

JBA v. FNT and NNT Case: NPC Ruling

The case JBA v. FNT and NNT (NPC Case No. 20-026) is one of the notable rulings of the National Privacy Commission (NPC) in enforcing the Data Privacy Act of 2012 (Republic Act No. 10173). In this case, the complainant, JBA, accused FNT and NNT of processing personal and sensitive personal information without authorization or legal basis, constituting a violation of Section 25 of the Act, which penalizes unauthorized processing of personal data. After investigation, the NPC found FNT liable and dismissed the complaint against NNT for lack of merit. FNT later filed a Motion for Reconsideration, claiming that the NPC erred in its findings, but the Commission reaffirmed its earlier decision. The NPC emphasized that FNT's actions lacked lawful grounds for processing and therefore constituted unauthorized processing under Section 25 of the Data Privacy Act (National Privacy Commission [NPC], 2023).

Following the decision, the NPC dismissed the case against NNT and forwarded the resolution and case records to the Secretary of Justice, recommending that the Department of Justice (DOJ) pursue criminal prosecution against FNT for violation of the Data Privacy Act. However, as of now, there is no publicly available record indicating that the DOJ proceeded with filing criminal charges against FNT. This case underscores the NPC's critical role in protecting individuals' personal data, upholding data subject rights, and enforcing accountability among entities that fail to comply with data privacy principles (NPC, 2023).

Reference:

National Privacy Commission. (2023, February 22). Resolution: JBA v. FNT and NNT (NPC Case No. 20-026). National Privacy Commission of the Philippines. https://privacy.gov.ph/wp-content/uploads/2023/08/NPC_20_026_2023_02_22_JBA_v_FNT_and_NNT_Resolution.pdf