

**SUBJECT:** Retention of Documents Containing Personal Data

**DATE:** January 29, 2021

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The Data Privacy Act of 2012 states that personal data must be retained by personal information controllers (PIC) only for as long as they are necessary or within a period provided by law.<sup>1</sup> In this regard, entities collecting and processing personal data for their respective legitimate purposes must not retain them in perpetuity unless there is a rule that prohibits their disposal. Philippine privacy laws and regulations recognize the concept of a data lifecycle for lawful data processing: *what was collected must also be eventually disposed*.

Meralco, as a registered PIC, must determine retention schedules for documents containing the personal data of various data subjects it transacts with. The Data Privacy Office, with the assistance of Corporate Legal Services, developed a *Data Retention Matrix* to help the line organizations of Meralco decide on the appropriate periods within which they must store personal data that they collect from individuals. The *Data Retention Matrix* is attached to this material as Annex A.

## 1 | What are the data retention principles under the IRR of the Data Privacy Act of 2012?

Section 19 of the Implementing Rules and Regulations (IRR) of the Data Privacy Act of 2012 states that there are two (2) principles that must be considered for keeping personal data that was collected:

### A. Retention by Necessity

The IRR states that retention of documents containing personal data shall only be for as long as they are necessary.<sup>2</sup>

Under this principle, data retention must be:

- i. **For the fulfillment of the declared, specified, and legitimate purpose, or when the processing relevant to the purpose has been terminated**

Most registered PICs declare their specific and legitimate purposes through a Privacy Notice, which is made accessible to the data subjects. For corporations like Meralco

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<sup>1</sup> Section 19, Data Privacy Act Implementing Rules and Regulations, September 9, 2016.

<sup>2</sup> *Supra*, Note 1.

with many enterprise processes that involve processing of personal data, their respective Privacy Notices also contain many declared, specified, and legitimate purposes. The turnaround time (TAT) for the fulfillment of each purpose differs based on the size of the team tasked to achieve it and the availability of resources.

Fixing a TAT is not mandatory but can be adopted by business responsibility units (BRU) in Meralco to ensure that the service expected from them is rendered timely and orderly.

**ii. For the establishment, exercise or defense of legal claims**

“Legal claims” must be understood as any demand made in or out of court based on an alleged right under the law. These claims may either be civil, criminal, or administrative in nature. On the other hand, a claimant may either be the PIC, the data subject or a third party.

Both physical and electronic copies of documents containing personal data may either support a claim that the PIC might have against another party or defend itself against the claim made by another party. In this regard, a PIC must also consider the applicable prescriptive periods – the time within which a claimant may initiate legal proceedings<sup>3</sup> – in determining a retention schedule for these documents. Failure to consider these periods may prejudice the PIC’s interests.

**iii. For legitimate business purposes, which must be consistent with standards followed by the applicable industry or approved by appropriate government agency**

Despite the declaration of specific legitimate purposes in their respective Privacy Notices, there are purposes that are not published but may be deemed as necessary to fulfill the legitimate interests of PICs.

For industries in which regular internal audit is prescribed, retention of documents containing personal data of past customers or employees may be acceptable for as long as the internal auditor would require so.

Additionally, keeping copies of surveillance camera footages for a specific period of time may be acceptable if they would be used to investigate a security incident that occurred within the premises.

**B. Retention by Law**

Other than by necessity, the IRR also states that retention of personal data shall be allowed in cases provided by law.

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<sup>3</sup> Article 1144, Civil Code of the Philippines.

These cases refer to instances when regulatory government agencies or law enforcement authorities require the retention of personal data for purposes such as, but not limited to:

- A. Conduct audit or examination such as a tax audit by the Bureau of Internal Revenue over VAT-registered entities or a supervisory examination by the Bangko Sentral ng Pilipinas over banks
- B. Monitor the governance structure and practices of corporations and associations through reportorial requirements such as a General Information Sheet
- C. Implement disease surveillance and response such as the mandatory reporting of notifiable diseases and health events of public health concern to the Department of Health
- D. Conduct labor compliance inspections for occupational safety and health standards through necessary reportorial requirements
- E. Investigate computer-related identity theft under Republic Act No. 10175 or the “Cybercrime Prevention Act of 2012”
- F. Investigate gender-based sexual harassment in all public spaces such as the streets and alleys, markets, restaurants, public utility vehicles under Republic Act No. 11313 or the “Safe Spaces Act”

## 2 | What are the existing policies and guidelines in Meralco that pertain to data retention and disposal?

BRUs in Meralco have created data retention and disposal policies and guidelines:

Document Name	Document Owner	Description
<b>HR Policies and Guidelines</b> <i>Section: Employee Records</i>	Human Resources	This document contains policies and guidelines on creation, maintenance, and disclosure of records of all applicants, employees, retirees, and project-hires.
<b>Supply Chain Management Vendor Management Policies &amp; Guidelines</b> <i>Section: Vendor Data Privacy Guidelines</i>	Supply Chain Management	The set of guidelines covers personal data of vendors that are applying for accreditation, temporary and accredited vendors. The guidelines cover data collection and handling, using, processing, storage, disposal, and necessary disclosure of vendor personal data.

