



# **FREEDOM OF INFORMATION Procedures Manual**

REPUBLIC OF THE PHILIPPINES  
PHILIPPINE STATISTICS AUTHORITY  
Office of the National Statistician

## FOREWORD

The right to information is reserved to the people by the supreme law of the land. It is enshrined in Section 7, Article III of the 1987 Philippine Constitution. It is put into operation in the executive branch by the pronouncement of President Rodrigo Roa Duterte in Executive Order No. 2 which was signed on 23 July 2016. This is a clear recognition of the people's right to information which covers all subjects and issues of public concern. With this enactment, the exercise of the right is strengthened. The duty of government agencies to disclose information of public concern is clearly mandatory. The people's right to be afforded access to public records cannot be discretionary on the part of the government agency concerned.

The government agency having custody of the data and records, however, has the duty to protect its integrity. The agency should also make sure that compliance with the request will not disrupt the operations of the agency; that rendition of quality service is maintained. There are limitations set under the law and jurisprudence to this effect. The Philippine Statistics Authority (PSA), as the central statistical authority of the Philippine government on primary data collection, is mandated under Republic Act No. 10625 to maintain the confidentiality of the individual data furnished by a respondent to statistical inquiries, surveys and censuses. In connection with the PSA's responsibility to administer civil registration functions, birth records can only be disclosed to the document owners and authorized persons pursuant to Presidential Decree No. 603 and the different administrative issuances pertaining to the implementation of our civil registry laws. These are just a few examples that the power of the people to request for information is not absolute.

This Procedures Manual has been prepared to serve as a guide in complying with the requirements of the Filipino citizens in the exercise of their right to information as a true mark of democracy. Our goal is to encourage the people to exercise their constitutional rights within the bounds of law. Thus, this Procedures Manual lays down procedure and ground rules to ensure a balance between satisfying the requests of our clients and at the same time maintaining the integrity of the data and records in our charge.

It is our thrust to provide reliable information upon which the people can make informed opinions and decisions and, ultimately, promote community involvement in national policy formulation and decision-making for the betterment of this country.

  
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*National Statistician and Civil Registrar General*

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## SECTION 1. OVERVIEW

**Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the Philippine Statistics Authority (PSA) in dealing with requests for information received under Executive Order No. 2 (Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefore) dated July 23, 2016 (**Annex "A"**)

1. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the PSA when a request for access to information is received. The National Statistician (NS) is responsible for all actions carried out under this Manual. The National Statistician may delegate a specific officer to act as the FOI Decision Maker (FDM) and shall have overall responsibility for the initial decision on information requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
2. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the PSA.
3. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) to be designated in the Central Office, and in each Regional Statistical Service Office (RSSO) and Provincial Statistical Office (PSO) of the PSA. The names, offices and contact numbers of the FROs of PSA are indicated on the attached list. (Annex B).

The duties and functions of the FRO are the following:

- Receive on behalf of the PSA all requests for information and transmits the same to the FDM;
  - Monitor all information requests and appeals;
  - Provide assistance to the FOI Decision Maker;
  - Provide assistance and support to the public and staff with regard to FOI;
  - Compile statistical information as required; and
  - Conduct initial evaluation of the request and advise the requesting party whether the form is completely accomplished or the information is already disclosed in the PSA's Official Website, data.gov.ph or at eFOI.gov.ph;
  - Maintain a record book or disclosure log of all information requests.
4. **FOI Decision Maker:** There shall be an FDM, designated by the National Statistician, with a rank of not lower than a Director or its equivalent, who shall conduct evaluation of all the requests for information and has the authority to grant the request, or deny it based on the following:
    - a. The PSA does not have the information requested;

- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
  - c. The information requested falls under the list of exceptions to FOI;
  - d. The information request is unreasonable; or,
  - e. The information request is identical or substantially similar from the same requesting party which has already been previously granted or denied by the PSA.
5. **Approval and Denial of Request for Information:** The FDM shall approve or deny all the requests of information. In case where the FDM is on official leave, the NS may delegate such authority to his Chief of Staff or any Officer not below the rank of a Director.
6. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee (CARC) composed of the three (3) Deputy National Statisticians of the PSA that will review and analyze the grant or denial of request for information. The Committee shall also provide expert advice to the NS on the grant or denial of such request.

