



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

JVT,

Complainant,

NPC 18-018

-versus-

For: Violation of the
Data Privacy Act of
2012

VMA,

Respondent.

x-----x

LAR,

Complainant,

NPC 18-019

-versus-

For: Violation of the
Data Privacy Act of
2012

VMA,

Respondent.

x-----x

CCW,

Complainant,

NPC 18-020

-versus-

For: Violation of the
Data Privacy Act of
2012

VMA,

Respondent.

x-----x

MLS,

Complainant,

NPC 18-027

-versus-

For: Violation of the
Data Privacy Act of
2012

VMA,

Respondent.

x-----x

DECISION

NAGA, P.C.;

Before this Commission are the consolidated Complaints filed by JVT, LAR, CCW, and MLS, (Complainants), against VMA for an alleged violation of the Republic Act No. 10173 or the Data Privacy Act of 2012 (DPA).

Facts

On 18 April 2018, JVT, LAR, CCW, and MLS filed their Complaint-Affidavits, respectively, alleging that VMA processed their Personal Data Sheets (PDS) for an unspecified, undeclared, and illegitimate purpose without their knowledge and consent.¹

In their respective Complaint-Affidavits, JVT, LAR, and CCW averred that they are employees at the Office of the Transportation Cooperatives (OTC) under a Contract of Service (COS).² At the same time, MLS is the Board Secretary of the Technical Education and Skills Development Authority (TESDA).³ Complainants alleged in their respective Complaints that VMA was the State Auditor IV of the Commission on Audit (COA) assigned as the Audit Team Leader of the OTC.⁴

Complainants stated that their PDS contained personal and sensitive personal information such as age, marital status, religious affiliation, education, and government-issued ID peculiar to an individual, including Tax Identification Number (TIN), Social Security System (SSS) ID, and Voter's ID.⁵

¹ Complaint-Affidavit dated 18 April 2018 of JVT, at p. 1, Complaint-Affidavit dated 18 April 2018 of LAR, at p. 1, Complaint-Affidavit dated 18 April 2018 of CCW, at p. 1 & Affidavit-Complaint dated 09 May 2018 of MLS at p. 1.

² *Id.*

³ Affidavit-Complaint dated 09 May 2018 of MLS Annex "A".

⁴ Responsive Comment dated 20 July 2018 of VMA, at p. 1.

⁵ Complaint-Affidavit dated 18 April 2018 of JVT, at p. 2, Complaint-Affidavit dated 18 April 2018 of LAR, at p. 2, Complaint-Affidavit dated 18 April 2018 of CCW, at p. 2 & Affidavit-Complaint dated 09 May 2018 of MLS at p. 1.

Complainants alleged that VMA violated their rights as data subjects and their right to privacy by failing to uphold Section 11 (*General Privacy Principles*) and Sections 12 and 13 (*Criteria for Lawful Processing of Personal Information and Sensitive Personal Information*) of the DPA.⁶

On 09 May 2018, MLS alleged in his Affidavit-Complaint that he wrote a letter to VMA asking for an explanation on why no criminal, civil, or administrative charges should be filed against her for the alleged acquisition of his PDS from the Human Resource Personnel of the OTC without his consent and for an unknown purpose.⁷ Moreover, MLS alleged that his right to data privacy has been violated by VMA and prayed for the award of One Million Pesos (Php1,000,000) in the form of damages.⁸

On 29 June 2018, the Commission's Complaints and Investigation Division (CID) ordered the parties to confer for discovery.⁹ On 12 July 2018, Complainants failed to appear, and VMA manifested that she was unwilling to enter into an amicable settlement with the Complainants.¹⁰ Hence, CID ordered VMA to file her Responsive Comment within ten (10) days from 12 July 2018 or until 22 July 2018.¹¹ Complainants were likewise ordered to file their reply upon receipt of respondent's comment.¹²

On 20 July 2018, VMA submitted her Responsive Comment (consolidated), alleging that she was the COA State Auditor IV

⁶ Complaint-Affidavit dated 18 April 2018 of JVT, Complaint-Affidavit dated 18 April 2018 of LAR, & Complaint-Affidavit dated 18 April 2018 of CCW.

