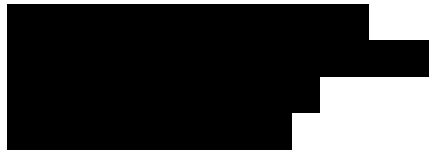




Republic of the Philippines
NATIONAL PRIVACY COMMISSION

**PRIVACY POLICY OFFICE
ADVISORY OPINION NO. 2017-006**

5 January 2016



Re: DEFINITION AND/OR SCOPE OF THE TERM "DATA SUBJECT"

Dear ,

This pertains to your query which was received by the National Privacy Commission (NPC) on 12 December 2016, via email. You requested for a clarification regarding the "proper construction/interpretation" of the term "data subject", as defined in Republic Act No. 10173, also known as the Data Privacy Act (DPA) of 2012, as well as in its Implementing Rules and Regulations (IRR).

Section 3(c) of the DPA defines a data subject as "an individual whose personal information is processed." The IRR of the DPA is more specific when it declares that the term refers to "an individual whose personal, sensitive personal, or privileged information is processed."¹

When the foregoing provisions are read in conjunction with Section 3(g),² (l)³ and (q)⁴ of the DPA which provides for the definitions of personal information, sensitive personal

¹ IRR of RA 10173, §3(d).

² "Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual."

³ "Sensitive personal information refers to personal information:

- (1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (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 person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) Specifically established by an executive order or an act of Congress to be kept classified."

⁴ "Privileged information refers to any and all forms of data, which, under the Rules of Court and other pertinent laws constitute privileged communication."

information, and privileged information, respectively, it becomes abundantly clear that a data subject can only refer to a natural person.

For your reference.

Sincerely,

JAMAEL A. JACOB
Director, Privacy Policy Office

Approved:

IVY D. PATDU
Deputy Privacy Commissioner,
Policy and Planning