



## **Freedom of Information (FOI) Agency Manual**

Approved by the Joint Administrative and Academic Council  
On August 8, 2017

**Abra State Institute of Sciences and Technology (ASIST)  
Province of Abra**

Republic of the Philippines  
Abra State Institute of Sciences and Technology  
Lagangilang, Abra 2802

### **ASIST Vision**

A Premier Higher Education Institution of Sciences and Technology in the Cordillera Administrative Region

### **ASIST Mission**

The College shall primarily provide technological, professional, technical education and shall inspire leadership in the field of Agriculture, Forestry, Home Technology, Agricultural Education and Industry through Scientific Research and Extension.

### **ASIST Core Values**

**N**obility

**E**nterpreneurship

**W**isdom

**A**ction

**S**incerity

**I**ntegrity

**S**ervice

**T**eamwork

## FOREWORD


One of the priorities of the current administration is the restoration of the confidence of the Filipino people in the capacity of the public servants to make people's lives better, safer and healthier. Thus, to enforce a more transparent bureaucracy that is accountable to Filipinos, President Rodrigo Duterte issued Executive Order No. 2, series of 2016 (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 Therefor). Section 8 and 16 under EO 2 require all government offices in the Executive branch to prepare their respective Freedom of Information (FOI) Manual.

EO No. 2 s. 2016 prompted the Inter-Agency Task Force (IATF) on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems to issue Memorandum Circular No. 2017-1, dated March 9, 2017 titled Guidelines on the Grant of Performance-Based Bonus for Fiscal Year 2017 under Executive Order No. 80, s. 2012 and Executive Order No. 2, s. 2016. Section 5 (a.8) of the said Memorandum Circular requires that for purposes of FY 2017 PBB, "SUCs should develop their FOI Manual pursuant to the requirements and provisions of EO No. 2, s. 2016." Furthermore, the FOI Manual should be uploaded in the Transparency Seal on or before October 1, 2017, for validation by the Presidential Communications Operation Office (PCOO).

This Manual is in response to the requirements of EO 2, s.2016, and other memorandum circulars born from EO 2. This Manual is a modification of the FOI Model crafted by the PCOO, the designated lead agency in the implementation of EO No. 2, s. 2016, and all other FOI programs and initiatives including electronic FOI.

This Manual identifies the persons responsible and provides the guidelines to assist the Abra State Institute of Sciences and Technology (ASIST) in dealing with requests of information pursuant Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI). This Manual also specifies the rules and procedures to be followed by the ASIST whenever a request for access to information is received.

This FOI Manual exemplifies ASIST's commitment to support Pres. Duterte's call and intention to a full TRANSPARENCY in the Government service.

  
**AURELIO V. LABANEN, DVM**  
SUC President II

## TABLE OF CONTENTS

ASIST Vision .....	2
ASIST Mission .....	2
ASIST Core Values .....	2
Foreword .....	3
Table of Contents .....	4
1. Overview .....	6
1. Purpose of the Manual .....	6
2. Structure of Manual .....	6
3. Coverage of the Manual .....	6
4. FOI Receiving Officer .....	6
5. FOI Decision Maker .....	6
6. Central Appeals Review Committee .....	7
7. Approval and Denial of Request to Information...	7
2. Promotion of Openness in Government .....	7
1. Duty to Publish Information .....	7
2. Accessibility of Language and Form .....	8
3. Keeping of Records .....	8
3. Protection of Privacy .....	8
4. Standard Procedure .....	8
1. Receipt of Request for Information .....	8
2. Initial Evaluation .....	9
3. Transmittal of Requests by the FRO to the FDM.	10
4. Role of the FDM in Processing the Request .....	10
5. Role of FRO to Transmit the Information to the Requesting Party .....	11
6. Request for an Extension Time .....	11
7. Notice to the Requesting Party of the Approval/Denial of the Request .....	11
8. Approval of Request .....	11

9. Denial of Request .....	12
5. Remedies in Case of Denial .....	12
6. Request Tracking System .....	12
7. Fees .....	13
1. No Request Fee .....	13
2. Reasonable Cost of Reproduction and Copying of the Information .....	13
3. Exemption from Fees .....	13
8. Administrative Liability .....	13
1. Non-compliance with FOI .....	13
2. Procedure .....	13
3. Provisions for More Stringent Laws, Rule and Regulations .....	13
9. Annexes .....	14
A. Definition of Terms .....	14
B. List of Exceptions .....	18
C. Flow Chart .....	29
D. FOI Request Form .....	32
E. FOI Response Templates .....	35

