



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

CBI,

Complainant,

CID No. 17-K-004

For: Violation of the Data
Privacy Act

-versus-

XXX,

Respondents.

x-----x

RESOLUTION

NAGA, D.P.C.:

This refers to the Compliance Letter dated 02 December 2020, with an attached XXX Cards Complaint Management Process submitted by the XXX in relation to the 21 September 2020 Order of this Commission.

The Facts

On 21 September 2020, the Commission issued a Resolution disposing, thus:

WHEREFORE, premises considered, this Commission hereby **DENIES** Complainant CBI's Urgent Motion for Reconsideration. Furthermore, the case of CBI vs. XXX is hereby considered **CLOSED**. Furthermore, XXX is **ORDERED** to submit **within thirty (30) days** from receipt of this Decision a complete report on the measures it has undertaken or will undertake to address the issue of delayed response to their customers' request in relation to their rights as data subjects.

Respondent manifested that they received the abovementioned Resolution on 04 November 2020. Thus, on 02 December 2020, XXX submitted its Compliance with an attached

XXX Cards Complaint Management Process as Annex 1 of the Compliance. The Annex 1 provides the step-by-step process in the handling of complaints from their clients. The Respondent also indicated therein turnaround time of seven (7) days for simple complaints and forty-five (45) for complex complaints.

Discussion

The Commission finds XXX submission to be substantially compliant with the 21 September 2020 Order of this Commission.

The 21 September 2020 Order was based on the inaction of the Respondent to the request for correction of the Complainant. Such request should be acted upon with reasonable turnaround time considering that the request is one of the rights provided in the Data Privacy Act (DPA) to every data subject¹. Further, this obligation is in relation to Section 28 (d) of the Implementing Rules and Regulations of the DPA.

While the Commission opines that the Complaint Management Process of the Respondent herein can be written in a more comprehensive and detailed manner, we find it to substantially comply with the requirements of the abovementioned provisions of the DPA, its IRR, and with the Commission's 21 September 2020 Order. As jurisprudence provides, the substantial compliance rule is defined as, "compliance with the essential requirements, whether of a contract or of a statute."²

WHEREFORE, premises considered, this Commission hereby **NOTES** the submission made by the XXX dated 02 December 2020 in compliance with the Commission Order dated 21 September 2020.

SO ORDERED.

Pasay City, Philippines;
17 December 2020.

¹ Section 16 (b) (8), DPA

² Alvarez v. People of the Philippines, G.R. No. 192591, 30 July 2012

(Sgd.)

JOHN HENRY D. NAGA
Deputy Privacy Commissioner

WE CONCUR:

(Sgd.)

RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

(Sgd.)

LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

COPY FURNISHED:

CBI
Complainant

XXX
Respondent

**COMPLAINTS AND INVESTIGATION DIVISION
ENFORCEMENT DIVISION
GENERAL RECORDS UNIT**
