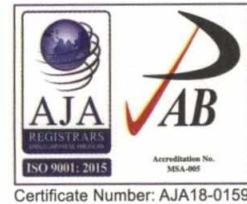




Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila



Circular Letter (CL) No.:	2020-53
Date:	12 May 2020
Supersedes:	NONE

CIRCULAR LETTER

TO : ALL ENTITIES REGULATED BY THE INSURANCE COMMISSION

SUBJECT : PRIVACY LAW IMPLICATIONS OF DISCLOSURE OF CERTAIN PERSONAL INFORMATION TO THE NATIONAL BUREAU OF INVESTIGATION ("NBI")

WHEREAS, this Commission previously sought clarification from the National Privacy Commission ("NPC") on the issue of whether the disclosure of certain personal information in insurance policies of several government officials to the National Bureau of Investigation ("NBI") in connection with the investigation for graft and corruption being conducted by NBI is allowed under Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 ("DPA");

WHEREAS, the NPC responded to this Commission's request for clarification and issued *Privacy Policy Office Advisory Opinion No. 2020-012*, a copy of which is attached to this Circular Letter and made an integral part hereof;

WHEREAS, this Commission adheres to the NPC's position as expressed in *Privacy Policy Office Advisory Opinion No. 2020-012* under the circumstances stated therein, particularly:

1. The NBI's request for personal information "*falls squarely within its mandate to investigate government officials for graft and corruption*"; and
2. "*The disclosure of the [personal information] to the NBI is allowed under the DPA*" because the processing of the personal information by the NBI constitutes "*lawful processing*" under Section 12 (e)¹ of the DPA;

¹ "*(e) The processing is necessary in order x x x to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate;*" (Emphasis supplied.)

WHEREAS, this Commission is of the position that the matters stated in said *Advisory Opinion* is not only applicable to insurance companies, but to all regulated entities that are faced with similar circumstances;

NOW, THEREFORE, pursuant to the powers granted to the undersigned under the Insurance Code of the Philippines, as amended by Republic Act No. 10607, Republic Act No. 9829, otherwise known as the Pre-Need Code of the Philippines, and Executive Order No. 192, Series of 2015, all entities regulated by this Commission are hereby enjoined to consider the following relative to the handling of requests for disclosure of personal information by the NBI in connection with investigations of government officials for graft and corruption, to wit:

1. Requests for disclosure of personal information by the NBI in connection with investigations of government officials for graft and corruption fall squarely within NBI's mandate under Republic Act No. 10867, otherwise known as the National Bureau of Investigation Reorganization and Modernization Act;
2. Accordingly, the processing of the personal information requested by the NBI in connection with investigations of government officials for graft and corruption does not constitute violation of the DPA. This is because the processing of the personal information requested by the NBI constitutes "*lawful processing*" under Section 12 (e) of the DPA; and
3. While such disclosure may be allowed under the DPA, the same should be done in a secure manner and with strict adherence to all existing protocols and standard operating procedures, which includes the issuance of a subpoena, where appropriate in the circumstances and as may be determined by the NBI under Section 4 (b) of Republic Act No. 10867; and
4. Pursuant to Section 7 of the DPA, the NPC is the sole and exclusive statutory authority that has the power to administer and implement the provisions of the DPA and to monitor and ensure compliance of personal information controllers with international standards set for data protection.

This Circular Letter shall take effect immediately.


DENNIS B. FUNA
Insurance Commissioner

