



16 January 2020

ADVISORY OPINION

Reference No. DPO 20-02

FOR : [REDACTED]

SUBJECT : **CHED Student Data Collection**

Dear [REDACTED]:

We respond to your request for guidance on the existence of data privacy concerns on the Commission on Higher Education's (CHED) data collection for its Student Development and Service Database.

Templates to be filled out

The letter provided by CHED mentions the following templates:

1. National Service Training Program (NSTP)
2. Local-Off Campus Activities
3. Tuition and Other School Fee (TOSFI) Increases
4. Foreign Students (FS)
5. Student Internship Program in the Philippines (SIPP)
6. Student Internship Program Abroad (SIAP)
7. International Education Trips (IET)

The templates actually provided by CHED are:

1. Agricultural Competitiveness Enhancement Fund-Grants-in-Aid Higher Education Program (ACEF-GIAHEP)
2. Cash Grant to Medical Students (CGMS)
3. International Educational Trips (IET) Regional Database
4. Local Off-Campus Activities Database
5. National Service Training Program (NSTP) Regional Database
6. Student Internship Program in the Philippines (SIPP) and Student Internship Program Abroad (SIAP) Regional Databases

7. Scholarship Grant Program for Children and Dependents of Sugarcane Industry Workers and Small Sugarcane Farmers (SIDA-SGP)
8. Tuition and Other School Fee Increases (TOSFI)

It can be observed that the actual number of databases provided are more than what are mentioned in CHED's letter.

Of the templates provided, the following do not collect personal information¹ and hence have no data privacy issues:

1. Local Off-Campus Activities Database
2. Tuition and Other School Fee Increases (TOSFI)

Personal data collected

The templates provided by CHED to be filled out require the following groups of information:

- Personal circumstances (name, birthdate, sex, nationality, names of parents, and number of siblings)
- Address (including region, congressional district and institution code)
- Contact details (email, telephone)
- Educational Information (HEI, degree/course, year level, discipline code, semester, internship period)
- Travel information (destination and Alien Certificate of Registration/Immigration Card number)
- Financial Information (tuition, amount of grant, gross income)

Can [REDACTED] provide CHED the data collected by CHED's templates?

Yes. Upon review of the templates, the data gathered are gathered for legitimate purposes. Each template proportionately collects data necessary to fulfill CHED's purpose related to the template.

However, [REDACTED] must observe the privacy principle of transparency and make students aware of the nature, purpose and extent of UP Diliman's submission of their personal information to CHED.

¹ Republic Act No. 10175, otherwise known as the Data Privacy Act of 2012, Section 3(g). *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

Data Privacy Principles

UP Diliman should observe the privacy principles of *transparency*, *legitimate purpose*, and *proportionality*.²

Legitimate purpose –

In pursuance of its legal mandate under the Higher Education Act of 1994³ as well as other laws and administrative issuances⁴, CHED has a legitimate purpose to collect information. Applying the purpose-balance-necessity test for legitimate interests,⁵ it can be shown that CHED has a legitimate interest: first, CHED is following a clearly established legitimate interest; second, the data gathered is necessary for CHED's purposes; and third, the fundamental rights of students are not overridden. For additional discussion of CHED's authority to collect data, you may refer to [UPD DPO Opinion No. 19-05](http://upd.edu.ph/privacy/advisoryopinions) found at upd.edu.ph/privacy/advisoryopinions.

Proportionality –

Upon review of the specific data collected of each template, the data fields in the matrices are relevant to the subject-matter of the template. The data collected is relevant to the purpose of the template and there is no excessive collection of information.⁶ Although the UP Diliman Data Protection Office had no opportunity to exhaustively investigate and evaluate how CHED will process the data collected, the *presumption of regularity* of the official duties of CHED⁷ together with the attendant ostensible relevance of data collected to CHED's legitimate purposes, leads to the reasonably sound conclusion that the principle of proportionality is observed.

Transparency –

The privacy principle of transparency requires that the students are made "aware of the nature, purpose, and extent of the processing of his or her personal data"⁸. This is the [REDACTED]'s responsibility. The [REDACTED] should communicate to concerned students the following information:

1. The fact that their personal information will be submitted to CHED;
2. Which pieces of personal information will be submitted to CHED;
3. [REDACTED]'s purpose for submitting their information (*i.e.* it is a requirement of CHED); and

² Implementing Rules and Regulations of the Data Privacy Act of 2012, Section 17.

³ Republic Act No. 7722.

⁴ CHED Commission *En Banc* (CEB) Resolution No. 074-2019.

⁵ National Privacy Commission Advisory Opinion No. 2018-020.

⁶ Data Privacy Act of 2012, Section 18(c). *Proportionality*. The processing of information shall be adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose. Personal data shall be processed only if the purpose of the processing could not reasonably be fulfilled by other means.

⁷ *Yap v. Lagtapon*, G.R. No. 196347, January 23, 2017)

⁸ *Supra* 2, Section 18(a).

4. CHED's purpose for collecting their information.

Conclusion

The templates provided by CHED may be accomplished and submitted. CHED has observed the privacy principles of legitimate purpose and proportionality. For its part, [REDACTED] should observe the privacy principle of transparency by informing concerned students of the nature, purpose, and extent of [REDACTED]'s submission of their personal information to CHED.

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

Yours,

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