



FREEDOM OF INFORMATION MANUAL

2023 Revision






Freedom of Information (FOI) 2023

Adopted from the Model Agency FOI Manual as recommended by the Presidential Communications Operation Office (PCOO)

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PREFACE

In a democratic society, transparency and accountability are essential for good governance. 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. The right to access information is a fundamental to aspect of freedom of speech and expression, which are integral to the democratic process. The Freedom of Information Act (FOIA) provides citizens with the right to access information held by the public authorities, subject to certain exemptions and conditions.

This manual is designed to help individuals understand their rights under the FOIA and to provide guidance on how to exercise those rights. It explains the process for making a request for information, the types of information that can be requested, and the procedures that public authorities must follow when responding to requests.

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 on 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 clientele and aid SLSU in being a more responsive institution.

We hope that this manual will be a useful resource for anyone seeking to exercise their right to access information under the FOIA.



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Officer-in-Charge

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Article I

Background

On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order (EO) No. 2, Series of 2016 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." 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 (SUCs) to prepare their respective People's Freedom of Information (FOI) Manuals. Pursuant to aforementioned Executive Order, the Southern Luzon State University developed a Freedom of Information Manual.

Section 1. *Purpose of the Manual.* The purpose of this FOI Manual is to provide the process and assist the public in requesting information from the University under Executive Order No. 02, s. 2016, on Freedom of Information.

Section 2. *Structure of the Manual.* 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, and Campus Directors to act as FOI Decision Makers. They shall have overall responsibility for the initial decision on FOI requests, (i.e., to decide whether to release all the records or deny access).

Section 3. *Coverage of the Manual.* This Manual shall cover all requests for information directed to SLSU Main Campus, satellite and extension campuses.


Article II

Definition of Terms

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

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 the authority.



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.

eFOI Portal. The eFOI portal (<http://foi.gov.ph>) is a central platform for citizens and government agencies that facilitate online FOI requests. It provides a tracking system for citizens to follow their lodged requests and provide statistics on all online FOI requests, the response time, and the outcome.

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 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 a 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.

Referral. It is an act of referring requested information, not in possession of SLSU but is available in another government agency under the Executive Branch.


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.

Article III

Promotion of Openness in Government

Section 4. Duty to Publish Information. The University shall regularly publish, print, and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, and through its website, timely, 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 procedures and length of time by which they may be availed of;
 - c. 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.

Article IV

Protection of Privacy

Section 7. *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. It 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. It 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. Any official or employee who has access, whether authorized or unauthorized, to personal information in the custody of the SLSU and its campuses, shall not disclose that information except as authorized by existing laws.

Best practices such as redaction and extraction can be used to balance the disclosure of information with the protection of personal information when a document will be disclosed. Redaction is the process of ensuring that sensitive information is unreadable before disclosing to the requesting party. On the other hand, extraction is the process of separating/ isolating specific information from a set of data.

Article V

FOI Officers and Their Functions

Section 8. *FOI Receiving Officer (FRO)*. Since the files plan of SLSU is centralized control for decentralized record, the University President shall designate only one (1) FOI Receiving Officer, preferably from the Records Management Office.

The FRO shall have the following duties and responsibilities:

1. Serve as the initial point of contact to the public on FOI requests in SLSU;
2. Receive all requests for information on behalf of SLSU, and ensure that FOI Request Form is properly filled out; Conduct an initial evaluation and determine if the requests
3. Process all requests and forward the same to the appropriate office who has custody of the requested records;
4. Ensure that all requests are responded to within the prescribed time;
5. Maintain an FOI logbook or database of all requests for record and accountability purposes and compile statistical information as required;
6. Provide assistance to the FOI Decision Makers and the public with regard to FOI requests; Conduct an initial evaluation and determine if the requested information may be allowed to be released or is subject to the exception as enumerated in Memorandum Circular No. 89, s. 2021 issued by the Office of the President of the Philippines;
7. Advise the requesting party of any decision on the request; and
8. Prepare necessary reports.

Section 9. *Evaluating Officers (EO)*. The College Deans, Directors, and Heads of Units shall serve as the Evaluating Officers.

The EO shall have the following duties and responsibilities:

1. May provide information/ data refer request to another agencies, denies request if wrong or invalid request.
2. Ascertain whether the information requested is in the possession of the office.
3. Undertake necessary consultations with the Legal Assistant and Data Protection Officer on whether the requested information is covered by any of the Exceptions to FOI and Data Privacy Act; and
4. Recommend the course of action to the Decision Maker.

Section 10. *FOI Decision Makers (FDM)*. The Vice Presidents and Campus Directors shall serve as FOI Decision Makers who, under this Manual, are authorized to grant or deny the request.