## SECTION 2: DEFINITION OF TERMS

**data.gov.ph.** The Open Data website that serves as the government’s comprehensive portal of all public government data that is searchable, understandable, and accessible.

**eFOI.gov.ph.** The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph. also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

**INFORMATION.** Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

**INFORMATION FOR DISCLOSURE.** Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

**OFFICIAL RECORD/S.** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

**OPEN DATA.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

**PUBLIC RECORDS.** Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

**PUBLIC SERVICE CONTRACTOR.** Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

**PERSONAL INFORMATION.** Shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

**SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) Specifically established by an executive order or an act of Congress to be kept classified.

### SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** The PSA shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:
  - a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
  - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
  - c. The names of its key officials, their powers, functions and responsibilities, and their profiles;
  - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
  - e. Rules and regulations, orders or decisions in relation to PSA's official mandate;
  - f. Current and important database and statistics that it generates;
  - g. Bidding processes and requirements;
  - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Accessibility of Language and Form.** The PSA shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** The PSA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

### SECTION 4. PROTECTION OF PRIVACY

While providing for access to information, the PSA shall afford full protection to a person's right to privacy, as follows:

- a. The PSA shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The PSA shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;

- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the PSA, shall not disclose that information except authorized by existing laws.

## SECTION 5. STANDARD PROCEDURE

*(See Annex "D" for flowchart)*

### 1. Receipt of Request for Information.

1.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex "E")

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

1.2. Where the requesting party is unable to read and write or whose impediment or physical defect incapacitates him to make a request in writing, he may make an oral request, and the FRO shall fill out the form for him.

1.3. After receipt of the request for information, the FRO shall evaluate if the request form is duly accomplished. Then the request shall be stamped "RECEIVED", indicating the date and time of receipt of the written request, and the name, rank, title and position of the FRO who actually received it, with his signature and furnishing the requesting party a copy thereof. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall encode the details of the request on the Request Tracking System and allocate a reference number. The date of receipt of the request will be the actual receipt of the request form. In case of electronic request, it is deemed received from the date of acknowledgment by the FRO.

1.4. The PSA must respond to requests within fifteen (15) working days from the date of receipt of the request. In computing for the period, Art. 13 of the New Civil Code shall be observed.

2. **Initial Evaluation.** After receipt of the information request, the FRO shall evaluate the same.

2.1. **Request concerning various offices of the PSA:** The FRO shall forward such request to the Service concerned, and ensure its compliance.

2.2. **Requested information is not in the custody and/or authority of the PSA to disclose:** If the requested information is not in the custody and/or authority of the PSA, following referral and discussions with the FDM, the request shall be immediately referred to the concerned agency through the most expeditious manner.

If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly.

2.3. **Requested information is already posted and available online:** The FRO shall inform the requesting party that the information requested is publicly available in the PSA website, [www.psa.gov.ph](http://www.psa.gov.ph), or in the eFOI portal.

2.4. **Requested information is substantially similar or identical to the previous request:** Where the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied, and the FRO shall inform the applicant of the reason of such denial.

3. **Transmittal of Request by the FRO to the Unit or Service concerned:** The FRO shall determine which Unit or Service has the information requested. He shall then forward the request to the concerned Unit or Service within one (1) day from receipt of the written request. The FRO shall record in a record book the date and time of receipt, and the name and signature of the person who received the request form.

If the FRO needs further details to identify or locate the information, he shall seek clarification from the requesting party. The clarification shall stop the running of the 15-working day period and will commence to run again the day after it receives the required clarification from the requesting party.

Where the information requested is of another agency's interest, the FRO shall forward the request to the said agency for appropriate action. This shall stop the running of the 15-working day period and will commence to run again the day after it receives the required information from the other agency.

