



ATENEUM DE MANILA UNIVERSITY

UNIVERSITY DATA PROTECTION OFFICE

Inquiry Processing Policy

Background

With the enactment of Republic Act No. 10173, also known as the Data Privacy Act of 2012 (DPA), there has been a surge in public interest regarding the law, its provisions, and their direct and/or immediate implications on the policies, practices, and activities of both individuals and organizations that collect and make use of personal data.

As the primary unit charged with ensuring the compliance by the Ateneo de Manila University with the DPA, the University Data Protection Office (UDPO) is also expected to inform, advise, and issue recommendations to the University, its community, and other relevant stakeholders on inquiries and concerns relating to data processing systems of the University and/or personal data under its control or custody.

To facilitate the efficient and orderly processing of any or all such inquiries or concerns, the UDPO now issues this Policy.

1. Scope

This Policy shall apply to all inquiries regarding any data processing system of the University and/or personal data under its control or custody.

Requests for reviews or the development of relevant policies, forms, and documents will be governed by a separate and distinct policy.

2. Definition of Terms

Whenever used in this Policy, the following terms shall have their corresponding meanings as provided below:

- 2.1. "Control" refers to the authority to dictate or determine the manner, method, or terms under which personal data may or shall be processed;
- 2.2. "Data Privacy Act" or "DPA" refers to Republic Act No. 10173, which has for its official title, "AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES";
- 2.3. "Data processing system" refers to a process or procedure by which personal data is collected and then processed in an information and communications system or relevant filing system;

- 2.4. "National Privacy Commission" or "NPC" is the government agency charged with administering and implementing the provisions of the DPA, as well as monitoring and ensuring the compliance of the country with international standards for data protection;
- 2.5. "Personal Data" pertains to the collective term used to refer to personal information, sensitive personal information, and privileged information;
- 2.6. "Personal Information" refers to any information, on its own or when combined with other information, from which the identity of an individual is apparent or can be reasonably and directly ascertained;
- 2.7. "Privileged Information" refers to any and all forms of data, which, under the Rules of Court and other pertinent laws constitute privileged communication.
- 2.8. "Public Authorities" refers to any government entity created by the Constitution or law, and vested with law enforcement or regulatory authority and functions.
- 2.9. "Sensitive Personal Information" refers to personal information:
 - 2.9.1. about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 2.9.2. about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such individual, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 2.9.3. issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - 2.9.4. specifically established by an executive order or an act of Congress to be kept classified.
- 2.10. "University Data Protection Office" is the unit serving under the Office of the University President, which is mandated to monitor and ensure compliance of the University with the DPA, its Implementing Rules and Regulations, and related laws and issuances.
- 2.11. "University" refers to Ateneo de Manila University, including all its units, schools, departments, offices and centers;

3. Inquiries

3.1. *Who may inquire*

Any person, group, or organization may inquire with the UDPO, as long as it concerns a data processing system of the University and/or personal data under its control or custody.

3.2. *Format*

An inquiry may be relayed to the UDPO by email, phone call, a memo-request or letter, or in person by visiting its office or through a scheduled meeting.

In order to properly address the inquiry, the UDPO will collect basic information about the inquiring party:

- 3.2.1. name
- 3.2.2. date of Inquiry

- 3.2.3. contact email address
- 3.2.4. contact number/s
- 3.2.5. details of the inquiry

The submission of any document or information relevant to the resolution of the inquiry may also be required.