The FDM shall have the following duties and responsibilities:

1. Evaluate the recommendations of the Evaluating Officer on any request and take action thereon;
2. Grant, deny, partially grant, or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate;

Section 11. *Central Appeals and Review Committee (CARC)*. It shall be composed of Vice Presidents not acting as Decision Makers, and the Chief Administrative Officer.

The CARC shall exercise the following functions:

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

Secretariat to be appointed by CARC

Section 11.1 FOI Appeal and Review Committee (CARC)

There shall be an Appeals and Review Committee to be designated by the University President to be composed of the following; Data Protection Officer, Legal Affairs Officer and the FOI Decision Maker

Section 12. *Appellate Authority (AA)*. The appellate authority is the University President who shall take final action on matters brought on appeal.

Article VI

Standard Procedure

Section 13. *Receipt of Request for Information*. All requests for information shall be made using the SLSU FOI Request Form®. 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 SLSU

FOI Request Form is available at the Records Management Office or it can be downloaded at www.slsu.edu.ph. The accomplished FOI Request Form shall be submitted to the Records Management Office, 2nd Floor Administration Building, SLSU, Lucban, Quezon or email at (slsu.ubs@gmail.com).

The FRO shall receive the request for information from the requesting party and check compliance with the following requirements:

- The request shall state the full name and contact information of the requesting party, as well as valid proof of identification or authorization;
- The request shall reasonably describe the information requested, and the reason for, or purpose of the request for information; and

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.

13.1. Standard Request. The request can be made through walk-in, email, snail mail and other electronic or paper-based means. In case a request is received through electronic means (other than the eFOI portal), the requesting party shall attach in the said email (or in any electronic means) scanned copy of the FOI Request Form, and a copy of a valid proof of identification. The University may entertain requests received through telephone calls and social media platforms. However, FRO must instruct the requesting party to comply with the necessary requirements provided under EO No. 2, s. 2016. The 15-working period will commence upon the receipt of the said requirements.

The request shall be stamped “received” by the FRO indicating the date and time of receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with the corresponding signature and copy furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

13.2. Time to respond to FOI Requests. The University must respond to requests promptly, within fifteen (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 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.
- 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 or 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.

13.3. The FRO shall initially evaluate the information being requested, identify the responsible unit where the data or information being requested may be found, and thereby immediately transmit the request to the appropriate college, campus or unit/office within twenty-four hours. The FRO shall initially evaluate if the request is valid, such as but not limited to the following:

- a. the request is made under the EO No. 2, s. 2016;
- b. the records sought are likely to be within the custody of SLSU;
- c. the request has a declared, specified, and legitimate purpose not contrary to morals or public policy (include confidential information, cases with no decision/ finality yet); see Annex C-1
- d. the request is not vexatious; and
- e. unreasonable subsequent identical or substantially similar request

Section 14. Initial Evaluation. Upon receipt of the request for information, the EO shall perform all necessary steps to locate and retrieve the information requested. He/ She shall ensure that the information requested is complete before making a transmittal to the FRM. The EO shall forward the request and his/ her recommendation to the FDM within six (6) working days upon receipt of the request from FRO.

14.1. Determination of access to requested information

The EO shall assess the request and determine the disclosability or any access restrictions to the information being requested as enumerated in the list of exceptions specified in EO No. 2, s. 2016.

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

14.2. Requested information is already posted on the SLSU website

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

14.3. 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.

14.4. Request relating to more than one office under SLSU

If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective EOs of such offices that they will only provide the specific information that relates to their offices.

14.5. Requested information is not in the custody of SLSU

If after due diligence, the EO finds that the requested information is not in the custody or possession of the University, the EO shall recommend to FDM to refer to another government agency, which has custody of the information. (Refer to Annex D for the No Wrong Door Policy Flowchart). Inform the requesting party that their request is referred to appropriate government agencies Include referral system flow chart)

14.6 Consultations


The EO may undertake the necessary consultations with the appropriate offices on whether the requested information is covered by any of the Exceptions to FOI.

The FD may refer to the Legal Assistant and Data Privacy Protection Officer matters with legal and data privacy implications. They shall respond within 3 working days upon receipt of the referral.

14.7. Grounds for Denial

The EO shall recommend denial of FOI request based on the following grounds:

- a. The University does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;

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Section 15. Transmittal to and Action by the FOI Decision Maker. Upon receipt of the request from the EO, the FDM shall assess the recommendation of the former. The FDM shall have three (3) working days within which to act on the recommendation of the EO.

15.1. Approval of Request. In case of approval, the FDM shall ensure that all records that have been retrieved be checked for possible exemption, prior to actual release.