⁷ Affidavit-Complaint dated 09 May 2018 of MLS Annex "A".

⁸ Affidavit-Complaint dated 09 May 2018 of MLS.

⁹ *JVT v. VMA*, NPC 18-018, Order to Confer for Discovery dated 29 June 2018, at p. 2, *LAR v. VMA*, NPC 18-019, Order to Confer for Discovery dated 29 June 2018, at p. 2, *CCW v. VMA*, NPC 18-020, Order to Confer for Discovery dated 29 June 2018, at p. 2, & *MLS v. VMA*, NPC 18-027, Order to Confer for Discovery dated 29 June 2018, at p. 2.

¹⁰ *JVT v. VMA*, NPC 18-018, Order dated 12 July 2018 at, p. 1, *LAR v. VMA*, NPC 18-019, Order dated 12 July 2018, at p. 1, *CCW v. VMA*, NPC 18-020, Order dated 12 July 2018, at p. 1, & *MLS v. VMA*, NPC 18-027, Order Order dated 12 July 2018, at p. 1.

¹¹ *JVT v. VMA*, NPC 18-018, Order dated 12 July 2018, at p. 2, *LAR v. VMA*, NPC 18-019, Order dated 12 July 2018, at p. 2, *CCW v. VMA*, NPC 18-020, Order dated 12 July 2018, at p. 2, & *MLS v. VMA*, NPC 18-027, Order dated 12 July 2018, at p. 2.

¹² Consolidated Fact-Finding Report of Complaints and Investigation Division for Cases Nos. 18-018, 18-019, 18-020 and 18-027 dated 24 April 2020, at p. 2,

assigned at OTC.¹³ Moreover, VMA averred that her action in collecting the PDS of Complainants was done pursuant to Section 43 of Presidential Decree (PD) No. 1445:

1. The Auditors shall exercise such powers and functions as may be authorized by the Commission in the examination, audit and settlement of the accounts, funds, financial transactions, and resources of the agencies under their respective audit jurisdiction;

2. A report of audit for each calendar year shall be submitted on the last working day of February following the close of the year, by the head of each auditing unit through the Commission to the head or the governing body of the agency concerned and copies thereof shall be furnished the government officials concerned or authorized to receive them. Subject to such rules and regulations as the Commission may prescribe from time to time, the report shall set forth the scope of audit and shall include a statement of financial condition; a statement of surplus or deficit analysis; a statement of operations; a statement of changes in financial position; and such comments and information as may be necessary together with such recommendation with respect thereto as may be advisable, including a report of any impairment or capital noted in the audit. It shall also show specifically any program, expenditures, or other financial transaction or undertaking observed in the course of audit which in the opinion of the Auditor has been carried out or made without authority of law. The Auditor shall render such other reports as the Commission may require;

3. In the performance of their respective audit functions as herein specified, the auditors **shall employ such auditing procedures and techniques as are determined by the Commission under regulations that it may promulgate;**

4. The Auditors in all auditing units shall have the custody and be responsible for the safekeeping and preservation of paid expenses vouchers, journal vouchers, stubs of treasury warrants or checks, reports of collections and disbursements and similar documents together with their respective supporting papers, under regulations of the Commission. (underscoring supplied)¹⁴

¹³ Responsive Comment dated 20 July 2018 of VMA, at p. 1.

¹⁴ Responsive Comment dated 20 July 2018 of VMA, at pp. 1-2.

