



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2020-007¹**

3 February 2020



**Re: REQUEST FOR COPIES OF STATEMENT OF ASSETS,
LIABILITIES AND NET WORTH (SALN) FROM THE BUREAU
OF THE TREASURY**

Dear [REDACTED],

We write in response to your letter requesting for an advisory opinion received by the National Privacy Commission (NPC). We understand that the Bureau of the Treasury (BTr) is the agency authorized by law to bond accountable public officials and to issue appropriate guidelines thereof, pursuant to the Public Bonding Law.² Among the supporting documents required by the BTr in furtherance of its fidelity bonding operations, particularly in the assessment of risk of the accountable public officials, is the Statement of Assets, Liabilities and Net Worth (SALN).

As stated in your letter, a resident of Cuyapo, Nueva Ecija requested for copies of the SALN of certain municipal and barangay officials of Cuyapo, Nueva Ecija from your office, with the intent of using the SALN as evidence for the filing of falsification and malversation charges against the said officials. However, the BTr upholds its position that, although the SALN is a public document, the BTr cannot lawfully disclose copies of the SALN to a requesting third party since the BTr is not the official custodian of the said public document.

You now seek clarification on whether the BTr can furnish copies of the SALN to a third party without violating the provisions of the Data Privacy Act of 2012³ (DPA), its Implementing Rules and Regulations (IRR) and other relevant issuances of the NPC.

¹ Tags: SALN; Bureau of Treasury; elective officials; malversation; public documents; right to information; official custodian of documents.

² Office of the President, Realigning the Organization of the Bureau of Treasury, Executive Order No. 449 [E.O. No. 449], § 1 (9) (October 17, 1997).

³ 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 other Purposes [Data Privacy Act of 2012], Republic Act No. 10173 (2012).

Nature of the SALN; scope of the DPA; public access to SALNs; official repository of SALNs

Section 8 of Republic Act (RA) No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, provides that public officials and employees have the duty to accomplish and submit their respective SALNs.⁴ The SALN is a document, declared under oath, by public officials and employees which states their respective assets and liabilities, including their business and financial interests, that of their spouses, and of their unmarried children under eighteen (18) years of age living in their households.⁵ RA No. 6713 further mandates that the public has a right to know the foregoing information.

There is a common misconception the public documents fall outside the scope of the DPA. On the contrary, the processing of public documents containing personal data is still governed by the DPA as read together with other applicable laws on the matter.

Section 8 (A) of R.A. 6713 provides for the guidelines on the filing of the SALN, which provides that the SALNs of regional and local officials and employees shall be filed with the Deputy Ombudsman in their respective regions. Furthermore, the Civil Service Commission (CSC) designated the Deputy Ombudsman of the respective regions of Luzon, Visayas or Mindanao as the repository agency of, among others, city and municipal elective officials and employees including mayors, vice-mayors, Sangguniang Bayan/Panlungsod members and barangay officials.⁶

On the other hand, the process of requesting for a copy of a SALN is also subject to specific guidelines.⁷ Section 3 (c.5) of Memorandum Circular No. 03, series of 2012 issued by the Office of the Ombudsman, provides that requests for a copy of a SALN should be filed with the appropriate public assistance bureau of the central office which is the official repository of the requested SALN. In the case of municipal and barangay officials, such request must be made to the concerned Deputy Ombudsmen for Luzon, Visayas or Mindanao.⁸

Given the foregoing, requests for copies of the SALNs of certain municipal and barangay officials coursed through the BTr is not the appropriate process. Although the BTr has copies of the SALNs in question, it is not the repository agency designated by the law to provide copies to requesting parties. Furthermore, the BTr's possession of the requested SALNs is only incidental to its duty to implement the Public Bonding Law.

The DPA has the twin task of protecting the fundamental human right to privacy and ensuring the free flow of information.⁹ We emphasize that the DPA should not be a hindrance to the people's right to know. The DPA respects existing laws that mandate the disclosure of certain

⁴ An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, To Uphold the Time-Honored Principle of Public Office Being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes [Code of Conduct and Ethical Standards for Public Officials and Employees], Republic Act No. 6713, § 8 (1989).

⁵ The Official Gazette, The basics: Statement of Assets, Liabilities, and Net Worth, *available at* <https://www.officialgazette.gov.ph/saln/> (last accessed September 5, 2019).

⁶ Civil Service Commission, Statement of Assets, Liabilities and Net Worth (SALN) Re: Amendment to the CSC Resolution No. 1300173 (January 24, 2013); Revised SALN Form, Resolution No. 150008 [CSC Resolution No. 1500088] (January 23, 2015).

⁷ Office of the Ombudsman, Guidelines on Public Access to Statements of Assets, Liabilities and Net Worth (SALNs) Filed with the Office of the Ombudsman, [Memorandum Circular No. 03], § (September 11, 2012).

⁸ *Id.*

⁹ Data Privacy Act of 2012, § 2.

information such as RA No. 6713 on the obligations of public officials and employees to file their respective SALNs and the right of the public to obtain the information contained therein. However, given that the law itself explicitly provides the process for requesting SALNs of certain public officials and the repository agency responsible for the same, then such procedure must prevail and be complied with.

This opinion is based on the 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