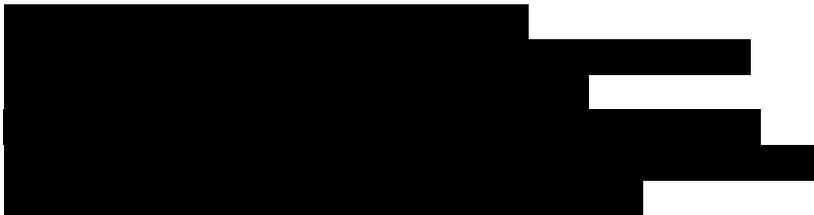




Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2019-045¹**

6 November 2019



**Re: CONFIRMATION OF DEATH BY THE PHILIPPINE
STATISTICS AUTHORITY FOR DEBT WRITE-OFF BY THE
PHILIPPINE GENERAL HOSPITAL**

Dear ,

We write in response to your e-mail received by the National Privacy Commission (NPC) requesting for an advisory opinion regarding data privacy concerns of the Philippine General Hospital (PGH) vis-à-vis its efforts to write-off receivables from private patients.

We understand from your e-mail that in order to write-off the hospital's bad debts, the death of the patient owing such must be established. The Commission on Audit (COA) auditor suggested that a certificate issued by the Philippine Statistics Authority (PSA) will be acceptable for the purpose. PGH submitted a preliminary list of possibly deceased persons for the PSA's confirmation but such request was denied by the PSA, citing the Data Privacy Act of 2012² (DPA) as its reason.

Death Certificate; sensitive personal information

A Death Certificate is an official document setting forth particulars relating to a dead person.³ It contains details such as (a) date and place of death, (b) full name, (c) age, (d) sex, (e) occupation or profession, (f) residence, (g) status as regards marriage, (h) nationality of the deceased, and (i) probable cause of death.⁴

¹ Tags: death certificate, sensitive personal information, Philippine Statistics Authority, lawful criteria for processing, law and regulation, COA audit

² 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).

³ Philippine Statistics Authority, Death Certificate, *available at* <https://psa.gov.ph/civilregistration/requesting-civil-registry-document/death-certificate> (last accessed Aug. 27, 2019).

⁴ Law on Registry of Civil Status, Act No. 3753, (1930).

Section 3 of the DPA specifically enumerates sensitive personal information. This includes information about an individual's marital status, age and health, among others. Thus, certain personal data found in the Death Certificate are sensitive personal information which must be processed in accordance with the DPA.

*Processing of sensitive personal information
pursuant to existing laws and regulations*

Considering that a Death Certificate contains sensitive personal information, disclosure is generally prohibited unless it falls within the cases provided for in Section 13 of the DPA, specifically, if processing is provided for by existing laws and regulations.

In this instance, a Death Certificate may be released by the PSA to PGH pursuant to Section 8.3 (b) (b1), in relation to Section 7.4 (b), of COA Circular No. 2016-005⁵ which requires the submission of the death certificate for purposes of writing off dormant receivables of government agencies and instrumentalities arising from regular business transactions. This COA circular is applicable to PGH being the country's largest government tertiary hospital.

Stemming from above, PSA is not precluded from providing a copy of the Death Certificate to PGH since the COA Memorandum specifically enumerates the Death Certificate as one of the relevant documents to validate the existence of the condition allowing write-off.

While we are aware that the Death Certificate is the primary consideration to authorize the write-off of the hospital's bad debts based on the confirmed death of the debtor, only a limited amount of the information therein is actually needed to establish the condition to allow write off. As such, PSA may consider redacting the deceased's sensitive personal information prior to the release of the Death Certificate to PGH as an added security measure.

As an alternative, PSA may opt to issue a separate certification to the effect that the PSA confirms the death of a person based on available records without necessarily issuing a copy of then Death Certificate itself.

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. This opinion does not adjudicate issues between parties nor impose any sanctions or award damages.

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

⁵ Commission on Audit, COA Circular No. 2016-005 (December 19, 2016).