



LEGAL SERVICE
GENERAL ADMINISTRATION AND SUPPORT
SERVICES GROUP

DSWD-GF-004 | REV 03 | 22 SEP 2023

DRN: LMD-LS-LMD-MEM-25-04-043764-S

FOR : EDMON B. MONTEVERDE
 Director IV, Protective Services Bureau

FROM : THE ASSISTANT SECRETARY FOR GASSG AND
CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : REQUEST FOR LEGAL OPINION ON CITIZENS
CRIMEWATCH'S REQUEST FOR THE 2024 AYUDA SA
KAPOS ANG KITA PROGRAM (AKAP) MASTERLIST

DATE : 24 April 2025

This pertains to your Memorandum dated 28 March 2025 requesting for guidance in responding to the letter dated 18 February 2025 from Atty. Ferdinand S. Topacio, National Chairman of Citizen Crime Watch (CCW), an entity registered with the Securities and Exchange Commission.

In the letter, Atty. Topacio expressed, and we quote:

"On matters of transparency and accountability, we are writing to request a copy of the master list of beneficiaries of the Ayuda sa Kapos ang Kita Program (AKAP) for the year 2024 indicating therein names, address, amount received and person/s who recommended for his/her inclusion in the list of beneficiaries and a copy of the manual or guidelines as basis of your implementation."

Our Opinion

After careful perusal, this level is of the humble opinion that based on existing guidelines, only the names of individuals who received the financial assistance in CY 2024 from the AKAP, and not the master list of beneficiaries should be made available by the Program Management Bureau-Crisis Intervention Division (PMB-CID) to the representative of the CCW.

May we respectfully direct you to the pertinent provisions of the Joint Memorandum Circular No. 2025-01 with the subject "2025 Guidelines of the Ayuda sa Kapos ang Kita Program", thus:

XIII. Reporting Requirement

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The PMB-CID shall ensure transparency by making publicly available in the DSWD website, at least on a monthly basis, the names of individuals, by province, who received financial assistance under the AKAP. Any other details may be provided upon request, subject to compliance with data privacy laws and regulations to safeguard the confidentiality and security of personal information.



The PMB-CID shall maintain a consolidated physical and financial report on the overall implementation of the AKAP and shall provide periodic monthly reports as required during the Planning and Budget Steering Committee meetings."

The guidelines explicitly provide that, in the interest of promoting transparency, the PMB-CID is mandated to publish on a monthly basis in the DSWD website, the names of individuals who received the financial assistance under the AKAP. Accordingly, the names of AKAP beneficiaries are made generally available to the public to ensure awareness and accountability regarding the distribution of government assistance.

However, should additional personal information be requested, such as the beneficiaries' addresses and identities of those who recommended them as AKAP beneficiaries, the request must comply with Republic Act (RA) No. 10173 otherwise known as the Data Privacy Act of 2012 and its Implementing Rules and Regulations (IRR) pursuant to the last sentence of the aforementioned AKAP guidelines.

For your guidance, we refer you to Section 20¹ on Data Sharing in relation to Section 21², the Rule V on Lawful Processing of Personal Data.

Under Sec. 20 of RA No. 10173, the collection of data from a party other than the data subject must strictly observe the principles of transparency, legitimate purpose and proportionality otherwise, the privacy and security of data will be compromised. Furthermore, under Sec. 21 of the law, although the processing of data collected may be lawful, it is still subject to compliance with certain conditionalities such as consent of the data subject; and that the processing is necessary to fulfill an obligation, protect the interests of data subjects, respond to national emergency or comply with public order and safety, fulfill the public authority's mandate, or pursue the legitimate interests of the personal information controller or third party.

¹ Section 20. *General Principles for Data Sharing.* Further Processing of Personal Data collected from a party other than the Data Subject shall be allowed under any of the following conditions: a. Data sharing shall be allowed when it is expressly authorized by law: *Provided*, that there are adequate safeguards for data privacy and security, and processing adheres to principle of transparency, legitimate purpose and proportionality. xxx

² Rule V. Lawful Processing of Personal Data

Section 21. *Criteria for Lawful Processing of Personal Information.* Processing of personal information is allowed, unless prohibited by law. For processing to be lawful, any of the following conditions must be complied with:

a. The data subject must have given his or her consent prior to the collection, or as soon as practicable and reasonable; b. The processing involves the personal information of a data subject who is a party to a contractual agreement, in order to fulfill obligations under the contract or to take steps at the request of the data subject prior to entering the said agreement; c. The processing is necessary for compliance with a legal obligation to which the personal information controller is subject; d. The processing is necessary to protect vitally important interests of the data subject, including his or her life and health; e. The processing of personal information is necessary to respond to national emergency or to comply with the requirements of public order and safety, as prescribed by law; f. The processing of personal information is necessary for the fulfillment of the constitutional or statutory mandate of a public authority; or g. The processing is necessary to pursue the legitimate interests of the personal information controller, or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject, which require protection under the Philippine Constitution. xxx

Applying the provisions of the law in this case, you may consider advising the CCW that, in collecting personal data on AKAP beneficiaries from DSWD they should be reminded of the three core principles of data sharing under the Data Privacy Act of 2012 namely, (1) transparency, meaning that there should be clarity on how the organization intends to collect, use and share personal data; (2) legitimate purpose, ensuring that the data processing is for a particular and valid purpose only; and (3) proportionality or the collection and processing of personal data should be limited to what is only necessary and proportionate to their stated purpose.

Recommendation

In view of the foregoing, we respectfully recommend that, in preparing a response to the CCW, your office should be guided by the explicit provisions of JMC 2025-001. Specifically, only the names of individuals, by province, who received the financial assistance under the AKAP in 2024, as publicly posted in the DSWD website, may be considered for disclosure to the requesting party.

With respect to their request for specific sensitive personal information of certain beneficiaries, such as their addresses and the identities of the individuals who recommended them, they should be advised that such request is subject to the provisions of the Data Privacy Act of 2012 (RA No. 10173) and its IRR. In accordance with the said law, and in order to safeguard the fundamental right to privacy while promoting the responsible flow of information, the requesting party must submit a separate, formal and detailed request. This request should clearly state the purpose for which the data is being sought and must be accompanied by the informed consent of the concerned beneficiaries. Such request should be submitted to the DSWD by the CCW.

For your consideration and guidance.

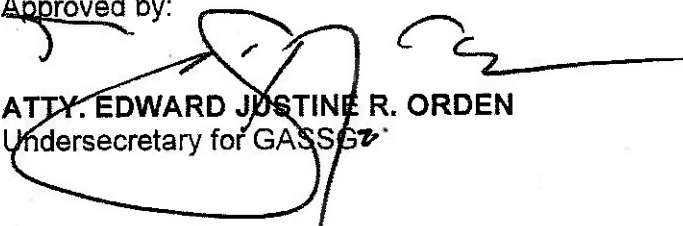
Thank you.



ATTY. GINA V. WENCESLAO

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Approved by:



ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary for GASG