

DSWD OPINION NO. 23 S. 2024

DRN: LS-L-LO-24-01-00728-C

MEMORANDUM

FOR : MIRAMEL GARCIA – LAXA, RSW, MPA
Director IV, Program Management Bureau

FROM : THE ASSISTANT SECRETARY FOR GENERAL
ADMINISTRATION AND SUPPORT SERVICES GROUP AND
CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : LEGAL OPINION ON THE REQUEST FOR DATA ON ONLINE
SEXUAL ABUSE AND EXPLOITATION OF CHILDREN
(OSAEC)

DATE : 29 FEBRUARY 2024

This refers to your MEMORANDUM¹ requesting for our opinion and decision on the attached LETTER² of Ms. Venus G. Abangan, President and CEO of Venrich Holdings OPC, requesting for data on the number of Online Sexual Abuse and Exploitation of Children (OSAEC) cases in the entire Philippines.

As a brief background, Ms. Venus G. Abangan produced an advocacy film focusing on Online Sexual Abuse and Exploitation of Children (OSAEC). The movie highlights the mental health issues and psychological impact that this crime brings about to the lives of the victims. Furthermore, **the requested data pertains to the “number of OSAEC cases as well as number of “tip offs” separately at a barangay level in the entire Philippines.”** Such data will be used to inform alleged “potential sponsors” on the severity of the issue in the Philippines and for prioritization as to which barangay to show the film and conduct an awareness program.

Since the nature of the request pertains only to statistical data, National Privacy Commission (NPC) Advisory Opinion No. 2019-018 highlights that the sharing or disclosure of aggregated information in the form of summaries or statistical tables in which a person will no longer be identified need not be covered by a data sharing agreement. Such sharing or disclosure is no longer within the scope of the Data Privacy Act (DPA), but may be subject to the provisions of other applicable laws and regulations. Thus, as Personal Information Controller (PIC), DSWD is not precluded from disclosing the requested data which pertains to the **number of OSAEC cases only.**

¹ Annex A

² Annex B

Under the DSWD Amended Freedom of Information Agency Manual³, it mentions the Exceptions to Right to Access of Information under Executive Order No. 2, series of 2016⁴, to wit:

“X X X

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

X X X

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

X X X

c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, included those pertaining to the following:

X X X

(7) names of victims of child abuse, exploitation or discrimination”

Given the strict provisions of the law, it is then clear that what can only be shared are statistical data.

Thus, consistent with DSWD Freedom of Information (FOI) Manual and the Inventory of Exceptions to Right to Access of Information under Executive Order No. 2, series of 2016, your office may facilitate **the release of the statistical data pertaining to the requested information**. The requested data may also be forwarded to other Offices/Bureau/Services/Units (OBSU) for availability of other relevant data, if any.

May we emphasize that **the disclosure of the requested data must be strictly limited to statistical data**. To be clear, statistical data merely contains figures and numerical numbers in which a person cannot be identified. The disclosure of other data, particularly personal information and sensitive personal information is strictly prohibited as it is a violation under the Law and may provide irreparable sanctions.

We respectfully submit to the sound discretion of your office in considering the above legal guidance. Please note that the above comments are based solely on

³ DSWD Memorandum Circular No. 01-2023

⁴ Operationalizing in The Executive Branch the People’s Constitutional Right to Information and The State Policies to Full Public Disclosure and Transparency in The Public Service and Providing Guidelines Therefor

the representations made by your office. A different or elaborated set of facts may result to a different legal opinion.

Lastly, please fill out the attached Customer Feedback Form and return the same to the Legal Service.

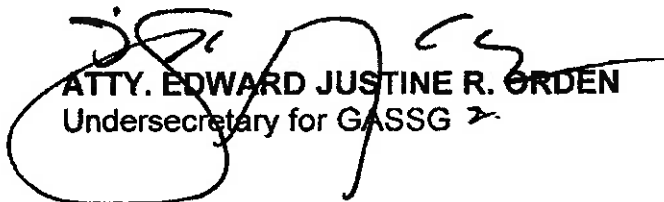
For your consideration.

Thank you.



ATTY. GINA V. WENCESLAO
7E
CMUG/SIFR/10065

Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASSG 2