Further, VMA cited Section 39 of PD No. 1445:

The Commission on Audit shall have the power, for purpose of inspection, to require the submission of the original of any order, deed, contract, or other document under which any collection of, or payment from, government funds may be made, together with any certificates, receipt, or other evidence in connection therewith xxx (underscoring supplied).¹⁵

VMA alleged that on 10 January 2018, she sent a letter received by the OTC requesting the management for the submission of data, including that of the COS Personnel.¹⁶ It was also averred that “the COS is one of the areas required to be audited pursuant to the General Audit Instructions for CY 2017 and the Audit for the Specific Audit Instructions.”¹⁷

Further, she claimed that the collection of Complainant’s PDS was for a legal reason:

PDS which were submitted upon application of employees to the government office as support of their employment as COS is needed in the verification and evaluation process by the auditor to support the educational attainment, training experience, status of employment, etc., as provided in hiring these [COS] which is a must undertaking in the verification of the Contract of Services “on personnel hired by OTC as as part of the auditing procedures applied by the Audit Team to determine whether these personnel meet the qualification standards set by the OTC and whether hiring these number of personnel is really the need of the Agency and part of the Annual Procurement Plan (APP) of the OTC which is a legal reason pursuant to Section 39 and 43 of PD 1445 and not for any personal or other reasons.”¹⁸

Lastly, she stated, “that the actions taken by the Audit Team Leader is what is ask (*sic*) of her in discharging her duties and responsibilities as the Auditor of the OTC.”¹⁹

¹⁵ *Id.*, at p. 2.

¹⁶ *Id.*, at p. 2.

¹⁷ *Id.*, at p. 2.

¹⁸ Responsive Comment dated 20 July 2018 of VMA, at p. 2-3.

¹⁹ *Id.*, at p. 3.

On 27 January 2021, the Commission issued a Minute Resolution remanding the instant case to CID to issue an order for VMA to provide a copy of her Responsive Comment to all the Complainants since VMA failed to furnish the Complainants of her Responsive Comment.²⁰ Further, the Commission order CID to direct the Complainants to file their Reply within ten (10) days upon receipt of the Respondent's Comment, such can be extended if deemed necessary by the CID.²¹

On 18 July 2022, the CID issued an Order directing VMA to furnish the Complainants with a copy of the Responsive Comment and to submit proof of receipt within five (5) calendar days from receipt of the Order.²² Complainants were given a fresh period of fifteen (15) calendar days from receipt of the copy of the Responsive Comment to file their Reply to the Responsive Comment.²³ As such, VMA was also given a fresh period of fifteen (15) calendar days from receipt of the Reply to file her Rejoinder, copy furnished the Complainant.²⁴

On 15 September 2022, the Commission received CCW's handwritten letter dated 20 August 2022 requesting that his name be withdrawn from the case.²⁵ CCW alleged in his letter that he was compelled to sign the Complaint since it is the order of the former OTC EV.²⁶ With this, he prayed that his name be removed as complainant of the instant case.²⁷ On 15 September 2022, the CID ordered CCW to submit a notarized affidavit of desistance within fifteen (15) calendar days from receipt of the Order.²⁸ CCW failed to submit the notarized Affidavit of Desistance to support his request.

²⁰ Minute Resolution dated 27 January 2021, at p. 2.

²¹ *Id.*

²² *v. VMA*, NPC 18-018, Order dated 12 July 2018 at, p. 2, *LAR v. VMA*, NPC 18-019, Order dated 12 July 2018 at, p. 2, *CCW v. VMA*, NPC 18-020, Order dated 12 July 2018, at p. 2, & *v. VMA*, NPC 18-027, Order dated 12 July 2018, at p. 2.

²³ *Id.*

²⁴ *Id.*

²⁵ Complainant CCW's Letter dated 22 August 2022.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *JVT v. VMA*, NPC 18-018, Order dated 15 September 2022 at, p. 2, *LAR v. VMA*, NPC 18-019, Order dated 15 September 2022, at p. 2, *CCW v. VMA*, NPC 18-020, Order dated 15 September 2022, at p. 2, & *MLS v. VMA*, NPC 18-027, Order dated 15 September 2022, at p. 2.

Based on the records, the parties failed to comply to the Orders dated 18 July 2022 and 15 September 2022. Thus, the instant case shall be decided based on the records before the Commission.

Issue

Whether VMA violated Sections 11, 12, and 13 of the DPA.

