



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2018-009**

01 March 2018



**Re: DISCLOSURE OF PERSONAL INFORMATION TO THE
PHILIPPINE ARMY**

Dear ,

This is in response to your letter received by the National Privacy Commission (NPC) on 16 January 2018 with regard to the request of the 97th Military Intelligence Company of the 9th Infantry Division of the Philippine Army for submission of the updated Media Profile Report, which contains personal information of media persons in Albay.

Specifically, the following information are requested:

1. Name of Station;
2. Owner/Station Manager;
3. News Program/Title;
4. Airing Time;
5. Anchor/News Carter; and
6. Contact Number.

We understand that the above information will be forwarded to higher headquarters and will serve as basis or guide to the incoming new Commander of the 9th Infantry Division of the Philippine Army.

Republic Act No. 10173,¹ also known as the Data Privacy Act of 2012 (DPA), states that the processing of personal information shall be allowed, subject to compliance with the requirements of the DPA and other laws allowing disclosure of information to the public and in adherence to the principles of transparency, legitimate purpose and proportionality.²

¹ 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" (15 August 2012).

² *Id.*, §11.

Furthermore, Section 12(e) thereof provides for one criterion for lawful processing of personal information, to wit:

“(e) the processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate;” (underscoring supplied)

In relation to the above, the 1987 Constitution states that the mandate of the Armed Forces of the Philippines (AFP) to protect the people and the State and to secure the sovereignty of the State and the integrity of the national territory.³

Specifically, the 1987 Administrative Code provides that the Philippine Army shall be responsible for the conduct of operations on land,⁴ and has the following functions:

1. Organize, train and equip forces for the conduct of prompt and sustained operations on land;
2. Prepare such units as may be necessary for the effective prosecution of the national defense plans and programs and armed forces missions, including the expansion of the peacetime army component to meet any emergency;
3. Develop, in coordination with the other Major Services, tactics, techniques and equipment of interest to the army for field operations;
4. Organize, train and equip all army reserve units; and
5. Perform such other functions as may be provided by law or assigned by higher authorities.⁵

As stated in the letter request, the 97th Military Intelligence Company is a support unit which assists in the development of contingency plans and concepts by providing information to maintain peace and order in the Province of Albay.

While the DPA recognizes such mandate, the law is categorical in stating that the processing of personal information must adhere to the principles of transparency, legitimate purpose and proportionality. Personal information must be collected for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only.⁶

Hence, it may be prudent to ask for further clarification on the specific purpose of the request for the Media Profile Report as there is no explicit statement in the letter request as to the purpose thereof.

Moreover, the disclosure of personal information to the 97th Military Intelligence Company should adhere to the principle of proportionality.⁷ An evaluation of the personal information required to be disclosed vis-a-vis its intended purpose should be done to ensure that it is adequate, relevant, suitable, necessary, and not excessive in relation to a declared and specified purpose.

³ See: 1987 Philippine Constitution, Article II, §3.

⁴ Executive Order No. 292, Title VIII, Subtitle II, Chapter 8, §48.

⁵ *Id.*, §49.

⁶ RA No. 10173, §11(a).

⁷ See: IRR of RA No. 10173, §18(c).

Finally, it should be noted that the data subjects such as the individual owners and/or station managers and anchors whose personal information will be disclosed should be informed of the same, including what personal information will be submitted, in relation to their right to be informed under the DPA and its IRR.⁸ The NTC may choose to include a statement on these types of disclosures or submissions through its Privacy Policy.

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 the facts.

For your reference.

Very truly yours,

(Sgd.) RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner and Chairman

⁸ See: IRR of RA No. 10173, §34(a).