3.3. *Procedure*

- 3.3.1. Whenever possible, an inquiry should be relayed to the UDPO by accomplishing the prescribed Contact Form (see: ANNEX "A"), and sending it to the UDPO Office or via email (info.udpo@ateneo.edu). The Contact Form may also be downloaded from the UDPO website (www.ateneo.edu/udpo), and may be revised from time to time.
- 3.3.2. An inquiry must state clearly the question/s or issue/s. All relevant facts and details that would allow the UDPO to properly address or resolve the matter should be provided. Related files or documents may also be included as attachments. Finally, the inquiring party must provide contact details in case the UDPO has follow-up questions or needs to make clarifications.
- 3.3.3. The UDPO shall acknowledge via email its receipt of an inquiry. A party who personally delivers an inquiry to the UDPO office should include a receiving copy and have it signed by a UDPO personnel.
- 3.3.4. The UDPO shall make an initial assessment of the inquiry.
 - 3.3.4.1. If it needs to clarify certain matters with the inquiring party, it shall contact the latter via email. The UDPO can also set a meeting, if necessary. If the inquiring party fails to respond within five (5) working days, the inquiry will be archived.
 - 3.3.4.2. If the subject of the inquiry does not fall under its mandate, the UDPO shall relay this to the inquiring party. The UDPO may also refer the matter to the appropriate office or unit of the University, if known.
- 3.3.5. The UDPO shall respond to an inquiry in the manner it deems most appropriate. While most inquiries will be addressed via email or a memorandum, others may be answered or resolved immediately during a meeting or consultation, as determined by prevailing circumstances.
- 3.3.6. The UDPO shall respond to all inquiries within three (3) working days. If it determines that the inquiry involves a complicated issue, and will therefore take longer to address, it shall relay this to the inquiring party. Whenever possible, it shall indicate when it expects to complete its response.
- 3.3.7. An inquiring party who disagrees with the response or advice of the UDPO may opt not to follow or implement it. In the case of a unit or office of the University, the responsibility of complying with the DPA remains with the organization. It has the prerogative of deciding a course of action that involves data privacy or data protection, even if it is contrary to the opinion, advice, or recommendation of the UDPO.

Complaints or reported violations of the DPA shall be resolved by the NPC or the courts on a case to case basis.

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4. UDPO Opinions

If the UDPO determines that the answer to a particular inquiry is of critical importance to the entire University community, or at least to other units or offices, it shall issue an Opinion, which may be used as reference in any future issue regarding the same topic or subject matter. The issuance of an Opinion shall be governed by the following terms and conditions:

- 4.1. The inquiry must be at least one of the following:
 - 4.1.1. involves a unique or novel question and there is no clear University or NPC policy on the matter;
 - 4.1.2. concerns a common and recurring issue that involves substantial research or consultations;
 - 4.1.3. of significant interest to the University community or the public.
- 4.2. In drafting an Opinion, the UDPO shall omit names and other details that may allow the inquiry to be traced back to or associated with a particular personnel or unit of the University.
- 4.3. An Opinion only reflects the views of the UDPO. It has not been approved or adopted by the University, and is therefore not binding upon it. However, it does represent the position of the Office charged with informing, advising, and issuing recommendations to the University regarding any or all matters concerning data privacy or data protection.
- 4.4. An Opinion shall only apply to future scenarios that have the same or almost the same set of facts and circumstances as that involved in the Opinion.

It is possible for the UDPO to issue Opinions on its own initiative, but they shall still be subject to these same terms and conditions.

5. Inappropriate Inquiries

The UDPO may refrain from answering an inquiry if it considers the same inappropriate, such as if it:

- 5.1. involves a subject or issue that has little merit or is of a trivial nature;
- 5.2. is frivolous or vexatious;
- 5.3. has already been answered by the *Frequently Asked Question (FAQs)* section of the UDPO website, a previous or earlier Opinion; or
- 5.4. concerns the same subject matter as that which is: (a) under investigation by the UDPO or any other unit of the University, the NPC or other public authorities, law enforcement agencies, or the courts; or (b) involved in a pending case being heard by any of these same entities.

6. Storage and Publication

All inquiries and the corresponding responses of the UDPO, including Opinions, will be stored in a safe and secure manner.

Unless otherwise authorized by University President, the UDPO shall not disclose, share, or publicize any personal data or other classified information that comes to its knowledge or possession via inquiries or requests for Opinion. However, it may make its Opinions accessible to the public via its webpage and other possible platforms. For all other types of responses, they will be addressed directly to the inquiring parties.


7. Retention and Disposal

An inquiry and all related records and documents shall be disposed of in a secure manner within two (2) years after it has been acted upon by the UDPO. This is without prejudice to the University's subsequent use of its relevant elements for instructional, research, or historical purposes, after it has been completely anonymized or stripped of any personally identifiable details.

Prepared by:


JAMAEL A. JACOB
Director

Noted by:


JOSE RAMON T. VILLARIN, S.J.
President