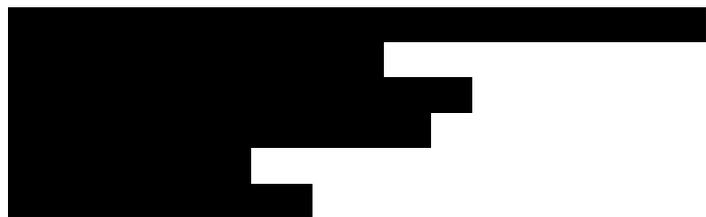




Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2017-38**

14 August 2017



**Re: DATA SHARING AGREEMENT BETWEEN GOVERNMENT AGENCIES**

Dear ,

This pertains to your query received by the National Privacy Commission (NPC) on 24 July 2017 with regard to the Memorandum issued by the Civil Service Commission (CSC) on the Inventory of Government Human Resource System (IGHRS). Specifically, you are asking whether the rules on data sharing agreement applies to such directive.

Section 4 of the Data Privacy Act of 2012 (DPA) provides for information excluded from its scope, to wit:

“SECTION 4. Scope - xxx xxx xxx

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

- (1) The fact that the individual is or was an officer or employee of the government institution;
- (2) The title, business address and office telephone number of the individual;
- (3) The classification, salary range and responsibilities of the position held by the individual; and

(4) The name of the individual on a document prepared by the individual in the course of employment with the government; xxx xxx xxx.”

If the information required to be uploaded to the CSC IGHRIS database are limited to those enumerated above, the DPA will not apply, i.e. a data sharing agreement is not required between the COMELEC and CSC. But the exception will only apply to the minimum extent necessary to achieve the specific purpose, function or activity and non-applicability of the DPA does not extend to the COMELEC and CSC, who remain subject to the requirements of implementing security measures for personal data protection.

The CSC, as the central personnel agency of the government, is “mandated to establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability.”<sup>1</sup>

As such, it is within CSC’s mandate to require the submission and uploading of the Plantilla of Personnel in the CSC IGHRIS without the need for a data sharing agreement. Nonetheless, the CSC is considered as a personal information controller under the DPA and is required to implement appropriate and reasonable organizational, physical and technical security measures for personal data protection within its custody.

For your reference.

Very truly yours,

**RAYMUND ENRIQUEZ LIBORO**

*Privacy Commissioner and Chairman*

cc:

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<sup>1</sup> 1987 Constitution, §3, Article IX