

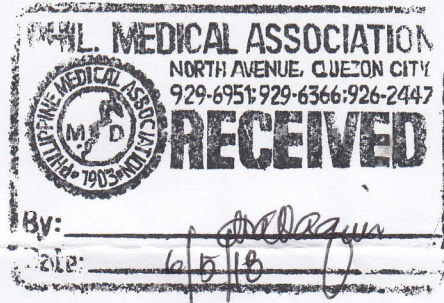
Republic of the Philippines
NATIONAL PRIVACY COMMISSION

01 June 2018

BENITO P. ATIENZA

Secretary General

Philippine Medical Association



Dear Dr. Atienza,

This is in response to your letter dated 23 May 2018 requesting that individual physicians be exempted from registering their Personal Data Processing System with the National Privacy Commission ("NPC") contending that such requirement applies only to government contractors.

As you correctly noted in your letter, Section 47 of the Implementing Rules and Regulations of the Data Privacy Act ("IRR") requires personal information controllers ("PICs") or personal information processors ("PIPs") that employ at least two hundred fifty (250) persons, or process sensitive personal information of at least one thousand (1,000) individuals to register with the National Privacy Commission. Contrary to your assertions, however, that only government contractors are required to register, it is well within the mandate of the NPC to impose a registration system for data processing systems in line with its critical function of monitoring and ensuring the compliance by PICs and PIPs with the Data Privacy Act of 2012.

As previously stated in NPC Advisory Opinion No. 2017-23 dated 21 June 2017, "the purpose of registration is threefold: (1) to ensure that PICs and PIPs provide for adequate safeguards to protect the personal data of data subjects; (2) to promote transparency and public accountability; and (3) to provide data subjects the opportunity to contest inaccurate, unauthorized or abusive data processing activities."¹

The Supreme Court has consistently held that:

"No statute can be enacted that can provide all the details involved in its application. There is always an omission that may not meet a particular situation. What is thought, at the time of enactment, to be an all-embracing legislation may be inadequate to provide for the unfolding events of the future. Every statute is understood, by implication, to contain all such provisions as may be necessary to effectuate its object and purpose, or to make effective rights, powers, privileges or jurisdiction which it grants,

¹ NPC Advisory Opinion No. 2017-23, p.14, 21 June 2017, available at https://privacy.gov.ph/wp-content/files/attachments/advopn/NPC_AdvisoryOpinionNo._2017-023.pdf

including all such collateral and subsidiary consequences as may be fairly and logically inferred from its terms.”¹

Considering that Section 47 of the IRR and NPC Circular 17-01 require the PICs and PIPs to register their personal data processing system, medical practitioners who meet the requirements provided therein are therefore required to register.

Respectfully,



RAYMUND ENRIQUEZ LIBORO
Privacy Commissioner

¹ Chua v. Civil Service Commission, G.R. No. 88979 *citing* Statutory Construction by Ruben E. Agpalo, 1986 ed., p. 118-119, In re Dick, 38 Phil. 41 (1918); City of Manila v. Gomez, G.R. No. L-37251, August 31, 1981, 107 SCRA 98; Escribano v. Ovila, G.R. No. L-30375, September 12, 1978, 85 SCRA 245 (1978), also Go Chico v. Martinez, 45 Phil. 256 (1923); Gatchalian v. COMELEC, G.R. No. L-32560, October 22, 1970, 35 SCRA 435 (1970); People v. Uy Jui Pio, 102 Phil. 679 (1957) and People v. Aquino, 83 Phil. 614 (1949).