<b>Vendor Master Data Creation and Maintenance</b>	Finance Process Management	The guidelines contained in this document applies for all MERALCO vendors managed by Finance. This supplemental manual covers the creation and maintenance of Vendor master data from point of collection up to deactivation of inactive system records and disposal of documents.
<b>Information Security Policy Governing Contractors</b>		This document contains policies that contractors shall strictly follow for collection, receipt, transmission, storage, disposal, use, disclosure of personal information, assets, infrastructure, and operational processes owned by Meralco.
<b>Data Classification and Handling Standard</b>	Cyber Security Group and Data Governance	This manual contains guidance covering classification criteria and categories. This also identifies the responsibilities of every authorized owner, custodian/steward and user.
<b>Retention and Disposal rules for Documents with Personal Data (Payments-Related Document)</b>	P&S Payments Process	This document contains guidelines on collection & generation of forms, storage & retention, and recommendation for disposal of the subject documents containing customer's personal data.
<b>Retention and Disposal rules for Documents with Personal Data (Service Application and Billing - Related Document)</b>	Collaboration of different BRUs	The document covers retention and disposal activities from retention of printed and electronic files of documents related to billing, billing adjustment, service irregularity, customer assistance, and service application, containing customers' personal data to initiation of disposal activities.
<b>Meralco Privacy Policy</b>	Data Privacy Office	The Meralco Privacy Policy contains what information is collected per data subject, why such information is collected, and how the information will be used, stored, and disposed. It also informs how they can raise data privacy concerns to Meralco.
<b>Stockholders Affairs Policy</b>		This document contains guidelines on the collection, use, retention, storage, and disposal of the shareholder's information.

All of the reference materials above contain common retention and disposal concepts that can be applied to different processes that involve personal data.

Below are action items that are common in all of the existing guidelines, which shall ensure minimization of risks related to retention and disposal.

#### A. Data Retention

- i. Each document that contains personal and sensitive personal information shall have a corresponding retention period.
- ii. The retention period shall be defined by the process owner or document owner based on regulatory rules and regulations and purpose for processing the data.
- iii. The agreed upon data retention period shall be documented by the process owner and shall be strictly monitored by the record custodian.

#### B. Data Retention Criteria

The data retention schedule of each document shall be determined using the criteria below:

- i. Based on any legal or regulatory requirement for retaining the data; and/or
- ii. Purpose for processing the data.

#### C. Record Custodian

- i. Each office must have an assigned record custodian depending on the volume of stored files.
- ii. The record custodian shall ensure that the documents containing personal information follows the guidelines on data security and data disposal.

D. **Monitoring.** The process owner / record custodian shall ensure that the retention period of each document is strictly implemented.

#### E. Tools for Monitoring

- i. **Access Matrix.** This is used to track who has access to the document that contains personal information.
- ii. **Data Retention Schedule.** This is used to monitor all of the documents that contain personal information, retention schedule, and type of document (physical or digital).

- iii. **Register of Documents for Disposal.** This is used for documents that will be disposed. This form shall be prepared by the document custodian and approved by the Business Center Head.

### 3 | How should BRUs in Meralco determine data retention schedules for documents containing personal and sensitive personal information?

BRUs must determine retention schedules based on applicable regulatory retention periods and the nature of the data processing activities they perform for Meralco. As discussed above, a PIC like Meralco has little to no discretion on retention periods that are fixed by law (Retention by Law) since they must be observed to comply with the requirement of either a government agency or law enforcement authority. Conversely, for data processing activities with no regulatory retention period, a PIC can fix its own retention schedules, which we highly recommend.

Under the Retention by Necessity principle, the decision to retain and dispose personal data is not arbitrary but instead a result of considering all possible factors that could affect the operations of the PIC such as legal and financial risks.

### 4 | What are the advantages of practicing proper data retention and disposal?

Practicing proper retention and disposal of documents containing personal data is more of a preventive than a remedial measure.

- A. **Prevent data breaches.** What cannot be retrieved cannot be exploited. When personal data are no longer accessible and retrievable, there is low probability for an individual's identity to be used for a purpose other than what is intended for. It is, thus, important to determine which records may be considered as no longer necessary to fulfill the interests of the PIC to minimize the risk of a data breach occurring.
- B. **Save cost on storage.** Imposing a "sunset period" for documents containing personal data and destroying them afterwards will help the PIC manage the operating cost for storing both physical and electronic files.

