



**SOUTHERN LUZON STATE
UNIVERSITY**

FREEDOM OF INFORMATION
MANUAL

PREFACE

The SLSU Freedom of Information (FOI) Manual is designed in compliance with the Executive Order No. 2, series of 2016, by the President of the Republic of the Philippines, which mandates public disclosure of documents and seeks to effectuate the right of the people to information on matters of public concern.

Moreover, the manual aims to guide and assist the public in the procedures involved in requests of information. It also includes set of rules and guidelines to be followed by the officials and employees of the offices under the University with regards the requests for access of information.

Besides that the public is spared with tedious works of trying to access certain pieces of information, the production of the SLSU FOI Manual shall be one of the initiatives of the University to pursue greater transparency, accountability and citizen participation in governance. May these efforts further empower the University stakeholders and clienteles and aid SLSU in being a more responsive institution.


MILO O. BLACINO, Ph.D.
President

TABLE OF CONTENTS

PREFACE	i
OVERVIEW	1
PURPOSE	1
OBJECTIVE	1
COVERAGE	1
PROTECTION OF PRIVACY	2
DEFINITIONS OF TERMS	2
STANDARD PROCEDURE	5
1. Receipt of Request for Information by Receiving Officer]	
2. Initial Evaluation	
a. Determination of access to requested information	
b. Requested information is already posted in the SLSU website	
c. Requested information is in the custody of other colleges, campuses/ units/ offices.	
d. Requested information is in the custody of other colleges, campuses/ units/ offices	
e. Requested information is substantially similar or identical to previous requests.	
3. Transmittal to and Action by the Decision Maker	
a. In case of Approval	
b. In case of Denial of Request	
4. Transmittal of the Requested Information to the Requesting Party	
5. Request for an Extension of Time	
6. Records/Information Exempted from the Coverage	
PROMOTION OF TRANSPARENCY IN THE GOVERNANCE OF THE UNIVERSITY	10
FOI OFFICERS AND THEIR FUNCTIONS	11
REMEDIES IN CASE OF DENIAL	12
a. Requisites to Perfect an Appeal	
b. Appeals to the University President	
c. Resort to Court Action	
APPLICABLE FEES	13
ADMINISTRATIVE LIABILITIES	14
ANNEXES	
"A" - Executive Order No. 2 s, 2016, 23 July 2016	15
"B" – PCOO FOI-MC No. 01 s. 2016, 11 November 2016	
"C" – List of Exceptions	
"D" – Flow Chart	
"E" – FOI Request Form	

OVERVIEW

The 1987 Constitution, specifically Article II, Section 28 provides that the State shall adopt a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Similarly, Article III, Section 17 of the Constitution, guarantees the right of the people to information on matters of public concern.

In recognition of the need to implement these Constitutional provisions, President Rodrigo R. Duterte signed Executive Order (EO) 2 entitled "*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*" on July 23, 2016. The EO mandates all executive offices, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including Government-Owned or Controlled Corporations (GOCCs), and State Universities and Colleges to prepare their respective People's Freedom of Information (FOI) Manuals.

Hence, the Southern Luzon State University, in compliance with the said directive, hereby adopts this SLSU/FOI Manual.

PURPOSE

The main objective of this FOI Manual is to provide the process which shall guide the public in requesting information from the University and to assist the colleges, campuses, units and offices in dealing with requests of information pursuant to Executive Order No. 02.

OBJECTIVES

This Manual shall set the rules and regulations to be followed by all colleges, campuses, units and offices of the University whenever there is a request for information. The University President is responsible for all actions carried out under this Manual and may delegate this responsibility to the Vice Presidents, Deans, Directors, or Heads of Offices.

1 *Annex A: "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof"*

2 Sections 8 & 16, *ibid.*

3 *Annex B: FOI-MC No. 01 s. 2016*, Presidential Communications Operations Office

4 *Annex C, Inventory of Exceptions to EO No.2, s. 2016*; Office of the President; 24 November 2016.

COVERAGE

This Manual shall cover all requests for information directed to all colleges, campuses, units and offices of the University.

PROTECTION OF PRIVACY

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

- a. The SLSU 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 SLSU shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
- c. The FRO, FRM, any employees or any official who has access, whether authorized or unauthorized, to person information in the custody of the SLSU and its campuses, shall not disclose that information except as authorized by existing laws.

DEFINITION OF TERMS

For common understanding and clarity, the following terms used in this manual are hereby defined:

Administrative FOI Appeal. An independent review of the initial determination made in response to an FOI request in accordance with the procedures established herein

Appeals and Review Committee. Shall refer to an appeal and review committee composed of the two (2) remaining Vice Presidents, not acting as Decision Maker.

Appellate Authority (AA). He/she shall refer to the University President who will take final action on matters brought on appeal.

Consultation. Process of asking the view of other agency as to the disclosability of the records which are found to contain information of interest to such other government agency.

Confidential Records – records containing classified information and need not be disclosed without due approval from authority.

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

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

Exceptions. Information that should not be released and disclosed in response to an FOI request because it is protected by the Constitution, laws or jurisprudence.

Evaluating Officer (EO). He/she shall refer to the Deans, Directors and Heads of Units that has custody over the information or record being requested.

Freedom of Information (FOI). Constitutionally guaranteed right of the people to information in matters of public concern which 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 Decision Maker (FDM). He/she shall refer to the concerned Vice President, Campus Director, and Head of Unit under the Office of the President and who, under this manual, is authorized to grant or deny the request.

