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**PRIVACY POLICY OFFICE**  
**ADVISORY OPINION NO. 2023-024<sup>1</sup>**

19 November 2023



**Re: DISCLOSURE OF VESSEL RECORDS FROM REGULATORY  
AGENCY THRU REQUEST LETTER**

Dear [REDACTED]:

We respond to your query on whether the Maritime Industry Authority (MARINA) can release to a law firm the copies of the Certificate of Philippine Registration and other records of a vessel owned and operated by a shipping line.

You inform that a law firm wrote your office to request the following documents of a vessel owned by a particular shipping line: (1) Certificate of Ownership; (2) Certificate of Philippine Registry; and (3) Technical Drawing of the subject vessel. These documents are supposedly intended to support their client's claim against the shipping line for unpaid obligations related to the supply of materials and services.

Thus, you raise the following concerns:

1. Whether you may release the requested records relying merely on a request letter; and
2. What documents are required to be presented by the requesting party for the release of such records?

*Scope of the DPA; juridical entities;  
Personal information.*

The Data Privacy Act of 2012 (DPA)<sup>2</sup> applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing, subject to the exceptions laid down in the law.<sup>3</sup> Personal information refers to any

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<sup>1</sup> Tags: Vessel records, scope of the DPA, personal information, juridical entities.

<sup>2</sup> 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 [Data Privacy Act of 2012], Republic Act No. 10173 (2012).

<sup>3</sup> Data Privacy Act of 2012, § 4.

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.<sup>4</sup> Thus, the DPA applies only to the processing of personal information of natural persons, not juridical persons.<sup>5</sup>

Under Circular No. 2013-02<sup>6</sup> of the Maritime Industry Authority (MARINA), all ships of domestic ownership plying the Philippine waters, regardless of size and utilization must be properly registered and issued a Certificate of Philippine Registry. A Certificate of Vessel Registry contains the following information: (1) Name of Vessel; (2) Call Sign; (3) Type of Service; (4) Trading; (5) Homeport; **(6) Name of Company; (7) Business Address;** (8) General particulars, such as the Builder, Year Built, Place Built, amongst others; (9) Register Dimensions and Tonnages; and (10) Particulars and Propulsion System. (Emphasis supplied).

On the other hand, a Certificate of Ownership contains the following information: (1) **Owner/Company; (2) Business Address;** (3) Nationality; (4) Name of Vessel; (5) Body Number; (6) Call Sign; (7) Official No.; (8) Type of Recreational Boat; (9) Builder; (10) Place Built; (11) Year Built; (12) Hull Material; (13) Length; (14) Breadth; (15) Breadth; (16) Depth; (17) No. of Engines; (18) Engine Make; (19) Serial Number/s; and (20) Kilowatt. (Emphasis supplied).

It is apparent from the foregoing that the information contained in the certificates that are being sought by the law firm are limited to the vessel. Since no personal information is involved in this scenario, the disclosure of the requested documents falls outside the ambit of the DPA. As such, the disclosure of such information must be determined according to MARINA's rules and other relevant laws and government issuances that govern this kind of processing.

As to your additional query on the disclosure of seafarers' records, this involves the processing of personal data and, hence, must find lawful basis under either Section 12 or Section 13 of the DPA. But the processing of personal information must also be done lawfully and fairly and with strict adherence to the basic data privacy principles. Particularly significant to your query is the data privacy principle of proportionality. This means that MARINA should only disclose such personal information that are adequate, necessary, and relevant to the declared purpose of the law firm. Considering that the personal information of seafarers is not necessary and relevant to the claim for unpaid supplies and services delivered by the law firm's client, we see no lawful basis for the release of said information.

Please be advised that this Advisory Opinion was rendered based solely on the information you have provided. Any extraneous fact that may be subsequently furnished us may affect our present position. Please note further that our Advisory Opinion is not intended to adjudicate the rights and obligations of the parties involved.

For your reference.

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<sup>4</sup> *Id.* § 3 (g).

<sup>5</sup> National Privacy Commission, NPC Advisory Opinion No. 2020-002 (06 Feb 2020).

<sup>6</sup> Maritime Industry Authority, Revised Rules for the Registration, Documentation and Deletion of Ships Operating in Philippine Waters (January 18, 2023).

Very truly yours,

(Sgd.)

**FRANKLIN ANTHONY M. TABAQUIN IV**  
Director IV, Privacy Policy Office