

University of the Philippines Diliman
DATA PROTECTION TEAM

MEMORANDUM

Reference No. DPT 18-14

FOR : **[Redacted]**
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

SUBJECT : **Disclosure of SALNs of [Redacted]**

DATE : 14 June 2018

Dear [Redacted], [Redacted], and [Redacted]:

We provide our opinion on

The [Redacted] referred the matter to the UP Diliman [Redacted] Office ([Redacted]) which in turn referred the matter to the UP System Data Protection Officer.

(4) The name of the individual on a document prepared by the individual in the course of employment with the

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[Emphases Supplied]

requirement to keep personal information private does not apply to information that relates to the (1) position; and (2) functions of a current or

(f) The processing is **necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed**, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

[Emphases Supplied]

This means that before personal information is disclosed, the requesting third party must have a *purpose*. This purpose must be a *legitimate interest*. The requested information must be *necessary* for this legitimate interest.

[Redacted] was not able to show that his purpose for requesting the SALNs are necessary for a legitimate interest since he did not mention any purpose at all. Hence, **under the Data Privacy Act, the University currently cannot disclose the SALNs for lack of a purpose.**

UP System Data Protection Officer [Redacted] keenly observed that [Redacted] attacked [Redacted] a number of times in his newspaper

- a. The purpose provided by [Redacted] is a *legitimate interest*; and
- b. [Redacted] SALNs are *necessary*

Should the University decide to release the SALNs, then the University has the obligation to only provide copies of SALNs filed by [Redacted] from 15 May 2008 onwards.

[Redacted], he has the obligation to pay the University a reasonable fee before copies of the SALNs can be provided.

This opinion is primarily on the data privacy aspects of the request at hand. The UP Diliman Data Protection Officer does not have jurisdiction to render final legal opinions on issues not related to data privacy.

Yours,

Elson B. Manahan
Data Protection Officer
University of the Philippines Diliman

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