For physical files, it is important for business centers in Meralco to determine at which point printed copies must be scanned for back-up and eventually destroyed in order to reserve space for incoming documents.

For electronic files, on the other hand, users must not take for granted the large storage capacity in subscription-based cloud technologies like Microsoft Office 365 since a single or isolated breach of one or few files can compromise the safety of an entire database and, thus, must also take time to permanently delete duplicates or outdated documents (e.g. a version of a draft that has been superseded by latest versions).



- C. **Improve stakeholder trust.** A PIC that only stores personal data for as long as they are necessary to fulfill its legitimate purposes is less likely to put the privacy of its data subjects at risk. When the PIC apprises its data subjects that their personal data will not be kept forever or informs them about the reason why their personal data will be stored for a period longer than what they expect, the PIC demonstrates trustworthiness and reliability. Consequently, external and internal stakeholders alike will be more confident in providing their personal data to the PIC.

# Annex A (DP FAQ 202101) – Data Retention Matrix



LEGITIMATE PURPOSES DECLARED IN THE <a href="#">PRIVACY POLICY</a>	MERALCO'S CONTRACTUAL OBLIGATION	APPLICABLE PRESCRIPTIVE PERIODS (per Corporate Legal Services)	RECOMMENDED RETENTION PERIOD	PERSONAL DATA INVOLVED
<b>PROSPECTIVE, EXISTING, AND TERMINATED CUSTOMERS</b>				
<p><b>SERVICE APPLICATION AND PROVISION</b></p>	<p>Documents containing personal data of a prospective customer may be retained as long as the service application has been approved.</p> <p>Otherwise, if the application is denied, the documents of the service applicant must be disposed within a definite period of time.</p> <p>Meanwhile, documents containing personal data of an existing customer may be retained for as long as the service contract with said customer subsists.</p> <p>As soon as the services of Meralco is terminated, the customer's documents may be retained until the applicable prescriptive period for legal claims ends.</p>	<p>The general rule is that the actual period should be determined by the party collecting/storing the information, taking into consideration the purpose of the collection.</p> <p>Corporate Legal Services (CLS) suggests that personal information be kept and maintained for a period of ten (10) years from the termination of services, because:</p> <p>(i) for as long as Meralco is still the service provider, it needs those customer information and documents to provide continuous services (i.e. Personal Information to send billings, invoices, etc.);</p> <p>(ii) the documents and information relating to service applications, including but not limited to, the Contract for Electric Services, the Agreement for the Sale of Electricity and the Customer Service Application Warranty, would govern Meralco's contractual relationship with its customers; and</p> <p>(iii) even if the services are already terminated, the prescriptive period under the law to bring an action under those written contracts is ten (10) years from the time that the cause of action accrues.</p>	<p><b>If application is denied, the documents of the service applicant <u>must be disposed within a definite period of time, to be decided by the Meralco office that collected the personal data.</u></b></p> <p><b>If application is approved, the documents of the service applicant <u>may be retained for as long as Meralco provides service to the customer.</u></b></p> <p><b>If service is terminated, the documents of the customer must be <u>maintained for a period of at least ten (10) years from the termination of service.</u></b></p>	<ul style="list-style-type: none"> <li>• Application Form (Individual)                             <ul style="list-style-type: none"> <li>○ Name of Applicant</li> <li>○ Mailing Address</li> <li>○ Mobile and/or Landline Number</li> <li>○ E-mail Address</li> <li>○ Tax identification number</li> </ul> </li> <li>• Application Form (Corporate)                             <ul style="list-style-type: none"> <li>○ Name of Representative</li> <li>○ Company Address</li> <li>○ Designation</li> <li>○ Mobile and/or Landline Number</li> <li>○ E-mail Address</li> </ul> </li> <li>• Evidence of Authority to Occupy (contains government-issued IDs in the notarial page)                             <ul style="list-style-type: none"> <li>○ Contract of Lease</li> <li>○ Transfer Certificate of Title</li> <li>○ Special Power of Attorney (SPA)</li> <li>○ Undertaking or Authorization from owner of the premises</li> </ul> </li> </ul>



