

# DOH cautioned on Dengvaxia list

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The National Privacy Commission (NPC) has told the Department of Health (DOH) to be careful in sharing its master list of children vaccinated with the controversial dengue drug Dengvaxia, unless doing so was either lawful or consented.

This was the response of the NPC to the DOH, after the latter wrote to the privacy commission earlier last month seeking clarity as to whether sharing a copy of the master list would violate the Data Privacy Act.

### Sensitive information

According to the NPC, the DOH said that the Public Attorney's Office (PAO) wanted to get

some sensitive personal information about the children vaccinated with the drug since April 2016.

The PAO's request included the patients' name, birthday, home address and vaccination card, among others.

The NPC said that the PAO wanted to extend free legal assistance in civil, criminal and administrative cases to all possible victims of injuries, illnesses or deaths related to the drug.

In its advisory opinion dated Feb. 26, Privacy Commissioner and Chair Raymund Liboro said that the PAO could only be allowed access to the information of the specific victims it represents as their authorized legal counsel.

In general, he said information provided to a public authority may be processed without consent when it is done pursuant

of the agency's constitutional or statutory mandate, and subject to the requirements of the Data Privacy Act. This general rule, however, does not apply to the PAO.

### 'No blanket authority'

"We emphasize that the government is one of the biggest repositories of the personal data of citizens. The government or its agencies, however, do not have the blanket authority to access or use the information about private individuals under the custody of another agency," Liboro said.

A health issue that has lately been mixed with politics, Dengvaxia is a vaccine that has been administered to more than 800,000 schoolchildren nearly two years ago under the Aquino administration.

The controversy grabbed headlines late last year when the French pharmaceutical company Sanofi Pasteur, maker of Dengvaxia, revealed that the vaccine carried risks for patients that had not contracted dengue prior to vaccination.

Apart from the PAO, the Volunteers Against Crime and Corruption and some members of the media also made a request to access the master list.

\* VACCINATION -  
DENGVAXIA

\* DEPT. OF  
HEALTH - DOH

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In their case, Liboro said statistical data or aggregated data, without any personal or sensitive personal information, should be enough.

Meanwhile, a public interest lawyer urged President Duterte to study and pursue legal action in the United States against Sanofi.

In a letter sent to Malacañang last month, lawyer Ernesto Fran-

cisco Jr. said the government could petition the US Department of Justice and the US Attorney General to "conduct an investigation of possible violation of US laws," such as the Foreign Corrupt Practices Act and possible violations of federal statutes on health care committed by Sanofi and its vaccines division, Sanofi Pasteur.

### US investigation

Francisco said he believed the US government would accommodate the request for investigation since Sanofi maintained a headquarters in Pennsylvania, its shares were listed in the New York Stock Exchange, and it conducted clinical trials on Dengvaxia in the US territory of Puerto Rico using the standards set by the US Food and Drug Administration. INQ