



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2018-021**

27 April 2018



Re: TELEPHONE DIRECTORIES

Dear ,

This pertains to your initial request for advisory opinion received by the National Privacy Commission (NPC) on 16 November 2017 and your letter response dated 15 March 2018, where we received the additional information and documents in order for us to respond to your initial inquiry.

We understand that you seek to clarify the best approach regarding the residential directory listing of PLDT and its group of affiliates as part of the fulfillment of PLDT's obligations as a telephone service provider vis-à-vis its compliance with Republic Act No. 10173,¹ also known as the Data Privacy Act of 2012 (DPA), its Implementing Rules and Regulations (IRR)² and relevant issuances of the National Privacy Commission (NPC).

We understand further that PLDT raised the issue of the printing of customer information (name, address, and telephone number) via the Directory Listing and the need for the consent of these customers. PLDT claims that its *"base of customers whose details have been printed have not expressly provided their consent to print their details in the existing DPC White Pages that meet the standards of a valid consent as contemplated by the DPA and DPA IRR."*

The above concern is specifically true for subscribers acquired prior to July 2017, which is the commencement of PLDT's consent program.

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 Implementing Rules and Regulations of the Data Privacy Act (24 August 2016).

Telephone Directory

Commonwealth Act No. 146,³ otherwise known as the Public Service Act, which has been amended by Commonwealth Act No. 454⁴ provides for the regulation of public services, specifically wire and wireless communication.

This covers both private entities as well as those owned or operated by government entities or government-owned or controlled corporations.⁵ Revised Order No. 1 or the Public Service Commission Rules and Regulations for all Public Services was further enacted to implement the Public Service Act.

Section 149 of Revised Order No. 1 clearly mandates each telephone public service to issue a listing directory at least once a year, to wit:

“Telephone Directory. – Each telephone public service shall at least once a year issue a listing directory showing therein the names of all subscribers arranged in alphabetical order, their addresses and telephone numbers and such other information as may be of interest to a subscriber’s every day use of his telephone. Each subscriber shall be entitled to a free copy of the directory.”

In relation to such directive, the NTC issued Memorandum Circular No. 05-06-2007⁶ (NTC MC) dated 08 June 2007, stating that the consumers or subscribers of telecommunication operators shall be given the option not to be listed in the publication:

“Section 2.2- Any data supplied by the consumer shall be treated as confidential by the entity or service provider mentioned under Section 1.1 hereof and shall not be used for purposes not authorized by him. Upon subscription, he shall be informed of his right to privacy and the manner by which his data would be protected. In cases where a public directory listing of subscribers is regularly published by the service provider, the consumer shall be given the option not to be listed in succeeding publications.”

Based on the provision above, subscribers have the right to decide whether they want their name, address and telephone number to be listed and included in the directory for publication.

Since the NTC issued such circular in 2007, telephone operators are expected to have implemented a procedure or mechanism to inquire whether a consumer or subscriber has elected to be included in the list or not.

Consent

Consent of the data subject refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of his or her personal, sensitive personal, or privileged information.

³ THE PUBLIC SERVICE LAW, “Public Service Act” (07 November 1936).

⁴ AN ACT TO AMEND VARIOUS SECTIONS OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND FORTY SIX, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT (08 June 1939).

⁵ *Id.*, §13.

⁶ Consumer Protection Guidelines

Indeed, the NTC MC is in consonance with the DPA, whereby the data subjects, or subscribers in this case, has the option to be included or excluded from the list, considering that it involves the publication of personal data of all subscribers in the Philippines.⁷

The NPC recommends the strict implementation of said NTC MC, specifically the provision concerning the need to obtain the consent of the subscriber.

With this, all subscribers who did not provide their consent to be included in the public directory listing should be duly excluded from the same.

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

⁷ *Supra* note 1, §16.