- 4. Role of the FDM:** Upon receipt of the information request from the Unit or Service concerned, the FDM shall assess whether or not the same shall be granted. If there are no grounds for denial, the FDM shall forward the request to the FRO for transmittal to the requesting party. The FDM shall ensure that the complete information requested is submitted to the FRO within ten (10) working days from the former's receipt of such request.

If grounds for denial exist, the FDM shall inform the FRO in writing of the grounds of such denial within the prescribed period.

In case the FDM fails to act on the request within the 10-working day period, the FRO shall note the date and time of receipt of the information from the FDM and report the same to the NS.

- 5. Role of the FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall transmit the requested information to the requesting party. He shall attach a cover/transmittal letter signed by the FDM.

The FRO shall keep a record of the date and time of receipt of the information from the FDM. The FRO shall likewise keep a record of the date and time of receipt by the requesting party from the FRO and the mode by which the information requested is transmitted.

- 6. Notice to the Requesting Party of Extension of Time:** When the information requested cannot be provided to the requesting party within the 15-working day period due to the following circumstances: (1) the information requested requires extensive search of the PSA's records facilities, (2) examination of voluminous records, (3) the occurrence of fortuitous events, or (4) other analogous cases; the FDM should immediately inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

- 7. Approval of Request:** In case of approval, the FRO shall inform the requesting party that the request was granted and be directed to pay the applicable fees, if any.
- 8. Denial of Request:** In case of denial of the request wholly or partially, the FDM through the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the

circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information.

## SECTION 6. REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

1. Administrative FOI Appeal to the PSA's CARC. Provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request.
  - a. Denial of the Request by the FDM may be appealed by filing a written appeal to the PSA CARC within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. The CARC shall review and analyze the grant or denial of request for information and submit its recommendation to the NS.
  - b. The appeal shall be decided by the NS or the designated officer-in-charge within thirty (30) working days from the filing of said written appeal. Failure to decide within the prescribed period shall be deemed a denial of the appeal.
  - c. The denial of the Appeal by the NS or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

## SECTION 7. FEES

1. **No Request Fee.** The PSA shall not charge any fee for accepting requests for access to information.
2. **Reasonable cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the PSA in providing information to the requesting party. The schedule of fees shall be posted by the PSA.

3. **Exemption Fees.** The PSA may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

## SECTION 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
  - a. 1<sup>st</sup> Offense – Reprimand;
  - b. 2<sup>nd</sup> Offense – Suspension of one (1) to thirty (30) days; and
  - c. 3<sup>rd</sup> Offense – Dismissal from the service.
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provided for more stringent penalties.

## SECTION 9. GLOSSARY

**ADMINISTRATIVE FOI APPEAL.** An independent review of the FDM's decision made in response to an information request. Requesting parties who are dissatisfied with the response made on their request have a right to appeal the FDM's decision to the Central Appeal and Review Committee (CARC), which will then conduct an independent review.

**ANNUAL FOI REPORT.** A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

**EXCEPTIONS.** Information that should not be released and disclosed in response to FOI request because they are protected by the Constitution, laws or jurisprudence.

**FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

**FOI CONTACT.** The name, address and phone number of PSA where the public can make an information request.

**FOI REQUEST.** A written request submitted to a government office personally or by email asking for records on any topic. An information request can generally be made by any Filipino to any government office.

**FOI RECEIVING OFFICER.** The primary contact of the PSA where the requesting party can call and ask questions about the FOI process or the pending information request.

**FREQUENTLY REQUESTED INFORMATION.** Information released in response to an information request that the PSA determines to have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the PSA cannot release any records in response to an information request on grounds herein provided.

**FULL GRANT.** When the PSA discloses all records requested.

**MULTI-TRACK PROCESSING.** A system that divides incoming information requests according to their complexity so that simpler requests requiring relative minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

**PARTIAL GRANT/PARTIAL DENIAL.** When the PSA discloses significant portions of the records in response to an information request, but denies other portions of the request.

