



05 November 2019

ADVISORY OPINION

Reference No. DPO 19-49

FOR : ██████████

SUBJECT : **Access records of deceased employee**

Dear ██████████:

We respond to your inquiry on whether we will allow relatives of deceased employee to access their employee records.

We understand that ██████████ is requesting employee records of her grandfather. Employee records are personal information which may not be disclosed without consent. In case of deceased individuals, the power to grant consent is transmitted to his heirs.¹

An heir is a person called to the succession either by the provision of a will or by operation of law². The Data Privacy rights are transmissible to the surviving heir or legal assignee, but not on succeeding generations such as grandchildren. In this case where the data subject (i.e., employee) is deceased, his heirs, their authorized representative, or the administrator of the deceased's estate appointed by the heirs may exercise the requirement of granting consent to the release of personal data. With a consent letter, the ██████████ may release the requested personal data to the recipient named in the consent letter.

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

¹ Data Privacy Act of 2012, Section 17.

² The Civil Code of the Philippines, Article 782.

Yours,

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