



16 February 2020

Advisory Opinion

Reference No. DPO 21-02

FOR : ██████████
University of the Philippines Diliman

RE : Use of body-worn cameras by UP Diliman security personnel

Dear ██████████:

We write to address the concern of your office on whether the use of body-worn cameras (“BWCs”) by our UP Diliman security guards stationed at our portals is in line with the Data Privacy Act of 2012.

Body-worn camera footages and the legitimate processing of personal information

Republic Act No. 10173 or the Data Privacy Act of 2012 defines personal information as 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.¹

On the other hand, sensitive personal information refers to, among others, personal information issued by government agencies peculiar to an individual.²

Thus, one’s image captured through a BWC is considered as personal information, while license plate or conduction sticker numbers are deemed as sensitive personal information.

The basis for the collection, use, and processing of audio-visual recordings from BWCs may be found under Sections 12 and 13 of the Data Privacy Act of 2012, viz:

SEC. 12. Criteria for Lawful Processing of Personal Information. – *The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:*

X X X X

¹ National Privacy Commission Advisory Opinion No. 2020-001

² Section

(c) The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;

X X X X

(f) The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

SEC. 13. Sensitive Personal Information and Privileged Information. – *The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:*

X X X X

(b) The processing of the same is provided for by existing laws and regulations: Provided, That such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

This means that the collection, use, and processing of personal information, including one's images collected through BWCs is allowed, provided, it is necessary in compliance with the University's legal obligations and/or in pursuance of its legitimate interests.

As for the processing of license plate or motor vehicle conduction numbers, being sensitive personal information, the same must be provided for by existing laws and regulations.

In relation to these, the University of the Philippines has the legal mandate to operate as a "university for the Philippine Islands" with general powers of administration.³ In the exercise of this mandate, University of the Philippines Diliman decides and acts for the holistic welfare of its students and their parents and guardians, faculty, staff, researchers, alumni, and other members of the UP Diliman community.⁴ **This may be deemed to include ensuring the safety and security within the campus premises.**

Kindly note that the University's mandate as provided by Act No. 1870 and Republic Act No. 9500 were deemed sufficient by the National Privacy Commission (NPC) to qualify as the law that allows the processing of sensitive personal information.⁵

In fine, being a government instrumentality acting within its mandate, it may process such personal and sensitive personal information as provided under the Data Privacy Act of 2012.

Privacy Notice

The basis for the processing of personal data collected through BWCs is not consent but the fulfillment of the University's mandate. Thus, the consent of the data subjects need not be obtained.

³ University of the Philippines Diliman Data Protection Team Memorandum No. DPT 18-07

⁴ University of the Philippines Diliman Data Protection Team Memorandum No. DPT 19-02

⁵ University of the Philippines Diliman Data Protection Team Memorandum No. DPT 19-48, citing National Privacy Commission Advisory Opinion No. 2017-28

However, the individuals passing through the campus portals must be informed that security personnel are equipped with BWCs; their personal data may be collected, used, and processed from the BWCs; and the purpose(s) for the collection, use, and processing of the same.

It is submitted that a privacy notice be posted in conspicuous areas in the campus, including its portals, as well as online.

Below is a suggested BWC privacy notice:

BODY-WORN CAMERA (BWC) PRIVACY NOTICE

In order to ensure the safety and security within campus premises, UP Diliman security guards stationed at the portals are equipped with body-worn cameras (BWCs) to capture audio-visual recordings of those entering and exiting the campus. These audio-visual recordings may include one's identity, actions, and whereabouts. These information are recorded and stored for thirty (30) days. However, if it may be of use to or involves a security matter, it will be stored and processed for a longer period.

We hope to have guided you on the matter. Should you have additional concerns, please feel free to reach out to our office.

Very truly yours,

(Sgd.) Atty. Regine Estillore
Legal Officer
Data Protection Office
University of the Philippines Diliman