**PENDING REQUEST OR PENDING APPEAL.** An information request or administrative appeal for which the FDM or CARC has not yet taken final action.

**PERFECTED REQUEST.** An information request which have been duly acted upon by the PSA.

**PROACTIVE DISCLOSURE.** Information made publicly available by PSA without waiting for a specific request which includes website postings.

**PROCESSED REQUEST OR PROCESSED APPEAL.** The number of requests or appeals where the PSA has completed its work and sent a final action to the requester.

**RECEIVED REQUEST OR RECEIVED APPEAL.** An information request or administrative appeal that the PSA has received within a calendar year.

**REFERRAL.** When PSA locates a record that originated from, or is of another agency's interest, the former will forward the request to the said agency for appropriate action.

**SIMPLE REQUEST.** An information request that the PSA considers to be of small volume or which can be processed within a reasonable time.

**COMPLEX REQUEST.** Any information request that is not simple.

**ANNEX “A”**

**MALACAÑAN PALACE  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 02**

**OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE’S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFORE**

**WHEREAS**, pursuant to Article 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

**WHEREAS**, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

**WHEREAS**, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

**WHEREAS**, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

**WHEREAS**, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

**WHEREAS**, the Data Privacy Act of 2012 (R.A 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

**NOW, THEREFORE, I, RODRIGO ROA DUTERTE**, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws do hereby order:

**SECTION 1. Definition.** For the purpose of this Executive Order, the following terms shall mean:

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meeting, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

**SECTION 2. Coverage.** This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or –controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

**SECTION 3. Access to information.** Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

**SECTION 4. Exception.** Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of affectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

**SECTION 5. Availability of SALN.** Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in

accordance with existing law, rules and regulations, and the spirit and letter of this Order.

**SECTION 6. Application and Interpretation.** There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

**SECTION 7. Protection of Privacy.** While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules and regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

**SECTION 8. People's Freedom to Information (FOI) Manual.** For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or

- submit requests;
- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of requests as specified in the succeeding section 8 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment requests;
- (e) The process for the disposition of the requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

**SECTION 9. Procedure.** The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or the purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or analogous cases. The government office shall notify the person making the request for the extension, setting forth the reasons of such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

**SECTION 10. Fees.** Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

**SECTION 11. Identical or Substantially Similar Requests.** The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office.

**SECTION 12. Notice of Denial.** If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

**SECTION 13. Remedies in Cases of Denial of Request for Access to Information.**

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, the following procedure mentioned in Section 7 of this Order; Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

**SECTION 14. Keeping of Records.** Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

**SECTION 15. Administrative Liability.** Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

**SECTION 16. Implementing Details.** All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

**SECTION 17. Separability Clause.** If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

**SECTION 18. Repealing Clause.** All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

**SECTION 19. Effectivity.** This Order shall take effect immediately upon publication in a newspaper of general circulation.

**DONE**, in the City of Manila, this 23<sup>rd</sup> day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**  
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**  
Executive Secretary