If the information, document, or record requested contains information which may be disclosed and other information which is covered by the Exceptions to FOI (such as personal information of sensitive personal information protected under the Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted prior to the release of the requested information, document, or record. If the redaction is deemed difficult, the information shall be extracted by producing it in a separate file or by photocopying a part or parts of a set of data.

The FRO shall prepare a 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.

In the case of redacted government information, official records, and public records are released, the FRO shall require the requesting party to sign a written undertaking that he or she shall not share nor disclose the information obtained in a manner that is not in accordance with the purpose stated in the request.

15.2. 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 for information.

Section 16. 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 within fifteen (15) working days from the receipt hereof. Release of information shall be made through the Records 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.

Section 17. *Request for an Extension of Time.* If the information requested requires an 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.

Section 18. *Awaiting Clarification.* Should the requested information need further details to provide full resolution, the FRO shall advise the requesting party and request for the additional information needed to clarify the FOI request. The 15-working day period will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be deemed as "closed" and no further action needed on the part of the University.

Article VII

Remedies in Case of Denial

Section 19. *Requisites to Perfect an Appeal.* No appeal shall be entertained unless the following requisites are complied with:

- (1) 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.

Section 20. *Procedure.* The appeal must be filed within ten (10) calendar days from receipt of denial of the request. 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 Central Appeals and Review Committee (CARC)

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 CARC 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 CARC.

(2) Appeal to the University President

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

The same appellant shall have ten (10) calendar days upon receipt of the decision of the CARC 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. If 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 the 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.

Article VIII

Request Tracking System

Section 21. Request Tracking System. The University shall establish a recording and tracking system (RTS) is maintained to monitor the status of all FOI requests, using the prescribed computer-based (excel) format or similar open and accessible formats.

Section 22. *FOI Registry and Summary.* To facilitate a uniform tracking system, monitoring, and evaluation system for FOI program implementation, the FOI Quarterly Registry and Summary Sheet are accomplished by the FRO. All FOI requests should be logged into the Excel sheet.

Section 23. *Feedback Mechanism.* The University shall establish a feedback mechanism in order to generate valid and consistent feedback from stakeholders, which can be used to initiate strategies that will improve the implementation of the FOI program in the University.

Section 24. *Assessing Information Disclosure Practices for FOI Compliance (AID-FOI) Tool.* The University shall upload the AID-FOI Tool to the SLSU website. The AID-FOI Tool assesses whether the conditions within the University are appropriate for FOI mechanisms to be effective. It assesses whether SLSU possesses the critical elements that will enable it to perform proactive disclosure of open agency data.

Article IX Applicable Fees

Section 25. *No Request Fee.* The SLSU shall not charge any fee for accepting requests for access to information or filing an appeal.

Section 26. *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.

Section 27. *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.

Article X

Retention Period of Personal Information

Section 28. *Period to Retain Personal Information.* Personal and sensitive personal information processed by the University for the purpose of making an FOI request shall be retained for two (2) years. Said information may include but are not limited to:

- a. FOI request forms containing personal and sensitive personal information;
- b. Valid proof of identification (i.e., Government-issued IDs, school-ID, etc.);
- c. Personal address; and
- d. Personal contact numbers.

The FOI-PMO which is the manager and controller of the eFOI portal shall be responsible for handling and retention of personal and sensitive personal information uploaded and processed therein.

Section 29. *Reckoning Period.* For the standard mode, the 2-year retention period shall be counted after the transaction has been closed, whether successful or denied.

For the eFOI portal, the 2-year retention period shall be counted from the last login of the requesting party. Once the 2-year period lapsed, the eFOI system will send a notification to the requesting party via their registered email. The requesting party has the option whether to retain or delete their account permanently. They may retain their credentials by logging in within thirty (30) calendar days, however, failure to do so will prompt the system to delete their personal information with their IDs permanently.

Section 30. *Disposal Of Personal Information.* SLSU shall discard and dispose of all personal and sensitive information in a secure manner that shall prevent further processing, unauthorized access or disclosure to any other party or the public, or prejudice the interests of the requesting party. Disposal of records shall also be guided by the Board-approved Records Management Manual.

Article XI

Administrative Liability

Section 31. *Non-compliance with FOI.* Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense - Reprimand;
- b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense - Dismissal from the service.

Section 32. *Procedure.* The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

Section 33. *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 anybody or SLSU, which provides for more stringent penalties.

Annex “A”

SLSU 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 that allows Filipino citizens to request any information about 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.

