



01 October 2019

ADVISORY OPINION

Reference No. DPO 19-43

FOR : ██████████

SUBJECT : **Survey on adoption of** ██████████

Dear ██████████:

We provide our guidance on the survey form you intend to use in your research on the adoption of ██████████ in UP Diliman.

Privacy Guidelines in Research

Data gathering and processing for research purposes is exempted from the scope of the Data Privacy Act.¹ However, this exemption applies only as long as what is processed are the minimum extent of data necessary to achieve the purpose of the research.² The National Privacy Commission lays out the following guidelines for research to be beyond the scope of the Data Privacy Act:³

“First, research purpose is strictly interpreted to refer to processing intended for a public benefit. Maintaining a registry for research purpose falls within the special cases recognized by the DPA.

Second, the processing will be exempted only to the extent necessary. Personal information controllers (PICs) and personal information processors (PIPs) engaged in research which involves sensitive personal information are expected to comply with their obligations under the DPA on the implementation of organizational, technical, and physical security measures to ensure the protection of personal data against accidental or unlawful destruction, alteration, disclosure, or unlawful processing. PICs are also responsible for personal information under its control or custody, including those transferred or shared with third parties.

Third, the flexibility for research purposes will only apply in so far as it is consistent with ethical and legal standards. This means that there are instances when the consent requirements for research may be waived if such waiver is consistent with legal and

¹ Republic Act No. 10175, Section 4(d).

² Implementing Rules and Regulations of the Data Privacy Act of 2012, Section 5, *last paragraph*.

³ NPC Advisory Opinion No. 2018-54, 04 December 2018.

ethical principles. Likewise, the rights of data subjects may also be limited where such limitation is necessary to maintain research integrity.”

We suggest the following:

First, prior to asking any verbal or written research question to your subjects, you should obtain and record their consent. We commend that your survey form already has a section on consent before any questions are asked.

Second, your research paper as well as your survey forms should indicate (1) the legitimate purpose of your research; and (2) the intended public benefit of your research. At all times, you should ensure that your research activities are in line with your legitimate purpose and your intended public benefit.

Third, collect only personal data to the minimum extent necessary to fulfill the purpose of your research (i.e. your research objective). Thereafter, you must not retain personal data longer than necessary to achieve your research objective.⁴ However, you may retain data if it is aggregated.⁵

Fourth, please adhere to all applicable research standards and consider applicable ethical considerations. Please observe the [UP Diliman Privacy Policy for Researchers and Research Subjects](https://upd.edu.ph/wp-content/uploads/2019/03/Privacy-Policy-for-Researchers-and-Research-Subjects.pdf) at <https://upd.edu.ph/wp-content/uploads/2019/03/Privacy-Policy-for-Researchers-and-Research-Subjects.pdf>.

Fifth, please respect the rights of your research subjects as indicated in the UP Diliman Data Subject Rights and Responsibilities at <https://upd.edu.ph/rightsandresponsibilities/>

Survey Form

Upon review of your Survey Form, the personal information you are collecting are the sex and age. Although research is exempted from the data privacy prohibitions, the data subjects (i.e. people being recorded) still do not lose their data privacy rights. Among these is the “right to be informed”⁶ of the nature, purpose, and extent⁷ of processing of their personal information. We hence suggest that your survey form indicate an explanation informing your research subjects why you need their age and sex.

Please feel free to reach out for further concerns.

Yours,

⁴ Implementing Rules of the Data Privacy Act of 2012, Section 19(d).

⁵ *Idem*, Section 19(e).

⁶ *Id.*, Section 34(a).

⁷ *Id.*, Section 18(a).

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