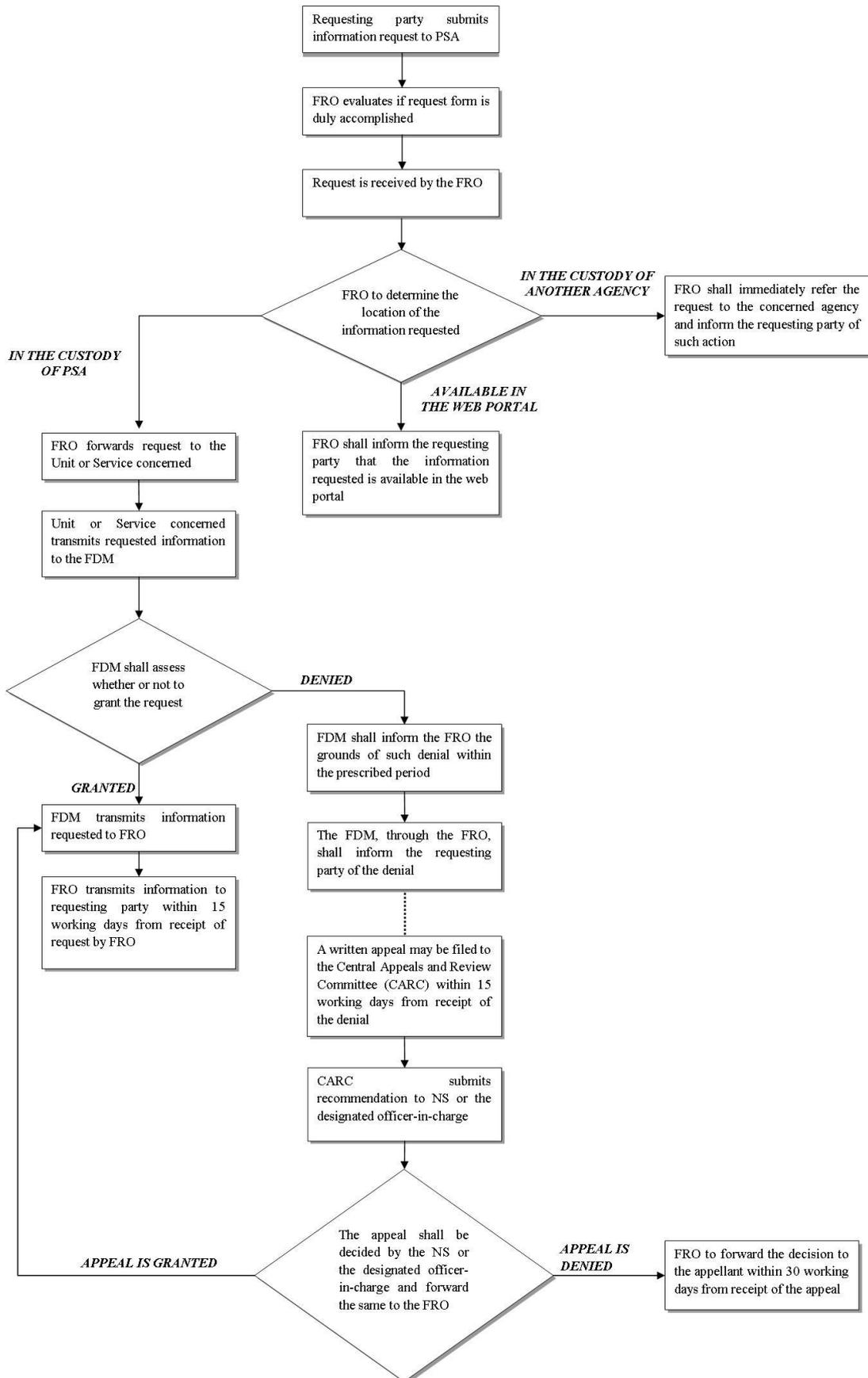


## ANNEX "C"

### LIST OF EXCEPTIONS

1. Information covered by Executive Privilege
2. National Security, Defense or International Relations
3. Law Enforcement & Protection of Public and Personal safety
4. Confidential Information for the protection of privacy of persons
5. Confidential Information by reason of official capacity
6. Prejudicial premature disclosure
7. Records of Proceedings
8. Confidential information under Banking and Finance Laws
9. Other exceptions under Laws, Jurisprudence and IRR

## ANNEX "D" FLOWCHART



## ANNEX "E"



### FREEDOM OF INFORMATION REQUEST FORM

**IMPORTANT** – Please read this information carefully before you complete the FOI request form. Once you have completed your request we **strongly advise** that you keep a copy for your records.

#### What is Executive Order No.2 s. 2016?

On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, also known as the Freedom of Information (FOI) Executive Order (EO). It upholds the constitutional right of people to information on matters of public concern.

