



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



Certificate Number: AJA18-0159

Insurance Commission Ruling (ICR) No.	2019-04
Date:	11 October 2019

**MGen ROBERT M. AREVALO AFP (Ret)**

*President and CEO*

Armed Forces and Police Mutual Benefit Association, Inc.  
 Col Bonny Serrano Road cor. EDSA  
 Camp Aguinaldo, Quezon City

**SUBJECT :** Inquiry on the Application of IC CL No. 2006-35 re:  
 Submission of Bio-data of Members of the Board  
 of Trustees and Corporate Officers

**Dear MGen Arevalo:**

This pertains to the your letter dated 28 August 2019 inquiring on the application of Circular Letter (CL) No. 2006-35 regarding the submission of biographical data (bio-data) of the members of the board of trustees and corporate officers.

Particularly, the company claimed in the said letter that:

- a. It has reservations whether the disclosure of personal information is aligned with Data Privacy Principles of Transparency, Legitimate Purpose and Proportionality considering that CL No. 2006-35 was issued long before the effectivity of the Data Privacy Act of 2012, the latest governing law in handling personal information, sensitive personal information and privilege information;
- b. Minutes of Meeting of the Annual General Membership (AGM) 2019 will only be approved by the members in the next AGM (2020), thus, it is not yet available at this time; and
- c. Since Trustees and Corporate Officers of the company are in the active uniformed service and as such, require a certain degree of confidentiality by virtue of national security, the company request for the exemption in the submission of personal information of its Trustees and Corporate Officers.

As regards the company's first claim, please be informed that the Data Privacy Act of 2012 does not apply to information that are required to be submitted to this Commission pursuant to CL No. 2006-35.

Although said CL was issued in 2006, which was way before the effectivity of the Data Privacy Act of 2012, the latter law recognizes the authority of regulatory agencies to require submission of information in order to carry out the statutorily mandated function and included the same among the exemptions from the

application of the law as provided for under Section 4 of the Data Privacy Act of 2012. Relevant part of Section 4 of the Data Privacy Act of 2012 provides:

“SEC. 4. Scope. – x x x

**This Act does not apply to the following:**

x x x

**(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions.** x x x;”  
(Underscoring and emphasis provided.)

Kindly note that CL No. 2006-35 was issued by this Commission pursuant to Section 193 of the Insurance Code, as amended, which provides:

“SEC. 193. x x x.

**In order to maintain the quality of the management of the insurance companies and afford better protection to policyholders and the public in general, any person of good moral character, unquestioned integrity and recognized competence may be elected or appointed director or officer of insurance companies in accordance with the pertinent provisions contained in the corporate governance circulars prescribed by the Commissioner. In addition hereto, the Commissioner shall prescribe the qualifications of directors, executive officers and other key officials of insurance companies for purposes of this section.**

x x x.” (Emphasis and underscoring provided.)

With regard to the second claim, the company may submit a draft copy of the minutes of the meeting of the MBA members within thirty (30) days after each regular or special meeting, provided the company submits the approved minutes within thirty (30) days from approval by the members.

As to the third claim and request, we regret to inform you that the company's request for exemption in the submission of bio-data of its Trustees and Corporate Officers is hereby **DENIED**.

The submission of the biographical data of the directors and officers, as defined in the company's By-Laws, is among the requirements of this Commission to assess the fitness and propriety of the elected or appointed company directors/trustees and officers.

Relative to the confidentiality issue, rest assured that this Commission treats every personal information provided to us by regulated entities as strictly confidential in nature and shall not be accessed by unauthorized persons.

For your company's information and guidance.

Very truly yours,



**DENNIS B. FUNA**  
Insurance Commissioner

