



Republic of the Philippines
KALINGA STATE UNIVERSITY

Tabuk City, Kalinga 3800

Office of the University President




BAGONG PILIPINAS

CERTIFICATION

This is to certify that the KSU Freedom of Information Manual has been duly updated to reflect the following changes based on the FOI Manual Model and FOI-MC No. 21-05 issued by the Presidential Communications Operations Office (PCOO):

1. DBM exceptions to coverage of FOI
2. FOI-MC No. 21-05 (No Wrong Door Policy for FOI)
3. No Wrong Door Policy Flowchart
4. Updated FOI Contact Details

The FOI Manual shall be made available without prejudice to any individual through official KSU channels.


EDUARDO T. BAGTANG, CPA, DBM
SUC President III



Republic of the Philippines

KALINGA STATE UNIVERSITY

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PEOPLE'S FREEDOM OF INFORMATION (FOI) MANUAL

2023 THIRD REVISION



Republic of the Philippines
KALINGA STATE UNIVERSITY
Bulanao, Tabuk City, Kalinga

PEOPLE'S FREEDOM OF INFORMATION MANUAL

Formulated under EXECUTIVE ORDER NO. 02,
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**

2023 Third Revision

FOREWORD

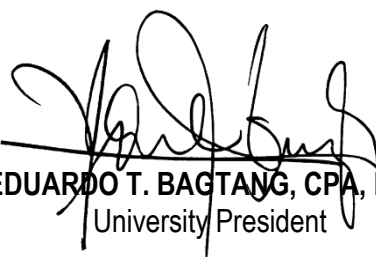
It is a fundamental notion even during primordial civilization that all information held by governments and its instrumentalities or subdivisions is in principle public and may only be withheld if there are justifiable reasons, such as privacy and security, for not disclosing it. Democracy demands that people are able to participate effectively in decision making and assess the performance of their government provided that they have access to a variety of information in possession of public bodies.

The right of the people to information on matters of public concern is guaranteed by the fundamental and supreme law of the land as expressly provided in Section 7, Article III of the 1987 Constitution. While congress has not so far enacted an enabling law on access to information from the government, President Rodrigo Roa Duterte, on July 23, 2016 signed 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.” Because of this pronouncement, our duty as a government agency to disclose information on matters of public concern is undoubtedly binding subject to certain limitations and conditions set forth by law and jurisprudence.

Pursuant to Section 8 thereof, Kalinga State University devised this People’s Freedom of Information Manual which shall serve as a guide to clients who request for information under EO No. 2. This Manual shall set out the guidelines and procedures to be followed when a request for relevant information about the University – its Programs, Projects and Activities is made by any person. It also directs the requesting party to the responsible officials of the University in relation to the requested information.

The formulation of the KSU FOI Manual is an assertion of the university’s undertaking to recognize the people’s right to be afforded access to public records without unnecessary delay along with our commitment to the preservation of democracy and transparency in governance. This FOI Manual was also inspired by certain cultural beliefs and practices by the early people of Kalinga such as *Paniyaw*, *Ngilin* and *Bain* which to date serve as their moral guide. These beliefs signify the obligation of the villagers and their rulers to acknowledge and respect human rights in exchange for a peaceful existence, happiness, and prosperity from *Kabunyan*.

I commend each and everyone for this great achievement and this certainly will partake in an important role towards the attainment of our vision of becoming a knowledge and technology hub in Asia and the Pacific. **Mabuhay Kalinga State University!**



EDUARDO T. BAGTANG, CPA, DBM
University President

TABLE OF CONTENTS

Content	Page
1. Overview	
a. Purpose of the Manual	5
b. Structure of the Manual	5
c. Coverage of the Manual	5
d. FOI Receiving Officer	5
e. FOI Decision Maker	5
f. Central Appeals and Review Committee	5
g. Approval and Denial of Request	6
2. Definition of Terms	6
3. Protection of Privacy	9
4. Standard Procedure	9
a. Receipt of Request for Information	9
b. Initial Evaluation	10
b.1. Request relating to more than one office under the KSU	
b.2. Information is not in the custody of the KSU	
b.3. Requested information is already available in KSU website	
b.4. Similar or Identical request for information	
c. Transmittal from FRO to Decision Maker	10
d. Role of Decision Maker in processing the FOI Request	10
e. Role of FRO to transmit the Information	11
f. Extension of Time	11
g. Notifying the requesting party of the decision	11
h. Approval of Request	11
i. Denial of Request	11
5. Remedies in Case of Denial of Request	12
6. Request Tracking System	12
7. Fees	12
8. Administrative Liability	13
9. Annexes	
A. FOI FAQs	14
B. Executive Order No. 02	16
C. Guidelines on FOI Appeal Mechanism	21
D-1. List of Exemptions to FOI including relevant issuances	24
D-2. FOI DBM List of Exceptions	30
E. FOI Receiving Officer of the KSU	31
F-1. FOI Request Flow Chart	32
F-2. Detailed Request Process	33
F-3. FOI Request Processing Time in Days	34
G. FOI Request Form	35
H-1. FOI Response Template	36
H-2. FOI Response Template—Answer	37
H-3. FOI Response Template—Under Exceptions	38
I-1. FOI-MC No. 21-05	39
I-2 No Wrong Door Policy Flowchart	43
BOR FOI Approval	44
10. FOI Contact Details	46

SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the Filipino Citizens in requesting for information under Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI) – (Annex “B”).
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by Kalinga State University and its Campuses: Bulanao (Main), Dagupan, and Bagbag, when a request for access to information is received. The KSU President shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the Chief Administrative Officer/ Director for Administrative Services. The KSU President delegate the Chief Administrative Officer/ Director for Administrative Services to act as Decision Maker (DM) who shall have overall responsibility for the initial decision on FOI request, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the KSU and its Campuses subject to reasonable conditions prescribed by law.
4. **FOI Receiving Officer:** The Records Officer is the FOI Receiving Officer (FRO) designated at the KSU. The FRO shall hold office at the Records Section in the Administration Building.

The functions of the FRO shall include receiving on behalf of KSU and its Campuses, all requests for information. The FRO shall maintain a logbook of all requests chronologically received for accountability purposes.

The request shall be forwarded to the appropriate person which has custody of the records the FRO monitor all FOI requests and appeals, provide assistance to the FOI Decision Maker (FDM), 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. Upon the completion of the evaluation within the period set in the EO No. 02, the FRO shall advise the requesting party of any decision on request.

5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the KSU Head, with a rank of not lower than a Division Chief or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following grounds:
 - a. KSU 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; 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 University.
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 Head of KSU to review and evaluate the grant or denial of request of information. The Committee shall also provide expert advice to the KSU Head 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 Head of KSU may delegate such authority to his Chief of Staff or any Officer not lower than the designation of a Director.

SECTION 2: DEFINITION OF TERMS

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

http://ksu.edu.ph. The official website of the Kalinga State University, where people/client can download the FOI Request Form and other information, materials, and data on transparency.

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among any other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and 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 overtime.

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.

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 the 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 or 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 or 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.

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, 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 received, processed, and pending at each government office.

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 accessibility of the records before any final determination is made. This process is called a “consultation.”

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.

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 KSU and its campuses cannot release any records in response to a FOI request, because 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.

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.

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.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for 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 request or appeals where the agency has completed its work and sent a final response to the requester.

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."

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.

SECTION 3. PROTECTION OF PRIVACY

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

- a. The KSU and its campuses 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 KSU and its campuses 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 any official who has access, whether authorized or unauthorized, to personal information in the custody of the KSU and its campuses, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE

(See Annex "F" for flowchart)

1. Receipt of Request for Information.

- a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:
 - i. The request must be in writing;
 - ii. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - iii. The request shall reasonably and sufficiently describe the information requested, and the reason for, or purpose of, the request for information.

The request can be made through electronic mail, 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.

- b. 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.
- c. 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 email. The FRO input the details of the request on the Request Tracking System and allocate a reference number.
- d. KSU and its Campuses must respond to request promptly, within the fifteenth (15) working days 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 the receipt of the request will be either:

- i. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member or staff; and

- ii. If the government office 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.

2. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request.
 - a. Request relating to more than one office other than the KSU: If a request for information is received which requires to be complied with, of different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus and offices that they will be only provided the specific information that relates to their agencies, bureaus and offices.
 - b. Requested information is not in the custody of the KSU and its Campuses: If the requested information is not in the custody of the KSU and its campuses, following referral and discussions with the FDM, the FRO shall undertake the following steps:
 - i. If the records requested refer to another department, the request will be immediately transferred to such appropriate department 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.
 - ii. 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.
 - c. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the KSU and its campuses website – <http://ksu.edu.ph>, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
 - d. 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 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 be submitted to the FRO within 10 days upon receipt of such 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 KSU President, in case 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 it 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 accessibility 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 KSU President 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 KSU President or duly designated KSU Officer 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 KSU President.

SECTION 5. REMEDIES IN CASE OF DENIAL OF REQUEST

1. A person whose request for access to information has been denied may avail himself of the remedy set forth below:
 - a. The requesting party may file an Administrative FOI Appeal to the KSU 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. Denial or non-action of the Appeal by the KSU Appeals and Review Committee may be elevated to the KSU President within fifteen (15) calendar days from the notice of denial or from the lapse of the period for the review committee to act on the first appeal.
 - c. The appeal shall be decided by the Board of Regents upon the recommendation of the KSU President 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.
 - d. The denial of the Appeal by the Board of Regents or the lapse of the period within which to respond to the request may be elevated 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 6. REQUEST TRACKING SYSTEM

The Kalinga State University and its campuses shall establish a system to trace the status of all requests for information received by it, which may be paper-based, electronic or both.

SECTION 7. FEES

1. **No Request Fee.** The KSU and its campuses 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 KSU and its campuses in providing the information to the requesting party. The schedule of fees shall be posted by the KSU and its campuses.
3. **Exemption from Fees.** The KSU and its campuses 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:
 - 1st Offense - Reprimand;
 - 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - 3rd 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 administrative body or agency, which provides for more stringent penalties.