## SECTION 1: OVERVIEW

1. **Purpose:** This Manual identifies the persons responsible and provides the guidelines to assist the Abra State Institute of Sciences and Technology (ASIST) in dealing with requests of information pursuant Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI).
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the Abra State Institute of Sciences and Technology (ASIST) when a request for access to information is received. The College President is responsible for all actions carried out under this Manual and may delegate this responsibility of the Vice President for Academic Affairs of the ASIST who will as the FOI Champion. The College President delegates the Vice President for Academic Affairs to act as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** This Manual shall cover all requests for information directed to the Abra State Institute of Sciences and Technology (ASIST).
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the Abra State Institute of Sciences and Technology. The FRO shall hold office at the Research Building of the ASIST Main Campus in Lagangilang, Abra.

The functions of the FRO shall include receiving on behalf of the ASIST all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI 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 request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the ASIST's Official Website, or any other website to which the information might have already been uploaded.

5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the College President who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The ASIST 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 (Annex “B” of this Manual shows the List of Exceptions); or
  - d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the ASIST.
6. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Director or its equivalent, designated by the College President to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the College President on the denial of such request.
7. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the College President may delegate such authority to his Chief of Staff or any Officer not below the rank of a Director.

## **SECTION 2. PROMOTION OF OPENNESS IN GOVERNMENT**

**1. Duty to Publish Information.** The ASIST 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 the institution’s 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 and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- 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 ASIST shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

**3. Keeping of Records.** The ASIST 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 the institution and the data generated or collected.

### **SECTION 3. PROTECTION OF PRIVACY**

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

- a. The ASIST 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 ASIST 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 ASIST, shall not disclose that information except as authorized by existing laws.

### **SECTION 4. STANDARD PROCEDURE**

#### **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 "D"** for request form)



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

- 1.2** In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.3** The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. 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 input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4** The ASIST must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the ASIST, or directly into the email inbox of a member of staff; or
- b. If the ASIST has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

- 2. Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request.

**2.1. Request relating to more than one office under the ASIST:** If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance.

**2.2. Requested information is not in the custody of the ASIST or any of its offices:** If the requested information is not in the custody of the ASIST or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the records requested refer to another Agency, the request will be immediately transferred to the appropriate Agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

**2.3. Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the ASIST website, or any other website to which the information might have already been uploaded, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

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

**3. Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

**4. Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if

necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the College President or the FOI Champion, in case the submission is beyond the 10-day period.

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

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

- 5. Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the College President or the FOI Champion and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
- 6. Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should 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. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the College President or the FOI Champion for final approval.
- 8. Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the

requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

- 9. Denial of Request:** In case of denial of the request wholly or partially, 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. All denials on FOI requests shall pass through the Office of the College President or the FOI Champion.

## **SECTION 5. 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 ASIST Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
  - a. Denial of a request may be appealed by filing a written appeal to the ASIST Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
  - b. The appeal shall be decided by the College President upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
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 6. REQUEST TRACKING SYSTEM**

The ASIST shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

## SECTION 7. FEES

1. **No Request Fee.** The ASIST 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 ASIST in providing the information to the requesting party. The schedule of fees shall be posted by the ASIST.
3. **Exemption from Fees:** The ASIST 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 provides for more stringent penalties.

## ANNEX “A”

### DEFINITION OF TERMS

**CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”

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

**FOI.gov.ph.** The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, FOI.gov.ph provides a 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. FOI.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.

**EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence. List of which is presented on the Annex “B” of this Manual.

**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 at each government office where you can make a FOI request

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

**FOI RECEIVING OFFICE.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

**FREQUENTLY REQUESTED INFORMATION.** Info released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the AGENCY or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

**FULL GRANT.** When a government office is able to disclose all records in full in response to a FOI request.

**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 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.

**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.

**MULTI-TRACK PROCESSING.** A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively 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.

**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.

**PARTIAL GRANT/PARTIAL DENIAL.** When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

**PENDING REQUEST OR PENDING APPEAL.** An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

**PERFECTED REQUEST.** A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

**PERSONAL INFORMATION.** Shall refer to any information, whether recorded in a material form or not, from which the identify 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.

