



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2020-011<sup>1</sup>**

11 February 2020

[REDACTED]

**Re: ACCESS TO SIBLINGS' BIRTH CERTIFICATES FOR OBTAINING  
TAX IDENTIFICATION NUMBERS**

Dear [REDACTED],

We write in response to your letter requesting for an advisory opinion from the National Privacy Commission (NPC) on whether you can be allowed to secure the birth certificates of your seven siblings from the Philippine Statistics Authority (PSA), pursuant to Section 12 (c) and (f) and Section 13 (f) of the Data Privacy Act of 2012<sup>2</sup> (DPA).

You require the said birth certificates in order to apply for the tax identification numbers (TINs) of your siblings for the payment of estate taxes and the transfer of the respective allotted portions of the estate of your deceased parents to you and each of your siblings as heirs, pursuant to the compromise agreement approved by the Regional Trial Court Branch 30 of Surigao City in Civil Case No. [REDACTED] for Partition dated March 10, 2011.

We understand that the PSA denied your request for the birth certificates citing the provisions of the DPA as the reason for the denial.

*Birth certificate contains sensitive personal information; lawful basis for processing*

A birth certificate contains the following information of an individual, among others: name, sex, date of birth, place of birth, type of birth, birth order, weight at birth, parents' details (name, citizenship, religion and occupation), among others. Most of the information contained in a birth certificate are considered sensitive personal information under Section 3(l) of the DPA.

---

<sup>1</sup> Tags: birth certificate, PSA, personal information, sensitive personal information, lawful processing, law or regulation

<sup>2</sup> 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).

The processing or disclosure of a birth certificate, which contains sensitive personal information, is generally prohibited except in certain cases enumerated under Section 13 of the law.

One of those exceptions, which was included in your query is under paragraph (f) which applies when the processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.

But in this case, there is actually a law regarding the issuance of birth records. It is of significance to discuss Section 13(b) of the DPA in relation to Presidential Decree (PD) No. 603<sup>3</sup> and the 2019 issuance of the Philippine Statistics Authority (PSA).

Section 13(b) of the DPA provides:

“Section 13. Sensitive Personal Information and Privileged Information. – The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

xxx      xxx      xxx

(b) The processing of the same is provided for by existing laws and regulations: Provided, That such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information; xxx”

Article 7 of PD No. 603<sup>4</sup> provides for the rules on disclosure of birth records, to wit:

“Article 7. Non-disclosure of Birth Records. – The records of a person’s birth shall be kept strictly confidential and no information relating thereto shall be issued except on the request of any of the following:

- (1) The person himself, or any person authorized by him;
- (2) His spouse, his parent or parents, his direct descendants, or the guardian or institution legally in-charge of him if he is a minor;
- (3) The court or proper public official whenever absolutely necessary in administrative, judicial or other official proceedings to determine the identity of the child’s parents or other circumstances surrounding his birth; and
- (4) In case of the person’s death, the nearest of kin.”

And lastly, we refer to the PSA’s Memorandum Circular No. 2019-15 dated 11 June 2019 on the Guidelines on the Issuance of the Civil Registry Documents (CRDs)/Certifications including Authentication. Said issuance provides for the basic requirements for the issuance of CRDs, which includes Certificate of Live Birth, to wit:

1. Presentation of a valid Identification (ID) Card of the document owner.
2. If the requesting party is a duly authorized representative, the original copy of the Authorization Letter or Special Power of Attorney (SPA) must be presented together with a valid ID of the document owner. The duly authorized

---

<sup>3</sup> The Child and Youth Welfare Code, Presidential Decree No. 603 (1974).

<sup>4</sup> *Id.*

representative should also show his/her valid ID and must provide the PSA with photocopies of all the IDs presented for its file.

With this, you are constrained to follow the above PSA requirements for purposes of obtaining the birth certificates of your siblings.

*Transfer of ownership of real property*

As the final objective is the transfer of the ownership of the real property to each of the heirs after the payment of all the requisite taxes, the competent authority to resolve the matter is the Bureau of Internal Revenue (BIR).

We recommend that you coordinate with the BIR Revenue District Office having jurisdiction over the subject property and request for proper guidance over your reported concern given that there is a difficulty in acquiring the birth certificates of your siblings.

This opinion is rendered 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