



16 October 2019

ADVISORY OPINION

Reference No. DPO 19-46

FOR : ██████████
██████████

SUBJECT : **Privacy Review of Revised Process Flow for Reneging Fellows**

Dear ██████████ and ██████████:

We submit our comments on the privacy aspects of ██████████'s Revised Process Flow for Reneging Fellows.

Scope

It is kindly noted that data privacy is the protection of personal information of individuals¹ and hence this review is limited to the impact of the Revised Process Flow to the ensuring the proportionality of processing of personal information with the University's legitimate purposes.²

Only documents necessary for the receiving office to perform its function should be transmitted

The revised process flow streamlines the steps taken. This is a welcome improvement since minimizing the steps minimizes the transmission and use of personal information among UP Diliman academic units and administrative offices.

Although steps have been reduced, a good number of documents are still transmitted from one UP Diliman office to another. Documents that are not required to be evaluated by an office should no longer be transmitted to such office. Only personal information (and the

¹ Data Privacy Act of 2012, Section 11.

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

documents that embody them) that are “adequate, relevant, and limited to what is necessary”³ for the task of a UP Diliman unit or office may be transmitted or disclosed to it.

With its familiarity with the purpose of each of the steps in the Revised Process Flow, it is [REDACTED] which is in the best position to evaluate if the documents transmitted from one office to another are only those which are necessary for the receiving office to perform its functions. [REDACTED] must ensure that the documents transmitted are “not excessive”.⁴

Specific observations

We kindly provide our comments on specific items in the Revised Process Flow:

<u>Origin</u>	<u>REVISED PROCESS</u>	<u>UP Diliman DPO Comments</u>
1.) Unit	a) Forwards letter of resignation / separation / dropping from the rolls / non-renewal of appointment. Forwards to [REDACTED] thru channels	<p><u>Concern:</u> The broad statement “Forwards to [REDACTED] thru channels” may cause unnecessary coursing of the letter to offices which are not required to be informed of the resignation or separation.</p> <p><u>Suggestion:</u> Identify the specific office/s which should receive the letter at this stage (e.g. [REDACTED]).</p>
2.) [REDACTED]	a) Reviews fellowship files and computes return service obligation	<p><u>Concern:</u> The term “fellowship files” is too broad and does not identify which files are necessary for [REDACTED] to compute the return service obligation. This may result in unnecessary files being exposed to staff.</p> <p><u>Suggestion:</u> Identify the specific files to be reviewed by [REDACTED]</p>
2.) [REDACTED]	c) Forwards statement with pertinent documents to [REDACTED] ([REDACTED])	<p><u>Concern:</u> The term “pertinent documents” may result in documents being excessively forwarded to [REDACTED].</p>

³ Supra 1, Section 19(b)(4).

⁴ Supra, 2.

		<p><u>Suggestion:</u> Identify the specific “pertinent documents” to be forwarded to [REDACTED].</p>
5.) Fellow	<p>a) Negotiate with [REDACTED] ([REDACTED]) regarding the payment scheme following the BOR-approved guidelines on acceptable payment modes</p>	<p><u>Concern:</u> A deferred payment scheme has more risk than a straight one-time payment.</p> <p><u>Suggestion:</u> The general rule should be to ask the Fellow to pay the full amount of the contractual obligation. Only when the Fellow cannot pay the amount in full should the negotiation with [REDACTED] commence.</p>

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

Yours,

(Sgd.) Elson B. Manahan
Data Protection Officer
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