



Legal Watch

NPC ADVISORY NO. 2026-002



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SUMMARY

The National Privacy Commission (NPC) issued an advisory opinion regarding the applicability of the Data Privacy Act of 2012 (DPA) to requests for personal data from government agencies intended for case build-up, court compliance, and execution of court decisions.

The NPC clarified that requested information, such as a foreign national's address and immigration status or records relating to an alleged arrest, constitutes personal and sensitive personal information under the DPA. Accordingly, any processing of such data must be anchored on a lawful basis, such as legitimate interest under Section 12(f) and the protection of lawful rights and interests in court proceedings under Section 13(f) of DPA.

The NPC emphasized that processing under Section 12(f) requires the legitimate interest is established, pursued through necessary and lawful means, and does not override the fundamental rights and freedoms of the data subjects. Section 13(f), on the other hand, is limited by the qualifier "necessary," aligning with the principles of legitimate purpose and proportionality. Thus, the exercise of legal claims does not grant a blanket authority to collect personal data. Rather, the requested data must be adequate, relevant, suitable, necessary, and not excessive in relation to the declared purpose.

The NPC clarified that it is not mandated to grant permission or compel any government institution to release personal data. **The government agency, acting as the Personal Information Controller (PIC), holds the primary responsibility to independently determine whether to disclose data, guided by the agency's specific mandate, governing laws, and the principles under the DPA.**

* Agency Name

National Privacy Commission
(NPC)

* Issuance Title

Requests for Personal Data
from Government Agencies

* Issuance Date

12 May 2026

* Link

https://privacy.gov.ph/wp-content/uploads/2026/05/NPC-Advisory-Opinion-No-2026-002_Redacted-1.pdf





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ACTIONABLE ADVICE

Clients seeking personal data from government agencies for legal proceedings must precisely identify the particular data sought, clearly state the specific purpose of the request, and thoroughly explain the relevance of the requested data to that declared purpose which could satisfy the standards set by the DPA under Sections 12(f) and/or 13(f). Since government agencies evaluate requests on a case-by-case basis, clients should ensure their requests strictly adhere to the principle of proportionality, requesting only information that is necessary and not excessive.

When a client acts as a PIC receiving such requests, they must independently evaluate the demand based on their specific legal mandate and data privacy principles. To verify the legitimacy of a request, PICs are permitted to require the requesting party to provide additional information regarding the case. If a request is granted, clients should mandate that the requesting party sign a formal undertaking. This undertaking must stipulate that the information will be used exclusively for the declared purpose and ensure proper disposal if the legal action is abandoned. It must also include a clause wherein the requestor acknowledges performing the obligations of a PIC upon receiving the documents. Clients must ensure all data processing remains firmly within the limitations provided by law.

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