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		<p>Meralco may need those customer information and documents to pursue or defend said actions.</p> <p>Note that the 10-year period may further be extended if an action on those contracts is brought and the action is still pending decision or the decision of which has not yet attained finality or if attained finality, has not yet been fully executed.</p>		
<p><b>BILLING AND PAYMENT</b></p>	<p>Use of documents containing the personal data of an individual customer to process his or her payment shall depend on the payment method, which may be:</p> <ul style="list-style-type: none"> <li>• Over-the-counter payment in Meralco Business Centers</li> <li>• Credit card payment through Meralco Online</li> <li>• Bank-facilitated payment</li> </ul>	<p>CLS suggests that customer billing records should be kept for a period of at least ten (10) years from the termination of services.</p> <p>For as long as the customer remains a customer of Meralco and even when the services are terminated but the prescriptive period to bring an action under the customer’s contract with Meralco has not yet lapsed, his/her/its records must be kept and maintained.</p> <p>While Section 6 of RA No. 7832 (Determination of Differential Billing) provides that for the determination of differential billing, the highest recorded monthly consumption within the five-year billing period preceding the time of discovery may be considered, the customer may still file an action based on his/her/its contract for electric service with Meralco and these customer records may be used as evidence.</p> <p>For billing and payment records based on other forms of contracts, CLS recommends that they be kept for a period of at least ten (10) years from the time of disengagement of the other contracting party/ies, for the same</p>	<p><b>For all payment methods, the documents containing personal information may be retained for as long as Meralco provides service to the customer.</b></p> <p><b>The Meralco office that collected the documents, however, may fix a certain period for physical copies of these documents in case it needs to manage costs on storage space.</b></p> <p><b>When the service is terminated, the documents must be maintained for at least ten (10) years from the termination of services.</b></p>	<ul style="list-style-type: none"> <li>• Over-the-Counter Payment             <ul style="list-style-type: none"> <li>○ Name of the Customer</li> <li>○ Service Identification Number</li> </ul> </li> <li>• Bank Account Information (for Automatic Debit Arrangement)             <ul style="list-style-type: none"> <li>○ Name of Depositor</li> <li>○ Bank Account Number</li> <li>○ Service Identification Number</li> </ul> </li> <li>• Credit Card information (for Automatic Credit Arrangement)             <ul style="list-style-type: none"> <li>○ Name of Cardholder</li> <li>○ Credit Card Number</li> <li>○ Card Verification Value Number (CVV)</li> <li>○ Service Identification Number</li> </ul> </li> </ul>

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		<p>reason that an action may be brought by the other contracting party/ies based on such written contracts.</p> <p>Note that the ten (10) years period may further be extended if an action on those contracts is brought and the action is still pending decision or the decision of which has not yet attained finality or if attained finality, has not yet been fully executed.</p>		
<p>USE OF MERALCO WEBSITE, MOBILE APPLICATION, AND OTHER CHANNELS</p>	<p>Active users or those who regularly access their accounts in Meralco’s various platforms must be assured that their personal data in these platforms are secure, up-to-date, and necessary for log-in.</p> <p>Inactive users or those who have not logged in for a certain period of time should be removed from the platforms to reduce the amount of personal data that Meralco has to maintain.</p>	<p>As a default, this shall be left to the discretion of the party collecting information for the use of the website, taking into consideration that, the personal data should not be used for any other purpose without first acquiring the consent of the owner of said information.</p> <p>With respect to documents and information collected in relation to User Agreement on the use of the Meralco website (if any), we suggest that they be kept and maintained for a period of at least (10) years from the termination or expiration of the User Agreement, or for a longer period (in the event that an action is brought based on the User Agreement) until a decision on an action based on the User Agreement has reached finality and already fully enforced or executed.</p>	<p><b>For active users of Meralco platforms, their personal data may be maintained for as long as they regularly use the platforms.</b></p> <p><b>For inactive users, they must be informed that their log-in credentials will be archived if they do not access their account within one year from notice but the records relating to the account may be maintained for at least ten (10) years from the termination of the account or expiration of a User Agreement, if any.</b></p>	<ul style="list-style-type: none"> <li>• Customer Account Number</li> <li>• Billing Statement             <ul style="list-style-type: none"> <li>○ Name</li> <li>○ Mailing Address</li> <li>○ Service identification number</li> <li>○ Mobile Number</li> <li>○ E-mail Address</li> </ul> </li> <li>• Log-in Credentials             <ul style="list-style-type: none"> <li>○ Username</li> <li>○ Password</li> </ul> </li> <li>• Financial Information             <ul style="list-style-type: none"> <li>○ Credit Card Number</li> <li>○ Credit Card Security Code</li> </ul> </li> </ul>

