



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE  
ADVISORY OPINION NO. 2021-001<sup>1</sup>**

19 January 2021



**Re: REQUEST OF AN OVERSEAS FILIPINO WORKER (OFW) TO  
DELETE RECORDS STORED IN THE BALIK  
MANGGAGAWA ONLINE SYSTEM**

Dear 

We write in response to your request for an Advisory Opinion seeking clarification on the request of an OFW for the deletion or erasure of his or her records stored in the Balik Manggagawa Online System (BM Online System).

We understand that the BM Online System is a web-based service that allows vacationing or returning OFW to get their Overseas Employment Certificate (OEC) without having to go the Philippine Overseas Employment Administration (POEA) Office or Philippine Overseas Labor and Office (POLO) Centers.<sup>2</sup> This system is a collaboration between the Department of Labor and Employment (DOLE) and the POEA to expedite the application and processing of the OECs allowing the OFWs to make relevant OEC transactions online.<sup>3</sup>

Given the foregoing, you seek clarification on the data subjects' right to erasure as well as the proposal for the POEA to anonymize personal information of OFWs in the BM Online system, and whether this falls within the scope of the Data Privacy Act of 2012<sup>4</sup> (DPA).

*Rights of the data subject; right to erasure; retention*

Section 16 (e) of the DPA clearly sets forth the right of every data subject to suspend, withdraw or order the removal or destruction of personal information from the filing system of a

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<sup>1</sup> Tags: data subject rights; right to erasure; retention; anonymization

<sup>2</sup> Department of Labor and Employment, DOLE's POEA issues Q & A on Balik-Manggagawa online processing system, available at <https://www.dole.gov.ph/news/doles-poea-issues-q-a-on-balik-manggagawa-online-processing-system/> (last accessed 11 January 2021).

<sup>3</sup> *Id.*

<sup>4</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).

personal information controller (PIC) upon discovery and substantial proof that the personal information are outdated or is no longer necessary for the purposes for which they were collected, among other conditions.

In relation to the above, we note that POEA Memorandum Circular No. 6, Series of 2016 provides:

“Pursuant to POEA Governing Board Resolution No. 12, Series of 2016 and in line with the thrust of the Administration to streamline the processing of documents of Overseas Filipino Workers (OFWs) and to address the clamor of Balik-Manggagawa (BM) workers to further enhance the online system of processing their exit clearance prior to their return to their employer, the Administration hereby exempts certain categories of BM workers from securing Overseas Employment Certificate (OEC) and paying any POEA processing fee...”

Likewise, POEA Governing Board Resolution No. 04 Series of 2018 provides, among others:

“FURTHER, the POEA is directed to enhance the existing system for the Balik-Manggagawa to ensure compliance with herein issuance and to include those exempted from securing the Overseas Employment Certificate. Relevant advisory should be issued to all the stakeholders subject of the above policies.       xxx       xxx       xxx.”

From the foregoing, we understand that the primary purpose of the BM Online System is to streamline the processes in the deployment of OFWs, facilitate the issuance of the OEC to vacationing OFWs, and to determine exemption from securing the OEC prior to departure.

After the said purpose/s have been achieved, the retention of such personal data may no longer be necessary, such as when an OFW retires or ceases to work abroad. Thus, an OFW may rightfully request for the deletion of his or her former records stored in the BM Online System, subject to other existing laws and regulations governing the retention period of employment documents or records.

#### *Anonymization of personal data*

We understand that the POEA plans to have labor migration data and other personal information under the BM Online system anonymized for policy formulation and the conduct of long-term economic research studies.

Information is anonymous when such information “does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data is no longer identifiable.”<sup>5</sup>

But for information to be truly anonymized, the same must be irreversible, and done in such a way that it is impossible (or extremely impractical) to identify a data subject. There must be no way for the POEA or any other person to single out an individual in a given data set, from connecting two records within a data set (or between two separate data sets) and from any information in such data set.<sup>6</sup>

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<sup>5</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) 2016 O.J. (L 119), Recital 26.

<sup>6</sup> See: European Commission, Article 29 Data Protection Working Party, Opinion 05/2014 on Anonymisation Techniques, 10 April 2014, § 2.1.

Where information is anonymous, the provisions and principles under the DPA does not apply. Both the EU General Data Protection Regulation, which repealed the 1995 EU Directive<sup>7</sup> which highly influenced the DPA, recognizes that “the principles of data protection should not apply to anonymous information.”<sup>8</sup>

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

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<sup>7</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (24 October 1995).

<sup>8</sup> Regulation (EU) 2016/679, Recital 26 and DIRECTIVE 95/46/EC, Recital 26.