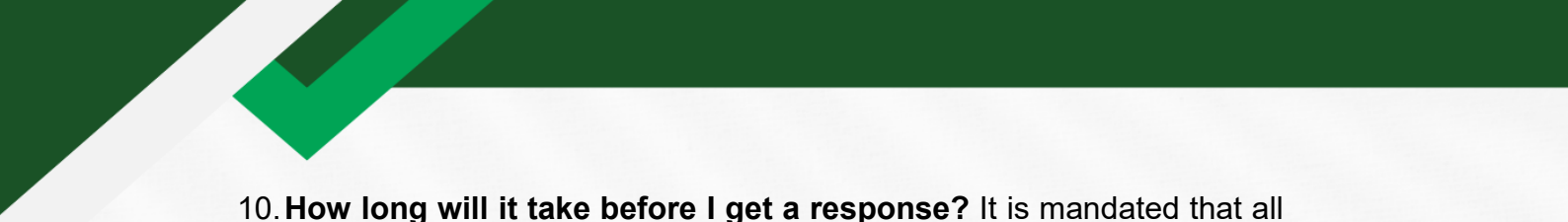
2. **What is Executive Order No. 2 S. 2016?** Executive Order No. 2 is the enabling order for FOI. EO 2 operationalized in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO 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
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 a basis for policy development.
6. **What agencies can we ask for information?** An FOI request under EO 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 University of Southeastern Philippines, to be received by its Receiving Officer.

7. How do I make an FOI request?

- A. The requesting party fills up a request form and submits it to the University's Receiving Officer. The Receiving Officer shall validate the request and log 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 Requesting Party.
 - 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 an appropriate response to the request.
 - F. If necessary, the University President or the designated official (e.g. Decision Maker) shall provide clearance to the response.
 - G. The Receiving Officer shall prepare the information for release, based on the desired format of the Requesting Party. It shall be sent to the Requesting Party depending on the receipt preference.
8. **How much does it cost to make an FOI request?** There are no fees to make a request. But the University 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 University will explain why the request was denied.

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- A large green geometric graphic consisting of several overlapping triangles and rectangles, located in the top-left corner of the page.
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 University will be sending a response, informing of an extension of the 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 respond within the required fifteen (15) working days, the Requesting Party may reiterate the request to the University President within fifteen (15) days from the lapse of the required response period. If all administrative remedies are exhausted and no resolution is provided, the requesting party 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 the requesting party is not satisfied with the response, he/she may write an appeal letter to the University President through email at info@slsu.edu.ph within fifteen (15) working days from the lapse of the required response period. The appeal shall be decided within thirty (30) working days by the SLSU FOI Appeals and Review Committee. If all administrative remedies are exhausted and no resolution is provided, requesting parties may file the appropriate case in the proper courts in accordance with the Rules of Court.

Annex “B”

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 term 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 “C”

MEMORANDUM CIRCULAR NO. 89. S.2016

UPDATING THE INVENTORY OF EXCEPTIONS TO THE RIGHT TO ACCESS OF INFORMATION UNDER EXECUTIVE ORDER (EO) NO. 02, SERIES OF 2016

WHEREAS, pursuant to Section 4 of EO No. 02, series of 2016 (EO No. 02), the Office of the President (OP) issued a Memorandum circularizing the inventory of exceptions to the right to access information under EO No. 02 (Inventory of Exceptions) on 24 November 2016;

WHEREAS, Section 4 of EO No. 02 directs the Department of Justice (DOJ) and the Office of the Solicitor General (OSG) to update the Inventory of Exceptions as the need to do so arises and the OP to accordingly circularize the same;

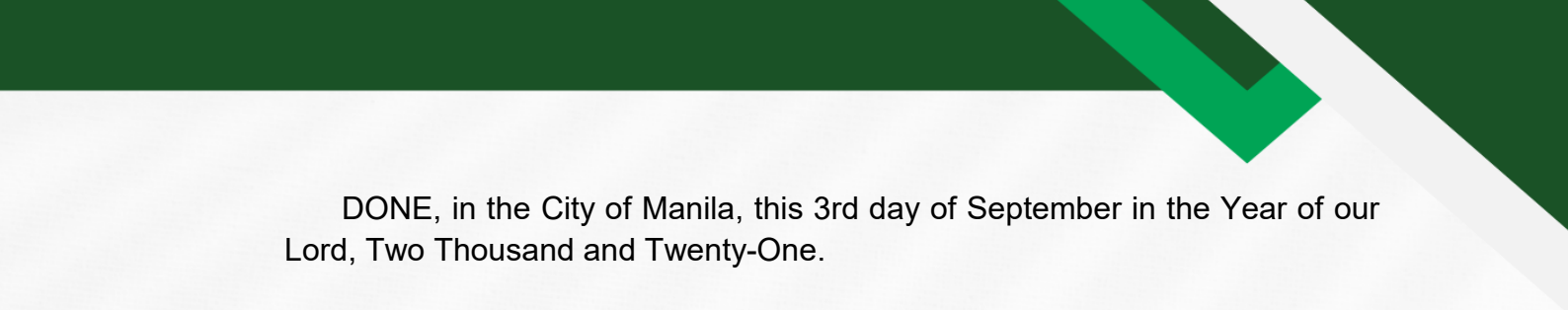
WHEREAS, Section 1 of Memorandum Circular No. 49, series of 2018, created the Inter-Agency Freedom of Information Exceptions Policy Committee (IA-FOI-EPC), with the DOJ and the OSG as co-chairs, to review the Inventory of Exceptions and periodically update the same to reflect changes in existing laws and jurisprudence; and