FOI Receiving Officer (FRO). He/she shall be the responsible employee designated as the FOI Focal Person tasked to receive and monitor all FOI requests and appeals.

FOI Request. A written request for access to records submitted to SLSU personally or by email.

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, recorded, stored, or archived in whatever format, whether offline or online, which are made, received or kept 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 transactions 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 without need for written requests from the public.

Official records. Refers to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

Public Records. This shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

Proactive Disclosure. Information made publicly available by government agencies without waiting for specific FOI request.

Personal Information. Any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

Sensitive Personal Information. As defined in the Data Privacy Act of 2012, this 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.

STANDARD PROCEDURE

The procedure for access to information/record covers the filing of request for information, receipt and evaluation, and approval/denial of the request.

1. Receipt of Request for Information

- 1.1. All requests for information shall be made using the prescribed FOI Request Form (See Annex E). In case the requesting party is unable to make a written request, because of illiteracy or due to a disability, he or she may make an oral request, and the FRO shall record it in writing which shall be signed or otherwise thumb marked by the requesting party. The FOI Request Form is available at the Record Management Office or it can be downloaded at www.slsu.edu.ph.
- 1.2 The accomplished FOI Request Form shall be submitted to the Records Management Office, 2nd Floor Administration Building, SLSU, Lucban, Quezon or email at (info@slsu.edu.ph).
- 1.3 The FRO shall receive the request for information from the requesting Party and check compliance of the following requirements:
 - The request shall state the full name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - She/he request shall reasonably describe the information requested, and the reason for, or purpose of the request for information.
 - In case of e-mail request, the FRO shall print the Request Form and acknowledge the same.
- 1.4 In case the request is not in conformity with the requirements, the FRO shall provide reasonable assistance to enable the requesting party to comply with such.
- 1.5 The request shall be stamped "received" by the FRO indicating the date and time of receipt, his/ her name, rank and title, with corresponding signature. The FRO shall input the details of the request on the

5 Annex "D", Flow Chart

6 Annex "E", SLSU FOI Form 1

Document Routing System (DRS)-See Annex and allocate a reference number therein. The Request Form shall be attached in the DRS. Same details shall be recorded in a logbook for monitoring purposes.

- 1.6 The FRO shall initially evaluate the information being requested, identify the responsible unit where the data or information being requested maybe found, and thereby immediately transmit the request to said college, campus or unit/office within twenty-four hours.

The University shall respond to any FOI request within fifteen (15) working Days following the date of receipt of the request. A working day is any other than a Saturday, Sunday or a day which is declared a national or local public holiday in the Philippines.

The computation of the period shall be guided by the provision of Article 13 of the Civil Code of the Philippines which provides that *"in computing a period, the first day shall be excluded and the last day included."*

The date of receipt of the request will either be:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the official email inbox of the Office of the President; and/ or Records Management Office
- b. If the University has asked the requesting party for further details to identify and locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

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 contract. 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,

2 Initial Evaluation

Upon receipt of the request for information, the EO shall perform all necessary steps to locate and retrieve the information requested. He shall ensure that the information requested is complete before making a transmittal to the DM.

2.1. Determination of access to requested information

The EO shall assess the request and determines the disclosability or any access restrictions to the information being requested as enumerated in the list of records/ information exempted from the coverage of this manual (See Annex).

If the requested information or record is exempted from the coverage of this manual, the EO shall recommend the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the EO and notify through the FRO, the requesting party of the decision on the request.

2.4 Requested information is already posted in the SLSU website

If the information requested is already available in the University's website, the EO shall inform the requesting party through the FRO of the said fact and provide them the website link where the information is posted.

2.5 Requested information is in the custody of other colleges, campuses/ units/ offices.

Where the EO needs details from other units/offices, coordination and clarifications with them shall be made in the most expeditious manner for the handling of the request.

2.6 Requested information is not in the custody of SLSU or any of its colleges, campuses, offices/ units.

If the requested information is not in the custody of SLSU and its campuses, following referral and discussions with the FRM, THE FRO shall undertake the following steps:

- If the records requested refer to another department, the request will be immediately transferred to the appropriate office in the most expeditious manner. The transferring office must inform the requesting party that their office does not hold the requested information and has transferred the request to another agency within the fifteen (15) working day limit. The fifteen (15) working day requirement for the receiving office commences the day after it receives the request.

- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided them with the contract details of that office, if known.

2.7 Requested information is substantially similar or identical to previous requests.

Pursuant to Section 11 of EO No. 2, the EO shall recommend denial of an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied. However, the requesting party shall be informed of the reason of such denial.

3 Transmittal to and Action by the Decision Maker

The EO shall then forward the request and his recommendation to the DM within six (6) working days upon receipt of request from FRO. The DM shall have three (3) working days within which to act on the recommendation of the EO.

- 1.1. *In Case of Approval.* In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemption, 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.
- 1.2. *In Case of 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.

4 Transmittal of the Requested 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 or she shall attach a cover/transmittal letter signed by the FDM and ensure the transmittal of such to the requesting party with the 15 working day period upon receipt of the request for information.

