



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

**IN RE: FYNAMICS LENDING  
INC. OPERATING  
PONDOPESO ONLINE  
LENDING APPLICATION**

**NPC 19-910**  
*For violation of the  
Data Privacy Act of 2012*

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**ORDER**

On 15 October 2019, the Commission received an Answer by respondent Fynamics Lending Inc. and some of its directors, ML, CW, and BBS (hereafter “Respondents”) containing certain statements that lacked substantiation.

On 8 January 2020, the Commission issued an Order directing Respondents to submit within ten (10) days from receipt of such Order the pertinent documents to support such allegations, such as:

1. The official company document containing the functional statements of each director and officer of the corporation; and
2. The outsourcing agreement with the third-party service provider/processor referred to in their Answer as of 29 August 2019 (the date of the Fact-Finding report) containing the provisions they mentioned in Paragraph 19.<sup>1</sup>

On 20 February 2020, the Commission received a Compliance submission from Respondents that included the following attached documents:

- 1) A copy of the by-laws of Fynamics (Annex A);
- 2) An original copy of the Affidavit executed by MTA, General HR Manager at Fynamics (Annex B);
- 3) A copy of the Master Service Agreement executed by Fynamics and Asiapac (Annex C);
- 4) Code of Conduct of Asiapac (Annex D);

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<sup>1</sup> Order dated 8 January 2020.

- 5) A copy of the presentation of Fynamics on its ongoing efforts for data collection and usage as well as optimization of data collection systems (Annex E); and
- 6) A copy of the certification issued by Fynamics' external legal counsel, Gonzales & Quismorio Law Offices (Annex F).

Under NPC Circular No. 16-04 or the NPC Rules of Procedure, the Commission may order the conduct of a clarificatory hearing if, in its discretion, additional information is needed to make a Decision.

After due consideration of the evidence presented as of the date of this Order, the Commission finds that a clarificatory hearing is needed for the proper disposition of this case.

**WHEREFORE**, in the interest of conducting an exhaustive investigation and pursuant to the NPC Rules of Procedure, the Commission hereby resolves to **ORDER** Respondents to appear for a clarificatory hearing on **24 SEPTEMBER 2020 at 2:00 PM**, in relation to its submissions for the case of NPC 19-910.

In light of the restrictions brought about by the pandemic due to COVID-19, such clarificatory hearing shall be conducted via remote appearance through [Link] and guided by NPC Advisory No. 2020-02 or "Guidelines on the Use of Videoconferencing Technology for the Remote Appearance and Testimony of Parties Before the National Privacy Commission."

To enable the Commission to take the necessary measures for the security of the hearing, the Respondents are **DIRECTED**, before the date of the hearing, to submit the names and designations of its representatives to the clarificatory hearing who should be competent to address inquiries relating to the previous submissions made for this case.

Failure to comply with this Order shall cause the Commission to adjudicate the issues on the basis of the evidence on record.

**SO ORDERED.**

City of Pasay, Philippines  
20 August 2020

**Sgd.**  
**LEANDRO ANGELO Y. AGUIRRE**  
*Deputy Privacy Commissioner*

WE CONCUR:

**Sgd.**  
**RAYMUND E. LIBORO**  
*Privacy Commissioner*

**Sgd.**  
**JOHN HENRY D. NAGA**  
*Deputy Privacy Commissioner*

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**COMPLAINTS AND INVESTIGATION DIVISION**  
**ENFORCEMENT DIVISION**  
**GENERAL RECORDS UNIT**  
National Privacy Commission