Discussion

The Commission dismisses the complaint for lack of merit.

Complainants alleged that VMA, State Auditor IV, Audit team leader of DOTR2 Audit Group assigned at the OTC, requested and collected, for unspecified, undeclared, and illegitimate purpose, copy their PDS without their knowledge, information, consent, authorization, or much less agreed for its collection and processing.²⁹ Complainants argued that their rights to data privacy have been violated by VMA³⁰ and stated that the processing of personal information must conform to Section 11 (*General Privacy Principles*) and Sections 12 and 13 (*Criteria for Lawful Processing of Personal Information and Sensitive Personal Information*) of DPA. Lastly, Complainants alleged that the act of “VMA does not fall under any of the exemptions provided for under the law [DPA]”³¹

VMA argued that state auditors are required to audit contracts of services pursuant to the General Audit Instructions for CY 2017 and the Audit Area for the Specific Audit Instructions issued by the Cluster Director of the Cluster 7, National Government Sector, COA and the Supervising Auditor Department of Transportation 2 Audit Group for the preparation of the CY 2017 Annual Audit

²⁹ Complaint-Affidavit dated 18 April 2018 of JVT, at p. 1, Complaint-Affidavit dated 18 April 2018 of LAR, at p. 1, Complaint-Affidavit dated 18 April 2018 of CCW, at p. 1 & Affidavit-Complaint dated 09 May 2018 of MLS at p. 1.

³⁰ *Id.*

³¹ Complaint-Affidavit dated 18 April 2018 of JVT, at p.4, Complaint-Affidavit dated 18 April 2018 of LAR at p.4, & Complaint-Affidavit dated 18 April 2018 of CCW, at p.4, & Affidavit-Complaint dated 09 May 2018 of MLS at p. 3.

Report/Management Letter.³² She also alleged that the PDS of COS personnel hired by OTC were needed in the verification part of the auditing procedures to determine whether the qualification standards set by the OTC were met by these personnel, whether the hiring of such number of personnel was indeed necessary, and whether such hiring was part of the Annual Procurement Plan of the OTC pursuant to Sections 39 and 45 of P.D. 1445.³³ VMA argues that her actions were officially performed as part of her duties and responsibilities as the Audit Team Leader.³⁴

I. The PDS contains personal and sensitive personal information.

The case involves VMA's processing of the PDS of the Complainants for audit purposes.³⁵ Processing "refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data."³⁶

Complainants averred that their PDS was processed without their consent or authorization.³⁷ Further, the Complainants alleged that their PDS contained the following information "age, marital status, religious affiliation, education, and government-issued ID peculiar to an individual, including Tax Identification Number (TIN), Social Security System (SSS) ID, and Voter's ID."³⁸

As discussed in VVC vs. CJB³⁹:

³² Responsive Comment dated 20 July 2018 of VMA, at p. 2.

³³ *Id.*, at p. 2-3.

³⁴ *Id.*, at p. 2.

³⁵ *Id.*, at pp. 2-3.

³⁶ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes [Data Privacy Act of 2012], Republic Act No. 10173, chapter I, § 3(j) (2012).

³⁷ Complaint-Affidavit dated 18 April 2018 of JVT, at p. 2, Complaint-Affidavit dated 18 April 2018 of LAR, at p. 2, Complaint-Affidavit dated 18 April 2018 of CCW, at p. 2 & Affidavit-Complaint dated 09 May 2018 of MLS at p. 1.

³⁸ *Id.*

³⁹ VVC v. CJB, NPC 19-134, Decision dated 10 December 2021.

A PDS is an **official document that contains personal and sensitive personal information of a government employee or official**. A PDS contains a government official of employee's personal background, qualifications, and eligibility, which necessarily includes personal and sensitive personal information as defined by the DPA:

Section 3. Definition of Terms. – Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

(g) Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual

....

(l) Sensitive personal information refers to personal information:

(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

(3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and

(4) Specifically established by an executive order or an act of Congress to be kept classified.⁴⁰

The processing of sensitive personal information, such as those contained in the PDS of the Complainants, is prohibited under the

⁴⁰ *Id.*, at pp. 7-8.

