



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2018-011**

22 March 2018



**RE: DISCLOSURE OF THE UNIT NUMBERS OF THE
MEMBERS OF A CONDOMINIUM ASSOCIATION**

Dear ,

This pertains to your request for advisory opinion received by the Privacy Policy Office of the National Privacy Commission (NPC) on 23 February 2018, which sought to clarify whether the disclosure of unit numbers of the members of the Olympic Heights Condominium Association, Inc. (Olympic) for purposes of the determination and verification of the existence (or non-existence) of a quorum would violate the provisions of 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 NPC.

In your email, you stated that you are a member in good standing of Olympic, which is a non-stock, non-profit corporation. On 10 February 2018, Olympic had its General Assembly where it was declared that there was no quorum.

You thereafter requested for the list of the unit numbers of the members in good standing and those who are delinquent for purposes of verifying the above conclusion as to the lack of quorum during the General Assembly. However, the lawyer of Olympic denied such request, claiming that revealing the unit numbers will lead to personal information, and therefore should not be allowed.

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).

It is worthy to note that the unit numbers of a condominium may be considered as personal information³ as these may represent and correspond to the natural persons who are the registered owners of that particular condominium unit. The condominium association, as the entity holding and recording all information pertaining to the registered unit owners, can easily identify the individual owners of the condominium unit. Nevertheless, contrary to the position of the lawyer of the association, Section 12 of the DPA provides for the criteria for lawful processing of personal information.

Particularly, Section 12(c) states that personal information may be processed if it is necessary for compliance with a legal obligation to which the personal information controller is subject. In your case, the condominium association has a legal obligation, rooted in Section 74 of the Corporation Code, to provide access to and inspect corporate records and documents, even the financial statement, as stated in Section 75 of the same Code.

The DPA has the twin task of protecting the fundamental human right of privacy while ensuring free flow of information.⁴ The DPA does not operate to curtail existing rights of members of a condominium corporation, specifically on inspection of corporate books and records, subject to existing laws and regulations on such matters.

Hence, the condominium corporation may lawfully disclose the unit numbers of the members of the association based on the DPA and your right to inspect the books and records of the corporation as discussed above. Although the right to inspect is subject to certain limitations, such may be raised as a defense in actions filed under Section 74 of the Corporation Code.⁵

Be that as it may, the more pertinent rules that shall govern your inquiry are the Corporation Code of the Philippines, Condominium Act, Securities Regulation Code, and other related laws, as well as the Articles of Incorporation and By-Laws of Olympic. We understand that these may provide information on the conduct of members' regular or special meetings, quorum in meetings, and determination of voting rights of each member, as well as rights of members as to inspection and access to the association's corporate books and records.

We understand further that the request for inspection is rooted in matters involving the failure to elect a new set of trustees and/or officers and other controversies existing between the members and the trustees and/or officers of Olympic. These concerns are purely intra-corporate⁶ in nature and pursuant to the applicable laws on the matter, these intra-corporate disputes fall under the jurisdiction of the proper

³ *Supra* note 1, §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.

⁴ *Supra* note 1, §2.

⁵ Philippine Associated Smelting and Refining Corporation vs. Pablito O. Lim, et. al., G.R No. 172948 (05 October 2016).

⁶ SEC-OGC Opinion No. 17-10 (31 August 2017).

Regional Trial Court.⁷ Please direct your subsequent efforts in resolving these matters in the proper forum.

This opinion is based 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.) IVY GRACE T. VILLASOTO
OIC - Director IV, Privacy Policy Office

Noted by:

(Sgd.) RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner and Chairman

⁷ See: Presidential Decree No. 902-A, §5, in relation to the Securities Regulation Code, §5.2.