WHEREAS, the IA-FOI-EPC, through IA-FOI-EPC Resolution Nos. 2019-001 and 2021-001, proposed updates to the Inventory of Exceptions;

NOW THEREFORE, the attached updated Inventory of Exceptions is hereby circularized for the guidance of all government offices and instrumentalities covered by EO No. 02 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.



DONE, in the City of Manila, this 3rd day of September in the Year of our Lord, Two Thousand and Twenty-One.

By authority of the President:

(Sgd) SALVADOR C. MEDIALDEA
Office of the President

Exceptions to 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 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;

Privileged information relating to national security, defense or international relations;

Information concerning law enforcement and protection of public and personal safety;

Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;

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;

Prejudicial premature disclosure;

Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;

Matters considered confidential under banking and finance laws, and their amendatory laws; and

Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

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

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

1. Information covered by Executive privilege:
 - A. Presidential conversations, correspondences, and discussions in closed- door Cabinet meetings;² and
 - B. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations, resolutions, minutes of meetings, and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
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;

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 Comm/flee 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.

Akbayan v. Aquino, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*, *Sereno v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

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.

Almonte v. Vasquez, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi*

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; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 812 PHIL 179-853; 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." This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.

- B. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and
 - C. Patent applications, the publication of which would prejudice national security and interests;⁷
3. Information concerning law enforcement and protection of public and personal safety:
- A. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would —
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;
 - 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;
 - C. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - D. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - E. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²

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.

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).

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

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

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

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

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

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:

Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

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;

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;

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

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

Section 3(e), Rule IV, Rules on CCESPOE.

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.

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

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

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); Section 9, *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA No. 11332); Section 36, *Universal Health Care Act* (RA No. 11223); Section 28, *National Integrated Cancer Control Act* (RA No. 11215); and Section 5(l), *Mental Health Act* (RA No. 11036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11313); and Section 21, *Tax Amnesty Act* (RA No. 11213).

individual 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.²⁰

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;²¹

- A. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- B. 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;²³
 - 2. children in conflict with the law from initial contact until final disposition of the case;²⁴
 - 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;²⁵
 - 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;

Article 26(2), *Civil Code*.

Section 11, *Data Privacy Act of 2012*.

Section 4, *Data Privacy Act of 2012. An Act Expanding the Coverage of Exemptions from Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists from Broadcasts, and News Agencies, amending for the Purpose Section 1 of RA No. 53, as Amended by RA No. f477 (RA No. 11458)*. May be invoked by government newspapers.

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

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

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

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

6. trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²
7. names of victims of child abuse, exploitation or discrimination;^{2*}
8. cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;³
9. 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;³¹
10. records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;³²
11. names of students who committed acts of bullying or retaliation; children in situations of armed conflict;³⁴
12. 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; and³⁵
13. identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁶

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

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

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

30 Section 26, *Safe Spaces Act* (RA No. 11313).

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*.

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; Section 14, *Simulated Birth Rectification Act* (RA No. 11222) and Section 28 of IRR of RA No. 11222.

Section 3(h), *Anti-Bullying Act* (RA No. 10627).

Section 19, *Special Protection of Children in Situations of Armed Conflict Act* (RA No. 11188).

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

Section 44, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of RA No. 11166.

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:

Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁷

Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;³

C. Records and reports submitted to the Social Security System by the employer or member;³

D. Information of registered persons with the Philippine Identification System;⁴⁰

E. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities

F. 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;
42

G. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴³

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); *Revised Philippine Ports Authority Manual of Corporate Governance*. and Section 18, *Energy Virtual One-Stop Shop Act* (RA No. 11234). Section 26, *Philippine Statistical Act of 2013* (RA No. 10625) and Section 4, *Commonwealth Act No. 591*. See also Section 10, *Community-Based Monitoring System Act* (RA No. 11315). Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282). Section 17, *Philippine Identification System Act* (RA No. 11055). Section 43, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Section 34, *Philippine Competition Act* (PC.A), 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. Section 81, EO No. 226 (s. 1987), as amended.

