



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2020-012<sup>1</sup>**

19 February 2020



**RE: DISCLOSURE OF INSURANCE POLICY DETAILS TO THE  
NATIONAL BUREAU OF INVESTIGATION**

Dear 

We write in response to your letter which sought clarification on whether the disclosure of insurance policies of several government officials to the National Bureau of Investigation (NBI) by the Philippine Life Insurance Association, Inc. (PLIA) in connection with the investigation for graft and corruption being conducted by the NBI is allowed under the Data Privacy Act of 2012<sup>2</sup> (DPA).

We understand that the NBI National Capital Region (NBI-NCR), through a letter signed by the NBI-NCR Regional Director, provided a list of names and dates of birth of certain government officials, and requested for the following details from the Insurance Commission (IC):

1. List of insurance policies;
2. Face value;
3. Monthly premiums; and
4. Corresponding beneficiaries.

Since the IC does not maintain a database of insurance policyholders and/or insurance policies issued by insurance companies, it endorsed the request to PLIA for appropriate action. The latter is of the opinion that complying with the NBI request may be a violation of the DPA, while the IC submits that there will be no violation as the processing is

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<sup>1</sup> Tags: public authority, mandate, lawful processing.

<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).

necessary to fulfill the functions of the NBI as a public authority under Section 12 (e) of the DPA.

*Public authority; mandate; investigatory functions of the NBI*

The NBI has the mandate to undertake investigation and detection of crimes and offenses pursuant to Republic Act (RA) No. 10867 or the National Bureau of Investigation Reorganization and Modernization Act.<sup>3</sup> Section 5 of said law provides that the NBI shall have primary jurisdiction to undertake investigations in cases referred by the Inter-Agency Anti-Graft Coordinating Council (IAGCC), among others.

We understand that the IAGCC was created pursuant to Administrative Order No. 79, s. 1999,<sup>4</sup> upon the recognition that in the fight against graft and corruption in government, the Commission on Audit, Civil Service Commission, Office of the Ombudsman, Department of Justice, NBI, and Presidential Commission Against Graft and Corruption have taken the initiative to formulate and develop concerted techniques and strategies in the prevention, detection, investigation and prosecution of graft cases.<sup>5</sup>

From the foregoing, NBI's request for personal information falls squarely within its mandate to investigate government officials for graft and corruption.

*Processing of personal information by a public authority under the DPA*

The NBI is requesting for the details of the insurance policies of several government officials. These constitute personal information, the processing of which should be in accordance with any of the criteria for lawful processing under Section 12 of the DPA. Section 12 (e) provides as follows:

“Section 12. Criteria for Lawful Processing of Personal Information. — The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

xxx    xxx    xxx

(e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate;” (underscoring supplied)

From the foregoing, it is evident that the NBI has a statutory mandate to investigate crimes and other offenses, including violations of the Anti-Graft and Corrupt Practices Act,<sup>6</sup> and such investigation would necessarily include the processing of personal information. Hence, the disclosure of the requested details to the NBI is allowed under the DPA.

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<sup>3</sup> An Act Reorganizing and Modernizing the National Bureau of Investigation (NBI) And Providing Funds Therefor [NBI Reorganization and Modernization Act], Republic Act No. 10867, § 4 (2016).

<sup>4</sup> Recognizing the Establishment of the Inter-Agency Anti-Graft Coordinating Council and Directing Government Agencies to Extend Support and Assistance to it, Administrative Order No. 79, s. 1999 (1999).

<sup>5</sup> *Id.*, Fourth Whereas Clause.

<sup>6</sup> Anti-Graft and Corrupt Practices Act, Republic Act No. 3019 (1960).

We wish to remind the IC, PLIA, and the NBI that while such disclosure may be allowed under the law, the same should be done in a secure manner and with strict adherence to all existing protocols and standard operating procedures, which includes the issuance of a subpoena, where appropriate in the circumstances and as may be determined by the NBI under Section 4 (b) of the National Bureau of Investigation Reorganization and Modernization Act.

This opinion is rendered 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.) RAYMUND ENRIQUEZ LIBORO**  
Privacy Commissioner and Chairman