



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2018-069**

2 October 2018



**Re: PHONE USAGE DATA RECORDS**

Dear [REDACTED],

We write in response to your request for an advisory opinion concerning the applicability of the Data Privacy Act of 2012<sup>1</sup> (DPA) to anonymous information.

The DPA does not cover anonymous information. The DPA applies to any processing of all types of personal information, which 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.<sup>2</sup>

However, the data you request must be truly anonymous, else the provisions of the DPA shall apply.

As recognized by the EU General Data Protection Regulation (GDPR), upon which the DPA is based on, "the principles of data protection should therefore not apply to anonymous information."<sup>3</sup> Information is anonymous when it "does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable."<sup>4</sup> Further, the GDPR does not apply to the "processing of anonymous information, including for statistical or research purposes."<sup>5</sup>

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<sup>1</sup>An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a National Privacy Commission, and for Other Purposes [Data Privacy Act of 2012], Republic Act No. 10173, (2012).

<sup>2</sup> Data Privacy Act of 2012, § 3 (g).

<sup>3</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Recital 26.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

We understand that the CHED-PCARI-DARE project seeks to develop an advanced travel demand prediction and optimization platform that shall be an essential decision support tool for government and transportation professionals.

To this end, Mapúa requested the following information from TelCos:

1. Timestamp;
2. Anonymized User ID;
3. Antenna ID;
4. Base Station Location; and
5. Phone Record Type.

Opinion 05/2014 on Anonymisation Techniques of the Article 29 Data Protection Working Party of the European Commission provides an illustration on how a dataset would qualify as anonymous:

“If an organisation collects data on individual travel movements, the individual travel patterns at event level would still qualify as personal data for any party, as long as the data controller (or any other party) still has access to the original raw data, even if direct identifiers have been removed from the set provided to third parties. But if the data controller would delete the raw data, and only provide aggregate statistics to third parties on a high level, such as 'on Mondays on trajectory X there are 160% more passengers than on Tuesdays', that would qualify as anonymous data.”<sup>6</sup>

In view of the foregoing, there is a need to make a determination if, indeed, the enumerated Phone Usage Data Record being requested by Mapúa is anonymous information. If otherwise, the information requested by Mapúa is considered as personal information and its processing is subject to the requirements under the DPA, its IRR and issuances of the NPC.

For your information, the DPA applies to any processing of all types of personal information, which 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.<sup>7</sup>

Under the DPA, the processing of personal data is allowed, subject to its compliance with the statute and other applicable laws. Adherence to the principles of transparency, legitimate purpose, and proportionality is also paramount.

Sections 12 and 13 of the DPA lay down the criteria for the lawful processing of personal and sensitive personal information, respectively. Any permissible processing must rely on at least one of the conditions set out in the law, depending on the type of information involved.

As personal information controllers, Mapúa and Globe are reminded of their obligations under the DPA, which includes the requirement to implement reasonable and appropriate organizational, physical, and technical measures intended for the protection of personal information against any accidental or unlawful processing.

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<sup>6</sup> Article 29 Data Protection Working Party, Opinion 05/2014 on Anonymisation Techniques, 10 April 2014, §2.2.2 – Potential identifiability of anonymized data

<sup>7</sup> Data Privacy Act of 2012, § 3 (g).

Finally, the parties involved in the project must determine conclusively that no personal data will be shared, disclosed, or transferred by the TelCos and/or any other entity to Mapúa. A contrary finding would necessitate the execution of a data sharing agreement (DSA). If a government agency will be party to the DSA, i.e. CHED and/or UP Diliman as mentioned in your letter, the DSA to be executed should be in accordance with the IRR and NPC Circular No. 16-02 - Data Sharing Agreements Involving Government Agencies.

This opinion is based solely on the limited information you have provided. Additional information may change the context of the inquiry and the appreciation of facts.

For your reference.

Very truly yours,

**(Sgd.) IVY GRACE T. VILLASOTO**  
OIC-Director IV, Privacy Policy Office

Noted by:

**(Sgd.) RAYMUND ENRIQUEZ LIBORO**  
Privacy Commissioner and Chairman