**PROACTIVE DISCLOSURE.** Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

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

**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.

**RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an agency has received within a fiscal year.

**REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

**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.

**SIMPLE REQUEST.** A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

## **ANNEX “B”**

### **LIST OF EXCEPTIONS**

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>1</sup>

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

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<sup>1</sup> These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.<sup>2</sup>

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>3</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;<sup>4</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>5</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>6</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>7</sup> and

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<sup>2</sup> As enumerated in the Memorandum from the Office of the Executive Secretary entitled, "Inventory of Exceptions to Executive Order No. 2 (s. 2016)", dated 24 November 2016, signed by Executive Secretary Salvador C. Medialdea.

<sup>3</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

<sup>4</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

<sup>5</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

<sup>6</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

- c. Patent applications, the publication of which would prejudice national security and interests;<sup>8</sup>
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;<sup>9</sup>
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>10</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>11</sup>
  - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;<sup>12</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>13</sup>

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<sup>7</sup> *Akbayan v. Aquino, supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

<sup>8</sup> The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

<sup>9</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

<sup>10</sup> *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

<sup>11</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>12</sup> Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>13</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
  - a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>14</sup> personal information or records,<sup>15</sup> including sensitive personal information, birth records,<sup>16</sup> school records,<sup>17</sup> or medical or health records;<sup>18</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>19</sup>

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual<sup>20</sup> and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>21</sup>

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<sup>14</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>15</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers 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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

<sup>16</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

<sup>17</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

<sup>18</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

<sup>19</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>20</sup> Article 26(2), *Civil Code*.

<sup>21</sup> Section 11, *Data Privacy Act of 2012*.

- Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>22</sup>
- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>23</sup> and
  - c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
    - (1) records of child and family cases;<sup>24</sup>
    - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>25</sup>
    - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>26</sup>
    - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>27</sup>
    - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;<sup>28</sup>
    - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>29</sup>

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<sup>22</sup> Section 4, *Data Privacy Act of 2012*.

<sup>23</sup> *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

<sup>24</sup> Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

<sup>25</sup> Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

<sup>26</sup> Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

<sup>27</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

<sup>28</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

<sup>29</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

- (7) names of victims of child abuse, exploitation or discrimination;<sup>30</sup>
  - (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;<sup>31</sup>
  - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>32</sup>
  - (10) names of students who committed acts of bullying or retaliation;<sup>33</sup>
  - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and <sup>34</sup>
  - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;<sup>35</sup>
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>36</sup>

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<sup>30</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

<sup>31</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

<sup>32</sup> Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

<sup>33</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>34</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

<sup>35</sup> Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>36</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);<sup>37</sup>
- c. Records and reports submitted to the Social Security System by the employer or member;<sup>38</sup>
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;<sup>39</sup>
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;<sup>40</sup>
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>41</sup>
- g. Documents submitted through the Government Electronic Procurement System;<sup>42</sup>
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;<sup>43</sup>
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;<sup>44</sup>

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*Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

<sup>37</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

<sup>38</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

<sup>39</sup> Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>40</sup> Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

<sup>41</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>42</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

<sup>43</sup> Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

<sup>44</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).



- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;<sup>45</sup>
  - k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;<sup>46</sup>
  - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>47</sup>
  - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;<sup>48</sup>
  - n. Information on registered cultural properties owned by private individuals;<sup>49</sup>
  - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>50</sup> and
  - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>51</sup>
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
  - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the

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<sup>45</sup> Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

<sup>46</sup> Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

<sup>47</sup> Section 10, *Safeguard Measures Act*.

<sup>48</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

<sup>49</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

<sup>50</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

<sup>51</sup> Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

- department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>52</sup>
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;<sup>53</sup>
  - b. Matters involved in an Investor-State mediation;<sup>54</sup>
  - c. Information and statements made at conciliation proceedings under the *Labor Code*;<sup>55</sup>
  - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>56</sup>
  - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;<sup>57</sup>
  - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;<sup>58</sup>
  - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;<sup>59</sup>
  - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;<sup>60</sup>
  - i. Investigation report and the supervision history of a probationer;<sup>61</sup>

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<sup>52</sup> Section 3(g), Rule IV, Rules on CCESPOE.

<sup>53</sup> Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

<sup>54</sup> Article 10, International Bar Association Rules for Investor-State Mediation.

<sup>55</sup> Article 237, *Labor Code*.