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<p>COMMUNICATION WITH MERALCO AND ITS REPRESENTATIVES</p>	<p>All documents that pertain to resolved requests, inquiries, and complaints must be disposed when the applicable prescriptive period ends.</p>	<p>The general rule is that the actual period should be determined by the party collecting/storing the information, taking into consideration the purpose of the collection.</p> <p>For communications in written form and may form part or relate to the implementation of our contracts with the customers, they may be retained for a period of not more than Ten (10) years. This is based on Art. 1144 of the New Civil Code.</p> <p>Note that the ten (10) years period may further be extended if an action on those contracts is brought and the action is still pending decision or the decision of which has not yet attained finality or if attained finality, has not yet been fully executed.</p>	<p><b>For modes of communication that are not reduced into writing such as recorded voice messages, they must be disposed within a definite period of time, to be decided by the Meralco office that collected and stored the personal data.</b></p> <p><b>For modes of communication that are in written form and may form part of a contract with Meralco, they may be retained for a period not more than ten (10) years from the date they were executed.</b></p> <p><b>For modes of communication that are in written form but do not form part of a contract with Meralco such as a feedback form, they may be retained for an even shorter period than prescribed above, to be decided by the Meralco office that collected the personal data.</b></p>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Residence Address</li> <li>• E-mail Address</li> <li>• Mobile Number</li> <li>• Service Identification Number</li> <li>• Customer Account Number</li> </ul>
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## PROSPECTIVE, ACTIVE, AND SEPARATED EMPLOYEES

<p>PROSPECTIVE EMPLOYMENT APPLICATION</p>	<p>Copies of unsuccessful applicants’ credentials must be kept within a definite period of time from the date that the position/s applied for has/have been filled.</p>	<p>The general rule is that the actual period should be determined by the party collecting/storing the information, taking into consideration the purpose of the collection.</p>	<p><b>If an applicant does not meet the qualifications of the position applied for, his/her credentials <u>must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</u></b></p>	<ul style="list-style-type: none"> <li>• Resume / Curriculum Vitae / Application Form             <ul style="list-style-type: none"> <li>○ Name</li> <li>○ Residence Address</li> <li>○ E-mail Address</li> <li>○ Mobile Number</li> <li>○ Age</li> <li>○ Religion</li> <li>○ Sex</li> <li>○ Education</li> <li>○ Professional Licenses</li> <li>○ Family Background</li> <li>○ Work History</li> <li>○ Training</li> <li>○ Certifications</li> <li>○ SSS / GSIS Number</li> <li>○ Philhealth Number</li> <li>○ Pag-IBIG Number</li> </ul> </li> <li>• Work References</li> <li>• Pre-Employment Test Results</li> <li>• Results of Character Investigation</li> <li>• Pre-Employment Medical Assessment</li> </ul>
<p>MAINTENANCE OF EMPLOYMENT RECORDS</p>	<p>Processing and retention of employee benefits and compensation shall continue:</p> <ul style="list-style-type: none"> <li>• For as long as the data subject is employed in Meralco; or</li> <li>• Until all retirement benefits due the data subject at the date of retirement have been paid out.</li> </ul>	<p>CLS suggests that employment records be maintained for at least ten (10) years from the time of termination of employment or disengagement as they may be used as evidence in cases concerning the employment and may form part of the contract of employment.</p> <p>Note, though, that the ten (10) years period may further be extended if an action is brought and the action is still pending decision or the decision of which has not yet</p>	<p><b>For active employees, their employment records <u>may be retained for as long as they are in an employment contract with Meralco.</u></b></p> <p><b>For those who have terminated their employment with Meralco, for whatever purpose, their employment records <u>may</u></b></p>	<ul style="list-style-type: none"> <li>• HR 201 File             <ul style="list-style-type: none"> <li>○ Name</li> <li>○ Residence Address</li> <li>○ E-mail Address</li> <li>○ Mobile Number</li> <li>○ Age</li> <li>○ Religion</li> <li>○ Sex</li> <li>○ Education</li> <li>○ Professional Licenses</li> <li>○ Family Background</li> <li>○ Work History</li> <li>○ Training</li> </ul> </li> </ul>

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		<p>attained finality or if attained finality, has not yet been fully executed.</p> <p>For further coordination with HR.</p>	<p><b><u>be maintained for at least ten (10) years from the termination of their employment.</u></b></p>	<ul style="list-style-type: none"> <li>○ Certifications</li> <li>○ Sanctions</li> <li>○ Performance Evaluation</li> <li>● Payroll information             <ul style="list-style-type: none"> <li>○ SSS Number</li> <li>○ PhilHealth Number</li> <li>○ Pag-IBIG Number</li> <li>○ Tax Identification Number</li> <li>○ Deposit account information</li> <li>○ Salaries or wages</li> <li>○ Entitlements and Benefits</li> <li>○ Medical and Dental Care Records</li> <li>○ Emergency Contact Information</li> </ul> </li> <li>● Retirement Information             <ul style="list-style-type: none"> <li>○ Pension Amount</li> <li>○ Retiree Eligibilities and other Benefits</li> <li>○ Deposit account information</li> <li>○ Beneficiaries and emergency contact information</li> </ul> </li> </ul>
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## VENDORS, SUPPLIERS, CONTACTORS, AND CONSULTANTS

