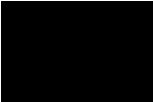




15 January 2020

## **ADVISORY OPINION**

Reference No. DPO 20-01

FOR : 

SUBJECT : **Data Privacy Concerns on Resume Bank**

Dear :

We thank you again for your attentiveness to data privacy. Prior to taking any course of action, it is important to determine whether the student organizations are:

1. Acting on behalf of our University;
2. Acting in their own capacity; or
3. Acting on behalf of the potential employers.

Please see our attached Advisory Opinion No. 19-06 regarding the matter. If the students are acting on behalf of our University, then all privacy obligations are with us. If not, then we are merely facilitating the venue for the job fair and we are only assisting in ensuring privacy (in this case, we should make it clear that they are the ones who are primarily responsible to comply with privacy laws and regulations).

Below are our responses to your queries:

### **1. Is the collection of data for the purpose of resume bank for career fairs legal?**

Yes, if the following requisites are present:

**(a)** The consent of the concerned students are obtained and recorded either through paper-based or electronic means (Data Privacy Act, Section 3(b));

**(b)** The *consent statement* is only for a specific period of time, that is, it is time-bound (DPA Implementing Rules and Regulations, Sec. 19(a)(1)). This means that resumes cannot be indefinitely be kept merely for "pooling purposes". Imagine a company still keeping your resume you submitted more than a decade ago - this violates the privacy principle of "proportionality" (DPA IRR Sec. 18(c));

(c) The "right to be informed" of the students are respected (DPA IRR, Sec. 34(a)) and the principle of "transparency" is observed (DPA IRR Sec. 18 (a)). We commend your correct instruction to student organizations to draft the necessary *privacy notice*.

**2. Would you want to review the data privacy waiver statement that will be crafted by our students?**

From our experience, you have ably performed your duties as [REDACTED] and have the capacity to exercise your authority as [REDACTED] to review the waiver statement/consent statement. For your guidance, you may refer to our attached primer on fundamental privacy documents such as a consent statement and a privacy notice. However, should you choose to have us review the consent statement crafted by students, we would be happy to do so.

**3. Are there other data privacy matters that should be incorporated in doing this resume bank?**

Yes, there should be:

1. Organizational, physical and technical security measures (DPA IRR, Rule VI); and
2. Observance of the rights of data subjects (DPA IRR, Rule VIII).

*If the students are acting on behalf of UP Diliman, then the following should be followed:*

1. UP Diliman Privacy Policy; and
2. UP Diliman Data Subject Rights and Responsibilities.

Both documents can be found at [upd.edu.ph/privacy](http://upd.edu.ph/privacy).

*If the students are not acting on behalf of UP Diliman, although they are not bound by our rules, they should still observe similar safeguards.*

**4. Are there other legal matters that we should consider apart from data privacy?**

We respectfully note that non-privacy matters are beyond our jurisdiction and authority. We kindly suggest that the existence of legal considerations should be referred to the [REDACTED].

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

Yours,

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