9 Section 9 (d) of EO No. 2

10 Section 9 (e) of the EO No. 2

Release of information shall be made through the University's Management Office (RMO)

Claiming of results of requests shall not exceed fifteen (15) working days from the due date of release. Information/record not claimed within thirty (30) working days of the release date shall be disposed of accordingly.

5 Request for an Extension of Time

If the information requested requires extensive search of the University's records facilities, examination of voluminous records, or there is an 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.

6 Records/ Information Exempted from the Coverage of this Manual.

The following records/documents are exempted from the coverage of this manual hence should not be released or disclosed:

1. Minutes of the meetings of the SLSU Board of Regents, its Financial Committee and other committees which they may create
2. Minutes of the meetings of the Executive Committee, Academic Council, Administrative Council and Research and Extension Council
3. Judicial Affidavits filed in all cases involving the University
4. All pending cases involving the University and its personnel
5. 201 Files of Personnel
6. Documents of the University Selection and Promotion Board
7. Statement of Assets, Liabilities and Net worth when the purpose is any of the following:
 - a. contrary to morals or public policy; or
 - b. commercial purpose other than by news and communications media for dissemination to the general public
8. Minutes of the meetings of BAC
9. Abstract of Bids
10. TWG Recommendation
11. OPCR's and IPCR's
12. Financial reports not yet audited by Commission on Audit
13. All reports not in the final form
14. Student records
15. Payslip;

16. Inter-office correspondences and memoranda
17. Accreditation purposes students who borrowed documents shall present authorization letter from their respective faculty
18. Research data

The University upon prior determination and approval of its Academic Council, Administrative Council and Research and Extension Council, may provide other information or documents which may be exempted from the coverage of this manual

PROMOTION OF TRANSPARENCY IN THE GOVERNANCE OF THE UNIVERSITY

Duty to Publish Information

The SLSU shall regularly publish, print, and disseminate at no cost the public and in an accessible form, in compliance with Republic Act No. 9845 otherwise known as the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
- b. A description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities as well as their profiles;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements;
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy in the exercise of its powers; and
- i. University Charter, SLSU Code and manuals (e.g. Records Management Manual).

Accessibility of Language and Form

The SLSU shall endeavor to translate key information into Filipino language and present them in popular forms and means.

Keeping of Records

The SLSU shall create and maintain records in accordance with the procedures set forth in the SLSU Records Management Manual.

FOI OFFICERS AND THEIR FUNCTIONS

FOI Receiving Officer (FRO)

Since the files plan that is being used by SLSU is centralized control for decentralized record, the University President shall designate only one (1) FOI Receiving Officer.

FRO shall have the following duties and responsibilities:

- a. Receive all requests for information on behalf of SLSU;
- b. Ensure that FOI Request Form is properly filled-out;
- c. Process all requests and forward to concerned office(s) which has custody of the requested records;
- d. Ensure that all requests are responded to within the prescribed time;
- e. Maintain an FOI logbook of all requests for record and accountability purposes and compile statistical information as required;
- f. Provide assistance to the FDM and the public with regard to FOI requests;
- g. Advise the requesting of any decision on the request; and
- h. Prepare necessary reports.

Evaluating Officer (EO)

The EO shall have the following duties and responsibilities:

- a. Conduct the evaluation of the request and determine if the requested information may be allowed to be released or is subject to the exception as enumerated
- b. Recommend the course of action to the Decision Maker.

FOI Decision Maker (DM)

The DM shall have the overall responsibility for the decision on the FOI request(s) whether to release all the requested records, partially release the same or deny access thereto.

Appeals and Review Committee (ARC)

The Committee shall be responsible in reviewing and analyzing all appeals related to the implementation of the provisions of this manual. They shall always resolve and decide matters brought/referred to them *en banc*. The Committee shall designate its Secretariat.

Appellate Authority (AA)

The appellate authority is the University President who shall take final action on matters brought on appeal.

REMEDIES IN CASE OF DENIAL

Requisites to Perfect an Appeal

No appeal shall be entertained unless the following requisites are complied with:

- a. The appeal must be in writing and must contain the following information:
 - Full name and address of the appealing party;
 - Full name and address of the FDM who denied the request for information; and
 - reason(s) for denying the request. He/ she may provide supporting documents to support the appeal.
- b. The appeal must be filed within ten (10) calendar days from receipt of denial of the request.

Procedure

A person whose request for access to information has been denied may file an appeal in the manner set forth below:

1. Appeal to the SLSU Appeals and Review Committee (ARC)

A written appeal must be filed by the same requesting party with the Appeals and Review Committee within ten (10) calendar days from the date of receipt of the denial of request.

The ARC shall have fifteen (15) working days from receipt of the appeal within which to render their decision.

The FRO shall notify the appellant within two (2) working days upon receipt of the decision of the ARC.

2. Appeal to the University President

The denial of the appeal by the ARC can be further appealed to the President whose the decision on the said matter shall be final.

The same appellant shall have ten (10) calendar days upon receipt of the decision of the ARC to make an appeal.

Pursuant to Section 13 (b) of E.O No. 02 the University President shall have thirty (30) working days upon receipt of the appeal to render a decision. Where a decision is not made within the thirty-day period, the appeal shall be deemed denied.

The decision shall be transmitted to the appellant through the FRO, within ten (10) working days from receipt of the decision of the University President or the lapse of thirty-day appeal period and no decision has been rendered.

3. Resort to Court Action

Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

APPLICABLE FEES

No fees on requests and appeals

The SLSU shall not charge any fee for accepting requests for access to information or filing an appeal.