<p><b>VENDOR ACCREDITATION</b></p>	<p>Review and evaluation of accreditation requirements shall be conducted:</p> <ul style="list-style-type: none"> <li>• For as long as the vendor, supplier, contractor, or consultant is accredited with Meralco, for approved applications;</li> <li>• Until the date that the vendor, supplier, contractor, or consultant’s application for accreditation is rejected.</li> </ul>	<p>If the information relates to the accreditation of a vendor who eventually was eventually engaged as a vendor or supplier of Meralco, CLS suggests that the documents and information be kept and maintained for a period of at least ten (10) years from the time that termination or expiration of the contract of the vendor/supplier and Meralco.</p> <p>If the vendor/supplier accredited did not eventually become a vendor/supplier of Meralco, the documents and information may be kept and maintained for as long as necessary, in the determination of the documents and information custodian.</p> <p>For further coordination with Procurement Office.</p>	<p><b>If the vendor was not accredited, the documents of the individual vendor or authorized representative must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</b></p> <p><b>If the vendor is accredited, the documents of the individual vendor or authorized representative may be retained for as long as Meralco provides service to the customer.</b></p> <p><b>If the contract is terminated, the documents of the individual vendor or authorized representative must be maintained for a period of at least ten (10) years from the termination of contract.</b></p>	<ul style="list-style-type: none"> <li>• Application Forms and Undertaking             <ul style="list-style-type: none"> <li>○ Name of Individual or Authorized Representative</li> <li>○ Designation</li> <li>○ Company Address</li> <li>○ Mobile Number</li> <li>○ E-mail Address</li> </ul> </li> <li>• Identification Card of the Individual or Authorized Representative</li> </ul>
<p><b>ACCESS TO SUPPLY CHAIN SYSTEM</b></p>	<p>Access to the system shall continue for as long as the vendor, supplier, contractor, or consultant is accredited with Meralco.</p>	<p>For further coordination with Procurement Office.</p>	<p><b>If the vendor was not accredited, the documents of the individual vendor or authorized representative must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</b></p> <p><b>If the vendor is accredited, the documents of the individual vendor or authorized representative may be retained for as long as Meralco provides service to the customer.</b></p> <p><b>If the contract is terminated, the documents of the individual vendor or authorized representative must be maintained for a period of at least ten (10) years from the termination of contract.</b></p>	<ul style="list-style-type: none"> <li>• Name of Individual or Authorized Representative</li> <li>• Designation</li> <li>• Log-in Credentials</li> </ul>
<p><b>PROCESSING OF PAYMENT</b></p>	<p>Processing of payment and the frequency thereof shall be completed within the period provided in the contract.</p>	<p>For further coordination with Procurement Office.</p>	<p><b>If the vendor was not accredited, the documents of the individual vendor or authorized representative must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</b></p> <p><b>If the vendor is accredited, the documents of the individual vendor or authorized representative may be retained for as long as Meralco provides service to the customer.</b></p> <p><b>If the contract is terminated, the documents of the individual vendor or authorized representative must be maintained for a period of at least ten (10) years from the termination of contract.</b></p>	<ul style="list-style-type: none"> <li>• Name of Individual or Authorized Representative</li> <li>• Designation</li> <li>• E-mail Address</li> <li>• Mobile or Landline Number</li> </ul>
<p><b>PREPARATION OF CONTRACTS</b></p>	<p>Maintenance of copies of contracts shall continue for as long as the vendor, supplier, contractor, or consultant is in an outstanding engagement with Meralco.</p>	<p>For further coordination with Procurement Office.</p>	<p><b>If the vendor was not accredited, the documents of the individual vendor or authorized representative must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</b></p> <p><b>If the vendor is accredited, the documents of the individual vendor or authorized representative may be retained for as long as Meralco provides service to the customer.</b></p> <p><b>If the contract is terminated, the documents of the individual vendor or authorized representative must be maintained for a period of at least ten (10) years from the termination of contract.</b></p>	<ul style="list-style-type: none"> <li>• Name of Representative</li> <li>• Designation</li> <li>• Company Address</li> <li>• Identification card of Representative (for notarial purposes)</li> </ul>