- H. Documents submitted through the Government Electronic Procurement System
- I. 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*;
- J. 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;
- K. 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;
- L. 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;
- M. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
- N. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;
- O. Information on registered cultural properties owned by private individuals;
- P. Data submitted by a higher education institution to the Commission on Higher Education (CHED);

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

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

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

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

Section 10, *Safeguard Measures Act*.

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

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

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

Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;

Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;⁵⁴ and

Records of surveillance of suspects and interception and recording of communications acquired by law enforcement agent or military personnel pursuant to the *Anti-Terrorism Act of 2020*.

Information of which a premature disclosure would:

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

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.

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:

Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵⁷

Matters involved in an Investor-State mediation;

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).

Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

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

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.

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

Information and statements made at conciliation proceedings under the *Labor Code*;

Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);

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;

Information related to investigations which are deemed confidential under the *Securities Regulations Code*,

All proceedings prior to the issuance of a cease-and-desist order against pre-need companies by the Insurance Commission;

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*;

Investigation report and the supervision history of a probationer;

Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;

Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁷ and

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;

Article 237, *Labor Code*.

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

Section 178, *Revised Corporation Code of the Philippines*. May be invoked by the SEC and any other official authorized by law to make such examination.

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

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.

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

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

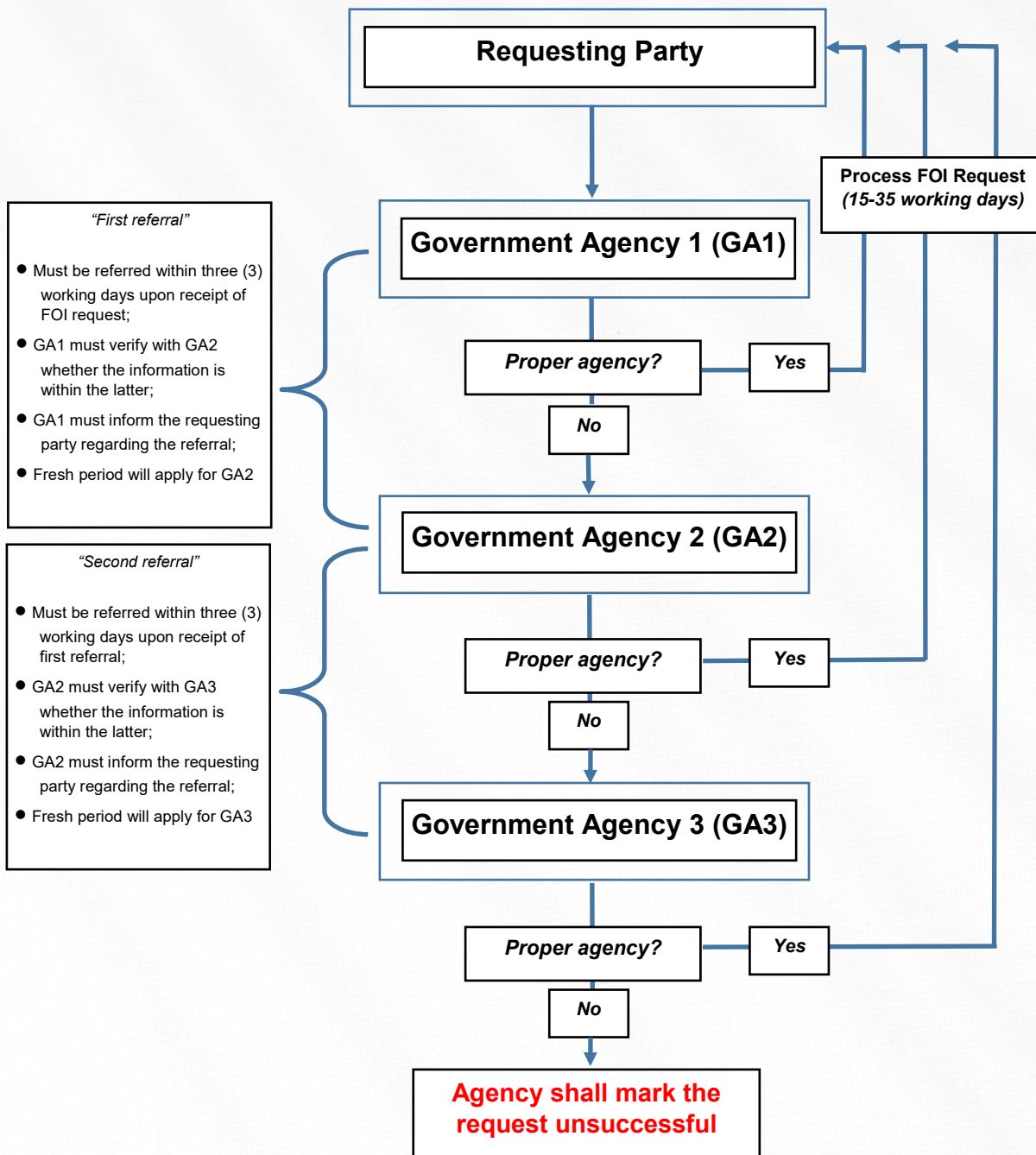
Sections 18 and 45, *The Anti-Terrorism Act of 2020* (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No. 11479.