Reasonable Cost of Reproduction or Copying of Documents/Records

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 SLSU in providing the information to the requesting party. Fees shall be made at the Cashier's Office or to the authorized collecting officers, if the requested information is in the satellite campuses.

Exemption from Fees

SLSU may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee or the cost of production of records requested.

ADMINISTRATIVE LIABILITIES

Non-compliance with FOI

Failure to comply with any of the provisions of this Manual shall be a ground for administrative proceedings under the Revised Rules on Administrative Cases in the Civil Service.

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 anybody or agency, which provides for more stringent penalties.

Annex "A"

MALACAÑANG 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 1987 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 operationalize these Constitutional provisions;

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

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

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

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

(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official 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.

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of 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 inventory of exceptions circularized by the Office of the President provided in the preceding section.

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

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

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

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules 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 or regulation.

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

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

(b) The person or office responsible for receiving requests for information;

(c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.

(d) The standard forms for the submission of requests and for the proper acknowledgment

acknowledgment 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, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, 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 period.

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request 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 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

(c) Upon exhaustion of administrative appeal remedies, the requesting 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 a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

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

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

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

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

DONE, in the City of Manila, this 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 "B"

Republic of the Philippines
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Malacañang, Manila

FOI-MC No. 01 s, 2016

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

FOR: All Agencies, Departments, Bureaus, Offices and Instrumentalities, Chartered Institutions, Government-Owned or Controlled Corporations (GOCCs), including Government Financial Institutions (GFIs), Government Corporate Entities (GCE), and non-chartered GOCCs, and State Universities and Colleges.

SUBJECT: **FREEDOM OF INFORMATION (FOI) Program**
DATE: 11 November 2016

BACKGROUND

- 1.0 On 23 July 2016, President Rodrigo Roa Duterte signed Executive Order (EO) No. 2 entitled **Operationalizing in the Executive branch of the People's Constitutional Right to Information and the State Policies to Full Disclosure and Transparency in the Public Service and Providing Guidelines Therefor**. The Office of the President, through the Presidential Communications Operations Office (PCOO), was tasked to take the lead in the implementation of the FOI program including the preparation of a model manual and guidelines for the Executive Branch, including GOCCs and State Universities and Colleges.
- 2.0 Section 8 and 16 under EO 2 require all government offices in the Executive branch to prepare their respective People's FOI Manuals and implementing details (Agency FOI Manual) within one hundred twenty (120) days from the effectivity of the order.
- 3.0 On 25 November 2016, the 120th day from effectivity of the EO, the FOI program will be launched through an official government announcement which will also showcase the FOI Manuals. To assist agencies with the

compliance to the EO, this memorandum provides the essential guidelines and standard forms for FOI implementation.

- 4.0 As a guide for the agencies in the development of their agency FOI Manuals, the PCOO drafted a Model Agency FOI Manual (**Annex A**). This, however, only serves as a guide and does not limit agencies in crafting their own agency manuals.
- 5.0 The Agency FOI Manual details the internal FOI guidelines and defines the specific roles and responsibilities of the following agency personnel designated to handle agency FOI requests: the FOI Champion; the Decision Maker/s; and the Receiving Officer/s. It also includes provisions on the promotion of openness in government protection of privacy, remedies in case of denial, charging fees, and administrative liabilities. The manual should likewise contain the detailed FOI process flow; comprehensive list of exceptions; and templates for FOI responses.
- 6.0 On the other hand, the People's FOI Manual is a separate document designed for the general public to guide them in making FOI requests. It should include, among others the following:
 - 6.1 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;
 - 6.2 the person or offices responsible for receiving requests for information;
 - 6.3 the procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order;
 - 6.4 the standard forms for the submission of requests and for the proper acknowledgment of requests;
 - 6.5 the process for the disposition of requests;
 - 6.6 the procedure for the administrative appeal of any denial for access to information; and
 - 6.7 the schedule of applicable fees.

AGENCY INFORMATION INVENTORY

- 7.0 The Agency Information Inventory is a master list of all government information held by an agency, containing the title, description, and file type of each information (**Annex B**). This list will provide the scope and limitations of the types of information which can be requested from an

agency. Any information requested not included in the agency inventory is considered a basis for denial of such request.

STANDARD FOI REQUEST FORM

- 8.0 An FOI request will only be considered valid if applied through the fully accomplished Standard FOI Request Form (**Annex C**). If in case the requesting party cannot fill this out, the Receiving Officer is tasked to translate such request into the form.
- 9.0 This form is the standard form for all FOI request submitted to agencies covered under Section 2 of the EO. Requesting parties are required to supply all information in the form and present at least one (1) valid government-issued ID. Once a request has been approved as valid, the Receiving Officer shall provide a stamped photocopy of the form to the Requesting Party.

STANDARD FOI REGISTRY

- 10.0 To facilitate a uniform tracking, monitoring and evaluation system for FOI program implementation, attached herein is the Standard FOI Registry sheet (**Annex D – accessible at <http://bit.ly/foipco>**) to be managed by FOI Receiving Officers. All FOI requests should be logged in to this form and should be updated accordingly. **Annex E** provides a comprehensive instructional note for accomplishing the FOI Registry.
- 11.0 The FOI Registry will be the basis for measuring agency performance and compliance alongside important FOI analytics to assess the initial financial costs of FOI implementation.
- 12.0 This is an interim solution to the standardized reporting procedure across the Executive Branch; moving forward, an online electronic FOI registry system will be developed.