# Annex A (DP FAQ 202101) – Data Retention Matrix



SHAREHOLDERS				
<p>MANAGEMENT OF INVESTOR RELATIONS</p>	<p>Maintenance of copies of the identification of the shareholder (or its individual authorized representative or assignee) including specimen signatures, shall continue:</p> <ul style="list-style-type: none"> <li>• For as long as the shareholder owns or holds a share of Meralco stock; or</li> <li>• For as long as the authorized representative or assignee acts on behalf of the shareholder.</li> </ul>	<p>The general rule is that the actual period should be determined by the party collecting/storing the information, taking into consideration the purpose of the collection.</p>	<p><b>If an individual or authorized representative (e.g. officer or assignee) continues to hold shares of Meralco, his or her personal data <u>may be maintained for as long as he or she (or the entity being represented) is considered as a stockholder of Meralco as determined by the Corporate Secretary.</u></b></p>	<ul style="list-style-type: none"> <li>• Stock Certificate (subscribed but not fully paid up)                             <ul style="list-style-type: none"> <li>○ Name of Shareholder / Assignee (Individual)</li> <li>○ Number of Subscribed Shares</li> </ul> </li> <li>• Stock Transfer Book                             <ul style="list-style-type: none"> <li>○ Name of Shareholder / Assignee (Individual)</li> <li>○ Number of Subscribed Shares</li> <li>○ Number of Paid-Up Shares</li> </ul> </li> </ul>
<p>IMPROVEMENT OF STAKEHOLDER ENGAGEMENT</p>			<p>If an individual no longer holds at least one (1) share of Meralco, <u>his or her personal data must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</u></p> <p>If the authority of the representative has been revoked, <u>his or her personal data must be disposed within a definite period of time, to be decided by the entity or party who collected the personal data.</u></p>	<ul style="list-style-type: none"> <li>• General Information Sheet                             <ul style="list-style-type: none"> <li>○ Name of Shareholder / Assignee (Individual)</li> <li>○ Mailing Address</li> <li>○ Tax Identification Number</li> <li>○ Citizenship</li> <li>○ Sex</li> </ul> </li> <li>• Other Supporting Documents                             <ul style="list-style-type: none"> <li>○ Government-Issued ID of the Shareholder / Assignee / Authorized Representative</li> <li>○ Specimen Signatures of the Shareholder / Assignee / Authorized Representative</li> <li>○ Secretary’s Certificate</li> </ul> </li> </ul>

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GUEST AND VISITORS				
SECURITY CHECK	Verification and monitoring of the guest's identity continue until he or she has left the premises of Meralco.	Prescription of Crimes, under Article 90 of the Revised Penal Code of the Philippines, refers to the period within which the state may prosecute an offender for the commission of a crime.	<p><b>In case the documents and information to be retained shall be used in pursuit or defense of a criminal case, the following shall be governing:</b></p> <p><b>a. <u>Twenty (20) years</u> – for crimes with any of the following penalties:</b></p> <ul style="list-style-type: none"> <li>i. Death;</li> <li>ii. Reclusion Perpetua (Imprisonment from twenty years and one day to forty years); or</li> <li>iii. Reclusion Temporal (Imprisonment from twelve years and one day to twenty years).</li> </ul> <p><b>b. <u>Fifteen (15) years</u> – for crimes penalized by other afflictive penalties, such as:</b></p> <ul style="list-style-type: none"> <li>i. Perpetual or temporary absolute disqualification,</li> <li>ii. Perpetual or temporary special disqualification,</li> <li>iii. Prison mayor (Imprisonment from six years and</li> </ul>	<ul style="list-style-type: none"> <li>• Name of Guest</li> <li>• Residence address</li> <li>• Company address</li> </ul> <p>Identification card of Guest (not stored)</p>
SURVEILLANCE OF COMPANY PREMISES	Maintenance of footages from close circuit television (CCTV) to monitor movements within Meralco shall only be for a definite period of time.	In simple terms, this refers to the period where a victim can file a criminal complaint against the offender. Thus, if a certain act may be considered a crime, the victim need not immediately file a criminal case, but is given a period to do so. The given period depends on the crime to be charged.		<ul style="list-style-type: none"> <li>• CCTV Footage, showing the individual's physical features</li> </ul>
INCIDENTS, ACCIDENTS, OR CRIME WITHIN MERALCO PREMISES	<p>Investigation of relevant facts and circumstances shall continue until the response team closes the incident.</p> <p>Ex. Securing CCTV footage, damage to property, accidents, emergencies, etc.</p>	<p>In the event that MERALCO files a criminal case in court and has reserved its right to file the civil aspect of said case in a separate action, is in the custody of information relating to the civil aspect of a criminal case, it should retain said information for as long as the criminal case is pending or the final decision has been fully executed (Sections 1 and 2 of Rule 111 of the Rules of Court)</p> <p>If the act or omission which gave rise to a criminal case also relates to a written contract, the ten (10)-year prescriptive period shall apply. Note that the ten (10) years period may further be extended if an action on those contracts is brought and the action is still pending decision or the decision of which has not yet attained finality or if attained finality, has not yet been fully executed.</p> <p>As for CCTV, while Section 11 of A.M. No. 01-7-01-SC or the Rules on Electronic Evidence</p>		<ul style="list-style-type: none"> <li>• CCTV Footage, showing the individual's physical features</li> <li>• Incident Report <ul style="list-style-type: none"> <li>○ Name/s of Person/s Involved</li> <li>○ Mobile Number/s</li> <li>○ Landline Number/s</li> <li>○ Designation/s</li> </ul> </li> <li>• Emergency contact information</li> </ul>

