



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

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

NPC No. 19-910
*For violation of
the Data Privacy
Act of 2012*

x-----x

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”).

In their Answer, they argue that:

1. It is not true that Fynamics and its directors/officers have “knowledge of the practices of its agents or other people clothed with the authority to collect outstanding loans” because, in fact, the collection agents who committed debt-shaming practices did so without the knowledge of Fynamics and its directors/officers. It then follows that without any knowledge of Fynamics and its officers, the respondents could not have consented to the acts of the collection agents, whether expressly or impliedly.¹
2. Fynamics recognizes that even if the collection of loan repayments was outsourced to a third-party service provider, it was not amiss in its duty to ensure that the third-party service provider/processor and the collection agents under its employ comply with the DPA and the basic principles of personal data protection. In particular, collection agents are supposed to use only a provided computer software to contact the user/borrower or third parties. They were not allowed to use their personal phones to contact the user or other parties, which is what these collection agents did.²

The Commission notes that Respondents failed to provide any evidence in their Answer to support these arguments.

¹ Answer dated 15 October 2019, par. 18.

² Answer dated 15 October 2019, par. 19.

WHEREFORE, in the interest of conducting an exhaustive investigation, and in the exercise of its mandate to compel any entity, government agency or instrumentality to abide by its orders or to take action on a matter affecting privacy,³ the Commission hereby orders Fynamics Lending Inc. and the individual respondents ML, CW, and BBS, to **SUBMIT** within **TEN (10) days** from receipt of this Order the pertinent documents to support the abovementioned 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.

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
8 January 2020

Sgd.
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

WE CONCUR:

Sgd.
JOHN HENRY D. NAGA
Deputy Privacy Commissioner

Sgd.
RAYMUND E. LIBORO
Privacy Commissioner

³ R.A. 10173, Section 7 (d).

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ROMULA MABANTA
BUENAVENTURA SAYOC &
DE LOS ANGELES

*Counsel for Fynamics Lending Inc.,
ML, CW, and BBS*

GOROSIN GARCIA & ASSOCIATES

*Counsel for Respondents KF, JCG
and HAD*

ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
National Privacy Commission