FOI EXCEPTIONS

- 13.0 Section 4 of EO No. 2 states that “access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence”. The list of exceptions from the Office of the President will be forwarded and disseminated as soon as it becomes available. Agencies may refer to this master list in their respective FOI manuals. 14.0 This inventory of exceptions will be periodically updated to properly reflect any changes in the existing law and jurisprudence.

REQUIRED ACTIONS

- 15.0 In compliance to this memorandum, all agencies covered by EO No. 2 shall observe the following requirements before November 25, 2016:
- 15.1 Agencies are required to submit their Agency FOI Manual and People's FOI Manual (pdf/.doc). PCOOs Model Agency FOI Manual can be converted into a People's FOI Manual by removing its Section 3 (Promotion of Openness in Government), Annex E – 2 (Detailed FOI Request Process), Annex E – 3 (FOI Request Process in Days), and Annex G-1 to G-6 (FOI Response Templates).
- 15.2 All heads of Agencies shall designate its FOI Champion, Decision Maker/s, and Receiving Officer/s who will handle its FOI Implementation. Information about these FOI Officers should be submitted before November 18, 2016 (pdf/doc), enumerating the following:
- 15.2.1 Agency Name & Address;
 - 15.2.2 Full Names;
 - 15.2.3 Positions;
 - 15.2.4 Email addresses; and
 - 15.2.5 Landline & fax numbers.
- 16.0 All agencies are required to submit to the PCOO the Agency Information Inventory and the accomplished FOI Registry every quarter starting March 2017. No submission of these requirements will be labeled as non-compliance.
- 17.0 As part of the compliance to the EO, all requirements shall be submitted both in soft copies and hard copies.
- 17.1 Soft copies of the Agency FOI Manual, templates, and forms, provided as annexes to this memo, can be accessed and retrieved from this link: <http://bit.ly/foipco>
- 17.2 Send all soft copies of submissions to foi@pco.gov.ph and foi.pco@gmail.com
- 17.3 Hard copies should be submitted to the following address:

Sec. JOSE RUPERTO MARTIN M. ANDANAR
Presidential Communications Operations Office (PCOO)
Office of the President
3F, New Executive Building, J.P Laurel St.
Malacañang Compound, Manila

COMPLIANCE

- 18.0 Section 15 of EO No. 2 states, "failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations".
- 19.0 Pursuant to this, PCOO will monitor and report on FOI program compliance to the Office of the Executive Secretary. The status of submissions will be published online via foi.gov.ph which will be unveiled on November 25, 2016.
- 20.0 For compliance.

(Sgd.) **JOSE RUPERTO MARTIN M. ANDANAR**
Secretary

ANNEX "C"

**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.

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:¹¹

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.

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed door Cabinet meetings; and

¹¹ 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.

¹² This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

- c. Matters covered by deliberative process privilege, namely
 - i. 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;¹³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;¹⁴
- 2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;¹⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;¹⁶ and
 - c. Patent applications, the publication of which would prejudice national security and interests;¹⁷

¹³ Akbayan v. Aquino, supra; Chavez v. NHA, G.R. No. 164527, 15 August 2007; and Chavez v. PCGG, supra. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (Department of Foreign Affairs v. BCA International Corp., G.R. No. 210858, 20 July 2016).

¹⁴ Section 3(d) Rule IV, Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [Revised Manual for Prosecutors of the Department of Justice (DOJ)] are also covered under this category of exceptions.

¹⁵ Almonte v. Vasquez, G.R. No. 95367, 23 May 1995, 244 SCRA 286; Chavez v. PCGG, supra; Legaspi v. Civil Service Commission, L-72119, 29 May 1987, 150 SCRA 530; Chavez v. NHA, supra; Neri v. Senate, supra; Chavez v. Public Estates Authority, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

¹⁶ Akbayan v. Aquino, supra; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

¹⁷ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the Intellectual Property Code (RA No. 8293, as amended by RA No. 10372).

3. Information concerning law enforcement and protection of public and personal safety:
 - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interferes with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;¹⁸
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;¹⁹

¹⁸ Section 3(f), Rule IV, Rules on CCESPOE; Chavez v. PCGG, supra; May be invoked by law enforcement agencies.

¹⁹ Akbayan v. Aquino, supra; and Section 51, Human Security Act of 2007 (RA No. 9372). May be invoked by law enforcement agencies.

²⁰ Section 3(b), Rule IV, Rules on CCESPOE.

²¹ Section 19, New Anti-Car napping Act of 2016 (RA No. 10883). May be invoked by law enforcement agencies.

²² Section 7, Witness Protection, Security and Benefit Act (RA No. 6981).

²³ Section 3(e), Rule Overrides on CCESPOE.

²⁴ Sections 8 and 15, Data Privacy Act of 2012 (RA No. 10173); Personal information refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), Data Privacy Act of 2012]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

²⁵ Article 7, The Child and Youth Welfare Code [Presidential Decree (PD) No. 603].

²⁶ Section 9(4), Education Act of 1982 [Batas Pambansa (BP) Blg. 232].

