

DSWD OPINION NO. 30 S. 2024

DRN: LS-L-LO-24-02-41287-C

MEMORANDUM

FOR : **ATTY. BERNADETTE A. MAPUE-JOAQUIN, RSW, CESE**
National Program Manager
Kapit-Bisig Laban sa Kahirapan Comprehensive and Integrated
Delivery of Social Services National Program Management Office

FROM : **ASSISTANT SECRETARY FOR GASSG AND CONCURRENT
OFFICER-IN-CHARGE, Legal Service**

SUBJECT : **RESPONSE ON THE REQUEST OF MR. PAUL LORENZ ALTARES
FROM POLYTECHNIC UNIVERSITY OF THE PHILIPPINES FOR
THE TRANSCRIPT OF INTERVIEW AND ACCOMPLISHED TOOLS
DURING THE FGD ON THE BALIK PROBINSYA, BAGONG PAG-
ASA ON 24 FEBRUARY 2024**

DATE : **20 MARCH 2023**

This pertains to your MEMORANDUM requesting for input on the research request of **Mr. Paul Lorenz Altares**, a student from the Polytechnic University of the Philippines, for a copy of the **transcript of interviews and accomplished tools** used during the Focused Group Discussion (FGD) in Barangays Anda and Bani, Pangasinan on the Balik Probinsya, Bagong Pag-asa (BP2) Program of DSWD held on 24 February 2024.

There were different monitoring tools used during the FGD to gather data/information from the BP2 beneficiaries. Further, the consolidated FGD report contains confidential information, thus, your request for legal advice.

Section 22 of Republic Act (R.A) No. 10173 otherwise known as the Data Privacy Act of 2012 provides:

Section 22. Sensitive Personal Information and Privileged Information. The processing of sensitive personal and privileged information is prohibited, except in any of the following cases:

a. **Consent is given by data subject**, or by the parties to the exchange of privileged information, prior to the processing of the sensitive personal information or privileged information, which shall be undertaken pursuant to a **declared, specified, and legitimate purpose**;

b. The processing of the sensitive personal information or privileged information is provided for by existing laws and regulations: Provided, that said laws and regulations do not require the consent of the data subject for the processing, and guarantee the protection of personal data;

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; x x x (Emphasis Supplied)

Meanwhile, Memorandum Circular (MC) No. 11, series of 2023, or the DSWD Data Privacy Manual provides for the guidelines on data sharing process for academic and research purposes, thus:

F. DATA SHARING PROCESS FOR ACADEMIC/RESEARCH

1. For Academic and Research Purpose (Students)

Sharing of personal data of the Department's beneficiaries is discouraged. However, demographic information and anonymized data sets may be shared. (Emphasis Supplied)

That is, under the law, the **processing of sensitive personal information is explicitly prohibited except for certain instances recognized in the law.** The Department is obliged to protect the data of its program beneficiaries, and it must observe strict confidence in the handling of the client's sensitive personal information. Further, under the DSWD Data Privacy Manual, the sharing of personal data of the Department's beneficiaries is **discouraged.**

Upon coordination with the KALAHI-CIDSS focal person, the following monitoring tools were used during the FGD:

1. **Livelihood Checklist-** contains personal information of the BP2 beneficiary such as name, age, gender and address; and
2. **Fishbowl activity-** a question and answer to the beneficiary on the experience and effect of the BP2 program during and after relocating in their province. The name of the beneficiary was also written in this document.


This level opines that since **monitoring tools number 1 & 2** contain sensitive personal information of the BP2 beneficiaries, it **cannot be shared with Mr. Altares** pursuant to the Data Privacy Act and the DSWD's Data Privacy Manual. Although, the Manual allows sharing of anonymized data, however, this is not applicable to the request of Mr. Altares as the subject documents are exclusively for the use of the Department.

Consequently, this level recommends that the *request* of Mr. Altares **should be denied**, as the documents requested **cannot be shared** because it contains sensitive personal information of the BP2 beneficiaries. The sharing of these documents would constitute a violation of the right to privacy of information of the beneficiaries.

For your consideration.

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

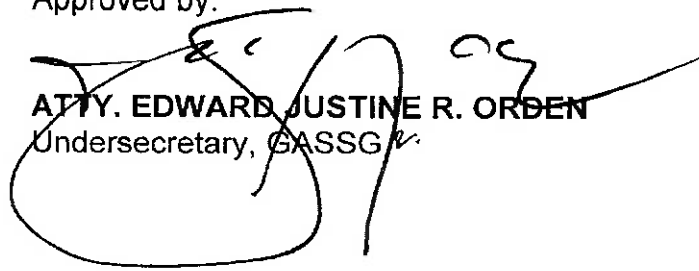
Thank you.



ATTY. GINA V. WENCESLAO

MCMUG /MMBP/LCA/10065

Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary, GASSG