ANNEX “A”

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI:

1. *What is FOI?*

Freedom of Information (FOI) is the government’s response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. *What is Executive Order No. 2 S. 2016?*

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. *Who oversees the implementation of EO 2?*

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request:

4. *Who can make an FOI request?*

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. *What can I ask for under EO on FOI?*

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

6. *What agencies can we ask information?*

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. *How do I make an FOI request?*

- a. The requestor is to fill up a request form and submits to the KSU’s Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.

- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the University holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. If necessary, the University President shall provide clearance to the response.
- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

Fees:

8. *How much does it cost to make an FOI request?*

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. *What will I receive in response to an FOI request?*

You will be receiving a response either granting or denying your request.

If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. *How long will it take before I get a response?*

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. *What if I never get a response?*

If the University fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. *What will happen if my request is not granted?*

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

ANNEX “B”

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 THEREFOR

WHEREAS, pursuant to Section 28, Article II of the Constitution, the State adopts and implements a policy of full public 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 operationalized 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 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 under the control and custody of any government office pursuant to law, executive order, 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 any inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity 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 laws, 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 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 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 record, 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 or 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 and regulation.

SECTION 8. People’s Freedom of 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 the request as specified in the succeeding section 9 of this Order.
- d. The standard forms for the submission of requests and for the proper acknowledgement of requests;
- e. The process for the disposition of 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, provided valid proof of his identification or authorization, reasonably describe the information. Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rule 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 other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer time.
- f. Once a decision is made 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 application 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, following the procedure mentioned in Section 8(f) of this Order: Provided, that 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 part 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 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 the 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 (. 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 23rd 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”
GUIDELINES ON THE FREEDOM OF INFORMATION APPEALS MECHANISM

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Pangkomunikasyon
Malacañang, Manila

FOI - MC No. 001, s. 2019
FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

FOR: ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH, INCLUDING GOVERNMENT-OWNED AND/OR -CONTROLLED CORPORATIONS (GOCCS) AND STATE UNIVERSITIES AND COLLEGES (SUCS)

SUBJECT: GUIDELINES ON THE FREEDOM OF INFORMATION APPEALS MECHANISM

WHEREAS, Executive Order (EO) No. 2, s. 2016 was issued by President Rodrigo R. Duterte on 23 July 2016 to operationalize the People's Constitutional Right to Information and the State Policies to full public disclosure and transparency in the public service;

WHEREAS, Section 8 of EO No. 2, s. 2016 instructed all government offices of the Executive Branch to prepare their respective People's Freedom of Information (FOI) Manual which shall include among others the procedure for the administrative appeal of any denial for access to information;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 2, s. 2016, and all other FOI programs and initiatives including electronic FOI;

WHEREAS, Department Order No. 018, s. 2017, issued by the PCOO, created the Freedom of Information - Project Management Office (FOI-PMO) to exercise the mandate under MO No. 10, s. 2016;

WHEREAS, government offices shall respond to a request as soon as practicable but not exceeding fifteen (15) working days upon receipt thereof, whether to grant or deny access to the information requested. Period to respond may be extended for not more than twenty (20) working days in cases provided under EO No. 2, s. 2016;

WHEREAS, Section 12 of EO No. 2, s. 2016, provides that in case of denial of 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 of the denial in writing. The notice shall clearly set forth the ground/s for denial. Failure to notify the requesting party of the action taken within the period provided herein shall be deemed a denial of the request for information;

WHEREAS, pursuant to MO No. 10, s. 2016, the PCOO is mandated to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI Programs;

WHEREAS, Section 13 of EO No. 2, s. 2016, provides the remedies in cases of denial of request for access to information, wherein denial of any request for information may be appealed to the person or

office next higher authority. However, while most agencies have formally established their ppe8:1s mechanism and designated those in charge to handle appeals, there are still those who do not have a formal appeals mechanism or who have not designated officers who should handle appeals from the denial of request for information;

WHEREAS, Administrative Order No. 22, s. 2011, prescribes for the rules and regulations governing appeals to the Office of the President;

NOW, THEREFORE, for and in consideration of the foregoing, the implementing agencies are encouraged to provide in their FOI Manual the following appeals mechanism for efficiency and uniformity:

Section 1. Creation or Central Appeals and Review Committee (CARC). Implementing agencies are advised to establish a Central Appeals and Review Committee that will exercise the following functions:

- Receive, review, evaluate, and assess the appeal on the denial of the request for information;
- Determine if the appeal was filed within the period provided under EO No. 2, s. 2016;
- Recommend to the head of agency the actions on the appeal filed by the requesting party;
- Ensure that the appeal be decided within thirty (30) working days from the filing of said appeal; and
- Implement the decision of the head of agency regarding the appeal.

Section 2. Composition or CARC. The CARC shall be composed of at least three (3) senior officers with equal or higher rank to the decision maker. The CARC shall review and analyze the grant or denial of request of information and provide expert advice to the head of agency on granting or denying of said request for information.

Section 3. Alternative to CARC. Appeal may be filed to a person or office next higher in authority, if the implementing agency does not establish its CARC or whose decision maker is the head of agency.

Section 4. Procedure of filing an Appeal. The requesting party shall file a written appeal to the CARC, or to the person or office next higher in authority, whichever is applicable, within fifteen (15) working days upon receipt of the notice of denial or lapse of the period within which the receiving officer or decision maker should have notified the requesting party of the denial of the request.

Where the decision maker is the head of agency, the requesting party may file its appeal to the department head where said agency/bureau is attached. In case the decision of the department head is unfavorable, the requesting party may file its appeal to the Office of the President.

Section 5. Submission of names to FOI-PMO. All agencies covered by EO No. 2, s. 2016 shall submit names of members of CARC or designated officer/s tasked to handle appeals to the denial of request for access to information to:

FREEDOM OF INFORMATION - PROJECT MANAGEMENT OFFICE
Presidential Communications Operations Office
Atty. Kristian R. Ablan
Assistant Secretary and FOI Program Director
Unit 103, 1575 BFB Building, JP Laurel St.
San Miguel, Malacañang, Manila

Section 6. Filing of petition/ case to proper Courts. The requesting party, upon exhaustion of administrative appeal remedies under AO No. 22, s. 2011, may file the appropriate petition or case to the proper court in accordance with the Rules of Court.

Section 7. Filing of Administrative Case. The requesting party, upon exhaustion of administrative remedies, may file the appropriate administrative case against erring public officials in violation of EO No. 2, s. 2016.

Section 8. Effectivity. This Circular shall take effect immediately.

January 31, 2019 Manila, Philippines.

(SGD)JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

ANNEX "D-1"
LIST OF EXCEPTIONS

Office of the President of the Philippines
Malacañang

MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO : All Heads of Departments, Bureaus and Agencies of the National/Local Governments Including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and All Others Concerned

SUBJECT : INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2, s. 2016

DATE : 24 November 2016

Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.

(sgd.) SALVADOR C. MEDIALDEA

Exceptions to Right of Access to Information:

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence*:

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.
10. 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.
 - a. Information covered by Executive privilege;
 - i. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings; and
 - ii. Matters covered by deliberative process privilege, namely:
 1. advisory opinions, recommendations and deliberations comprising part of a process by which government 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; and
 2. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;

*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.

- b. Privileged information relating to national security, defense or international relations:
 - i. Information, record, or document that must be kept secret in the interest of national defense or security;
 - ii. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and
 - iii. Patent applications, the publication of which would prejudice national security and interests;
- c. Information concerning law enforcement and protection of public and personal safety:
 - i. 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 –
 1. interfere with enforcement proceedings;
 2. deprive a person of a right to a fair trial or an impartial adjudication;
 3. 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
 4. unjustifiably disclose investigative techniques and procedures;
 - ii. 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;
 - iii. When disclosure of information would put the life and safety of an individual in imminent danger;
 - iv. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping; and

- v. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;
- d. 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:
- i. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records,²⁴ including sensitive personal information, birth records, school records, or medical or health records;

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:

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 ²⁹ 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.

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;

- ii. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence; and
- iii. 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;
 2. children in conflict with the law from initial contact until final disposition of the case;
 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;
 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;
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;
 6. trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;
 7. names of victims of child abuse, exploitation or discrimination;
 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;
 9. records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;
 10. names of students who committed acts of bullying or retaliation;
 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
 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;
- e. 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:
- i. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;
 - ii. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);
 - iii. Records and reports submitted to the Social Security System by the employer or member;
 - iv. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;
 - v. 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;
 - vi. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;
 - vii. Documents submitted through the Government Electronic Procurement System;
 - viii. 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*;

- ix. 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;
 - x. 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;
 - xi. 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;
 - xii. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
 - xiii. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;
 - xiv. Information on registered cultural properties owned by private individuals;
 - xv. Data submitted by a higher education institution to the Commission on Higher Education (CHED); and
 - xvi. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;
- f. Information of which a premature disclosure would:
- i. 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
 - ii. 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 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.
- g. 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:
- i. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;
 - ii. Matters involved in an Investor-State mediation;
 - iii. Information and statements made at conciliation proceedings under the *Labor Code*;
 - iv. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);
 - v. 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;
 - vi. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;
 - vii. All proceedings prior to the issuance of a cease and desist order against preneed companies by the Insurance Commission;
 - viii. 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*;
 - ix. Investigation report and the supervision history of a probationer;
 - x. Those matters classified as confidential under the *Human Security Act of 2007*;
 - xi. Preliminary investigation proceedings before the committee on decorum and investigation of

- government agencies; and
 - xii. 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.

- h. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
 - i. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - ii. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - iii. RA No. 8791 (*The General Banking Law of 2000*);
 - iv. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - v. RA No. 9510 (*Credit Information System Act*);

- i. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
 - i. 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;
 - 2. Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules); 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);
 - ii. Testimony from a government official, unless pursuant to a court or legal order;
 - iii. 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;
 - iv. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;
 - v. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;
 - vi. Requested information pertains to comments and disclosures on pending cases in judicial proceedings; and
 - vii. Attorney-client privilege existing between government lawyers and their client.

ANNEX "D-2"
Freedom of Information (FOI) List of Exceptions
As provided by the Department of Budget and Management

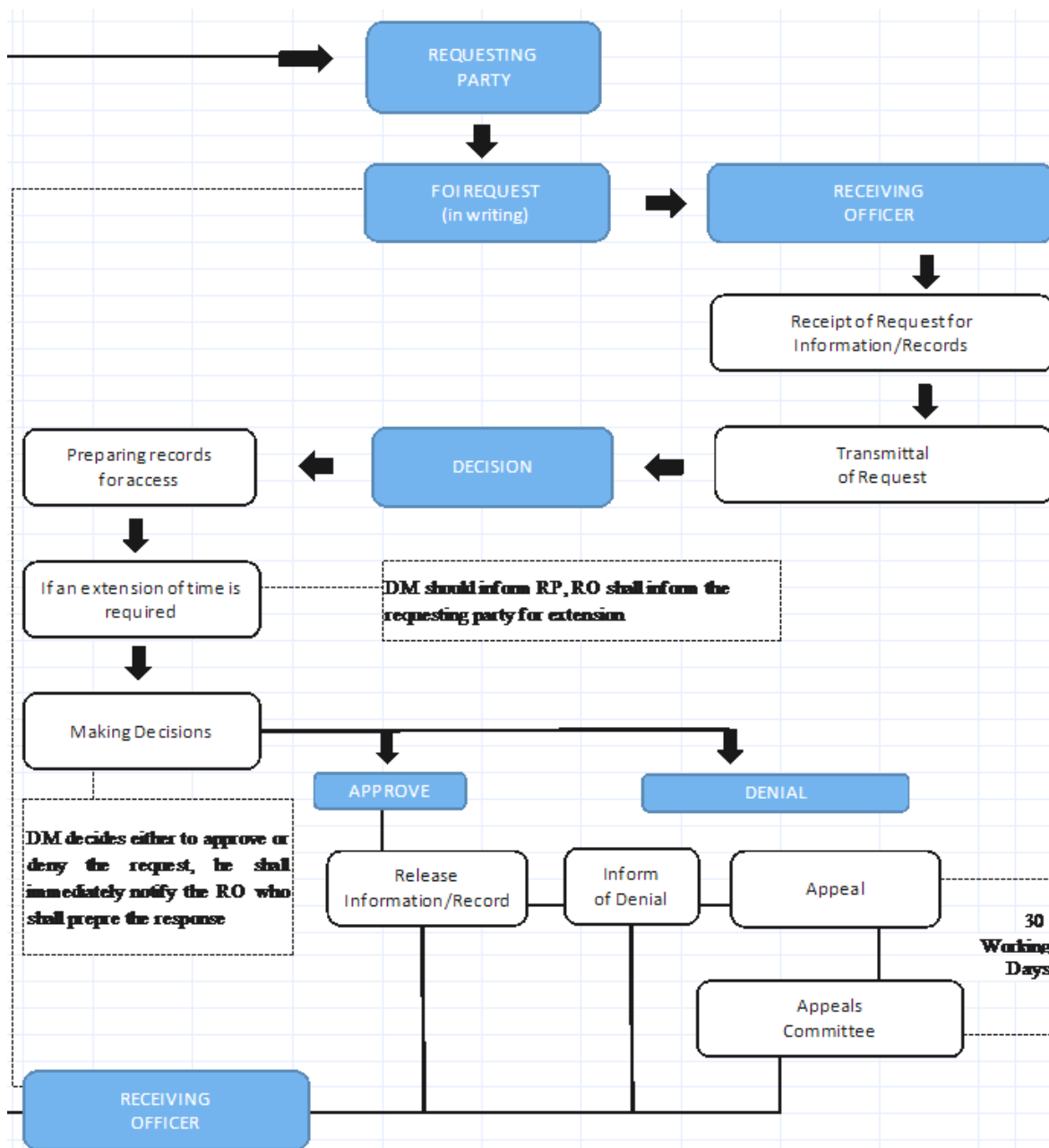
1. Information on on-going evaluation or review of bids or proposals being undertaken by the Bids and Awards Committee and such other similar committees, as there is yet no official act, transaction or decision at this point.
2. Internal communications, memoranda, opinions, reviews, comments and other operational matters of confidential nature, including but not limited to:
 - a. Agenda, deliberations and minutes of the meetings of the Management Committee, Executive Committee, Development Budget Coordination Committee, Public Financial Management Committee, Government Procurement Policy Board, and Open Government Partnership Steering Committee/Working Groups;
 - b. Internal emails of past and present employees, officers or directors;
 - c. Internal files especially drafts and notes of public officers concerned (any unofficial or unacted upon documents should not be disclosed without prior approval);
 - d. Legal opinions or comments rendered by the Legal Service;
 - e. Contract review including drafts and notes of public officers concerned;
 - f. Records of pending internal investigations; and
 - g. Documents and/or information pertaining to matters under litigation, the purpose of which is to prejudice a pending issue before a court or obstruct the administration of justice.

ANNEX "E"

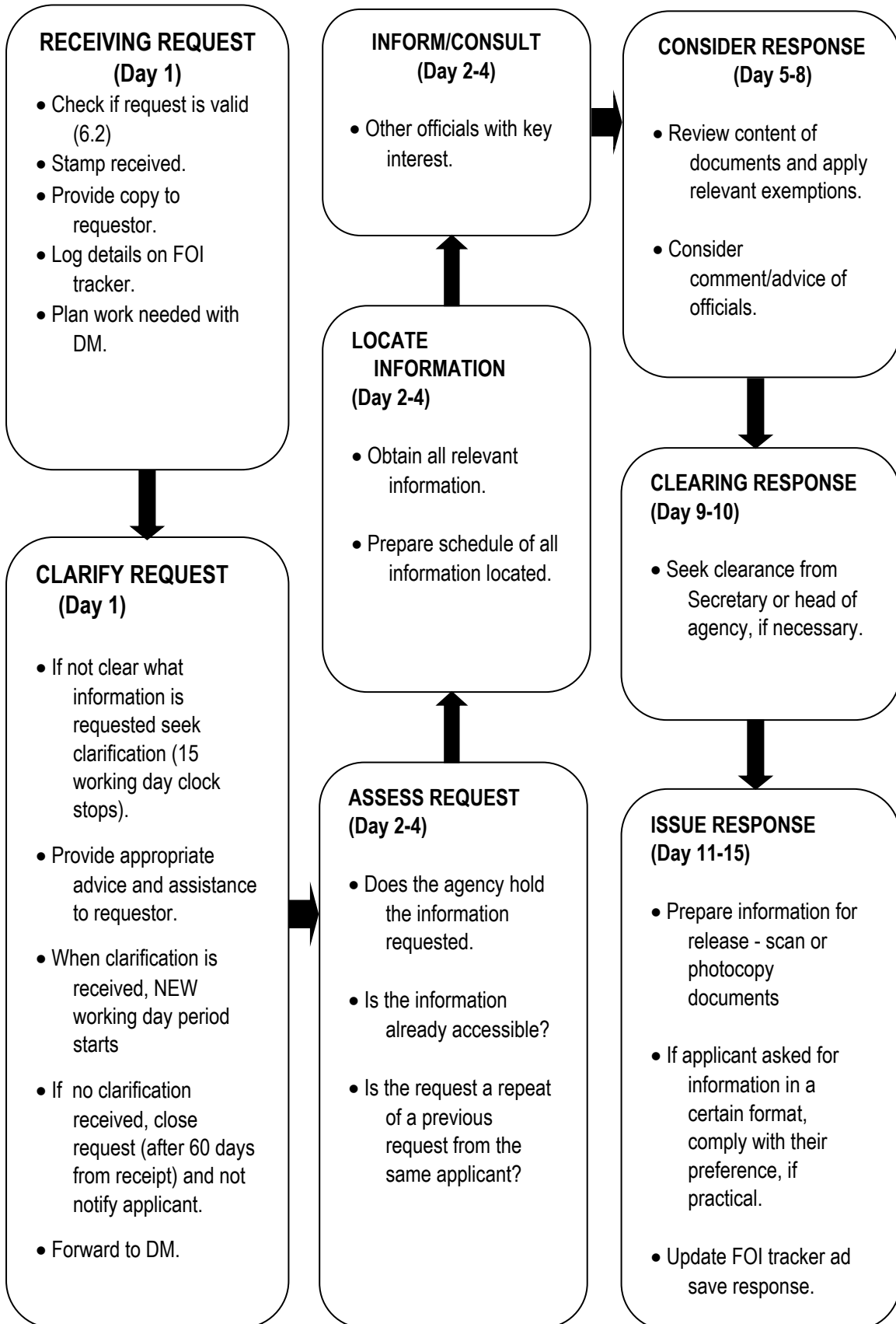
FOI RECEIVING OFFICER OF KALINGA STATE UNIVERSITY AND ITS CAMPUSES

Name of Agency	Location of FOI Receiving Offices	Contact Details	Assigned FOI Receiving Officer
Kalinga State University/ Records and Archive Office	Records Office, First Floor, Administration Building, Main Campus, National Road, Purok 6, Bulanao, Tabuk City, Kalinga, Philippines	CP No. 0939-290-1518 Email Address: pingod81@yahoo.com	<p align="center">Mr. Jay C. Lapuz, Administrative Officer V/Records Officer</p>