²⁷ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), Data Privacy Act of 2012; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

- c. When disclosure of information would put the life and safety of an individual in imminent danger;²⁰
 - d. Any information given by informants leading to the recovery of car napped vehicles and apprehension of the persons charged with carnapping;²¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;²²
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,²³ personal information or records,²⁴ including sensitive personal information, birth records,²⁵ school records²⁶ or medical or health records;²⁷

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:²⁸

- (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 individual²⁹ 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.³⁰

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;³¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;³² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;³³
 - (2) children in conflict with the law from initial contact until final disposition of the case;³⁴
 - (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;³⁵
 - (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;³⁶
 - (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;³⁷

²⁸Section 3(l), Data Privacy Act of 2012.

²⁹Article 26(2), Civil Code.

³⁰Section 11, Data Privacy Act of 2012.

³¹Section 4, Data Privacy Act of 2012.

³²An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;³⁸
- (7) names of victims of child abuse, exploitation or discrimination;³⁹
- (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;⁴⁰
- (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;⁴¹
- (10) names of students who committed acts of bullying or retaliation;⁴²
- (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;
- (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;⁴⁴

³³ Section 12, Family Courts Act of 1997 (RA Act No. 8369).

³⁴ Section 43, Juvenile Justice and Welfare Act of 2006 (RA No. 9344).

³⁵ Section 13, Anti-Child Pornography Act of 2009 (RA No. 9775).

³⁶ Section 31, A.M. No. 00-4-07-SC, Re: Proposed Rule on Examination of a Child Witness.

³⁷ Section 44, Anti-Violence Against Women and their Children Act of 2004 (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

³⁸ Section 7, Anti-Trafficking in Persons Act of 2003 (RA No. 9208), as amended by RA No. 10364.

³⁹ Section 29, Special Protection of Children Against Abuse, Exploitation and Discrimination Act (RA No. 7610).

⁴⁰ Section 14, Juvenile Justice and Welfare Act of 2006; Section 7, Anti-Trafficking in Persons Act of 2003, as amended; and Section 29, Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

⁴¹ Section 15, Domestic Adoption Act of 1998 (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), Inter-Country Adoption Act of 1995 (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043. ⁴²Section 3(h), Anti-Bullying Act (RA No. 10627).

- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;⁴⁵
- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);⁴⁶
- c. Records and reports submitted to the Social Security System by the employer or member;⁴⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;⁴⁸
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;⁴⁹
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁵⁰
- g. Documents submitted through the Government Electronic Procurement System;⁵¹
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁵²
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁵³
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁵⁴

⁴³ Sections 60, 64 and 67, Comprehensive Dangerous Drugs Act of 2002 (RA No. 9165).

⁴⁴ Sections 2(b), 18, 30, and 32, Philippine AIDS Prevention and Control Act of 1998 (RA No. 8504).

⁴⁵ Sections 45, 106.1, and 150.2, The Intellectual Property Code (RA No. 8293, as amended by RA No. 10372); Section 66.2, Securities Regulation Code (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, The Corporation Code (BP Blg. 68); Section 34, Philippine Competition Act (RA No. 10667); Sections 23 and 27 (c), The New Central Bank Act (RA No. 7653); Anti-Money Laundering Act (RA No. 9160); Section 18, Strategic Trade Management Act (RA No. 10697); Sections 10 and 14, Safeguard Measures Act (RA No. 8800); Section 12, Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (RA No. 6969); Article 290, Revised Penal Code; Section 10.10, Rule 10, 2012 Revised IRR of Build-Operate- Transfer Law (RA No. 6957); and Revised Philippine Ports Authority Manual of Corporate Governance.

⁴⁶ Section 26, Philippine Statistical Act of 2013 (RA No. 10625); and Section 4, Commonwealth Act No. 591. May be invoked only by the PSA.

⁴⁷ Section 24(c), Social Security Act of 1997 (RA No. 1161, as amended by RA No. 8282).

⁴⁸ Section 29, Philippine AIDS Prevention and Control Act of 1998 (RA No. 8504).

- j. 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;⁵⁵
- l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁵⁶
- m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁵⁷
- n. Information on registered cultural properties owned by private individuals;⁵⁸
- o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵⁹ and
- p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁶⁰

6. Information of which a premature disclosure would:

- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
- b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the 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.⁶¹

⁴⁹ Section 34, Philippine Competition Act (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁵⁰ Section 81, EO No. 226 (s. 1987), as amended.

⁵¹ Section 9, Government Procurement Reform Act (RA No. 9184).

⁵² Section 32, Electronic Commerce Act of 2000 (RA No. 8792).

⁵³ Section 94(f), Philippine Mining Act of 1995 (RA No. 7942).

⁵⁴ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

⁵⁵ Section 9(c), Anti-Money Laundering Act of 2001, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁵⁶ Section 10, Safeguard Measures Act.

⁵⁷ Section 297 in relation with Section 295 and Section 356, The Insurance Code (as amended by RA No. 10607).

⁵⁸ Section 14, National Cultural Heritage Act of 2009 (RA No. 10066).

