



29 June 2020

ADVISORY OPINION

Reference No. DPO 20-13

FOR : ██████████

SUBJECT : **Consultation regarding possible data breach**

Dear ██████████:

We address your concerns sequentially below:

Inquiries	UPD DPO Opinions
I would like to seek guidance regarding a possible data breach.	This is indeed a data breach. Thankfully, this is not required to be reported to the National Privacy Commission within 72 hours . Although this shall be included in the annual incident reports submitted to NPC.
██████████ admitted that she did open the envelope. When asked why, she explained that she usually opens envelopes that come from ██████████ because they contain documents of staff that she needs to process.	Is there a directive to ██████████ to do this? If there is none, ██████████ not only violated the Data Privacy Act of 2012 but other laws prohibiting opening mail addressed to others.
At this point, I told the ██████████ that from now on, she should not open envelopes not addressed to her to avoid misunderstandings, even if she may have been informed earlier by ██████████ to expect an envelope. I also advised the ██████████ to inform the ██████████ not to write the name of a staff on the envelope if the documents are actually for the ██████████ to process.	We commend you on this corrective course of action Sir.
Do I ask the ██████████ to explain to ██████████ why she opened an envelope with ██████████	Since our Data Protection Office and Privacy Network have no powers to

<p>██████'s name on it? And if ██████ accepts the explanation, is that the end of it?</p>	<p>penalize, the decision whether an administrative sanction is warranted is within ██████. However, you are on the right track that this will be dependent on whether ██████ wants to pursue administrative remedies for her rights being violated.</p>
<p>But if ██████ does not accept the explanation, what is the next move?</p>	<p>Either ██████, or your Sir as the Privacy Focal Person, may initiate a case against ██████ under the Section 10 on CONDUCT, RESTRICTIONS, AND DISCIPLINE of the UP Diliman Faculty Manual.</p>
<p>I suspect very much that we should have a formal process to address these situations. Maybe the DPO can send us a template of procedures?</p>	<p>We are currently focused on establishing policies and have not yet focused our attention to very specific activities such as mail handling. However, we would be happy to work with your requirements so that we can understand how mail should be handled at the grassroots so that we can create a procedure. In the meantime, you may wish to refer to the following:</p> <ul style="list-style-type: none"> • Revised Data Classification Policy Section II (A) - Responsibility to keep documents private and confidential • Records Management Policy Section 16 - Records Access and Usage

Regards and stay as the craton of privacy in ██████,

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