



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

ADVISORY

SUBJECT: Guidelines on the Issuance of Certificate of Pending/No Pending Case

In the exigency of the public service, pursuant to the mandate of the National Privacy Commission (NPC) to administer and implement the provisions of Republic Act No. 10173, also known as the “Data Privacy Act of 2012” (DPA), the following guidelines on the issuance of a Certificate of Pending/No Pending Case are hereby adopted.

I. Rationale

Pursuant to Section 7(b) of the DPA, the NPC is mandated to receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and in cases it deems appropriate, publicize any such report.

In order to efficiently conduct investigations and expedite the resolution of cases, the Certificate of Pending/No Pending Case (Certificate) is issued to confirm that a natural or juridical person has a pending/no pending complaint/s filed with the NPC.

II. Guidelines

A. Who may avail of the service:

NPC stakeholders and clients covered by the DPA, both private and public.

B. Requirements

1. *For Natural Persons*

- a. Duly accomplished Request for Certificate of Pending/No Pending Case Form.
- b. Certified photocopy of a valid government issued ID of the requesting party. If request is through a representative, an authorization letter from the requesting



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

party and also a certified photocopy of a valid government issued ID of the representative must be attached.

2. *For Juridical Persons*

- a. Duly accomplished Request for Certificate of Pending/No Pending Case Form to be filled-out by the Data Protection Officer (DPO), evidenced by a Certificate of DPO Registration with the NPC.
- b. Certified photocopy of a valid government issued ID of the DPO. If request is through a duly authorized representative of the DPO, an authorization letter and a certified photocopy of a valid government issued ID of the duly authorized representative must be attached.

C. *Process*

Step	Applicant/Client	Service Provider	Response Time	Person in Charge	Fees	Form
1	Submit duly accomplished application form and other requirements through the designated NPC portal/e-mail.	Acknowledge the applicant and receives the duly accomplished application form and other requirements through an e-mail response.		Receiving Clerk (PIAD)	*N/A (TBD)	Reference No. via e-mail.
2	Receive the Reference No. through e-mail for claiming of the Certificate.	1. Examine documents for completeness; 2. Advise the applicant on the estimated time of release; 3. Encode name of applicant in the computer database and		Receiving Officer (PIAD)	N/A	



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

		issues Reference no. for claiming; and 4. Endorse the request to the CID.				
3		1. Verify records of the applicant from database. a. If without pending case, prepares the certification. b. If with pending case, prepares the certification with pending case. 2. Endorse the Certificate to the CID Chief.		Clearance personnel (CID)	N/A	NPC Certificate
4		Review the documents and sign the NPC Certification recommending approval to the Legal and Enforcement Office Director.		CID Chief	N/A	
5		Review the NPC Certification. In the absence of any infirmities or irregularities, approve/sign the		LEO Director	N/A	



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

		Certificate and revert to CID for release.				
6		Review correctness of the information in the clearance. Upon verification, process the release of the Certificate.		Clearance Personnel (CID)	N/A	
7	Receive the signed NPC Certificate.	Send the approved Certificate to the applicant and records the fulfillment of the transaction in relation to the reference no. issued.		Clearance Personnel (CID)	N/A	NPC Certificate
END OF PROCESS						

III. Contest of the Certification of Pending/No Pending Case

A. Grounds for the contest of the Certification of Pending/No Pending Case

An applicant may contest the Certification of Pending/No Pending Case on the following grounds:

1. That the pending case appearing in the certification has already been dismissed, terminated or settled; and
2. That the person or juridical entity whose name appears in the certification is just a namesake or an unauthorized representative.

B. Requirements for filing a contest

Based on the grounds provided in the preceding paragraph, the applicant should present a **Certified True Copy of the Commission Order/Decision** dismissing or terminating the case with a Certification from the Commission issued through the



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

Complaints and Investigation Division (CID), that the case is the same or execute an **Affidavit of Denial** that the person appearing in the Certification is a different person or juridical entity.

C. Resolution of the contest

In such instances, the CID will verify the veracity of the submitted documents and shall issue an Amended Certification if the circumstances was found to be meritorious.

IV. Effectivity Clause

This Order shall take effect immediately and shall remain in force until revoked, superseded amended, and/or modified accordingly. Furthermore, a request for the issuance of such Certificate may be subjected to fees, to be determined by the Commission, in the event that the NPC Fees Committee decides to impose a fee for such request.

ATTY. JOHN HENRY D. NAGA
Privacy Commissioner

Date: 20 January 2022