data Privacy Act of 2012, Section 11(a).

## Socio-Economic Survey of ISFs Living in the University of the Philippines Diliman

Below are suggested revisions to the survey form:

Section: Pahintulot

Field: Layunin

Suggestion: It is suggested that a paragraph entitled “Layunin” be added.

Reason:

Fields in the survey form must be “relevant, suitable, necessary, and not excessive”<sup>2</sup> to the purpose of ██████████’s survey. Hence, the key is drafting a comprehensively phrased *purpose* of the survey that will provide justification for all the items of information collected.

Section: Pahintulot

Field: Last sentence

Suggestion:

Change the current statement:

*“Binibigyan ko ng pahintulot ang Unibersidad na gamitin ang aking mga inilalahad na impormasyon sa survey na ito sang-ayon sa anumang legal na layunin.”*

To the following new statement:

*“Binibigyan ko ng pahintulot ang Unibersidad na gamitin ang aking mga inilalahad na impormasyon sa survey na ito **upang gamitin sa lahat ng paraan na may kaugnayan sa layunin, pagsuri at kakalabasan ng survey na ito**”.*

Reason:

Consent must be “in relation to the declared, specified and legitimate purpose.”<sup>3</sup> Hence, instead of stating “anumang legal na layunin”, there should be a particularly *specified* purpose.

Section: B. Household Members’ Profile

Fields: HEA and Disability

Suggestion: Remove HEA and Disability

Reason:

HEA (Highest Educational Attainment) is educational information. Disability is health information. Educational information and health information are both classified as *sensitive*

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

<sup>3</sup> *Idem*, Section 19(a)(1).

personal information.<sup>4</sup> The general rule is that sensitive personal information save for limited exceptions provided by the Data Privacy Act.<sup>5</sup>

However, if there is absolute necessity to ask for HEA and Disability, then it is suggested that a footer in the Household Members' Profile page stating the justifications for collecting information on HEA and Disability.

Section: H. Gender

Field: Title

Suggestion: Change the title of the section from "Gender" to "Roles"

Reason:

Processing of information based on sex is considered as processing of personal information. This can be remedied by simply repackaging the section to be inquiring about the "Roles" of individuals instead of their "Gender".

### **Other Items**

In addition to the opinions herein, we suggest that the [REDACTED] also check the items in its forms to verify if they can be justified by [REDACTED]'s purposes for collecting information.<sup>6</sup> The [REDACTED] has the proper experience, expertise and perspective to evaluate the actual necessity of information collected by the forms. All items which are irrelevant, not suitable, unnecessary and excessive<sup>7</sup> for [REDACTED]'s purposes must be removed.

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

Yours,

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

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<sup>4</sup> Data Privacy Act of 2012, Section 3(l)(2).

<sup>5</sup> *Idem*, Section 13.

<sup>6</sup> *Supra*, 1.

<sup>7</sup> *Supra*, 2.