The Executive Order covers all government offices under the Executive Branch, including government-owned or -controlled corporations (GOCCs) and state universities and colleges (SUCs). It requires all executive departments, agencies, bureaus, and offices to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.

#### What is Freedom of Information?

The FOI EO is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. The FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

Freedom of Information is an integral element of President Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance.

#### Who is overseeing the implementation of FOI Executive Order No. 2?

The Office of the President through the Presidential Communications Operations Office (PCOO) is over-seeing the implementation and operationalization of the FOI program. PCOO is also responsible for monitoring compliance and performance of all government agencies.

### MAKING AN FOI REQUEST

#### Who can make an FOI request?

Under the FOI EO, any Filipino citizen can make an FOI request. As a matter of policy, requesting parties are required to present proof of identification (e.g., passport, driver's license, SSS ID, voters ID) in the submission of an FOI request.

#### Which agencies can I request information from?

An FOI request can be made to any government office under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or controlled corporations, and state universities and colleges.

#### What is the procedure for making a valid FOI request?

*To make a valid request, you must:*

- Place your request in writing. Ensure to state your full name, contact information and provide a valid copy of your government-issued ID as proof of your identity. You can use the attached form or send a letter detailing your request submitted directly to the concerned agency or by email;
- Describe in detail the documents you wish to access; and
- Include the preferred mode of communication in order to be alerted about the status of your request, as well the preferred mode of receiving the documents, should your request be granted.

#### What information can I request for through FOI?

Information, official records, public records, documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, subject to exceptions necessary to protect essential public or private interest.

#### Is there an online alternative to making an FOI request?

You may choose to fill out an online application on [foi.gov.ph](http://foi.gov.ph) after signing up for an account. You will also need to upload a valid copy of your government-issued ID upon registration.

### FEES

#### How much does it cost to make an FOI request?

There are **NO FEES** for making an FOI request. An agency however, may charge a reasonable fee for necessary costs associated with processing a request - including costs of printing, delivery, reproduction and/or photocopying.

**NOTE:** Use of this FOI request form is optional. Any written format for a Freedom of Information request is acceptable.

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## PROCESSING TIMES

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### When can I expect to receive a response to an FOI request?

Under the FOI EO, the standard processing time is fifteen (15) working days. During this time, you will be contacted regarding your FOI request through your preferred mode of communication.

If your request is granted, you can expect to receive the documents either through regular mail or email, or be requested to collect the documents at the office you had applied to. Otherwise, the agency will explain why your request is delayed or denied.

### Can an agency request for a time extension?

In some cases, an agency may need more time to review your request and thereby inform you of an extension of processing period. Under such circumstances, an agency is permitted to extend an additional twenty (20) working days should the need arise.

### Can I have my request expedited?

There is no process by which requests can be expedited. All requests will be reviewed equally on a case-by-case basis and allotted the fifteen (15) working day processing period from the time of receipt.

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## COMPLAINTS HANDLING

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### What if you are not happy with how the agency has handled your request?

Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure indicated in the Agency FOI Manual; provided that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

The appeal will be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

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## IMPORTANT INFORMATION

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### Privacy

Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2.

If the agency gives you access to a document, and if the document contains no personal information about you, the document may be published online in the Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

### Copyright

According to Sec. 176.1 of the Intellectual Property Code of the Philippines (RA No. 8293, as amended), No copyright shall subsist in any work of the Government of the Philippines. However, prior approval of the government agency or office wherein the work is created shall be necessary for exploitation of such work for profit. Such agency or office may, among other things, impose as a condition the payment of royalties. No prior approval or conditions shall be required for the use of any purpose of statutes, rules and regulations, and speeches, lectures, sermons, addresses, and dissertations, pronounced, read or rendered in courts of justice, before administrative agencies, in deliberative assemblies and in meetings



## FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)  
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◀) denotes a MANDATORY field.

