



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2017-56**

20 September 2017



Dear 

This has reference to your letter dated 7 August 2017 and received by the National Privacy Commission (the Commission) on 22 August 2017, on the request for advise on the legal implications of granting the request of the Philippine National Police – Regional Office I (PNP-RO1) for certain information of DSWD employees in relation to the PNP’s conduct of social investigation in all government agencies pertinent to its program of “Enhancing Operational Effectiveness in its Campaign Against Illegal Drugs.”

We understand that the PNP-RO1 requested for the following information on DSWD employees in San Fernando, La Union in the following format, to wit:

Name of Agency Employees	Address of Employees	Sex/Age	Civil Status	Position/Designation in the Agency

*Discussion*

The DPA applies 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 of the country in certain instances.<sup>1</sup>

The law likewise provided for certain specified information which is outside of its scope. This includes information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

- (1) The fact that the individual is or was an officer or employee of the government institution;
- (2) The title, business address and office telephone number of the individual;

---

<sup>1</sup> Republic Act. No. 10173, 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, §4 and 6

- (3) The classification, salary range and responsibilities of the position held by the individual; and
- (4) The name of the individual on a document prepared by the individual in the course of employment with the government.<sup>2</sup>

Another specified information is information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions.<sup>3</sup>

Note however that the non-applicability of the DPA to the abovementioned information is only to the minimum extent of collection, access, use, disclosure or other processing necessary to the purpose, function, or activity concerned, and does not extend to personal information controllers (PICs) or personal information processors (PIPs), who remain subject to the requirements of implementing security measures for personal data protection.<sup>4</sup>

From the foregoing, we believe that the PNP-RO1, in its law enforcement function, may request for certain personal data. However, we believe that this should be anchored on an investigation, defined as “the collection of facts to accomplish a three-fold aim: a) to identify the suspect; b) to locate the suspect; and c) to provide evidence of his guilt.”<sup>5</sup>

Further, there are protocol set for investigations, which presupposes that there is a crime incident reported.<sup>6</sup>

In the letter request for information on DSWD employees, it is stated that the PNP shall be conducting a “social investigation” pertinent to its program of “Enhancing Operational Effectiveness in its Campaign Against Illegal Drugs.” There was no mention of a crime report or any criminal incident to be investigated. As such, we believe that there is actually no criminal incident to be investigated.

### *Recommendation*

But considering that the personal data being requested is information of public concern, i.e. information of government employees, we believe that the DSWD may accede to the PNP-RO1’s request and provide the following items only as these are the data which relates to the position or function of the employee:

1. Name of Agency Employees;
2. Office Address of Employees; and
3. Position/Designation in the Agency.

---

<sup>2</sup> Supra note 1, §4(a)

<sup>3</sup> Id., §4(e)

<sup>44</sup> See Implementing Rules and Regulations (IRR) of RA No. 10173, §5

<sup>5</sup> Directorate for Investigation and Detective Management Philippine National Police, PHILIPPINE NATIONAL POLICE MANUAL - CRIMINAL INVESTIGATION MANUAL (REVISED) 2011, available at [http://www.pnp.gov.ph/images/Manuals\\_and\\_Guides/DIDM/Criminal-Investigation-Manual.pdf](http://www.pnp.gov.ph/images/Manuals_and_Guides/DIDM/Criminal-Investigation-Manual.pdf)

<sup>6</sup> Id., Chapter 1, §1.2

The other requested information – sex, age, and civil status – do not form part of information of public concern. These are likewise sensitive personal information the processing of which is prohibited except in certain instances provided under Section 13 of the DPA.

For your reference.

Very truly yours,

**RAYMUND ENRIQUEZ LIBORO**  
Privacy Commissioner and Chairman