



**LEGAL SERVICE  
GENERAL ADMINISTRATION AND SUPPORT  
SERVICES GROUP**

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

DRN: LS-LMD-LS-LMD-MEM-25-04-054906-S

**MEMORANDUM**

**FOR : MARIA A. CATBAGAN-APLATEN, PhD**  
Regional Director, FO - CAR

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

**SUBJECT : REQUEST FOR LEGAL OPINION ON SHARING**  
**COMPREHENSIVE LIST OF BENEFICIARIES TO BAGUIO**  
**CITY COUNCIL**

This pertains to your Memorandum<sup>1</sup> requesting for guidance in responding to the request of the Sangguniang Panglungsod (SP) ng Baguio for the list of beneficiaries under Ayuda sa Kapos and Kita Program (AKAP) and Assistance to Individuals in Crisis Situations (AICS) program.

The request arose from a letter dated 02 April 2025<sup>2</sup> wherein you were invited by the SP to serve as resource person during its regular session on 07 April 2025, to provide clarification on the disbursement of funds under the AKAP and AICS Program. Enclosed to the letter is a copy of an unnumbered Proposed Resolution with the title "REQUESTING INFORMATION AND CLARIFICATION FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, CORDILLERA ADMINISTRATIVE REGION CONCERNING THE DISBURSEMENT OF FUNDS UNDER THE AKAP AND AICS PROGRAMS". It was signed by Councilor Jose M. Molintas of the City Government of Baguio.

In the proposed unnumbered resolution, Councilor Molintas expressed, and we quote:

*"The DSWD CAR is hereby formally requested to immediately furnish this Council with a complete and accurate list of all AKAP and AICS beneficiaries for the past three (3) years including but not limited to, the names and addresses of beneficiaries and the amounts received, with appropriate anonymization or aggregation of data to safeguard the privacy of individuals as required by law." xxx*

Acting on your request, this level has confirmed from your office that the SP session was rescheduled from 07 to 21 April 2025. Although the request for technical assistance from the Legal Service (LS) is rendered moot, may we provide you with the Department's position on the matter.

**Our Opinion**

**1. For AKAP**

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 under

<sup>1</sup> Annex A

<sup>2</sup> Annex B



the AKAP and not the list of beneficiaries can be made available by the DSWD FO CAR to the representative of the SP, as these are already publicly available in the DSWD website.

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 and 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, 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 20<sup>3</sup> on Data Sharing in relation to Section 21<sup>4</sup>, the Rule V on Lawful Processing of Personal Data.

<sup>3</sup> 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

<sup>4</sup> 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

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 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.

Applying the provisions of the law in this case, you may consider advising the SP 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 is about 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.

## 2. For AICS

This level is of the view that the names of individuals who received the financial assistance under the AICS Program cannot be made available by the DSWD FO CAR to the representative of the SP without complying with the Data Privacy Act and its IRR.

The prevailing rule for the AICS implementation is DSWD Memorandum Circular No. 16 series of 2022 (MC 2022-016) or REVISED GUIDELINES ON THE IMPLEMENTATION OF ASSISTANCE TO INDIVIDUALS IN CRISIS SITUATION, as amended by MC 16 series of 2023. A careful reading of the guidelines will indicate that there is no provision on making publicly available in the DSWD website, the list of AICS beneficiaries. Hence, in the absence of an explicit provision on the sharing of data of AICS beneficiaries, it will be prudent for the Department to comply with the governing law on the matter, which is RA No. 10173.

Further, may we direct you to the National Privacy Commission (NPC) Advisory Opinion No. 2020-19, Re. Public Disclosure of the List of Social Amelioration Program Beneficiaries, as additional legal basis, thus, and we quote:

*"We reiterate that the processing of sensitive personal information is prohibited, except for the instances provided for under Section 13 of the DPA, i.e., the data subject has given consent, processing is provided for by existing laws and regulations, necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing, among others.*

*In view of the foregoing, the public disclosure of the list of SAP beneficiaries by the LGUs may not constitute a violation of the DPA insofar as it complies with the requirements established by law and jurisprudence for allowable public disclosures of information on matters of public concern.*

*While the processing may be justified, the DILG and the LGUs should be mindful of its concomitant responsibilities as personal information controllers. They should consider posting a privacy notice in their respective websites and other official channels to properly inform the SAP beneficiaries and the general public of the rationale for such public disclosure of personal data, their rights of data subjects, appropriate security measures being implemented to protect their personal data, among others."*

## Recommendations

### 1. For AKAP

In view of the foregoing, we respectfully recommend that, in preparing a response to the SP, 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, 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 AKAP beneficiaries, such as their address, they should be advised that such requests are 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 FO-CAR by the SP.

### 2. For AICS

On the other hand, for the requested data on AICS beneficiaries, particularly their names, addresses and amounts received, it is recommended that they should be advised that such requests are subject to the provisions of RA No. 10173 and its IRR. Based on law, the requesting party must likewise 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 then be submitted to the DSWD FO-CAR by the SP.

For your consideration and guidance. Thank you.

  
ATTY. GINA V. WENCESLAO

MCMUG/10065

Approved by:

  
ATTY. EDWARD JUSTINE R. ORDEN

Undersecretary for GASG

Date: 12 MAY 2025