DPA, except when the data subjects have consented to the processing or when there are other lawful criteria for the processing of sensitive personal information. Section 13 of the DPA provides that sensitive personal information cannot be processed, except for the specific instances stated therein, to wit:

SEC. 13. Sensitive Personal Information and Privileged Information. - The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

xxx

(b) The processing of the same is provided for by existing laws and regulations: Provided, that such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

(c) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;

(d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations: Provided, that such processing is only confined and related to the bona fide members of these organizations or their associations: Provided, further, That the sensitive personal information are not transferred to third parties: Provided, finally, That consent of the data subject was obtained prior to processing;

(e) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

(f) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.⁴¹

⁴¹ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy

II. *The processing of the Complainants' PDS by VMA is permissible under the Data Privacy Act of 2012.*

In this case, Complainants averred in their respective Complaint-Affidavit that VMA, State Auditor IV, Audit Team Leader of DOTR 2 Audit Group assigned at the OTC, processed their personal information without their consent.⁴² VMA, on her part, stated that she processed the personal information as part of her functions as the COA State Auditor IV and Audit Team Leader of the OTC.⁴³

As established in the previous rulings of this Commission, consent is not the only basis for processing personal and sensitive personal information.⁴⁴ Under Sections 12 and 13 of the DPA, the processing of personal and sensitive personal information shall only be permitted based on other lawful criteria⁴⁵, to wit:

SEC. 12. Criteria for Lawful Processing of Personal Information. – The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

xxx

(e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to **fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate;**⁴⁶ (Emphasis supplied)

Commission, and for Other Purposes [Data Privacy Act of 2012], Republic Act No. 10173, chapter III, § 13 (2012).

⁴² Complaint-Affidavit dated 18 April 2018 of JVT, at p. 2, Complaint-Affidavit dated 18 April 2018 of LAR, at p. 2, Complaint-Affidavit dated 18 April 2018 of CCW, at p. 2 & Affidavit-Complaint dated 09 May 2018 of MLS, at p. 1.

⁴³ Responsive Comment dated 20 July 2018 of VMA, at p. 3.

⁴⁴ ACN v. DT, NPC 18-109, Decision dated 01 June 2021, at p. 10.

⁴⁵ VVC v. CJB, NPC 19-134, Decision dated 10 December 2021, at p. 15.

⁴⁶ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes [Data Privacy Act of 2012], Republic Act No. 10173, chapter III, § 12 (2012).

xxx

SEC. 13. Sensitive Personal Information and Privileged Information. – The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

xxx

(b) **The processing of the same is provided for by existing laws and regulations:** Provided, that such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information; ⁴⁷ (Emphasis supplied)

Under Section 2 par. (1) of Article IX (D) of the 1987 Constitution of the Philippines:

[COA] shall have the power, authority, and duty to examine, audit, and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations with original charters, and on a post-audit basis ⁴⁸

To reiterate, VMA cited Sections 39 and 43 of PD 1445, describing the Powers, functions, and duties of Auditors as Representatives of the Commission on Audit.⁴⁹

Section 39 (1) of PD 1445, provides:

Section 39. Submission of papers relative to government obligations. (1) The Commission shall have the power, for purposes of inspection, to **require the submission of the original of any order, deed, contract, or other document under which any collection of, or payment from, government funds**

⁴⁷ An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes [Data Privacy Act of 2012], Republic Act No. 10173, chapter III, § 13 (2012).

⁴⁸ Philippine Constitution, Article IX (D)(2). 1987.

⁴⁹ Responsive Comment dated 20 July 2018 of VMA, at pp. 1-2.

may be made, together with any certificate, receipt, or other evidence in connection therewith. If an authenticated copy is needed for record purposes, the copy shall upon demand be furnished.⁵⁰

While Section 43 of PD 1445 states:

Section 43. Powers, functions, and duties of auditors as representatives of the Commission.