⁵⁹ CHED Memorandum Order No. 015-13, 28 May 2013

7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution act of 2004*;⁶²
 - b. Matters involved in an Investor-State mediation;⁶³
 - c. Information and statements made at conciliation proceedings under the *LaborCode*;⁶⁴
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶⁵
 - e. Results of examinations made by the Securities and Exchange Commission(SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁶⁶
 - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁶⁷
 - g. All proceedings prior to the issuance of a cease and desist order against preneed companies by the Insurance Commission;⁶⁸
 - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁶⁹
 - i. Investigation report and the supervision history of a probationer;⁷⁰
 - j. Those matters classified as confidential under the *Human Security Act of 2007*;⁷¹
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁷² and
 - l. That 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.⁷³

⁶⁰ Articles 229 and 230, Revised Penal Code; Section 3(k), Anti-Graft and Corrupt Practices Act (RA No. 3019); Section 7(c), Code of Conduct and Ethical Standards for Public Officials and Employees (RA No.6713); Section 7, Exchange of Information on Tax Matters Act of 2009 (RA No. 10021); and Section 6.2, Securities Regulation Code (RA No. 8799).

⁶¹ Section 3(g), Rule IV, Rules on CCESPOE.

⁶² Sections 9, 23 and 33, Alternative Dispute Resolution (ADR) Act of 2004 (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁶³ Article 10, International Bar Association Rules for Investor-State Mediation.

⁶⁴ Article 237, Labor Code

⁶⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶⁶ Section 142, Corporation Code. May be invoked by the SEC and any other official authorized by law to make such examination.

⁶⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the Securities Regulation Code.

8. Matters considered confidential under banking and finance laws and them amendatory laws, such as:
 - a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
 - a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁷⁴
 - (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);⁷⁵ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s.2012);
 - b. Testimony from a government official, unless pursuant to a court or legal order;⁷⁶
 - c. when the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁷⁷

⁶⁸ Section 53(b)(1) of the Pre-Need Code of the Philippines. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁶⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁷⁰ Section 17, Probation Law of 1976 [PD No. 968 (s.1976)].

⁷¹ Sections 9, 13, 14, 29, 33 and 34, Human Security Act of 2007(RA No. 9372).

⁷² Section 14, Civil Service Commission Resolution No. 01-0940.

⁷³ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁷⁸
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁹
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁸⁰ and
- g. Attorney-client privilege existing between government lawyers and their client.⁸¹

⁷⁴ Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

⁷⁵ Article 7, UNCITRAL Transparency Rules.

⁷⁶ *Senate v. Neri*, supra; *Senate v. Ermita*, supra.

⁷⁷ Section 8(D), Code of Conduct and Ethical Standards for Public Officials and Employees.

⁷⁸ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁹ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, Investment Company Act (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

⁸⁰ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁸¹ Canon 21 of the Code of Professional Responsibility.

