Mailing Lists and Data Protection

Background

A mailing list is a periodic distribution list containing a collection of names and (email) addresses used by individuals or an organization to send material to multiple recipients. Ordinarily, recipients would have to initially subscribe to receive emails on a particular topic (e.g., community announcements or discussion groups).

As such, a mailing list is a useful mechanism for transmitting the same material to multiple recipients who usually fall within a particular category (e.g., students, employees, clients, etc.). It does away with the need to notify those recipients individually, or to furnish all of them with a copy of a message, by manually including each of their (email) addresses for every communication transmission.

Unfortunately, while it makes for faster dissemination of critical information, a mailing list is also prone to abuse or misuse. Mistakes in relaying data are also amplified because of the instant and simultaneous nature of their transmission. The stakes are even higher today when personal data is involved, given the enactment of Republic Act No. 10173, also known as the Data Privacy Act of 2012 (DPA), and its penal provisions.

All these factors make the development of guidelines in the appropriate use of mailing lists timely and necessary.

The University Data Protection Office (UDPO) now issues this Advisory on the proper use of mailing lists by all units, offices, and centers of the Ateneo de Manila University.

Scope

This Advisory covers all units, offices, and centers of the Ateneo de Manila University, including their respective personnel, that collect and process personal data for the purpose of establishing and managing mailing lists.

General Guidelines

The establishment and management of mailing lists must be guided by the following terms and conditions:
1. **Purpose**

As a general rule, a list may be established and maintained only if the purpose is to further or augment the primary activities of the University in the pursuit of its legitimate interests as an academic institution and as an organization. Such purpose may include any of the following:

- administration
- announcement of University events or activities
- classroom instruction
- research
- work-related announcements
- other work-related activities

Mailing lists that are intended for other purposes (e.g., direct marketing) is permissible, so long as they comply with the other provisions of this Advisory.

Under no circumstances should a list be created and used to participate in or promote activities that are illegal, contrary to public morals or public order, or which violate applicable Codes of Conduct, other University policies, or the law.

2. **Notification and Consent**

A person must be informed of the inclusion of his or her email address to a mailing list which purpose is consistent with the primary activities of the University. This is usually achieved by a Privacy Notice that he or she is allowed to read or access, at the time his or her email address is collected by the University. Reference to the applicable Privacy Policy, which is accessible through the University website is also recommended.

If a mailing list is intended for other purposes, the consent of the individual must be obtained first before his or her email address is included in the list. This may be done by:

- obtaining consent at the time the email address is collected; or
- establishing a sign-up method wherein the individual himself or herself volunteers to include his or her email address in the mailing list.

Express consent must be either written, electronic, or recorded.

3. **Collection of Information**

The unit, office, or center managing a mailing list should only collect additional personal data if it is necessary for the management or maintenance of the list. This necessity must be evident or adequately explained in the Privacy Notice, as should all relevant details regarding the use of the collected data.

If the additional personal data is intended for other uses, the consent of the individual should be obtained.

4. **Objection or Withdrawal of Consent**

An individual should be allowed to withdraw his or her consent or object to the inclusion of his or her email address in a mailing list. Once such objection or withdrawal of consent has been relayed to the University, that person's email address must be removed from the mailing list within a reasonable period of time. For this purpose, an automated opt-out method may also be established.
5. **Administration and Security**

The unit, office, or center that establishes and manages a mailing list shall be responsible for ensuring that it is only used for its declared purpose/s by developing a set of clear guidelines governing its proper use. In addition to the provisions of this Advisory and other applicable University policies, such guidelines should also attend to the security of the list and the information shared in it.

6. **Limitations on Disclosures and Sharing**

The mailing list and the personal data collected to establish and maintain the same (e.g., names, email addresses, etc.) should not be disclosed or shared with persons or organizations outside of or separate from the University, unless the express consent of the list members are obtained for that purpose.

Mailing lists are quite valuable to companies, such as those engaged in direct marketing. Some may want access to a mailing list without going through the trouble of collecting the email addresses themselves and complying with the notice or consent requirements. Instead, they simply use existing ones via arrangements made with the owners or managers—for a fee or some other type of remuneration. This is not allowed unless done in accordance with the law.

7. **Deletion or Disposal**

If a person’s email address has already been removed from a mailing list, it should be securely deleted or removed by the unit, office, or center managing such list from its records or database, including any other information collected from or generated about that person. Retention of personal data for a longer period must be authorized or permitted by law.

Failure to heed these guidelines significantly increases the likelihood of you or your office receiving a complaint from affected individuals or the National Privacy Commission (NPC), on the charge that you are engaged in unauthorized processing of personal data, or that you are processing the same for unauthorized purposes, both of which are punishable under the DPA.

Should you have questions or require clarification regarding this Advisory or any of these recommendations, you may contact the UDPO at info.udpo@ateneo.edu.

For your guidance.

Sincerely,

[Signature]

JAMAEL A. JACOB
Director

Noted by:

[Signature]

JOSE RAMON T. VILLARIN, S.J.
President