<sup>56</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

<sup>57</sup> Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

<sup>58</sup> Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

<sup>59</sup> Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

<sup>60</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

- j. Those matters classified as confidential under the *Human Security Act of 2007*;<sup>62</sup>
  - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>63</sup> and
  - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;<sup>64</sup>
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
  - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
  - c. RA No. 8791 (*The General Banking Law of 2000*);
  - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
  - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
    - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;<sup>65</sup>
    - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on

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<sup>61</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

<sup>62</sup> Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

<sup>63</sup> Section 14, Civil Service Commission Resolution No. 01-0940.

<sup>64</sup> Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

<sup>65</sup> Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

- Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);<sup>66</sup> and
- (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>67</sup>
  - c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
    - (1) any purpose contrary to morals or public policy; or
    - (2) any commercial purpose other than by news and communications media for dissemination to the general public;<sup>68</sup>
  - d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>69</sup>
  - e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;<sup>70</sup>
  - f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>71</sup> and
  - g. Attorney-client privilege existing between government lawyers and their client.<sup>72</sup>

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<sup>66</sup> Article 7, UNCITRAL Transparency Rules.

<sup>67</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.*

<sup>68</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

<sup>69</sup> *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

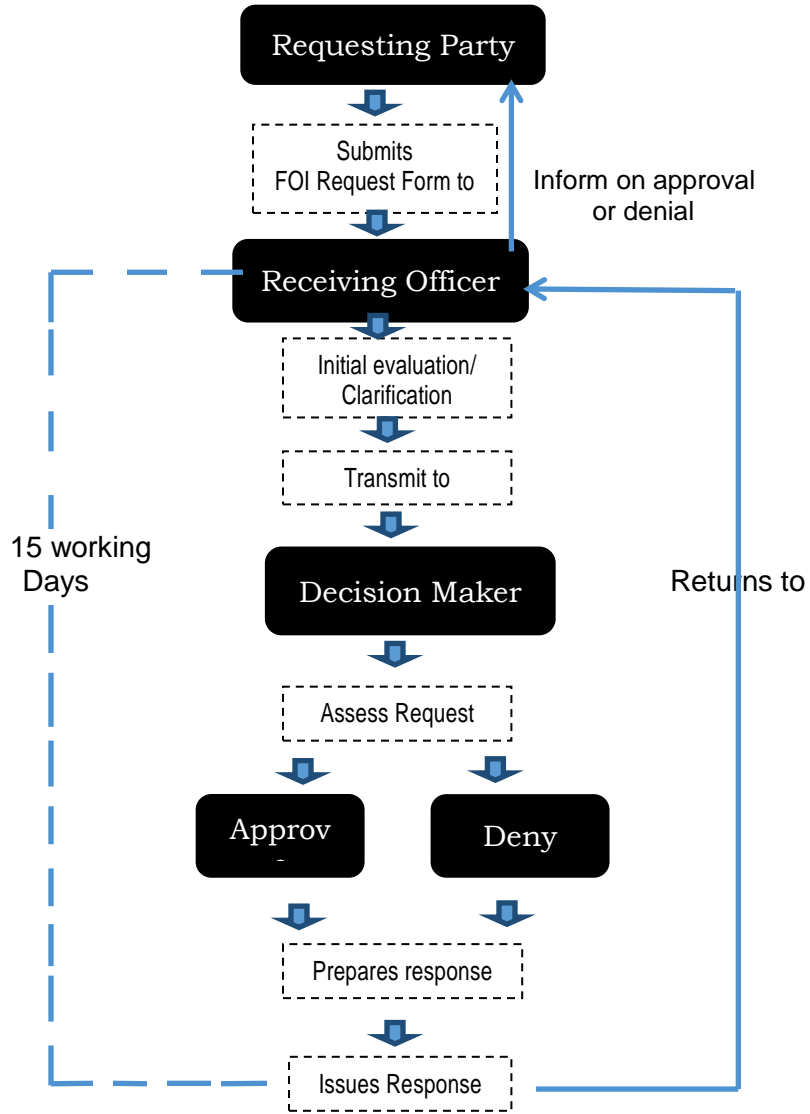
<sup>70</sup> Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

