

University of the Philippines Diliman
DATA PROTECTION TEAM

26 October 2018

Reference No. DPT 18-22

FOR : [Redacted]

THRU : [Redacted]
[Redacted]

people – and perhaps minimize imposing to our people responsibilities which should be the responsibility of the institution.

Requirements of strict confidentiality and processing

While the NDA is admirable in that it prevents disclosure of "confidential/privileged information" in "*personal dealings*", it may have overlooked to lay out the following regulatory requirements:

- Operate and hold *personal information* as well as *sensitive personal information* under (DPA IRR Sec. 26 (d) par. 2)
- Process personal data only if there is a legitimate purpose (DPA IRR Sec. 18 (b))
- Ensure the processing of personal data is necessary and not excessive to its purpose (DPA IRR Sec. 18 (c))
- No employee of the government shall access sensitive personal information unless there is a security clearance (DPA IRR Sec. 31(a)(1))

Acceptable Use Policy, Restricted Access and Security Clearances

NPC Circular 16-01 requires government employees to comply with the Acceptable Use Policy, restricted access and security clearances imposed by their organization. It may be advisable that the NDA includes a statement regarding these.

Specific operational measures

In addition to the NDA's requirement of preventing "confidential/privileged information" to be used in "*personal dealings*", it may be advantageous to also impose *specific operational* measures to our people. The obligations of a personal information processor in DPA IRR Sec. 44(b) may be used as framework.

Breach of contract

There may also be a need to include a statement that deals with a faculty or employee's breach of the NDA. Without a statement on breach, the NDA's effectiveness is considerably limited.

Along with this Memorandum is a suggested which your good College may optionally use to address our respectful comments above. This

The legal bases of the provisions in the Annex are indicated as comment boxes in the right margin of the Annex.

Please feel free to reach out for clarifications or further concerns.

Yours truly,

Elson B. Manahan
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