

# UNIVERSITY OF THE PHILIPPINES

## PRIVACY NOTICE

### FOR CLASSES AND OTHER CLASS-RELATED ACTIVITIES CONDUCTED VIA VIDEO CONFERENCE APPLICATIONS

REVISED AS OF 1ST SEMESTER 2024-2025

#### POLICY

The University of the Philippines needs to process your personal information and sensitive personal information (personal data) – that is, information that identifies you as an individual – in order to exercise and safeguard academic freedom and uphold your right to quality education.

UP is committed to comply with the *Data Privacy Act of 2012* (“DPA”) <https://www.officialgazette.gov.ph/2012/08/15/republic-act-no-10173/> in order to protect your right to data privacy.

This notice explains:

- (1) the nature, purpose/(s) and extent of the processing of your personal data;
- (2) the legal basis/(es) for such processing;
- (3) the risks associated with such processing and the measures that UP has put in place to protect your data privacy; and
- (4) your data privacy rights and how you may exercise the same.

The terms *UP/University/us/we* refer to the University of the Philippines System and its Constituent Universities (“CU”), any of its offices, or any of its officials or authorized personnel.

The terms *you/your* refer to all students of the University of the Philippines System whose information are processed using video conferencing applications.

The terms *app, application, facility, or platform* refer to the technological means used by UP to conduct video conferencing, and record the latter, and said terms may be used interchangeably.

The terms *Charter* or *UP Charter* refer to Republic Act No. 9500, or *The University of the Philippines Charter of 2008*.

## **PERSONAL DATA COLLECTED, THE PURPOSE/S AND LEGAL BASIS/ES FOR PROCESSING SUCH INFORMATION**

Attendance may be checked by using the app's module for generating meeting reports. Such reports contain your name, email address and attendance status. Personal data is collected to verify your identity and prevent fraud.

During classes and related activities using video conference applications the following personal data may be collected and processed:

1. your name;
2. image;
3. voice;
4. personal views and opinions;
5. answers to polls;
6. your coursework – including files, presentations and other materials that you share during the session – to which you may claim intellectual property rights pursuant to the UP Intellectual Property Rights Policy [UP-Revised-IPR-Policy.pdf](#); and
7. other similar relevant information.

Your teacher may record and share class sessions. Such recordings may be made and shared for the following purposes:

1. to enable you or other class members, including those unable to attend the session in real time, to view or review the session to support learning;

2. to enable your teachers to review sessions to improve teaching; and

3. for UP to conduct research and assessment, for example for quality assurance purposes, or perform its functions as an academic institution.

When your participation or contribution in such class sessions is not being evaluated, you may be advised by your teacher to turn your video and audio off, and participate or ask questions through chat or email, in order to minimize the processing of your personal data. Please minimize the processing of personal data about you and other people who may be in the area when you are in a video conference session by using a virtual or neutral background, and informing others that you are attending a class via video conference so that their personal data will not be inadvertently recorded during such sessions.

In other instances, recordings of the sessions will allow your teachers to document, review and monitor your performance, proctor online examinations, and give feedback and grades.

Authorized personnel of information technology (“IT”) offices may process user information and related information, and statistics about meetings, such as if audio, video, screen sharing and recording were being used, network quality information, etc., in order to provide technical support and advisories for users, information for administrators, and to perform the functions of their office.

UP may also process your personal data for purposes allowed by the DPA and other applicable laws, including the following:

1. To compile statistics and conduct research, subject to applicable research ethics guidelines;

2. To carry out its mandate as the national university;

3. To comply with other applicable statutory and regulatory requirements, including directives, issuances by, or obligations of UP to any competent authority, regulator, enforcement agency, court, or quasi-judicial body;
4. To establish, exercise, or defend legal claims; and
5. To fulfill other purposes directly related to the above-stated purposes.

Kindly note that Sec. 16.C.2 of Memorandum Circular 2023-4 issued by the National Privacy Commission provides that:

The conduct of research where the end results will be anonymized and will only disclose the general demographic of the research subjects does not require the consent of the data subject.

UP processes your personal data through officially approved video conferencing applications, in order to fulfill contractual obligations to you, comply with legal obligations, pursue its legitimate interests, and carry out its functions as a public authority, including the right and responsibility to exercise academic freedom pursuant to the Constitution, the UP Charter, and other applicable laws and regulations.

UP, through your teachers and with your cooperation, will provide for the secure processing of your personal data during video conference sessions, storage and deletion of attendance rosters, and recordings. Your personal data shall be securely kept for as long as the above purposes for processing such data exist, in order to establish or defend legal claims, or as otherwise allowed or required by the DPA and other applicable laws and issuances.

## **DISCLOSURE OF PERSONAL DATA**

As stated above, recorded class sessions (which may contain your personal data) may be made available to you and members of the same class (such as those unable to attend in real time because of connectivity problems) to enable you and the class to view or review the session. Such

disclosure in support of student learning is made pursuant to the University's academic functions and legitimate interests.

Such recordings are made available to you only for your personal use and solely for the purpose of supporting your learning. You are not permitted to record or take screenshots of such sessions, or post or share the same without the consent of your teacher, and persons whose personal data are processed in such sessions. Such consent must be in written, electronic, or recorded form. Unauthorized processing of personal data is a punishable offense under the *Data Privacy Act of 2012*, other applicable laws, and UP rules.

On the other hand, your teacher must seek your consent (or that of your parents or guardian if you are a minor) in making available recorded class sessions containing your personal data to other classes (or other audiences) in order for UP to exercise its right to academic freedom as when UP for instance offers extension classes using the recorded class sessions, through a separate email or other equivalent means. Consent must be in written, electronic, or recorded form. If you wish to withdraw consent, write or send an email to your teacher, identifying the processing activity for which you are withdrawing consent, and attach a copy of your UP identification card or other government issued identification card . Note that consent may be withdrawn only for processing activities for which consent is the sole lawful ground for such processing. On the other hand, UP may resort to redacting your personal data from such recorded sessions prior to sharing the same in order to uphold your right to data privacy.

Disclosures may also be made by UP in order to comply with lawful orders of public authorities, to establish, exercise, or defend legal claims; and to make disclosures that are otherwise permitted by the DPA and other applicable laws, rules, and regulations.

## **CONSENT PURSUANT TO NPC ADVISORY OPINION 2022-14 AND 19 OF NPC MC 2023-4**

NPC Advisory Opinion 2022-14

[https://privacy.gov.ph/wp-content/uploads/2022/08/Advisory-Opinion-No.-2022-014\\_Redacted.pdf](https://privacy.gov.ph/wp-content/uploads/2022/08/Advisory-Opinion-No.-2022-014_Redacted.pdf) page 3 states:

Although the “fulfillment of a contract” requirement is not included in the enumeration in Section 13, the NPC anchors the processing of sensitive personal information within the school’s educational framework upon consent based on jurisprudence defining the contractual nature of the relationship between the school and the student. Hence, upon enrollment, the student and the school are deemed to have executed a contract imbued with public interest that necessarily carries with it the consent of both parties. A different interpretation would otherwise create an absurd situation where schools may not process or use their student’s educational information for his or her own education and benefit.

***Processing of personal data within the educational framework in relation to academic freedom***

At this juncture, the NPC would like to clarify that educational institutions may process personal data to achieve the purposes within its educational framework without the need for consent of the data subject. The data subject in an educational setting includes students, faculty and staff. It is then of utmost importance that the school delineates all processing operations, carefully identifying those that are core to the educational framework and those outside of it (e.g. marketing or public relations purposes).

In the given facts, the NPC deems the recording of online classes, and any use, storage or any kind of processing related thereto as permissible processing within the educational framework. ... (footnotes omitted).

By accessing online classes conducted through video conferencing apps used by your teacher to offer class sessions, you certify and agree that you:

1. have read this revised privacy notice which was posted in UP’s sites including [UP PRIVACY POLICIES - HOMEPAGE](#);

2. understand that UP must necessarily process your personal data in order to comply with its contractual and legal obligations pursuant to the Constitution, its Charter and other applicable laws, such that you are deemed to have granted consent to the processing of your personal data that UP needs in order to fulfill contractual obligations to you and exercise its right to academic freedom upon your enrollment in UP; and

3. recognize UP's abovementioned legal authority to process your personal data pursuant to this privacy notice.

## **DATA PRIVACY RISKS AND PROTECTION OF YOUR PERSONAL DATA**

The processing of personal data through video conferencing apps and platforms carries risks that may involve the confidentiality, integrity, and availability of personal data or the risk that processing will violate the privacy principles and rights of data subjects. UP has put in place reasonable physical (e.g. access control measures such as locks, security personnel, etc.) organizational (e.g. only authorized personnel who have signed the required non-disclosure undertaking and need such personal data to perform their functions are allowed to process such personal data, etc. ) and technical measures (e.g. encryption, multifactor authentication for UP mail which is used for SSO for video conferencing apps, LMS, etc. the conduct of vulnerability and penetration testing and other similar measures) to prevent or mitigate such risks. Kindly note that these measures do not guarantee absolute protection against such risks as when systems are subject to targeted cyberattacks, malware, ransomware, computer viruses, etc. However, UP has also adopted measures in order to deal with security incidents or personal data breaches in compliance with the PDPA and National Privacy Commission (NPC) issuances. See the Board of Regents approved UP Data Privacy Manual [CERTIFIED TRUE COPY DATA PRIVACY MANUAL 2023 EDITION.pdf \(up.edu.ph\)](#) which includes security incident and breach response procedures (Part 7, page ) and the following forms:

Form 1 [UNIVERSITY OF THE PHILIPPINES SYSTEM ADMINISTRATION INCIDENT OR BREACH REPORT FORM.docx \(up.edu.ph\)](#)

Form 2 [PRELIMINARY ASSESSMENT FORM FOR SECURITY INCIDENTS OR PERSONAL DATA BREACHES \(up.edu.ph\)](#)

Form 3 [Mandatory Notification to NPC.pdf \(up.edu.ph\)](#)

Form 4 [Mandatory Personal Data Breach Notification for Data Subjects.docx \(up.edu.ph\)](#)

Form 5 [SECURITY INCIDENT OR PERSONAL DATA BREACH REPORT \(up.edu.ph\)](#)

UP requires that your teachers provide you access to video conference meetings through the learning management system (“LMS”) used by your campus or through emails sent via UP mail. Users must provide the proper credentials in order to gain access to the proper LMS as well as to UP mail.

UP takes reasonable and appropriate steps to see to it that its third party service providers who process your personal data uphold your right to data privacy.

From time to time UP offices will issue advisories informing members of the UP community regarding how they can securely use video conferencing applications based on the latest privacy or security information updates. See, for example, UP ITDCs Advisories <https://itdc.up.edu.ph/about/advisories> and the Work From Home Advisory <https://privacy.up.edu.ph/advisories/ADVISORY%20ON%20DATA%20PRIVACY%20WHILE%20ON%20WORK.pdf> Please use your UP mail for using UP provided apps and for UP official communications [\[MEMO TJH 2021-10\] Reminder that faculty and students must use UP Mail for official correspondence and data privacy and security measures required for sending attachments and sharing G.pdf.](#)

Kindly be reminded that the use of Zoom and other video conferencing apps is subject to UPs Acceptable Use Policy [APPROVED ACCEPTABLE USE POLICY FOR INFORMATION TECHNOLOGY \(IT\)](#)



[RESOURCES OF THE UP SYSTEM – University of the Philippines](#) which you are deemed to consent to upon your use of such UP provided apps.

## **YOUR RIGHTS UNDER THE DATA PRIVACY ACT AND APPLICABLE LAWS AND REGULATIONS**

You have the following rights, subject to the conditions and limitations provided under the DPA, and other applicable laws and regulations:

1. The right to access and correct your personal data;
2. The right to be informed about the processing of your personal data through this and other applicable privacy notices;
3. The right to object to the processing of your personal data, to suspend, withdraw or order the blocking, removal or destruction thereof from our filing system, except in instances when the processing of personal data is necessary for us to comply with UP's mandate, statutory and regulatory requirements, or is processed using a lawful basis other than consent;
4. The right to receive, pursuant to a valid decision, damages for the inaccurate, incomplete, outdated, false, unlawful, or unauthorized use of personal data, taking into account any violation of your rights and freedoms as a data subject; and
5. The right to lodge a complaint before the National Privacy Commission provided that you first exhaust administrative remedies by filing a request with the proper data protection officer (DPO) regarding the processing of your personal data, or the handling of your requests for access, correction, blocking of the processing of your personal data and the like.

## **REVISIONS TO THIS PRIVACY NOTICE AND QUERIES REGARDING DATA PRIVACY**

We encourage you to visit this site [UP PRIVACY POLICIES - HOMEPAGE](#) from time to time to see revisions to this privacy notice. Any changes to this and other privacy notices will be reflected on this site.

This privacy notice was revised in line with the above mentioned NPC Advisory Opinion 2022-14 and NPC MC 2023-4.

For queries, comments or suggestions regarding this privacy notice please contact the University of the Philippines System Data Protection Officer through the following:

**a. Via post**

c/o the Office of the President  
2<sup>nd</sup> Floor North Wing, Quezon Hall (Administration Building), University Avenue,  
UP Diliman, Quezon City 1101, Philippines

**b. Through the following landlines**

(632) 89280110; (632) 89818500 loc. 2521

**c. Through email**

dpo@up.edu.ph

For data privacy concerns regarding your classes and student records please contact the Data Protection Officer of your CU.