<sup>71</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

<sup>72</sup> Canon 21 of the *Code of Professional Responsibility.*

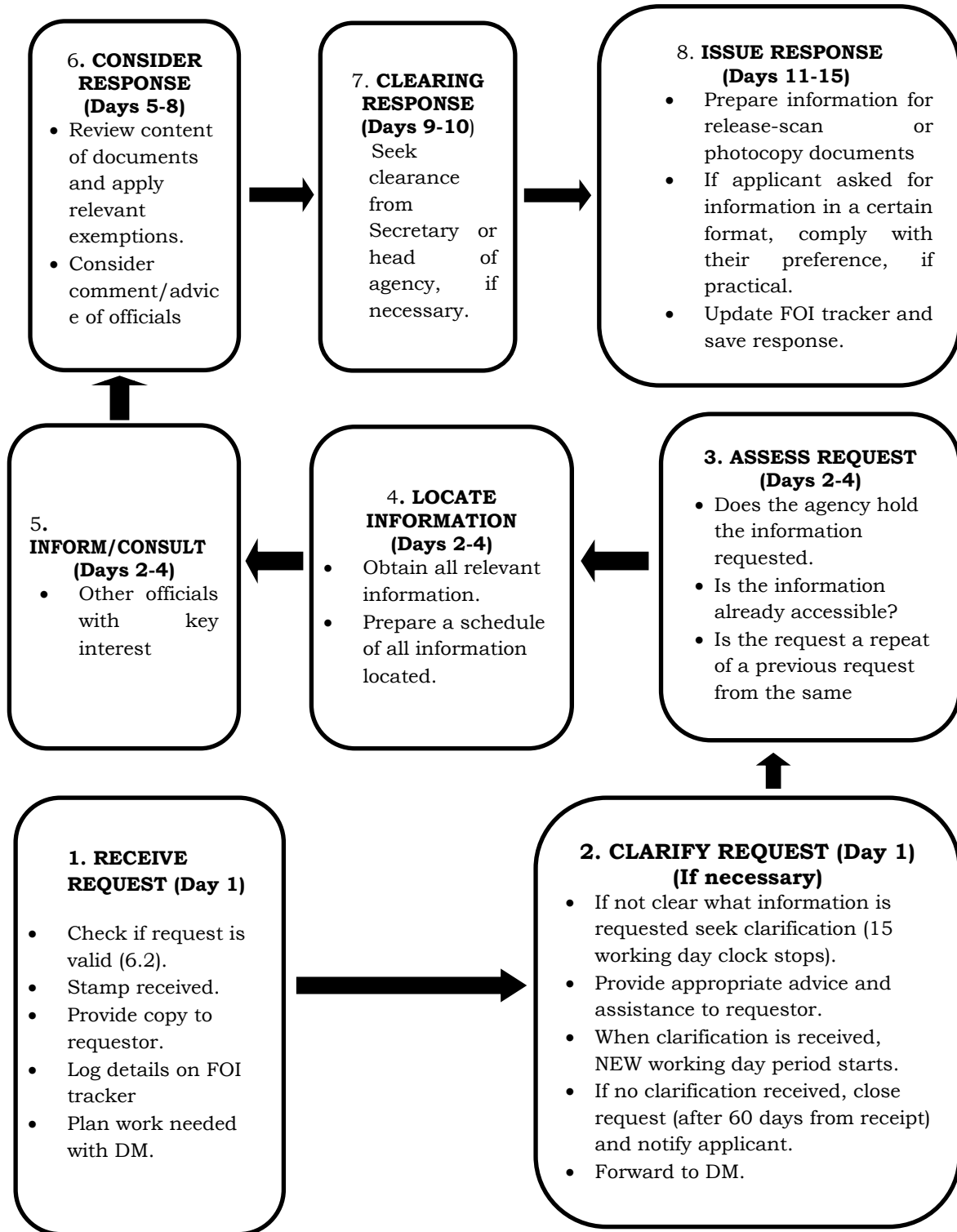
# ANNEX "C"

