

University of the Philippines Diliman  
**Data Privacy Frequently Asked Questions**

The UP Diliman Data Protection Office in performance of their function to inform and cultivate awareness on privacy and data protection, below are some of the frequently asked questions to give more understand and information to UP people.

**What is Data Privacy Act 2012 of the Philippines?**

Republic Act No. 10173 or also know as the Data Privacy Act of 2012. It was signed into law by President Benigno Aquino III last August 15, 2012. The aim is to protect personal data in information and communications systems both private and government sector.

**What is Personal Data?**

Personal Data refers to personal information, sensitive personal information, and privileged information. These are information that can reasonably identify a particular person.

**Why is Personal Information important? And why it needs to be protected and create a law?**

Can you share the things that you do when your taking a bath? Why not? Because it's private. Same thing is true with your Personal Information.

In our generation, data refers to as the oil of the digital era. Your personal information can be used by thieves to make financial transactions like opening bank or loan accounts, buy or rent properties, etc.

**Who are Data Subjects?**

Data Subjects are individuals whose personal data are processed.

**Why are Personal Data processed?**

UP Diliman processes Personal Data to:

1. Perform its obligations, exercise its rights, and conduct its associated functions as:
  - a. an instrumentality of the government;
  - b. a higher education institution.
2. Pursue its purposes and mandates:
  - a. under Act No. 1870 as "a university for the Philippine Islands";
  - b. under Republic Act 9500 as "the national university".
3. For each particular unit of UP Diliman, conduct all acts reasonably foreseeable from and customarily performed by similar bodies;
4. Decide and act for the holistic welfare of its students, their parents and guardians, faculty, staff, researchers, alumni, and UP Diliman community; and

5. Manage and administer its internal and external affairs as an academic institution, as an instrumentality of the government, and as a juridical entity with its own rights and interests.

### **What are my rights as a Data Subject of UP Diliman?**

Under the UP Diliman Data Subject Rights and Responsibilities, UP People, as Data Subject, have the following rights:

1. Right to be informed;
2. Right to object subject to UP Diliman's possible consequent failure to conduct academic, administrative and other functions or services;
3. Right to access;
4. Right to rectification;
5. Right to erasure or blocking of Personal Data which are not part of UP Diliman's public records as an instrumentality of the government or as the national university; and
6. Right to damages which is subordinate to the non-liability of UP Diliman arising from the incidental damages due to UP Diliman's pursuance of its mandates or compliance with its legal obligations.

### **What are the responsibilities of Data Subjects as UP People?**

Under the UP Diliman Data Subject Rights and Responsibilities, UP People, as Data Subject, have the following responsibilities:

1. Respect the data privacy rights of others;
2. Report any suspected Security Incident or Personal Data Breach to UP Diliman through the contact information in this Policy's Section on "The UP Diliman Data Protection Officer";
3. Provide the University of the Philippines ("UP") true and accurate Personal Data and other information. Before submitting Personal Data of other people to UP, obtain the consent of such people;
4. Not disclose to any unauthorized party any non-public confidential, sensitive or personal information obtained or learned in confidence from UP; and
5. Abide by the policies, guidelines and rules of the UP System and UP Diliman on data privacy, information security, records management, research and ethical conduct. From time-to-time check for and comply with updates on these policies, guidelines and rules. UP Diliman's policies on data privacy are at <https://upd.edu.ph/privacy/>.

For students, the UP System's UP Privacy Notice for Students is at <https://upd.edu.ph/privacy/studentnotice/>.

### **How can UP Diliman protect my Personal Information?**

UP Diliman are actively implementing security measures to protect your personal information. There are 3 Security Measures: Organizational (trainings and seminars); Physical (authorized personnel, secure storage, clean desk policy); and Technical (

### **Can I always exercise my rights as a Data Subject?**

Simple answer is Yes you can always exercise your rights.

## **Do we need to have a consent of the Data Subject when taking pictures for Journalistic Purposes?**

Photos of individuals and groups are considered personal information. Thus, it is within the scope of DPA. However, if the collection of the information is for journalistic purpose and for public concern, then no need for consent from data subject. We should also note that the manner of the collecting should not violate the privacy of the data subject.

## **Can UP Diliman process personal data even without the consent of the Data Subject?**

Yes because UP Diliman is mandated by Republic Act No. 1870 and Republic Act No. 9500.

The NPC Advisory Opinion No. 2017-05 states that, “a government agency having a constitutional or statutory mandate to collect and process personal data may do so even without the consent of the data subject. But this is with the concomitant responsibility of ensuring that organizational, physical and technical security measures are in place to protect the personal data it is processing.”

## **Who is our over-all focal person for Data Privacy in UP Diliman? And how to contact him?**

Data Protection Officer (DPO) this is the role we refer to as the over-all focal person for Data Privacy in UP Diliman. The DPO holds its office at the Data Protection Office under the Office of the Chancellor. You can contact the DPO at [dpo.updiliman@up.edu.ph](mailto:dpo.updiliman@up.edu.ph).

## **What are the functions of the Data Protection Office?**

The Data Protection Office is headed by Data Protection Officer and two of its main functions are compliance with the Data Privacy Act of 2012 and its IRR and support academic units and administrative offices in maintaining privacy in their functions and projects.

## **What is the Privacy Focal Persons?**

Privacy Focal Person or PFP refers to an academic unit's or administrative office's focal person for data privacy compliance acting as compliance officers for privacy. They are champions of data privacy and agents of pursuing data privacy culture in their unit. A go-to person when it comes to data security and privacy compliance.

## **What are the differences between Data Privacy Act and Freedom of Information Act?**

As a general rule, Information may be disclosed if requested under FOI. However, items of information should not be disclosed if such items will violate the data privacy rights of specific individuals.

## **UP Diliman Privacy Policies, Notices and Advisories**

Roles and Responsibilities of the Data Protection Officer:

<https://upd.edu.ph/wp-content/uploads/2019/04/Roles-and-Responsibilities-of-the-Data-Protection-Officer.pdf>

Designation of Privacy Focal Persons:

<https://upd.edu.ph/wp-content/uploads/2019/04/Memo-No.-MLT-18-022-Designation-of-Privacy-Focal-Person.pdf>

Data Protection in Work Processes:

<https://upd.edu.ph/wp-content/uploads/2019/04/Data-Protection-Guidelines-for-Work-Processes.pdf>

Message and Communication Policy:

<https://upd.edu.ph/privacy/communications>

Security Incident Management Policy:

<https://upd.edu.ph/wp-content/uploads/2019/04/Data-Privacy-Security-Incident-Management-Policy.pdf>

Clarification on Privacy and Confidentiality Notice, Non Disclosure Agreement, and CCTV Notice:

<https://upd.edu.ph/wp-content/uploads/2019/04/Clarification-on-Privacy-and-Confidentiality-Notice-Non-Disclosure-Agreement-and-CCTV-NOTICE.pdf>

Privacy and Confidentiality Notices:

<https://upd.edu.ph/privacy/footer>

UP Diliman Privacy Policy:

<https://upd.edu.ph/wp-content/uploads/2019/02/UP-Diliman-Privacy-Policy.pdf>

Data Subject Rights and Responsibilities:

<https://upd.edu.ph/wp-content/uploads/2019/02/UP-Diliman-Data-Subject-Rights-and-Responsibilities.pdf>

Advisory Opinions:

<https://upd.edu.ph/advisoryopinions/>