



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2021-002¹

19 January 2021



Re: DISCLOSURE OF SUMMARY OF EVALUATION AND RATINGS FORM

Dear 

We write in response to the request for clarification by your office addressed to the Civil Service Commission – National Capital Region (CSC-NCR) and referred to the National Privacy Commission (NPC), seeking clarification on the applicability of the Data Privacy Act of 2012² (DPA) relative to the requests of applicants for copies of the Summary of Evaluation and Ratings Form (SERF) prepared by the Department of Public Works and Highways Human Resource Merit Promotion and Selection Board (DPWH-HRMPSB) for purposes of the screening and evaluation of applicants for a particular position.

We understand that the requesting applicants are invoking their rights to due process and information. But the DPWH-HRMPSB is also considering the privacy rights of the other applicants as the SERF contains sensitive personal information as defined under the DPA.

We also note that the SERF and other records on file with the Civil Service Commission (CSC) as well as the respective Human Resource Management Offices of various government agencies are confidential in nature.

Right to information; FOI vis-à-vis the DPA; limitation; general data privacy principles; CSC rules

The right to information is guaranteed by the Constitution. It is the right of every citizen to access official records, documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development.

In determining whether a particular information is of public concern, there is no rigid test which can be applied.³ Public concern like public interest is a term that eludes exact definition.⁴

¹ Tags: scope of the DPA; right to information; limitations; lawful processing of personal data; general data privacy principles

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 Legaspi v. CSC, G.R. No. 72119 (1987).

⁴ *Id.*

It must be noted, however, that the above constitutional guarantee is not absolute. Even Executive Order (EO) No. 02 which operationalizes the Freedom of Information in the Executive Branch⁵ admits of certain limitations and/or exceptions like those that pertain to the privacy of individuals and those that may affect security. The said EO likewise provides that any disclosure of personal data should be in accordance with the principles of transparency, legitimate purpose, and proportionality enunciated under the DPA.

Also, the EO clarifies that “while providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual.”⁶ For this purpose, it requires that each government office shall ensure that personal information in its custody or control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this EO or existing law, rules or regulations, among others.⁷

In this case, the particular purpose/s for which the requests were made are not specified. Assuming that the requested document would be used for filing a complaint or protest with the CSC to question the appointment and/or recruitment process of the DPWH, we understand that it would be the CSC itself who would request from the concerned agency the pertinent documentation to aid in its evaluation of the protest. This may inevitably include the SERF and other documents, i.e. resolutions, minutes of meetings, among others.

With this, the disclosure of the SERF to a particular applicant may not be warranted in this scenario as it may be a violation of the data privacy rights of other applicants, as well as the applicable confidentiality rules governing CSC recruitment records.

We note that a particular applicant may be informed and provided with his/her own rating/score/results considering the criteria and rating matrix used, but not that of his/her co-applicants.

Finally, we wish to emphasize that the DPWH’s data protection officer as well as the FOI decision maker may also be duly consulted on this matter.

This opinion is based solely on the limited information you have provided. Additional information may change the context of the inquiry and the appreciation of facts. This opinion does not adjudicate issues between parties nor impose any sanctions or award damages.

For your reference.

Very truly yours,

(Sgd.) IVY GRACE T. VILLASOTO
OIC-Director IV, Privacy Policy Office

Copy furnished:

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⁵ Office of the President, Operationalizing In The Executive Branch The People’s Constitutional Right To Information And The State Policies To Full Public Disclosure And Transparency In The Public Service And Providing Guidelines Therefor, Executive Order No. 2 [EO No. 2] (July 23, 2016).

⁶ EO No. 2, § 7.

⁷ *Id.*