## Flow Chart



**ANNEX “C - 2”**

**Detailed FOI Request Process**



## FOI Request Process in Days

Day 1	Days 2 -4	Days 5 – 8	Days9 – 10	Days 11 – 15
<p><b>RECEIVE REQUEST</b></p> <ul style="list-style-type: none"> <li>• Check if request is valid</li> <li>• Stamp received.</li> <li>• Provide copy to requestor.</li> <li>• Log details on FOI tracker.</li> <li>• Plan work needed with DM.</li> </ul> <p><b>CLARIFY REQUEST</b> (If necessary)</p> <ul style="list-style-type: none"> <li>• If not clear what information is requested seek clarification. (15 working day clock stops).</li> <li>• Provide appropriate advice and assistance to requestor.</li> <li>• When clarification is received, NEW working day period starts.</li> <li>• If no clarification received, close request (after 60 days from receipt) and notify applicant.</li> <li>• Forward to DM.</li> </ul>	<p><b>ASSESS REQUEST</b></p> <ul style="list-style-type: none"> <li>• Does the agency hold the information requested.</li> <li>• Is the information already accessible?</li> <li>• Is the request a repeat of a previous request from the same applicant?</li> </ul> <p><b>LOCATE INFORMATION</b></p> <ul style="list-style-type: none"> <li>• Obtain all relevant information.</li> <li>• Prepare schedule of all information located.</li> </ul> <p><b>INFORM / CONSULT</b></p> <ul style="list-style-type: none"> <li>• Other officials with key interest.</li> </ul>	<p><b>CONSIDER RESPONSE</b></p> <ul style="list-style-type: none"> <li>• Review content of documents and apply relevant exemptions.</li> <li>• Consider comment/ advice of officials.</li> </ul>	<p><b>CLEARING RESPONSE</b></p> <ul style="list-style-type: none"> <li>• Seek clearance from Secretary or head of agency if necessary.</li> </ul>	<p><b>ISSUE RESPONSE</b></p> <ul style="list-style-type: none"> <li>• Prepare information for release – scan or photocopy documents.</li> <li>• If applicant asked for information in a certain format, comply with their preference, if practical.</li> <li>• Update FOI tracker and save response.</li> </ul>

**Notes:**

1. This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
2. Each FOI request is different, so not all of this action will be required in each case – some-and sometimes actions will be completed earlier or later than the targets in this table. However, it is always important to allow sufficient time Decision Makers, etc to clear FOI responses before expiry of the 15 working day deadline.
3. For any request, it is essential to start looking at it as soon as it is received, to assess what work needs to be done and to plan that work

# ANNEX "D"

## FOI Request Form FREEDOM OF INFORMATION REQUEST FORM (Pursuant to Executive Order No. 2.s.2016)

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 Reply**       **Landline**    **Mobile Number**    **Email**    **Postal Address**  
(If your request is successful, we will be sending the documents to you in this manner)
9. **Preferred Mode of Reply**       **Email**    **Fax**    **Postal Address**    **Pick-up at Agency**
10. **Type of ID Given** (Please ensure your IDs contain your photo and Signature)       **Passport**    **Driver's License**    **SSS ID**    **Postal ID**    **Voter's ID**  
 **School ID**    **Company ID**    **Others** \_\_\_\_\_

### B. Requested Information

11. **Agency – Connecting Agency** (if applicable)      ◀ \_\_\_\_\_      ◀ \_\_\_\_\_
12. **Title of document/Record Requested** (Please be as details 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 of 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 of 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 FOI (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

- Invalid Request  Incomplete  Data already available online

the denial

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 “E”**

**FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

Your FOI request is approved. I enclose a copy of [some/most/all]\* of the information you requested [in the format you asked for]

Thank you.

Respectfully,

---

**FOI Receiving Officer**

**ANNEX “E-2”**

**FOI RESPONSE TEMPLATE - ANSWER**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

---

**FOI Receiving Officer**

**ANNEX “E-3”**

**FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

[Some/Most/All] of the information you have requested is already available online from <add details of where that specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>.

**Your right to request a review**

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

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**FOI Receiving Officer**

**ANNEX “E-4”**

**FOI RESPONSE TEMPLATE - DOCUMENT NOT AVAILABLE**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

While our aim is to provide information whenever possible, in this instance this Office does not have [some of]\* the information you have requested. However, you may wish to contact <insert name of other authority/organization> at<insert contact details. Who may be able to help you. The reasons why we do not have the information are explained in the Annex to this letter.

**Your right to request a review**

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

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**FOI Receiving Officer**

**ANNEX “E-5”**

**FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]\* the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions applies to that information>. The reasons why that exemption(s) applies are explained in the Annex to this letter.

**Your right to request a review**

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

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**FOI Receiving Officer**

**ANNEX “E-6”**

**FOI RESPONSE TEMPLATE – IDENTICAL REQUEST**

DATE

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

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

**Your request**

You asked for <quote request exactly, unless it is too long/complicated>.

**Response to your request**

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

**Your right to request a review**

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

\_\_\_\_\_  
**FOI Receiving Officer**