### A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss)	2. Given Name/s (including M.I)	3. Surname
_____	◀ _____	◀ _____
4. Complete Address (Apt/House Number, Street, City/Municipality, Province)		
◀ _____		
5. Landline/Fax	6. Mobile	7. Email
_____	◀ _____	_____
8. Preferred Mode of Communication	<input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address <i>(if your request is successful, we will be sending the documents to you in this manner.)</i>	
9. Preferred Mode of Reply	<input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-Up at Agency	
10. Type of ID Given (Please ensure your IDs contain your photo and signature)	<input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others _____	

### B. Requested Information

11. Agency - Connecting Agency (if applicable)	◀ _____	◀ _____
12. Title of Document/Record Requested (Please be as detailed as possible)	◀ _____	
13. Date or Period (DD/MM/YY)	◀ _____	
14. Purpose	◀ _____ _____ _____	
15. Document Type	◀ _____	
16. Reference Numbers (if known)	◀ _____	
17. Any other Relevant Information	◀ _____	

## C. Declaration

**Privacy Notice:** Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

**I declare that:**

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ◀ \_\_\_\_\_

Date Accomplished (DD/MM/YYYY) ◀ \_\_\_\_\_

## D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ \_\_\_\_\_

Agency - Connecting Agency (if applicable, otherwise N/A) ◀ \_\_\_\_\_ ◀ \_\_\_\_\_

Date entered on eFOI (if applicable, otherwise N/A) ◀ \_\_\_\_\_

Proof of ID Presented (Photocopies of original should be attached)  Passport  Driver's License  SSS ID  Postal ID  Voter's ID  School ID  Company ID  Others \_\_\_\_\_

The request is recommended to be:  Approved  Denied

If Denied, please tick the Reason for the Denial  Invalid Request  Incomplete  Data already available online

Second Receiving Officer Assigned (print name) ◀ \_\_\_\_\_

Decision Maker Assigned to Application (print name) ◀ \_\_\_\_\_

Decision on Application  Successful  Partially Successful  Denied  Cost

If Denied, please tick the Reason for the Denial  Invalid Request  Incomplete  Data already available online

Exception Which Exception? \_\_\_\_\_

Date Request Finished (DD/MM/YYYY) ◀ \_\_\_\_\_

Date Documents (if any) Sent (DD/MM/YYYY) ◀ \_\_\_\_\_

FOI Registry Accomplished  Yes  No

RO Signature ◀ \_\_\_\_\_

Date (DD/MM/YYYY) ◀ \_\_\_\_\_

**ANNEX "F"**  
**(REQUEST GRANTED)**

Reference No. \_\_\_\_\_

Date

Name of Requester

Address

SUBJECT: Request for Information

Dear \_\_\_\_\_,

This is in response to your request dated \_\_\_\_\_, seeking for

\_\_\_\_\_ pursuant to Executive Order No. 2 on Freedom of Information in the Executive Branch.

We are pleased to inform you that after a careful consideration of your request, we came to a decision of granting the same.

Enclosed is/are the information/documents you requested.

Thank you very much.

Respectfully,

\_\_\_\_\_  
Decision Maker

**ANNEX “F-2”  
(REQUEST AVAILABLE ONLINE)**

Reference No. \_\_\_\_\_

Date

Name of Requester  
Address

SUBJECT: Request for Information

Dear \_\_\_\_\_,

This is in response to your request dated \_\_\_\_\_, asking for  
\_\_\_\_\_ pursuant to Executive Order No. 2 on Freedom of Information in the Executive Branch.

After a careful evaluation of your request, we are pleased to inform you that the information you have requested is already available online from \_\_\_\_\_.

If you are not happy with this response, you may file a written appeal before the Central Appeals and Review Committee (CARC) within fifteen (15) working days from receipt hereof. (Include here the address/email of the CARC). The appeal shall be acted upon within thirty (30) days from the latter's receipt of the appeal.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you very much.

Respectfully,

\_\_\_\_\_  
Decision Maker

**ANNEX "F-3"**  
**(REQUEST DENIED/DOCUMENT NOT AVAILABLE)**

Reference No. \_\_\_\_\_

Date

Name of Requester

Address

SUBJECT: Request for Information

Dear \_\_\_\_\_,

This is in response to your request dated \_\_\_\_\_, asking for  
\_\_\_\_\_ pursuant to Executive Order No. 2 on Freedom of Information in the Executive Branch.

