



REPUBLIC OF THE PHILIPPINES

BATAAN PENINSULA STATE

UNIVERSITY

(BPSU)

FREEDOM OF

INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER

NO. 02, SERIES OF 2016

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

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SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist Bataan Peninsula State University in dealing with request of information pursuant to Executive Order (E.O.) No. 2 on Freedom of Information (FOI) – (Annex “A”)
2. **Objective of the Manual:** This Manual sets the rules and procedures to be followed by Bataan Peninsula State University, whenever request for access to information is received. The University President shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the Executive Committee and respective Directors of the campuses. The Executive Committee, may delegate to the specific committee or official the authority to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI request, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to Bataan Peninsula State University and in all its satellite campuses namely:
 - BPSU - Main Campus
 - BPSU - Abucay Campus
 - BPSU - Balanga Campus
 - BPSU - Bagac Campus
 - BPSU - Dinalupihan Campus
 - BPSU - Orani Campus
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated in the University. The CEB shall identify the FRO preferably from the Office of the Public Affairs. The FRO shall hold office in the BPSU Main Campus.

The function of the FRO shall include receiving on behalf of the BPSU, all request for information. The FRO shall maintain a logbook of all request chronologically received for accountability purposes.

The request shall be forwarded to the appropriate person who has custody of the records. The FRO shall monitor all FOI request and appeals, provide assistance to the FOI Decision Maker (FDM), provide assistance and support to the public with regard to the FOI request, compile statistical information as required, and evaluation within the period set in the EO No. 02, the FRO shall advise the requesting party of any decision on request.

SECTION 2: DEFINITION OF TERMS

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

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

INFORMATION: Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video

recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data whether offline or online, which are made, received or kept in or under the control and custody of any government office pursuant to law, executive order and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

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

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

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

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

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

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

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

SECTION 3. GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL: An independent review of the initial determination made in response to the FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

ANNUAL FOI REPORT: A report to be filed each year with the Office of Public Affairs (OPA) by all government agencies detailing the administration of the FOI Reports contain detailed statistics in the number of FOI request received, processed and pending at each government office.

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

EXCEPTIONS: Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, Laws or Jurisprudence.

FREEDOM OF INFORMATION: The Executive Branch recognizes the right of the people to information on matter of public concern, and adapts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in the Executive Order no. 2. This right is indispensable to the exercise of the right of the people and their organizations effective and

reasonable participation at all levels of social, political and economic decision-making.

FOI CONTRACT: The name, address and phone number at each government office where you can make a FOI request.

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

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

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

FULL DENIAL: When the University or any of its campuses cannot release any records in response to a FOI request, because the requested information is exempt from disclosure in its entirety or, on records responsive to the request could be located.

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

MULTI-TRACK PROCESSING: A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing tract and more

complex requests are placed in one or more other tracks. Requests in each track are processed on a first in/first out basis.

PARTIAL GRANT/PARTIAL DENY: When a government office is able to portion of the records in response to a FOI request, but must deny other portion of the request.

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

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

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

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

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

REFERRAL: When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will

forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral”.

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

SECTION 4. PROMOTION OF TRANSPARENCY IN GOVERNMENT

1. **DUTY TO PUBLISH INFORMATION:** The University shall regularly publish, print and disseminate at no cost to the public and in accessible form, in conjunction with Republic Act 9485, or the Anti-Red tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, structure, powers, functions. Duties and decision-making process;
 - 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, and their profiles and curriculum vitae;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments and budgets, revenue allotments and expenditures;
 - e. Important rules and regulations, order or decisions;
 - f. Current and important database and statistics that it generates;
 - g. Bidding processes and requirements; and

- h. Mechanism or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
- 2. **ACCESIBILITY OF LANGUAGE AND FORM:** The University shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
- 3. **KEEPING RECORDS:** The University shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactment, actions, procedures, operations activities, communications and documents received or filed with them and the data generated or collected.

SECTION 5: PROTECTION OF PRIVACY

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

- a. The University 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 University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;

The FRO, FDM or any employee or any official who has access, whether authorized or unauthorized, to personal information in the

- c. Custody of the University, shall not disclose that information except s authorized by the President or its commissioned official under existing laws.

SECTION 6: STANDARD PROCEDURE *(See Annex "D" for flowchart)*

1. Receipt of Receipt for Information

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

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

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

1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.

- 1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with a corresponding signature and copy, furnished to the requesting party. In case of email request, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledge by the electronic email. The FRO input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4 The University and its satellite campuses must respond to any FOI request promptly, within the fifteenth (15) working days following the date receipt of the request. A working day is any day other than Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art 13 of the New Civil Code shall be observed.

The date of the receipt of the request will be either:

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

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

date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

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

2.1 Request exempted from coverage: If the request is exempted from coverage, the FRO shall recommend the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the FRO and shall notify the requesting party of the decision request.

