



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila

Insurance Commission Ruling (ICR) No.:	2018-01
Date:	15 October 2018

Mr. CHRISTIAN S. ARGOS, President
MAXICARE HEALTHCARE CORPORATION
Maxicare Tower, 203 Salcedo St.,
Legaspi Village, Makati City

Attention : Mr. Joseph Reyes
Vice President – Compliance Officer

Subject : **Clarifications on Advisory No. 07-2018 vis-à-vis
Data Privacy Act of 2012**

Dear Mr. Argos:

This has reference to your letter dated 07 June 2018 requesting for clarification on matters relative to Advisory No. 07-2018 on the Submission of Seriatim Listing of In-force Plans and Claims Data File as of 31 December 2017.

Please be advised of the following:

A. Use of Prescribed Template on Circular Letter (CL) 2018-31

This Commission issued Advisory No. 10-2018 dated 11 June 2018, clarifying that the requirement of using the prescribed template for item G of CL 2018-31 is deferred for this year's submission.

In lieu of using the prescribed template, all HMOs are still required to submit the above requirements on the extended date of 31 August 2018 on a per company template, provided that the data contained therein are relevant and essential in the verification and analysis of the unearned membership fees/ actuarial reserves and claims payable, etc.

B. Sensitive Personal Information on Claims Data File

The Data privacy Act provides for lawful processing of personal and sensitive personal information, to wit:

Sec. 12. Criteria for Lawful Processing of Personal Information –

The processing of personal information shall be permitted only if not otherwise prohibited by law, and when AT LEAST ONE of the following conditions exists:

Xxx

(c) The processing is necessary **for compliance with a legal obligation** to which the personal information controller is subject;

Xxx

(e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, **or to fulfill functions of public authority** which necessarily includes the processing of personal data for the fulfillment of its mandate;

SEC. 13. Sensitive Personal Information and Privileged Information. – The processing of sensitive personal information and privileged information shall be prohibited, EXCEPT IN THE FOLLOWING CASES:

Xxx

(f) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, **or when provided to government or public authority.** (Emphasis supplied)

Please note also that the Insurance Commission observes compliance with the Data Privacy Act of 2012 which requires government agencies to secure all sensitive personal information maintained by it.

For your guidance.

Very truly yours,

DENNIS B. FUNA
Insurance Commissioner

