



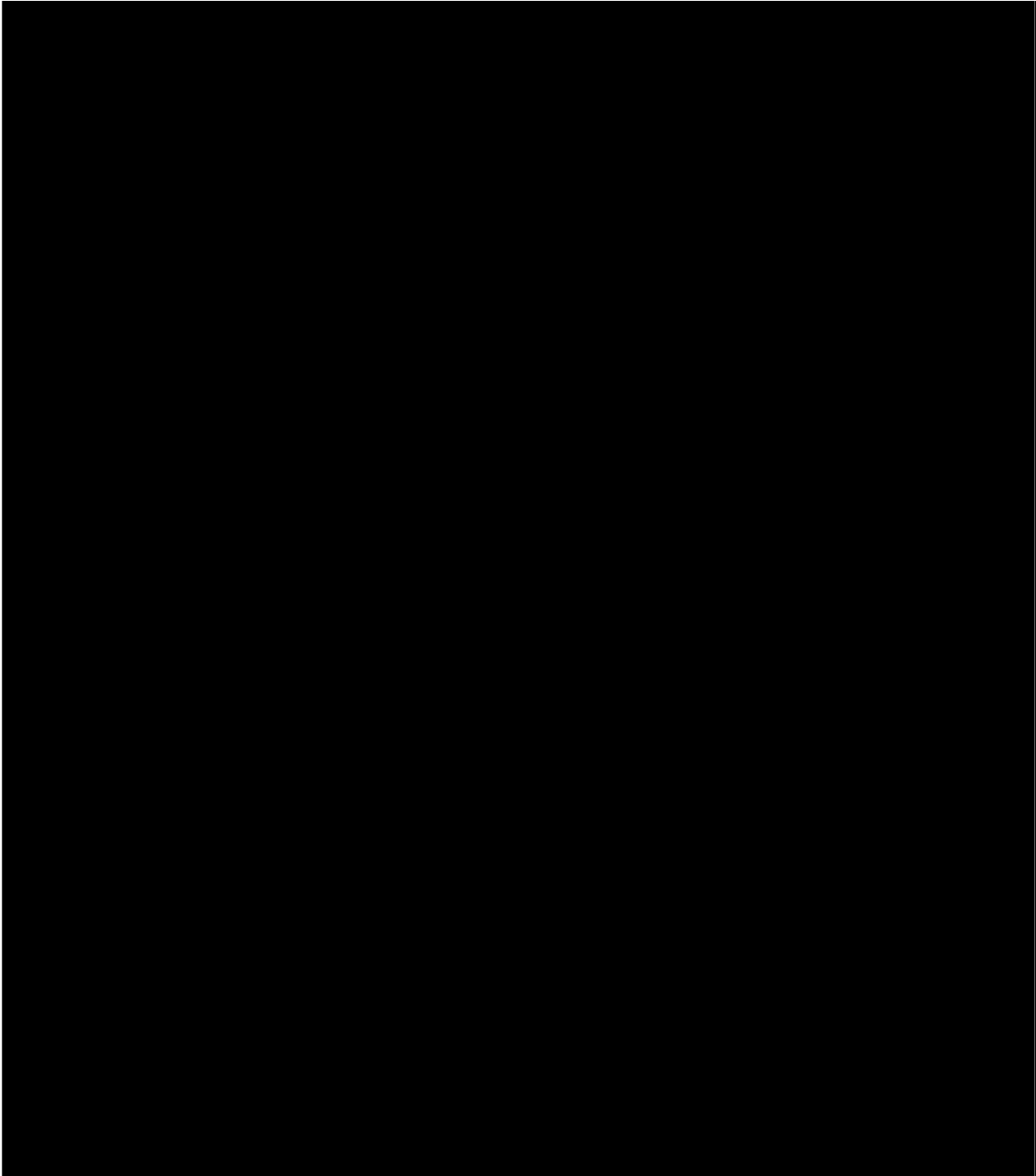
Data Protection Team

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Discussion

The constitutional freedom of the press¹ and the Freedom of Information (FOI) Executive Order² grants journalists the right to information. Even the Data Privacy Act protects journalists from revealing their sources.³ However, it should be noted that these rights are granted to journalists and not the University *per se*. These rights should also be balanced with the data privacy *obligations* of the University as a Personal Information Controller.⁴

Prior to any action, it is suggested that the University confirms that the requester is indeed conducting journalistic work for [Redacted] by asking for a certification from his immediate supervisor and copies of their respective [Redacted] IDs.

claim regarding [Redacted] education in UP, it is not the University's obligation to investigate what it is just to fill the gaps of an unspecified

The requested information are *educational information* which is classified as **sensitive personal information**¹⁸ by the Data Privacy Act. Sensitive personal information may not be disclosed save for the six (6) exceptions under the law.¹⁹

However, since the Data Privacy Act “does not apply”²⁰ to personal information processed for journalistic purposes, then the provisions on of the Data Privacy Act are not applicable – including the provisions on sensitive personal application.

[Redacted] has a right to be informed that her educational information shall be disclosed after the University receives the specifics requested from the journalist

Although the Data Privacy Act does not apply to personal information processed for journalistic purposes, its Implementing Rules and Regulations still requires information controllers and processors to “uphold the rights of data subjects”.²¹ One of these rights is the “right to be informed whether personal data pertaining to him or her *shall be*, are being, or have been processed”.²² It is suggested that a letter be sent to [Redacted] notifying her that her information shall be disclosed for journalistic purposes only after (1) the journalist provided the specific items of information sought to be verified; (2) UP Diliman’s FOI Decision Maker and Data Protection Officer have cleared for release the specific items of information.

Upon being informed, it is possible that [Redacted] exercise her right to object²³ to the processing of her personal information. If this becomes the case, the University should submit to the National Privacy Commission’s decision the contending interests of [Redacted] and [Redacted].

Disclose minimally necessary information with data privacy reminders

The University may disclose information because the Data Privacy Act “does not apply”²⁴ to personal information processed for journalistic purposes. However, this exemption applies “only to the minimum extent necessary to achieve the specific purpose, function, or activity”²⁵ of the journalist. The University may only release specific items of information mutually allowed by UP Diliman’s FOI Decision Maker and Data Protection Officer.

Responsibilities under the Data Privacy Act does not end with the release of information. Along with the disclosure of information, the University should remind the journalist to:

¹⁸ Data Privacy Act of 2012, Section 3(l).

¹⁹ *Idem*, Section 13.

²⁰ *Id.*, Section 4.

²¹ Implementing Rules and Regulations of the Data Privacy Act of 2012, Section 6(a).

²² *Idem*, Section 34(a)(1).

²³ *Id.*, Section 34(b).

²⁴ *Supra*, 21.

²⁵ *Supra*, 6.