The following are the exceptions:

- Judicial Affidavit (Ombudsman)
- Judicial Affidavit (Sandiganbayan)
- Filed Cases (Courts, Ombudsman and Sandiganbayan)
- 201 Files
- PSB Documents
- SALN
- BAC Minutes of Meetings
- Abstract of Bids
- TWG Recommendation
- IPCR
- Financial Report not yet audited by COA
- Minutes of TWG meetings
- All reports not in the final form
- Inter-office and Inter-agency memo/correspondence

- Office recommendation as member of inter-agency task force/committee body
- Accomplished Eligibility and evaluation forms for project proposals
- TF evaluation on SUC leveling
- MARC (as this is an attachment to a recommendation to an Inter-agency task force)
- IPCR
- REC/Task force evaluation report
- CEB endorsement for SUC leveling to the NEC
- Evaluation report on LUC/SUC

2.2 Request related to more than one office other than

President's Office: If a request for information is received which requires to be complied with, of different attached agencies, bureaus and agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus and offices that they will be only provided the specific information that relate to their agencies, bureaus and offices.

2.3 Requested information is not in the custody of BPSU: If the requested information is not in the custody of the University and its campuses upon referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the record requested refer to another department, the requested will be immediately transferred to such appropriate department though the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working days limit. The 15 working day requirement for the

receiving office commences the day after it receives the request.

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

2.4 Requested information is already posted and available

online: If the information being requested is already posted and publicly available in the BPSU website, data.gov.ph or foi.gov.ph, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

3. **Transmittal of request by the FRO to the FDM:** After receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to the FRO within 10 days upon receipt of such request.
4. **Role of FDM in processing the request:** Upon receipt of the request for the information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

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

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of

the 15 working days period and will commence the day after it receives the required clarification from the requesting party. If the FDM determines that the record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

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

shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. **Denial of Request:** In case of denial of request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the office of the University President or its Executive Committee and the respective director of the campus.

FOI REQUEST PROCESS IN DAYS

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

SECTION 7: REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI appeal to the BPSU Legal and Legislative Services: Provided that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the Central and /or Campus Officials and/ or respective director may be appealed by filing a written appeal to the BPSU Legal and Legislative Services within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the University President upon the recommendation of the BPSU Legal and Legislative Services within thirty (30) working days from the filing of the said written appeal. Failure to decide within the 30 day period shall be deemed a denial of the appeal.
 - c. The denial of the appeal by the University President or the lapse of the period to respond to the request may be appealed further to the office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of the administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 8: REQUEST TRACKING SYSTEM

BPSU through the Office of Public Affairs (OPA) shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 9: FEES

1. **No Request Fee:** The University shall not charge any fee for accepting request for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the equal amount spent by the University in providing the information to the requesting party. The schedule of fees shall be posted by all campuses of BPSU.
3. **Exemption from the Fees:** The Office of the President and its campuses may exempt any requesting party from payment of fees due to indigency, lack of funds, or similar circumstances, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 10: ADMINISTRATIVE LIABILITY

1. **Non-Compliance with the 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.
2. **Procedure:** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations:**
Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

ANNEX “A”
MALACANANG 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 Article 28, Article II of the constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

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

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

WHEREAS, the Executive Branch recognizes the urgent need to operationalized these Constitutional provisions:

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

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental

human right of privacy, and of communication while ensuring the free flow 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 transcript of official meetings, maps, books, photographs, data, research materials, films sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in under the control and custody of any government office pursuant to laws, executive order, rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by the public office 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 record, and public records and to documents and papers pertaining to official acts, transaction 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 Solicitor General are hereby directed to prepare any inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

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

Said inventory of exception 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 arises, for circularization as hereinabove stated.

SECTION 5: Availability of SALN: Subject to the provisions contained in Section 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for security their Statement 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 legal presumption in favor of access in information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office 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 if the denial is intended primarily and purposely to cover up 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 its 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 verification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or *pursuant* to existing laws, rules and regulation.

SECTION 8: People's Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days

from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit request;
- (b) The or office responsible for receiving requests for information;
- (c) The procedure for the filling and processing of the request as specified in the succeeding Section 9 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgement of requests;
- (e) The process for the disposition of request;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provided valid proof of his identification and authorization, reasonably describe the information. Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rule and regulations or it is one of the exceptions contained in the inventory or updated inventory 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 correspondence 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 of 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 record facilities, examination of voluminous record, and the occurrence of fortuitous case of other analogous case. The government office shall notify the person making request of the extension, in no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer time.
- (f) Once a decision is made of such decision and directed to pay any applicable fees.

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

SECTION 11: Identical or Substantially Similar Requests: The government office shall not be requires 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 offices decides to deny the request, in whole or in part, it shall 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 Director of Legal and Legislative Service, following the procedure mentioned in Section 9 of this Order: 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 form 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, governments, government offices shall create and/or maintain accurate 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 Liabilities: Failure to comply with the provisions of this Order may be ground for administrative and disciplinary sanctions against any erring public officer or employees as provided under existing laws or regulations.

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

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

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

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

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

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines