



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2017-40**

14 August 2017

[REDACTED]

Re: FREEDOM OF INFORMATION (FOI) REQUEST

Dear [REDACTED],

This is with regard to your request for opinion received by the National Privacy Commission (NPC) on 28 July 2017 regarding a Freedom of Information (FOI) request filed with the Philippine Contractors Accreditation Board (PCAB).

We understand that the FOI request was filed by [REDACTED], [REDACTED], [REDACTED], requesting for information submitted by Guangxi Hydro Electric Bureau to the PCAB. Said request was denied by the PCAB as the information falls under the FOI list of exceptions, and that the denial is currently under appeal.

To clarify, the NPC is mandated to implement the Data Privacy Act of 2012 (DPA). The DPA's scope is limited to the processing of all types of **personal information** and to any natural and juridical person involved in personal information processing in the Philippines, and even outside the country in certain instances.¹

Hence, corporate data or information of juridical entities, is outside of the scope of the DPA. The subject of the FOI request pertains to documents submitted by certain corporations to the PCAB, namely:

1. Certificate issued by the Board of Investments allowing the contractor to undertake construction projects in the Philippines;
2. Certification of the firm's secretary of the percentage of Filipino equity in the firm;
3. Special License of each foreign firm;
4. Joint Resolution of all partners authorizing one among them to act on their behalf;
5. Joint Venture Agreement between Guangxi Hydro Electric Bureau and ITP Construction Inc.; and

¹ See: RA No. 10173, §4 and 6

6. Accomplished PCAB application forms.

Furthermore, to the extent that personal data may be included in the FOI request, the Data Privacy Act considers particular information outside its scope. This includes:

(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

(c) Information relating to any discretionary benefit of a financial nature such as the 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;

To the extent that any personal data included in the FOI request pertains to information provided in the preceding paragraphs, the Data Privacy Act will not apply.

We respectfully refer this to the Presidential Communications Operation Office (PCOO), which you have also copied in your letter request.

This advisory opinion is based on the limited information provided in the questions, and may vary based on additional information or when the facts are changed or elaborated.

For your reference.

Very truly yours,

RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner and Chairman

cc:

