



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*

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RESOLUTION

On 10 February 2020, the Commission received a Motion for Extension of Time to File Compliance (hereafter, “Motion”) by respondent Fynamics Lending Inc. and some of its directors, ML, CW, and BBS (hereafter “the Respondents”).

In their Motion, the Respondents state:

3. The Respondents, in collaboration with their undersigned counsel, are currently preparing and gathering documents to support specific allegations in the Answer, in compliance with the Order.
4. However, the efforts to comply with the Order are being beset by communication and logistics issues arising from the ongoing outbreak in China caused by the 2019 Novel Coronavirus and by time-consuming presentation and review of documents.

The Commission emphasizes that the period of time it granted the Respondents in its Order dated 8 January 2020 was based on the nature of documents it required to be submitted. The allegations in their Answer show that these are documents that would have been readily available and already in the possession of the Respondents, thus:

18. 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

¹ Answer dated 15 October 2019, par. 18.

19. 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 finds the Respondents' Motion to be unclear about how the outbreak in China caused by the 2019 Novel Coronavirus affects their possession and submission of the required documents to the Commission within the prescribed period.

Nevertheless, in the interest of conducting an exhaustive investigation and finding that the Motion was filed within the allowable period of time, the Commission grants the Motion for additional time as prayed for by the respondents.

WHEREFORE, the Commission hereby **GRANTS** the Motion for Extension of Time to File Compliance by respondents Fynamics Lending Inc. and the individual respondents ML, CW, and BBS, allowing the submission of Compliance until 20 February 2020.

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 February 2020

Sgd.
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

² Answer dated 15 October 2019, par. 19.

WE CONCUR:

Sgd.

JOHN HENRY D. NAGA
Deputy Privacy Commissioner

Sgd.

RAYMUND E. LIBORO
Privacy Commissioner

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ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
National Privacy Commission