



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2020-004¹**

3 February 2020



**Re: REQUEST FOR GUIDANCE ON THE DISCLOSURE OF LIST
OF THE DECEASED BARANGAY OFFICIALS (DBOs) FROM
2002 TO 2011**

Dear 

We write in response to your letter received by the National Privacy Commission (NPC) regarding academic research in relation to the Data Privacy Act of 2012² (DPA).

This is in relation to the 18 June 2019 letter of a certain researcher requesting for purposes of his dissertation the list of Deceased Barangay Officials (DBOs) from 2002 to 2011 who were able to claim death benefits as provided under Executive Order No. 155, Series of 2002.³ We understand from your letter that the Department of Interior and Local Government (DILG) has been administering the payment of the death and burial claims to the beneficiaries of the deceased barangay officials who died during their incumbency pursuant to DILG M.C. 2008-124,⁴ the implementing guidelines of E.O. 115.

We further understand from the annexes attached to your letter that the researcher is requesting such information based on the list posted in the DILG website entitled "Consolidated List of Death Benefit Claims and Amount Paid to All Barangay Officials," which disclosed the following information about the barangay officials: name, position, region, province, city/municipality, barangay, date of death and amount of benefit.

¹ Tags: scope, research, special cases, public officials, barangay officials, death benefit

² 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).

³ Authorizing Payment of Death Benefits to Barangay Officials Who Die During Their Term of Office, Executive Order No. 115, [E.O. 115] (2002).

⁴ Revised Rules and Regulations Implementing Executive Order No. 115 Entitled "Authorizing Payment of Death Benefits to Barangay Officials Who Die During Their Term of Office, Department of Interior and Local Government Memorandum Circular No. 2008-124 [DILG MC 2008-124] (2008).

In denying the request for information, it is the position of your good office that the data being requested contains personal information and is covered by the DPA. You now inquire whether the release of the information requested to the researcher is allowed under the DPA.

*Scope of the Data Privacy Act of 2012; special cases;
public officials*

The DPA is applicable to the processing of all types of personal information and to any natural and juridical person involved in such processing.⁵ The list of DBOs contain personal information as it includes, among others, the names of the deceased barangay officials, their addresses, date of death, and amount of death and burial claims to beneficiaries. Thus, the disclosure of the list should be in accordance with DPA, existing laws, rules and regulations.

However, the Section 4 of the DPA further provides for the specific information which are outside of its scope and which the Implementing Rules and Regulations⁶ (IRR) classifies as special cases. Two special cases are pertinent to the subject of the researcher's request, to wit:

1. Information about any individual who is or was an officer or employee of the government that relates to his or her position or functions, including:
 - a. The fact that the individual is or was an officer or employee of the government;
 - b. The title, office address, and office telephone number of the individual;
 - c. The classification, salary range, and responsibilities of the position held by the individual; and
 - d. The name of the individual on a document he or she prepared in the course of his or her employment with the government.⁷
2. Information relating to any discretionary benefit of a financial nature such as granting of a license or permit given by the government to an individual including the name of the individual and the exact nature of the benefit.⁸

Given the above, the information requested by the researcher falls under the above quoted provisions. As such, the list of DBOs and other details requested may be disclosed to the researcher as this information are considered special cases and are outside of the scope of the DPA.

We reiterate however that the exemption is not absolute, and not an exemption on the entity or agency but on the type of information processed under such special cases. Further, it is not a blanket exemption but is limited only to the minimum extent of processing necessary to the purpose of the function or the activity concerned.⁹

The provisions on special cases are interpreted to the effect that personal data may be lawfully processed (i.e., disclosed) by a personal information controller (PIC) under the special cases, but the processing shall be limited to achieving the specific purpose, function or activity, in this case, research purposes, and that the PIC remains to be subject to the requirements of implementing measures to secure and protect personal data.

⁵ Data Privacy Act of 2012, § 4.

⁶ Rules and Regulations Implementing the Data Privacy Act of 2012, Republic Act No. 10173 (2016).

⁷ Data Privacy Act of 2012, § 4 (a).

⁸ *Id.* § 4 (c).

⁹ Rules and Regulations Implementing the Data Privacy Act of 2012, Republic Act No. 10173, § 5 (2016).

Data privacy; freedom of information; research

The DPA has the twin task of protecting the fundamental human right to privacy and ensuring the free flow of information to promote innovation and growth.¹⁰ Free flow of information necessarily protects the people's right to information as well as research for public purposes.

We take this opportunity to emphasize that while the right to access public information, official acts, records and documents may be limited by the DPA in protection of the personal information of individuals, the law should not be used as justification to deny requests concerning matters of public concern. More so that the law already specifies information that fall outside the scope of the DPA.

Further, it is the intent of our data privacy law to grant processing of personal information for research purposes with much flexibility but still within the bounds of the DPA and other existing laws. It recognizes that research is critical to nation-building and serves the interest of the public.

It is for this reason that the DPA will not operate to hinder the DILG to disclose certain information which are within its power to disclose, taking into consideration the applicable provisions of law, rules and regulations, and the data privacy principles enunciated in the DPA.

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

¹⁰ Data Privacy Act of 2012, § 2.