



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**IN RE: POPULUS LENDING
CORPORATION (PESOPOP)
AND ITS RESPONSIBLE OFFICERS**

NPC SS 21-008

INITIATED AS A *SUA SPONTE* NPC
INVESTIGATION INTO THE
POSSIBLE DATA PRIVACY
VIOLATIONS COMMITTED BY
POPULUS LENDING CORPORATION
(PESOPOP)

For: Violation of Data
Privacy Act of 2012

X-----X

ORDER

On 12 August 2021, the Commission issued an Order granting the Application for Temporary Ban on the processing of personal data against Populus Lending Corporation as the operator of the online lending application, Pesopop, and its responsible officers (Pesopop).¹ The dispositive portion of the Order provides:

WHEREFORE, premises considered, this Commission **GRANTS** the Application for Temporary Ban on the processing of personal data filed by the Complaints and Investigation Division of the National Privacy Commission. A **TEMPORARY BAN ON PROCESSING OF PERSONAL DATA** is hereby issued against Respondent Populus Lending Corporation, as the operator of the online lending application, Pesopop.

Further, pursuant to the **ORDER FOR TEMPORARY BAN**, Respondent Populus Lending Corporation shall:

1. Immediately take down its online lending application, Pesopop, to ensure that it is no longer available for download, installation or use by data subjects; and
2. Stop personal data processing activities, including those activities outsourced to third parties, where the processing operations involves use of information from the phonebook,

¹ Order, 12 August 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

directory, and contact list of data subjects, disclosure of false or unwarranted information, and other unduly intrusive personal data processing methods.

This **TEMPORARY BAN ON THE PROCESSING OF PERSONAL DATA** shall remain in effect until the final resolution of the *sua sponte* investigation against Respondent and its responsible officers.

...

SO ORDERED.²

On three separate occasions, the Commission, through its Enforcement Division (EnD), identified that the Pesopop application was made available for download, installation, or use in the Google Play Store despite the imposition of the Temporary Ban against it.

First, on 08 November 2021, the EnD sent a letter to inform Pesopop that during a monitoring activity on 29 October 2021, it noticed that the application was made available for download in the Google Play Store.³ As a consequence, Pesopop was “ordered to immediately ensure that Pesopop is no longer available for download, installation or use by the data subjects in any manner until the Temporary Ban is lifted.”⁴ Pesopop was also instructed to submit its explanation regarding the matter within ten (10) days from receipt of the letter.⁵

Second, on 25 November 2021, the EnD sent another letter to Pesopop to reiterate its order to take down the application from the Google Play Store.⁶

Third, on 28 December 2021, the EnD sent a similar letter to Pesopop, in which it also instructed Pesopop to explain why the application was made available for download in the Google Play Store despite the Temporary Ban.⁷

² *Id.* at 10-11.

³ Letter re: Compliance with Order dated 12 August 2021, 08 November 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

⁴ *Id.*

⁵ *Id.*

⁶ Letter re: Compliance with Order dated 12 August 2021, 25 November 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

⁷ Letter re: Compliance with Order dated 12 August 2021, 28 December 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

In all three instances, Pesopop failed to sufficiently explain why the application was made available for download in the Google Play Store during the period when the Temporary Ban was still in effect. In its Replies to the letters sent by the EnD, it only informed the Commission that the application was already removed from the Google Play Store.⁸ Further, Pesopop merely reiterated the argument it raised in its Notice of Entry of Appearance with Motion for Reconsideration dated 03 September 2021 that the imposition of the Temporary Ban was void *ab initio*.⁹

Despite repeated orders from the Commission to take down the application, the application kept re-appearing on the list of applications available for download in the Google Play Store.¹⁰ The Commission stresses that this is a blatant recurring violation of the Temporary Ban against Pesopop.

Section 8, Rule IX of NPC Circular No. 2021-01 (NPC 2021 Rules of Procedure) provides that “the [T]emporary [B]an on processing of personal data shall remain in effect until the final resolution of the main case, or upon further orders by the Commission or other lawful authority.”¹¹ Considering that the *sua sponte* investigation has not been finally resolved and that there is no order from the Commission or other lawful authority to lift the Temporary Ban, Pesopop must adhere to the Order dated 12 August 2021 that imposed the Temporary Ban on its processing of personal data.

Given the foregoing, the Commission finds it proper to require Pesopop to explain why it should not be held in contempt for violating the Temporary Ban.

WHEREFORE, premises considered, Respondent Populus Lending Corporation, as the operator of the online lending application, Pesopop, is hereby **ORDERED** to **SHOW CAUSE** in writing on why it should not be subject to contempt proceedings for

⁸ See Re – Reply to letter dated 08 November 2021, 15 November 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021); Re – Compliance to letter dated 28 December 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2022).

⁹ See *Id.*

¹⁰ See Letter re: Compliance with Order dated 12 August 2021, 08 November 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021); Letter re: Compliance with Order dated 12 August 2021, 28 December 2021, *in* In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

¹¹ National Privacy Commission, 2021 Rules of Procedure of the National Privacy Commission [NPC 2021 Rules of Procedure], rule IX, § 8 (28 January 2021).

failure to comply with the Order dated 12 August 2021 **within ten (10) days** from the receipt of this Order.

SO ORDERED.

City of Pasay, Philippines.
31 March 2022.

Sgd.
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

WE CONCUR:

Sgd.
JOHN HENRY D. NAGA
Privacy Commissioner

Sgd.
DUG CHRISTOPHER B. MAH
Deputy Privacy Commissioner

Copy furnished:

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POPULUS LENDING CORPORATION
Respondent

RCJ
President

FLB

Corporate Secretary and Treasurer

JIS

Director

MM

Director

WL

Director

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