



Republic of the Philippines  
NATIONAL PRIVACY COMMISSION

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**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

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**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).<sup>1</sup> 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,

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<sup>1</sup> 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.<sup>2</sup>

On 08 November 2021, 25 November 2021, and 28 December 2021, the Enforcement Division (EnD) of the National Privacy Commission sent letters to Pesopop after it determined that the application kept re-appearing on the list of applications in the Google Play Store despite the fact that the Temporary Ban was still in effect.<sup>3</sup> The EnD ordered Pesopop to take down the application<sup>4</sup> and to submit its explanation regarding the matter.<sup>5</sup>

Pesopop stated in its Replies that the application was already removed from the Google Play Store and reiterated its arguments that the imposition of the Temporary Ban was void *ab initio*.<sup>6</sup> Hence, the Commission ordered Pesopop to explain why it should not be subjected to contempt proceedings for failure to comply with the Temporary Ban.<sup>7</sup>

On 11 July 2022, Pesopop submitted its Reply to the Show Cause Order dated 31 March 2022.<sup>8</sup> It explained that the application was made available for existing users, especially those who have pending obligations:

33. Respondents, upon legal advice by previous counsel, allowed a *limited* launch of the PESOPOP application for *existing* users

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<sup>2</sup> *Id.* at 10-11.

<sup>3</sup> 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, 25 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).

<sup>4</sup> *Id.*

<sup>5</sup> 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).

<sup>6</sup> 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 2021).

<sup>7</sup> Order, 31 March 2022, in In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

<sup>8</sup> Reply to the Show Cause Order dated 31 March 2022, 11 July 2022, in In re: Populus Lending Corporation (Pesopop) and its Responsible Officers, NPC SS 21-008 (NPC 2021).

only for purposes of processing loans of EXISTING users, especially those who had pending obligations, and avoid incurring further losses from pre-existing liabilities. With no malicious intent to violate the Temporary Ban, Respondents only sought to ensure that EXISTING users can access the necessary information in order to fulfill their outstanding obligations. Otherwise put, new users could not have used the PESOPOP application. PESOPOP no longer processed any new information/data from new applicants in compliance with the Temporary Ban.<sup>9</sup>

Considering the foregoing, the Commission deems it best to call for a clarificatory hearing on Pesopop's "limited launch" of the application while the Temporary Ban was in effect. This shall aid the Commission in the final resolution of the *sua sponte* investigation against Pesopop.

**WHEREFORE**, premises considered, the Complaints and Investigation Division (CID) of the National Privacy Commission and Respondent Populus Lending Corporation, as the operator of the online lending application, Pesopop, and its responsible officers are directed to **APPEAR** and address inquiries relating to the case.

The Commission sets a Clarificatory Hearing on **11 August 2021, Thursday, at 10:00 o'clock in the morning via Microsoft (MS) Teams.**

To enable the Commission to take necessary measures for the proper conduct of the hearing, the **PARTIES** shall **SUBMIT** to the Commission, **at least three (3) days before the date of the hearing**, the names and designations of their respective authorized representatives or counsel, if any.

Such representatives or counsel should be competent to address the inquiries relating to the previous submissions made for this case and should have valid authority to appear on behalf of Respondents.

**SO ORDERED.**

City of Pasay, Philippines.  
28 July 2022.

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<sup>9</sup> *Id.* at 9.

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

WE CONCUR:

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

**Sgd.**  
**DUG CHRISTOPER B. MAH**  
Deputy Privacy Commissioner

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