



Republic of the Philippines
NATIONAL PRIVACY COMMISSION

FGP,

Complainant,

-versus-

NPC Case No. 18-038

(formerly CID Case No. 18
E-038)

*For: Violation of the Data
Privacy Act of 2012*

**MAERSK GLOBAL SERVICE
CENTRES, PHILIPPINES, LTD.,**

Respondents.

x-----x

RESOLUTION

NAGA, D.P.C.:

This Resolution refers to the Manifestation¹ filed by Respondent Maersk Global Service Centres, Philippines, Ltd. (Maersk) in response to the Order of the Commission indicated in its Decision dated 21 May 2020 to award Complainant FGP the amount of Five Thousand Pesos (Php 5,000.00).

The Facts

On 21 May 2020, this Commission issued a Decision² with the following dispositive portion, *to wit*:

WHEREFORE, all these premises considered, this Commission resolves to **AWARD** Complainant FGP damages in the amount of P5,000.00 for Respondent Maersk Global Service Centres, Philippines, Ltd.'s violation of his right to access. Respondent is hereby **ORDERED** to submit its compliance within fifteen (15) days from receipt of this Decision.

¹ Manifestation dated 01 February 2021, *FGP vs. Maersk Global Service Centres, Philippines, Ltd.*, NPC CN 18-038

² Decision dated 21 May 2020, *FGP vs. Maersk Global Service Centres, Philippines, Ltd.*, NPC CN 18-038

On 15 January 2021³, the Respondent received a copy of the Decision. On 01 February 2021, Respondent filed its Manifestation which stated that on even date, Respondent has sent the payment the Complainant through an issuance of a check amounting to Five Thousand Pesos (Php 5,000.00) in compliance with the 21 May 2020 Decision of this Commission.

Respondent also attached in its Manifestation copies of the email between them and the Complainant stating that Complainant prefers the check to be sent via courier, Satisfaction of Judgement, check amounting to Five Thousand Pesos (Php 5,000.00), and the official receipt of courier addressed to Complainant.

Discussion

This Commission deems the submission of the Respondent's Manifestation sufficient and satisfactory to its Order as indicated in its Decision dated 21 May 2020.

In cases where the data subject files a complaint for the violation of his or her rights as a data subject, it is within this Commission's powers to award indemnity on the basis of applicable provisions of the Data Privacy Act of 2012 (DPA) and the New Civil Code.⁴ In the instant case, this Commission found that the Complainant's right to access under the DPA has been violated by the Respondent. Thus, the award of nominal damages is warranted.

Respondents duly complied with the Commission's Order to pay nominal damages to Complainant within fifteen (15) days from receipt of the Decision. Further, this Commission recognizes the fact that the last day of the compliance period is on 30 January 2021 which falls on a Saturday and therefore, Respondent was able to comply with the Order on the next working day or on 01 February 2021.

Upon review of the Manifestation and the attachments submitted by the Respondent, this Commission finds that they have submitted sufficient proof which shows their full compliance to the

³ Proof of receipt of Decision dated 21 May 2020

⁴ Section 51 of the Implementing Rules and Regulations of the Data Privacy Act of 2012

Order. The Respondent attached the copies of the following documents as proof of compliance: the Bank of the Philippine Islands (BPI) check to Complainant; the LBC official delivery receipt; Satisfaction of Judgment; and the screenshot of the delivery tracking details showing that the check was claimed by FGP on 02 February 2021.⁵ Moreover, this Commission, through the Enforcement Division, conducted a follow-up call on 11 February 2021, where the Complainant confirmed the receipt of the Respondent's payment on 02 February 2021.

In consideration of the above information, this Commission finds that the Manifestation filed by Respondent and proof of payment of the nominal damages to Complainant adequately complies with the Commission's Decision. Further, this Commission avails the opportunity of once again reminding Personal Information Controllers (PICs), the importance of upholding the data subject rights such as the right to access, whereas PICs are required to provide reasonable access, upon demand, specific information such as the contents of their personal information that were processed, the manner by which they were processed, and the designation or name or identity and address of the PIC to the data subjects.⁶ Such exercise of rights should be liberally interpreted in a manner mindful of the rights and interests of the individual, subject only to few conditions provided in the DPA and its Implementing Rules and Regulations (IRR).

WHEREFORE, premises considered, this Commission hereby finds the submission of Maersk Global Service Centres, Philippines, Ltd., in its Manifestation **SUFFICIENT** in compliance with the Commission's Decision dated 21 May 2020. Further, this Commission hereby considers NPC Case No. 18-038, FGP v. Maersk Global Service Centres, Philippines, Ltd., **CLOSED**.

SO ORDERED.

Pasay City, Philippines;
23 February 2021.

⁵ Annex A and B of the Manifestation dated 01 February 2021

⁶ Section 16 of the Data Privacy Act of 2012

Sgd.
JOHN HENRY D. NAGA
Deputy Privacy Commission

WE CONCUR:

Sgd.
RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

On Official Business
LEANDRO ANGELO Y. AGUIRRE
Deputy Privacy Commissioner

COPY FURNISHED:

FGP
Complainant

RMBSD
Counsel for Respondent

ENFORCEMENT DIVISION
GENERAL RECORDS UNIT
National Privacy Commission