1. The auditors shall exercise such powers and functions as may be authorized by the Commission in the examination, audit and settlement of the accounts, funds, financial transactions, and resources of the agencies under their respective audit jurisdiction.

2. A report of audit for each calendar year shall be submitted on the last working day of February following the close of the year, by the head of each auditing unit through the Commission to the head or the governing body of the agency concerned, and copies thereof shall be furnished the government officials concerned or authorized to receive them. Subject to such rules and regulations as the Commission may prescribe from time to time, the report shall set forth the scope of audit and shall include a statement of financial condition; a statement of surplus or deficit analysis; a statement of operations; a statement of changes in financial position; and such comments and information as may be necessary together with such recommendations with respect thereto as may be advisable, including a report of any impairment of capital noted in the audit. It shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of audit which in the opinion of the auditor has been carried out or made without authority of law. The auditor shall render such other reports as the Commission may require.

3. In the performance of their respective audit functions as herein specified, the auditors shall employ such auditing procedures and techniques as are determined by the Commission under regulations that it may promulgate.

4. The auditors in all auditing units shall have the custody, and be responsible for the safekeeping and preservation of paid

⁵⁰ Ordaining And Instituting a Government Auditing Code of The Philippines. Presidential Decree No. 1445, Section 39, 1978.

expense vouchers, journal vouchers, stubs of treasury warrants or checks, reports of collections and disbursements and similar documents together with their respective supporting papers, under regulations of the Commission.⁵¹

Based on the preceding, the COA is responsible for ensuring that government agencies and entities use public funds and resources efficiently, effectively, and in accordance with applicable laws and regulations. Its audit reports serve as a basis for improving government operations and holding officials accountable for their actions. The COA is an independent body constitutionally mandated to perform audit functions, among others.

Thus, VMA, as the designated Auditor of COA, processed complainants PDS in performance of her functions. The letter request shows that VMA has been given authority to process the PDS of Complainants, which contains personal and sensitive personal information, as part of her duties and responsibilities as the State Auditor IV of the OTC. The request was in connection to VMA's function to audit any contracts the OTC enters, including those involving COS personnel.

Moreover, she attached the letter request dated 10 January 2018, requesting that all Chiefs of concerned OTC Division/Office to submit records and reports, including Contracts for all COS personnel, in preparation for the CY 2017 Annual Audit Report.⁵² The letter request shows that the purpose of VMA's collection of the PDS was to facilitate the preparation of the Audit Report and to meet the deadline imposed by law in the submission of the Annual Audit Report."⁵³

The processing of personal and sensitive personal information contained in the PDS of the complainants made by COA, through VMA's letter requesting the collection of the former's PDS, is part of its Constitutional mandate.

⁵¹ Ordaining And Instituting a Government Auditing Code of The Philippines. Presidential Decree No. 1445, Section 41, 1978.

⁵² Responsive Comment dated 20 July 2018 of VMA. Annex "I".

⁵³ *Id.*

Considering the foregoing, this Commission finds the processing made by VMA in requesting and obtaining the PDS of Complainants has a lawful criteria to process the same as stated in Sections 12 (e) and 13 (b) of the DPA, specifically, the processing was done in fulfillment of its mandate and by existing laws and regulations pursuant to the 1987 Philippine Constitution and Government Auditing Code of the Philippines and COA regulations.

WHEREFORE, premises considered, this Commission resolves that the instant Complaint filed by JVT, LAR, CCW, and Atty. MLS against VMA for an alleged violation of the Republic Act No. 10173 or the Data Privacy Act of 2012 (DPA) is hereby **DISMISSED** for lack of merit.

SO ORDERED.

City of Pasay, Philippines.
22 February 2023.

Sgd.
JOHN HENRY D. NAGA
Privacy Commissioner

WE CONCUR:

Sgd.
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

Sgd.
NERISSA N. DE JESUS
Deputy Privacy Commissioner

Copy furnished:

JVT
Complainant

LAR
Complainant

CCW
Complainant

MLS
Complainant

VMA
Respondent

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