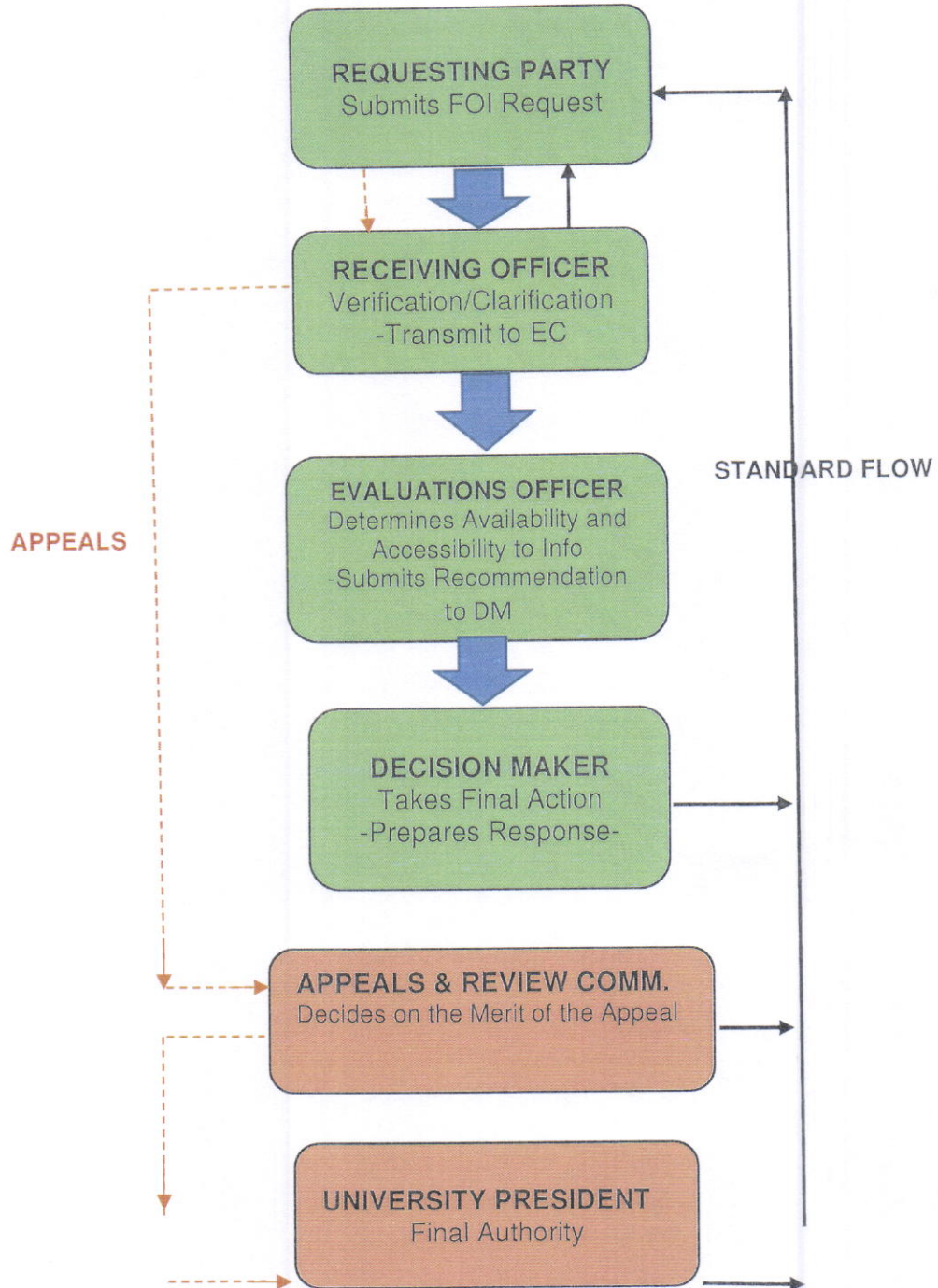
ANNEX C-1

Freedom of Information (FOI) List of Exceptions

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:
 - 2.1 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;
 - 2.2 Internal emails of past and present employees, officers or directors;
 - 2.3 Internal files especially drafts and notes of public officers concerned (any unofficial or unacted upon documents should not be disclosed without prior approval);
 - 2.4 Legal opinions or comments rendered by the Legal Service;
 - 2.5 Contract review including drafts and notes of public officers concerned;
 - 2.6 Records of pending internal investigations; and
 - 2.7 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.

FLOWCHART





Republic of the Philippines
SOUTHERN LUZON STATE UNIVERSITY

Lucban, Quezon
Tel. No. (042) 540-4087 Loc.156
Fax No. (042) 540-4816
E-mail Address: slsu.ubs@gmail.com

FREEDOM OF INFORMATION REQUEST FORM

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

INSTRUCTION: Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in CAPITAL letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark "x", if necessary. The symbol (*) denotes a MANDATORY field and should be filled-up.

A. Requesting Party

You are required to indicate your name and address. Indicating additional contract details will help us immediately communicate with you on your request.

1. Title (e.g. Mr., Ms.) 2. Given Name 3. Middle Initial 4. Surname

5. Complete Address (House Number, Building, /Apt., Street, City/Municipality, Province)

6. Landline/Fax Number 7. Mobile Number 8. Email Address

9. Preferred Mode of Communication

* ☐ Landline ☐ Mobile ☐ Email Address ☐ Postal Address

10. Preferred Mode of Response to Request

* ☐ Email Address ☐ Fax ☐ Postal Address ☐ Pick-up at the University

The requested document will be sent to you based on your chosen mode upon approval of your request.

11. Type of Identification Card (ID) Given and Presented:

The ID shall be valid and shall contain photo and signature.

☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voters ID
☐ School ID ☐ Company ID ☐ Others _____

ID Number * _____

B. Requested Information

1. Title of Documents/Record Requested (Indicate the details of the requested document/record)

2. Purpose

C. Declaration

Privacy Notice: Once the information provided was validated, the information stated in this request will be used by this University to act on your request as provided for in Executive Order No. 2, s. 2016 on Freedom of Information.

DECLARATION: I declare that I have read the Privacy Notice above and that I voluntarily gave the copy of my valid government issued ID to serve as proof of my identity.

I know that it is unlawful to deceive others by giving false information about my identity and in doing so, may result in the disapproval to process my request.

Signature of the Requesting Party

Date Accomplished (DD/MM/YY)

D. FOI Receiving Officer (Internal USE ONLY)	
Name (Signature over Printed Name)	*
Position	*
Department/Office/Unit	*
Date transmitted to the Evaluating Officer (DD/MM/YY)	*
E. Evaluating Officer	
Name (Signature over Printed Name)	*
Position	*
Department/Office/Unit	*
Recommendation on the Request <input type="checkbox"/> For Approval <input type="checkbox"/> Disapproved Reason: _____ Reason: _____ _____ _____	
Date Transmitted to the Decision Maker (DD/MM/YY)	*
F. Decision Maker	
Name (Signature over Printed Name)	*
Position	*
Department/Office/Unit	*
Action on the Recommendation	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Date Accomplished (DD/MM/YY)	*
G. Receiving Officer (RO)	
FOI Registry Accomplished	<input type="checkbox"/> Yes <input type="checkbox"/>
RO Signature	*
Date (DD/MM/YY)	*
H. Requesting Party	
If the requested document is pick-up by the requesting party: * _____ Received by: (Signature over Printed Name) Date (DD/MM/YY) * _____	If the requested document is to be sent through email to the requesting party: * _____ Date Sent (DD/MM/YY)

NOTE: Claim of requested document shall not exceed fifteen (15) working days from the date of notification by the Receiving Officer. Information/record not claimed within fifteen (15) working days shall be disposed of accordingly.

**RECEIVING OFFICER OF SOUTHERN LUZON STATE UNIVERSITY
AND IT'S CAMPUSES**

Name of Agency	Location of FOI Receiving Officer	Contact Details	Assigned FOI Receiving Officer
Southern Luzon State University /Office of the President	Office of the University and Board Secretary 3 rd Floor, Administration Building, Brgy. Kulapi Lucban, Quezon	Tel. No. 042- 540- 4816 Or 042-540- 4087 loc. 101 Email. Address: info@slsu.edu.com	Ms Aurora L. Sumague