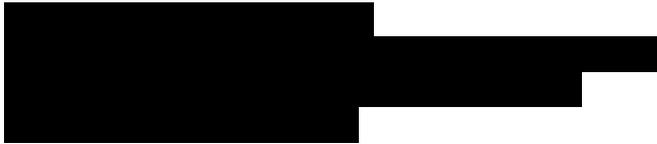




Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2020-023<sup>1</sup>**

11 June 2020



**Re: PUBLIC POSTING OF LISTAHANAN RESPONDENTS**

Dear [REDACTED]

We write in response to your request for an advisory opinion received by the National Privacy Commission (NPC) which sought to clarify whether the public display of personal information by the Department of Social Welfare and Development (DSWD) of the respondents for its program, the National Household Targeting System for Poverty Reduction (NHTS-PR), also known as Listahanan, is in accordance with the Data Privacy Act of 2012<sup>2</sup> (DPA).

We understand that the Listahanan was established by virtue of Executive Order (EO) No. 867, series of 2010 with the mandate of establishing a system of identifying who and where the poor households are in the country. The DSWD, through the National Household Targeting Office (NHTO), is mandated to maintain and update the Listahanan database.

We understand further that the DSWD will be posting an initial list of the poor households at the barangay office and other designated public places. The purpose for such posting is to enable the households to review and validate the information and at the same time, provide the opportunity for the community, especially those who were not assessed during the data collection phase, to file grievances for non-inclusion in the list, and appeals and complaints on possible errors such as family information, classification and non-assessment. All grievances shall then be evaluated by the Barangay Verification Committee and Local Verification Committee at the municipal level.

*Lawful processing of personal information;  
Functions of the public authority; statutory  
mandate*

---

<sup>1</sup> Tags: personal information; sensitive personal information; DSWD; Listahanan; privacy notice.

<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 public posting of the initial list of poor households may find basis under Section 12 of the DPA - where the processing of personal information is necessary to fulfill the functions of the public authority which necessarily includes the processing of personal data for the fulfillment of its mandate.<sup>3</sup>

The DSWD is the primary government agency mandated to develop, implement and coordinate social protection and poverty-reduction solutions for and with the poor, vulnerable and disadvantaged.<sup>4</sup> E.O. No. 867 requires all national government agencies to adopt the NHTS-PR as a mechanism in identifying who and where the poor households are who will be the recipients of the social protection programs.<sup>5</sup> Consequently, E.O. 867 also mandated DSWD to maintain the system and serve as the repository of the data on poor households and update the same every four (4) years.<sup>6</sup>

We note that, although there may be legal basis in displaying the initial list of poor households in public places, DSWD is still obligated under the DPA to comply with the general data privacy principles of transparency, legitimate purpose and proportionality.

*Adherence to the general data privacy principles; sensitive personal information*

In posting the list, DSWD must ensure that the data subjects are informed about the details of the processing of their personal data. This may be achieved through a privacy notice, preferably in Filipino and/or the dialect being spoken in a particular area, to explain to the data subjects the purpose for posting the list, *i.e.* to review and validate information, for those not assessed to file grievances, appeals, complaints on possible errors, and non-assessment, etc. It should also state the means for them to access information previously collected, correct any inaccurate information and other details which will help them exercise their rights as data subjects.

DSWD must also consider the proportionality principle in determining the personal information that will be publicly displayed. In particular, the principle requires that the processing of information shall be adequate, relevant, suitable, necessary and not excessive in relation to the declared and specified purpose.<sup>7</sup> Hence, there is a need to determine if the public posting of the names of the potential beneficiaries is proportional to the purpose of reviewing and validating the accuracy of such list and after considering all other means that may result in less exposure to the data subjects.

It is worth noting that the inclusion of any sensitive personal information in the list to be publicly posted should be carefully evaluated if the same is indeed necessary and proportional to the purpose. Note that generally, the processing (which includes public posting/disclosure) of sensitive personal information is prohibited, except for the instances provided by Section 13 of the DPA.

---

<sup>3</sup> Data Privacy Act of 2012, § 12 (e).

<sup>4</sup> Official Gazette, Department of Social Welfare and Development, *available at* <https://www.officialgazette.gov.ph/section/briefing-room/department-of-social-welfare-and-development/> (last accessed May 18, 2020).

<sup>5</sup> Office of the President Providing for the Adoption of the National Household Targeting System for Poverty Reduction as the Mechanism for Identifying Poor Households Who Shall Be Recipients of Social Protection Programs Nationwide, Executive Order No. 867 [E.O. No. 867], Section 1 (March 9, 2010).

<sup>6</sup> *Id.* § 2.

<sup>7</sup> Data Privacy Act of 2012, § 11 (c).

Hence, if the birthday (a variation of the information on “age”) and/or other sensitive personal information of the data subjects (*i.e.* marital status, religion, etc.) are not indispensable to achieve the stated purpose, the DSWD should consider removing this field of information in the list to be posted.

Since sensitive personal information will be maintained by DSWD, a government agency, such sensitive personal information shall be secured with the used of the most appropriate standard recognized by the information and communications technology industry and as recommended by NPC.<sup>8</sup>

*Household Assessment Form; comments; recommendations*

In order to ensure that the respondents understand the Household Assessment Form (HAF) including the Declaration and Certification portions on how their personal data will be used, it is recommended that the form be translated into Filipino or the language or dialect commonly used in the respective area.

On the Declaration portion, the third paragraph states that the respondent authorizes DSWD to “... allow processing and controlled disclosure or transfer of data to its development partners and other stakeholders...” There is a need to clarify who these development partners and other stakeholders are and the purpose/s, nature and extent for the controlled disclosure or transfer to their of data.

If this controlled disclosure or transfer to third parties is for purposes outside of “determining poverty status and serve as basis for research and in the development and implementation of social protection programs and services to promote the interest of the poor”, it may be advisable to provide a separate tick box in order to obtain consent from the respondents for DSWD to share data with third parties, if consent is the most appropriate basis for such processing activity.

On the Certification portion, we recommend stating that the enumerator has explained to the respondent the uses for the information collected, the opportunity provided for them to access information previously collected, to correct any errors or inaccuracies upon posting of the initial list, and to which entities the said information will be shared, if any.

This opinion is provided 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

---

<sup>8</sup> *Id.* § 22.