



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2018-035**

20 July 2018



**RE: CERTIFIED LIST OF DECEASED PERSONS REQUIRED  
UNDER REPUBLIC ACT NO. 8189**

Dear ,

We write in response to your request for advisory opinion received by the National Privacy Commission (NPC) on 10 July 2018 for clarification on the requirement of Republic Act (RA) No. 8189 or the Voter's Registration Act of 1996 for the submission of a certified list of deceased persons by Local Civil Registrars to the COMELEC Election Officer for the purpose of cancelling their voter registration. You asked if providing the said list is violative of the provisions of RA No. 10173,<sup>1</sup> also known as the Data Privacy Act of 2012 (DPA).

Section 29 of RA No. 8189 provides as follows:

*"Section 29. Cancellation of Registration. The Board shall cancel the registration records of those who have died as certified by the Local Civil Registrar. The Local Civil Registrar shall submit each month a certified list of persons who died during the previous month to the Election Officer of the place where the deceased are registered. In the absence of information concerning the place where the deceased is registered, the list shall be sent to the Election Officer of the city or municipality of the deceased's residence as appearing in his death certificate. In any case, the Local Civil Registrar shall furnish a copy of this list to the national central file and the proper provincial file.*

*The Election Officer shall post in the bulletin board of his office a list of those persons who died whose registrations were cancelled and furnish copies thereof to the local heads of the political parties, the national central file, and the provincial file."*

---

<sup>1</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).

Compliance with the provisions and requirements of existing laws is not violative of the DPA. In fact, the DPA provides for the criteria for lawful processing of personal information such as compliance with a legal obligation to which the personal information controller is subject<sup>2</sup> and processing which is necessary to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate.<sup>3</sup>

We wish to emphasize that the DPA, its Implementing Rules and Regulations, and related issuances of the NPC should be read together with existing laws, such as election laws. The DPA has the twin task of protecting the right to privacy and ensuring the free flow of information. The DPA should not be used as an excuse for non-compliance with other existing laws, rules, and regulations.

This opinion is being rendered based on the limited 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.) IVY GRACE T. VILLASOTO**  
OIC-Director IV, Privacy Policy Office

Noted by:

**(Sgd.) RAYMUND ENRIQUEZ LIBORO**  
Privacy Commissioner and Chairman

---

<sup>2</sup> RA No. 10173, 12(c)

<sup>3</sup> RA No. 10173, 12(e)