ANNEX "F-1"
FOI REQUEST FLOW CHART



**ANNEX “F-2”
DETAILED FOI REQUEST PROCESS**



ANNEX “F-3”
FOI REQUEST PROCESS IN DAYS

Day 1	Day 2 - 4	Day 5 - 8	Day 9 - 10	Day 11 - 15
<p>RECEIVE REQUEST</p> <ul style="list-style-type: none"> · Check if request is valid. · Stamp received. · Provide copy to requestor. · Log details on FOI tracker. · Plan work needed with DM. <p>CLARIFY REQUEST</p> <p>(If necessary)</p> <ul style="list-style-type: none"> · If not clear what information is requester seek clarification (15 working day clock stops). · Provided appropriate advice and assistance to requester. · When clarification is received, NEW working day period starts. · If no clarification received, close request (after 60 days from receipt) and notify applicant. · Forward to DM 	<p>ASSESS REQUEST</p> <ul style="list-style-type: none"> · Does the agency hold the Information requested. · Is the Information already accessible? · Is the request a repeat of a previous request from the same applicant? <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> · Obtain all relevant Information. · Prepare schedule of all Information located. <p>INFORM / CONSULT</p> <ul style="list-style-type: none"> · Other officials with key interest. 	<p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> · Review content of documents and apply relevant exemptions. · Consider comment/advice of officials. 	<p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> · Seek clearance from Secretary or head of agency. If necessary. 	<p>ISSUE RESPONSE</p> <ul style="list-style-type: none"> · Prepare Information for release – scan or photocopy documents. · If applicant asked for Information in a certain format, comply with their preference. If practical. · Update FOI tracker and save response.

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 these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. However, it is always important to allow sufficient time for 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 access what work needs to be done to plan that work so that the request is answered on time. This table is intended to help with that planning.

ANNEX “G”

FOI REQUEST FORM

<i>(Name of Agency)</i>	
<i>(Address of Agency)</i>	
PORMULARYO NG KAHILINGAN (FOI)	
<i>FOI Request Form</i>	
TITULO NG DOKUMENTO / <i>(Title of the Document):</i>	_____
MGA TAON/PANAHONG SAKLAW / <i>(Year):</i>	_____
LAYUNIN / <i>(Purpose):</i>	_____
PANGALAN / <i>(Name):</i>	CONTACTS No.
LAGDA / <i>(Signature):</i>	PETA / <i>(Date):</i>
TIRAHAN / <i>(Address):</i>	KATIBAYAN NG PAGKAKAILANLAN / <i>(Proof of identity):</i>
PARAAN NG PAGTANGGAP NG IMPORMASYON / <i>(How would you like to receive the information?)</i>	Pampot No.
Email	Driver's License:
Fax	Other:
Postal Address	
Pick-up (Office hours)	

Gawing itinataga-ky: / <i>(Submitted to to)</i>	_____ <i>(Lamagda sa ibaba ng pangalan nakalimbag)</i>
Peta/Ora ng Pagkakataga: / <i>(Date / Time of Submission)</i>	_____
Taong magpapatunay ng Gawing Natapos: / <i>(Certified by)</i>	_____ <i>(Lamagda sa ibaba ng pangalan nakalimbag)</i>
Uri ng isinagawang aksiyon: / <i>(Type of action conducted)</i>	_____
	Inisikedyul ni / <i>(Received by):</i>

	FOI Receiving Officer
Remarks:	_____

ANNEX "H-1"
FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert date> 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 enclosed a copy of [some / most / all]* of the information you requested [in the format you asked for]

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "H-2"
FOI RESPONSE TEMPLATE - ANSWER

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert date> 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 "H-3"
FOI RESPONSE TEMPLATE - UNDER EXCEPTIONS

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert date> 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) 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 ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request 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 calendar days from the date when we receive your review request.

If you are not satisfied with 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.

Respectfully,

FOI Receiving Officer

ANNEX “I-1”



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21- 05

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCS), STATE UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL WATER DISTRICTS (LWDS)

SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE “NO WRONG DOOR POLICY FOR FOI”

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by virtue of PCOO’s mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “**Second Referral**” and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a “**FOI Internal Messenger**”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. - A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. - For the convenience of all FROs and FDMs

in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

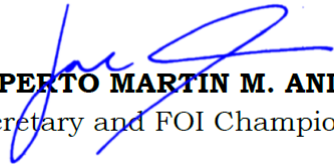
To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