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		<p>provides guidelines on what may be considered as admissible video evidence in court, it is silent on how long a footage may be stored. Thus, the period to be applied for the retention of video evidence should be harmonized with the applicable crime to be charged.</p>	<p><b>one day to twelve years).</b></p> <p>c. <u>Ten (10) years</u> – for crimes punishable by correctional penalties, such as:</p> <ul style="list-style-type: none"> <li>i. Prision correccional (imprisonment from six months and one day to six years),</li> <li>ii. Suspension, or</li> <li>iii. Destierro.</li> </ul> <p>d. <u>Five (5) years</u> – for crimes with a penalty of Arresto Mayor (imprisonment from thirty days to six months).</p> <p>e. <u>One (1) year</u> – for the crime of libel</p> <p>f. <u>Six (6) months</u> – for the crime of oral defamation or slander by deed</p> <p>g. <u>Two (2) months</u> – for light offenses</p> <p>If the act or omission which gave rise to a criminal case also relates to a written contract, the <u>ten (10)-year prescriptive period shall apply.</u></p>	
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OTHER PERTINENT THIRD PARTIES				
<p><b>SHARING OF DATA TO MERALCO SUBSIDIARIES TO FULFILL THE STATED PURPOSE</b></p>	<p>Sharing of personal data between Meralco and a subsidiary is considered as a transaction between two personal information controllers, which must be supported by a Data Sharing Agreement.</p>	<p>The general rule is that the actual period should be determined by the party collecting/storing the information, taking into consideration the purpose of the collection.</p>	<p><b>Retention schedules must be based on the period determined by Meralco and the subsidiaries in their Data Sharing Agreements.</b></p>	<ul style="list-style-type: none"> <li>● Billing Information                             <ul style="list-style-type: none"> <li>○ Customer Account Number</li> <li>○ Service Identification Number</li> <li>○ Name of Customer</li> <li>○ Residence Address</li> <li>○ Company Address</li> <li>○ E-mail Address</li> <li>○ Mobile Number</li> <li>○ Landline Number</li> </ul> </li> <li>● Identification Card of Customer</li> </ul>
<p><b>LAW ENFORCEMENT AND GOVERNMENT AGENCIES</b></p>	<p>The Data Privacy Act of 2012 does not apply to:</p> <p>Information about any individual who <u>is or was</u> an officer or employee of a government institution that relates to the position or functions of the individual, including:</p> <p>(1) The fact that the individual is or was an officer or employee of the government institution;</p> <p>(2) The title, business address and office telephone number of the individual;</p> <p>(3) The classification, salary range and responsibilities of the position held by the individual; and</p> <p>(4) The name of the individual on a document prepared by the individual in the course of employment with the government;</p> <p>(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services (Section 4, Data Privacy Act of 2012).</p>	<p>For information relating to a public officer in relation to his or her public office and the performance of his or her public functions, Section 4 of the Data Privacy Act applies.</p> <p>If the same pertains to Personal Information as defined under the DPA, the retention of the information shall be subject to information custodian’s and/or our Data Privacy Office’s call, taking into consideration the purpose/s for which these information are collected.</p> <p>If the Personal Information, however, is collected in relation to the execution and implementation of a written contract (i.e. the government official is designated as a representative or signatory in a written contract), we suggest that the same be retained for at least ten (10) years from the expiration or termination of such contract.</p> <p>Note that the ten (10) years period may further be extended if an action on those contracts is brought and the action is still pending decision or the decision of which has not yet attained finality or if attained finality, has not yet been fully executed.</p>	<p><b>Applying Section 4 of the Data Privacy Act of 2012, retention and maintenance of the personal data of the officer or employee of a government institution provided to Meralco in an official capacity <u>may be decided on a case-to-case basis.</u></b></p> <p><b>If the officer or employee of the government institution provided his or her personal information to Meralco in relation to a written contract, particularly as a representative or signatory, his or her personal data <u>may be retained for at least ten (10) years from the expiration or termination of such contract.</u></b></p>	<ul style="list-style-type: none"> <li>● Name</li> <li>● Fact of employment or officership with the government institution</li> <li>● Title</li> <li>● Business Address</li> <li>● Office Telephone Number</li> <li>● Classification</li> <li>● Salary Range</li> <li>● Responsibilities Held</li> </ul>