



Legal Service Unit

CLARIFICATORY MEETING

7 October 2025

01:00PM

LSU Office

Present:

Reir Erlinda E. Cutad, DIT, *Vice President for Administration and Finance*

Ian Jay T. Padios, *Head, Technology Support Services Unit*

Atty. Lorevill S. Pinoon-Fontanilla, *Head, Legal Service Unit*

Alfred Gene B. Lacandula, *Legal Assistant III*

The clarificatory meeting was set following some questions raised during the legal review of the Mutual Offsite Data Center Backup Agreement with the Provincial Government of Davao de Oro and the Davao del Norte State.

Meeting started at 01:11PM.

The following are the matters which were discussed:

On Remedies for addressing/mitigating data breach.

1. It was clarified that the Provincial Government of Davao de Oro has also established its Data Privacy Manual, providing, among others, protocols in cases of data breaches.
2. The recommendation is to include a Whereas Clause reflecting that both Parties have established their respective Data Privacy Manual.

As to the extent of use of facilities and equipment, vis-à-vis the extent of access of the authorized personnel on the backup infrastructure established in the College.

1. It was established that the infrastructure involve is in the form of a server, which can easily be removed and carried out.
2. Since the backing up of data may involve remote as well as physical access of the infrastructure, it is recommended that the names of the official liaisons of both parties be reflected in the Agreement, or in a document made as an integral part of the Agreement.
3. To avoid confusion with the terms "official liaison" and "authorized personnel", it is recommended that the latter be used, such that, the former term should be substituted by the latter term.

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4. Include also as a provision in the Agreement the schedule as to when to carry out the backing up of data for both Parties.
5. On the term infrastructure, include a definition of the same, preferably at the initial part of the Agreement. This is to avoid confusion as the term may also connote physical structures and/or buildings.

On the Effectivity and Termination of the Agreement

1. Upon termination of the Agreement, it is made mention therein that each party shall return the data belonging to the other party. It was discussed that the term "return" may not be appropriate, as the ownership of the data being backed up never passed on to the other party. Further, since such data is backed up using the server (infrastructure) owned by the originating party, it is thus recommended that the term "return" be replaced with the term "pullout", or any other better term.
2. Should the duration of the Agreement be decided to be extended, a provision should be included therein reflecting that such extension should be in a written document.

On the Responsibilities of Each Party

1. It is mentioned that each Party shall "provide" necessary technical documentation of backup formats... It is recommended that the term "provide" be replaced by the term "maintain", since it would be the responsibility of the originating party to *maintain* such documentation, especially when the data is backed up/transferred remotely.

It is also agreed upon that the minutes of this meeting be provided to the proponent of the proposed Agreement, and the necessary amendments be initiated by them, and subsequently by the Legal Assistant assigned for the legal review of said Agreement.

Meeting ended at 01:37PM.

Prepared by:

ALFRED GENE B. LACANDULA
Legal Assistant III

Certified True and Correct:

ATTY. LOREVILL S. PINOON-FONTANILLA
Attorney IV
Head, Legal Services Unit

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