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

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.

ANNEX "D"

No Wring Door Policy Flow Chart



ANNEX “E”

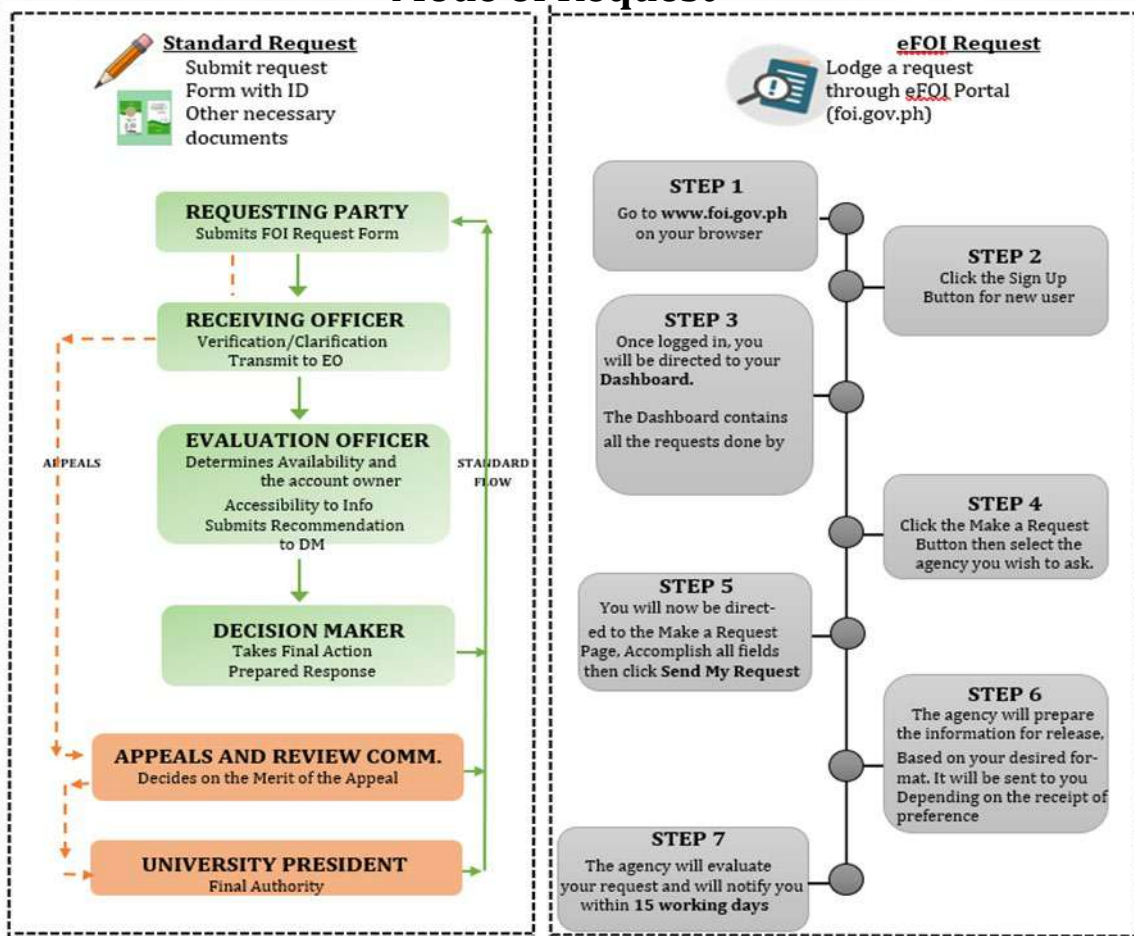
SLSU Simplified One Page FOI Manual



FREEDOM OF INFORMATION PROGRAM

Agency: SOUTHERN LUZON STATE UNIVERSITY
Address: Quezon Avenue St., Brgy. Kulapi, Lucban, Quezon
Receiving Officer: Aurora L. Sumague
Receiving Office: Office the University and Board Secretary, 3rd Floor, Administration Building,
SLSU, Lucban, Quezon
Contact No.: (042) 540-4816 or (042) 540-4087 local 103 Email: slsu.ubs@gmail.com

Mode of Request



FOI APPEALS

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to slsu.ubs@gmail.com. Your review request should explain why you are dissatisfied with the response and should be made within 15 calendar days from the date you received this letter. We will complete the review and tell you the result within 30 calendar days from the date we received your appeal.