After a careful evaluation of your request, we regret to inform you that we have determined that the same cannot be accommodated for the following reason/s:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

While it is our aim to provide the information you requested in recognition to your right to information and in upholding the principle of transparency and accountability, this Office is also bound by the restrictions/proscriptions under the law.

Should you wish for a review of the denial, you may file a written appeal before the Central Appeals and Review Committee (CARC) within fifteen (15) working days from receipt hereof. (Include here the address/email of the CARC). The appeal shall be acted upon within thirty (30) days from the latter's receipt of the appeal.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you very much.

Respectfully,

\_\_\_\_\_  
Decision Maker

**ANNEX "F-4"**  
**(REQUEST IS OF ANOTHER AGENCY'S INTEREST)**

Reference No. \_\_\_\_\_

Date

Name of Requester

Address

SUBJECT: Request for Information

Dear \_\_\_\_\_,

This is in response to your request dated \_\_\_\_\_, asking for  
\_\_\_\_\_ pursuant to Executive Order No. 2 on Freedom of Information in the Executive Branch.

After a careful evaluation of your request, we found out that the same cannot be accommodated for the reason that it originated from and/or is of another agency's interest.

In view thereof, we kindly recommend that you contact \_\_\_\_\_ at  
\_\_\_\_\_ who may be able to help you on your request.

Thank you very much.

Respectfully,

\_\_\_\_\_  
Decision Maker

## GLOSSARY

**ADMINISTRATIVE FOI APPEAL.** An independent review of the FDM's decision made in response to an information request. Requesting parties who are dissatisfied with the response made on their request have a right to appeal the FDM's decision to the Central Appeal and Review Committee (CARC), which will then conduct an independent review.

**ANNUAL FOI REPORT.** A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

**EXCEPTIONS.** Information that should not be released and disclosed in response to FOI request because they are protected by the Constitution, laws or jurisprudence.

**FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

**FOI CONTACT.** The name, address and phone number of PSA where the public can make an information request.

**FOI REQUEST.** A written request submitted to a government office personally or by email asking for records on any topic. An information request can generally be made by any Filipino to any government office.

**FOI RECEIVING OFFICER.** The primary contact of the PSA where the requesting party can call and ask questions about the FOI process or the pending information request.

**FREQUENTLY REQUESTED INFORMATION.** Information released in response to an information request that the PSA determines to have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the PSA cannot release any records in response to an information request on grounds herein provided.

**FULL GRANT.** When the PSA discloses all records requested.

**MULTI-TRACK PROCESSING.** A system that divides incoming information requests according to their complexity so that simpler requests requiring relative minimal review are placed in one processing track and more complex requests are placed in one or more

other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

**PARTIAL GRANT/PARTIAL DENIAL.** When the PSA discloses significant portions of the records in response to an information request, but denies other portions of the request.

**PENDING REQUEST OR PENDING APPEAL.** An information request or administrative appeal for which the FDM or CARC has not yet taken final action.

**PERFECTED REQUEST.** An information request which have been duly acted upon by the PSA.

**PROACTIVE DISCLOSURE.** Information made publicly available by PSA without waiting for a specific request which includes website postings.

**PROCESSED REQUEST OR PROCESSED APPEAL.** The number of requests or appeals where the PSA has completed its work and sent a final action to the requester.

**RECEIVED REQUEST OR RECEIVED APPEAL.** An information request or administrative appeal that the PSA has received within a calendar year.

**REFERRAL.** When PSA locates a record that originated from, or is of another agency's interest, the former will forward the request to the said agency for appropriate action.

**SIMPLE REQUEST.** An information request that the PSA considers to be of small volume or which can be processed within a reasonable time.

**COMPLEX REQUEST.** Any information request that is not simple.