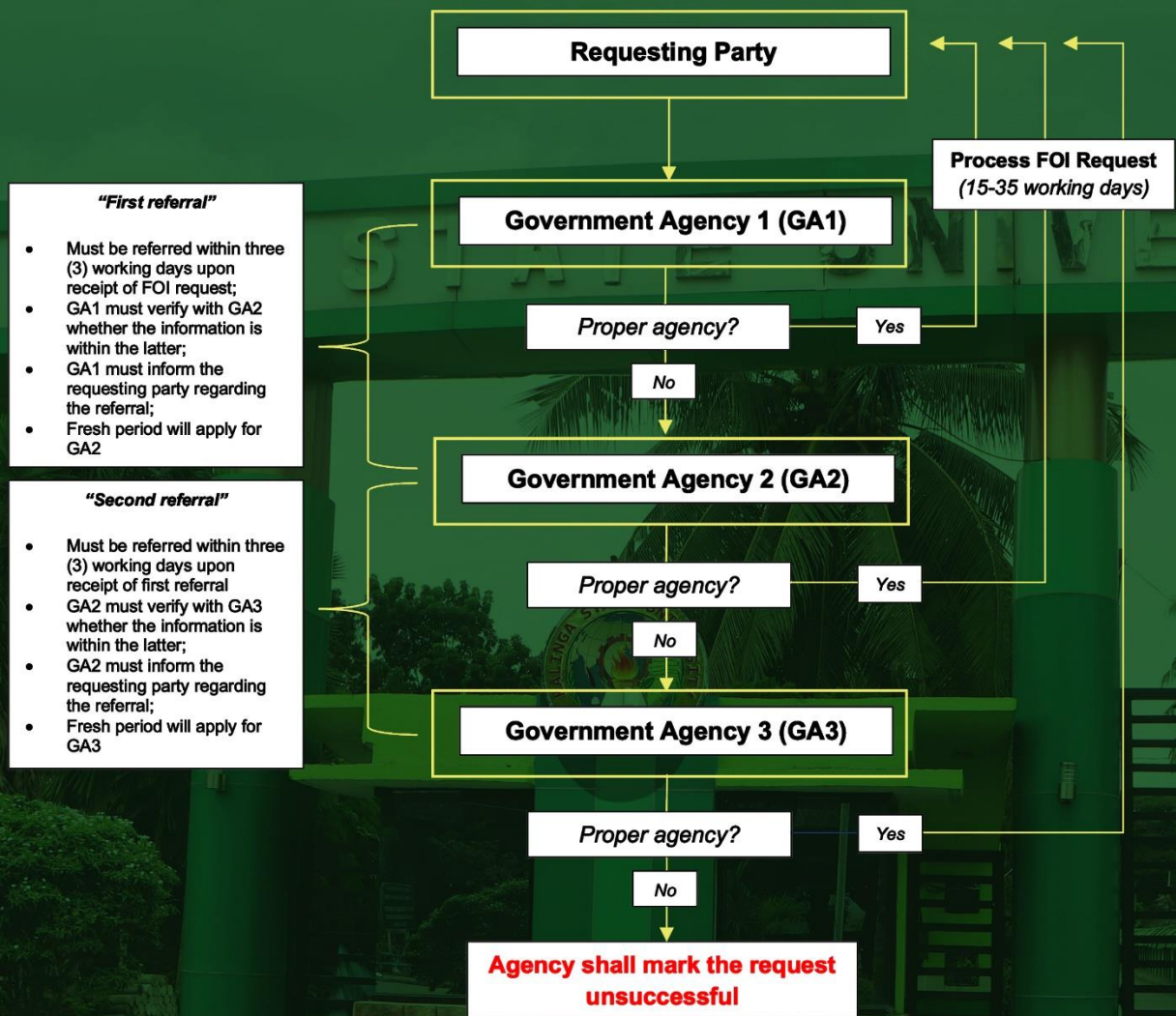
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

ANNEX "I-2"
NO WRONG DOOR POLICY

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

Annex "J"
KSU BOARD OF REGENTS APPROVAL ON FOI MANUAL



Republic of the Philippines
KALINGA STATE UNIVERSITY
Tabuk City, Kalinga

**EXCERPTS FROM THE MINUTES OF THE 89th REGULAR MEETING OF
THE BOARD OF REGENTS OF THE KALINGA STATE UNIVERSITY FOR CY
2016 HELD AT THE CONFERENCE ROOM, CHED CENTRAL OFFICE, C. P.
GARCIA AVENUE, DILIMAN, QUEZON CITY ON DECEMBER 22, 2016 AT
12:00 NOON**

Board Resolution No. 1353, s. 2016

RESOLVED AS IT IS HEREBY RESOLVED TO APPROVE the KSU Freedom of Information Manual pursuant to Executive Order No. 02, series of 2016.

APPROVED

CERTIFIED TRUE AND CORRECT:


PERFELIA R. BUEN
University/Board Secretary V



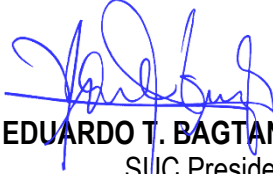
FOI CONTACT DETAILS:

Name of Agency: **KALINGA STATE UNIVERSITY**
Head of Agency/Designation: **EDUARDO T. BAGTANG, CPA, DBM**
UNIVERSITY PRESIDENT
Address: National Highway, Purok 6, Bulanao, Tabuk City, Kalinga 3800
Website: <http://ksu.edu.ph/>

FOI Focal Person: **DR. ROMUALDO U. WACAS**
Contact Details: CP No. 09368652998
Email Address: lionhart82@gmail.com

FOI Receiving Officer: **MR. JAY C. LAPUZ**
Contact Details: CP No. 09979119503
Email Address: pingod81@yahoo.com

FOI Secretariat: **MR. RONALDO B. DALUPING**
Contact Details: CP No. 09177744185
Email Address: hrmomail@ksu.edu.ph


EDUARDO T. BAGTANG, CPA, DBM
SUC President III