ANNEX "F"

SLSU FOI Request Form

This form is NOT FOR SALE
but may be REPRODUCED

FOI Tracking Number



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 contact 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 (DDMMYY) *

SP-SLS-2.0F8, Rev. 1
Effective: 02/05/21

Page: 1 of 2

D. FOI Receiving Officer (Internal USE ONLY)	
Name (Signature over Printed Name)	*
Position	*
Department/Office/Unit	*
Date transmitted to the Evaluating Officer (DDMMYY)	*
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 (DDMMYY)	*
F. Decision Maker	
Name (Signature over Printed Name)	*
Position	*
Department/Office/Unit	*
Action on the Recommendation	<input type="checkbox"/> Approved <input type="checkbox"/> N/A
Date Accomplished (DDMMYY)	*
G. Receiving Officer (RO)	
FOI Registry Accomplished	<input type="checkbox"/> Yes <input type="checkbox"/> No
RO Signature	*
Date (DDMMYY)	*
H. Requesting Party	
If the requested document is pick-up by the requesting party: _____ Received by: (Signature over Printed Name) Date (DDMMYY)	If the requested document is to be sent through email to the requesting party: _____ Date Sent (DDMMYY)

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.

ANNEX “G”

List of Designated SLSU FOI Officers

Name of Agency	Position /Designation	Contact Details	
		Telephone Number	Email Address
Dr. Doracie B. Zoleta-Nantes	Head of Agency /University President	042- 540-6635 Or 042-540-4087 loc. 156	info@slsu.edu.com
FOI OFFICERS			
Dr. Gondelina A. Radovan	FOI Decision Maker	042-540-4087 loc. 122	
Dr. Frederick T. Villa	FOI Decision Maker	042-540-4087 loc. 112	
Dr. Marissa C. Esperal	FOI Decision Maker	042-540-4087 loc. 107	
Ms. Aurora L. Sumague	University and Board Secretary FOI Receiving Officer	042-540-4816	Slsu.ubs@gmail.com
Mr. Richard De Veluz	Data Privacy Officer		
Ms. Eliza P. Beltran	Records Officer		slsu.records@edu.ph

REFERENCES

- Freedom of Information Manual of Benguet State University. Retrieved from http://www.bsu.edu.ph/bsu_foi/manual
- Freedom of Information Manual of Southern Leyte State University
<https://southernleytestateu.edu.ph/index.php/en/slsu-foi-manual>
- Freedom of Information Model People's Manual. Retrieved from
<https://www.foi.gov.ph/downloads/Model%20Peoples%20FOI%20Manual%2023%20January%202017.pdf>
- Freedom of Information - MC No. 2015 (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" . Retrieved from
https://www.foi.gov.ph/downloads/FOI-MC_No._21-05-No_Wrong_Door_Policy_for_FOI.pdf
- Freedom of Information - MC No. 03, s. 2017 (Enrollment to eFOI Portal) All Government agencies covered by EO No. 2, s. 2016 are instructed to Enroll and be on boarded to the eFOI platform on or before 25 November 2017. Retrieved from
https://www.foi.gov.ph/downloads/FOI_Memorandum_Circular_No_3_s_2017.pdf
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- Freedom of Information Memorandum Circular No. 89, s. 2021 (Updating the Inventory of Exceptions to the Right to Access of Information under Executive Order No. 02, Series of 2016. Retrieved from
<https://www.lrta.gov.ph/wp-content/uploads/2021/10/MC89.pdf>
- Freedom of Information -MC No. 21-03 dated 14 July 2021 (Retention Period of Personal Information and Sensitive Personal Information Gathered through the Standard FOI Request Form and Electronic Freedom of Information (E-FOI) Portal)
- Freedom of Information - MC No. 22-01 (FOI Program and Criteria and Validation Process for the Eligibility to the Fiscal Year 2022 Performance-Based Bonus)



Presidential Communication Operation Office - Manual
https://www.foi.gov.ph/downloads/FOI_MC_No_01_s.2020_0424.pdf