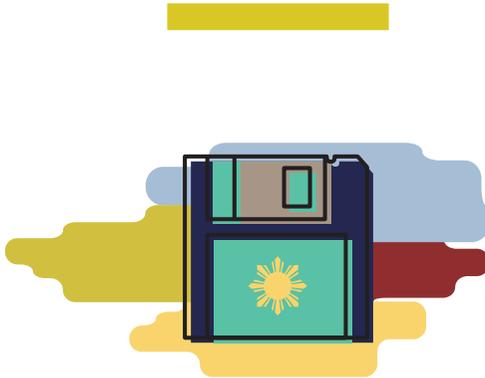# Data Sharing Involving Government Agencies

Data sharing is the disclosure or transfer to a third party of personal data under the control or custody of a personal information controller (PIC) or personal information processor (PIP). It is different from and excludes the outsourcing or subcontracting of the processing of personal data.

What is a
Data Sharing Agreement?

A data sharing agreement (DSA) is a contract, joint issuance, or similar document that contains the terms and conditions of a data sharing arrangement between 2 or more parties. All parties to a DSA are considered PICs. Accordingly, it is different from an outsourcing or subcontracting agreement.

What should a Data Sharing Agreement contain?

A document for a data sharing agreement (DSA) must contain the following things:

• Purpose/s of data sharing, including the public function or public service it is meant to promote;

• Identity of the Personal Information Controller/s;

• Term or duration of the agreement;

• Overview of the operational details of the data sharing agreement;

• General description of security measures;

• How the data subject may access the DSA;

• Details on online access, if applicable to the particular data sharing agreement;

• The Personal Information Controller responsible for addressing data or information requests or complaints;

• The specific method for return, destruction or disposal of information; and

• Other terms and conditions (e.g., the rights of the data subject, the data protection officers, et cetera).

Other important points to remember when drafting a Data Sharing Agreement

Unless a law says otherwise, the consent of a data subject must always be obtained before his or her personal data is shared.

Data sharing must always adhere to the data privacy principles laid down in the DPA, its Implementing Rules and Regulations (IRR), and all issuances of the National Privacy Commission (NPC).

Prior approval of the NPC is not required for the execution of DSAs. However, the NPC may review a DSA at any time.