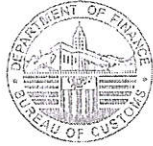


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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS

MEMORANDUM

TO : **ALL CUSTOMS OFFICIALS AND EMPLOYEES**

FROM : **THE OFFICE OF THE COMMISSIONER**

SUBJECT : **Freedom of Information (FOI) Manual**

DATE : **October 4, 2017**

1. Attached is a copy of the FREEDOM OF INFORMATION (FOI) MANUAL of this Bureau.
2. This manual is also available at the BOC website, at www.customs.gov.ph under Transparency Seal.
3. For your information and guidance.
4. For record purposes, please confirm the dissemination of this Memorandum throughout your offices within fifteen (15) days from receipt hereof.

ISIDRO S. LAPEÑA, PhD, CSEE
Commissioner



OCT 09 2017



SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual (Manual) is to provide the process by which the Bureau of Customs (BOC) shall deal with requests of information received under (E.O.) No. 2 on Freedom of Information (FOI) (**Annex "A"**).
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the BOC when a request for access to information is received. The Commissioner of Customs is responsible for all actions carried out under this Manual and shall, by Memorandum Order, delegate this responsibility to the Deputy Commissioner of the Internal Administration Group (IAG) who shall act as the FOI Decision Maker (FDM), and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access) subject to review as provided in this Manual.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the BOC. Questions emailed to piad@customs.gov.ph shall be considered as requests for information.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the Public Information and Assistance Division (PIAD) Office.

The functions of the FRO shall include but not limited to:

- a) Receive on behalf of BOC all requests for information and forward the same to the appropriate office that has custody of the records;
 - b) Monitor all FOI requests and appeals;
 - c) Provide assistance to the FDM;
 - d) Provide assistance and support to the public and staff with regard to FOI;
 - e) Compile statistical information related to FOI as required; and
 - f) Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FDM for further evaluation, or promptly deny the request either because the request form is incomplete, or the information requested has already been disclosed, or it can be directly found on BOC's official website or on data.gov.ph.
5. **FOI Decision Maker:** The FDM shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on any of the following:
 - a. The BOC does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI; or

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- d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by BOC.
6. **Approval and Denial Request to Information:** The FDM shall approve or deny all request of information. In case where the FDM is on official leave, or is otherwise incapable of fulfilling his duties, the Commissioner may delegate such authority to his Chief of Staff or any Officer not below the rank of a Director.
7. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee (Review Committee) composed of three (3) officials with a rank not lower than the Director or its equivalent; designated by the Commissioner to review and analyze the grant or denial of a request for information of the FDM. The FDM who issued the denial shall not be part of the Review Committee.

SECTION 2: DEFINITION OF TERMS.

For purposes of this Manual, the following terms are defined accordingly:

- 2.1. **ADMINISTRATIVE FOI APPEAL.** An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct to an independent review.
- 2.2. **ANNUAL FOI REPORT.** A report to be filed each year with the Presidential Communications Operations Office (PCOO) by BOC detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI request and appeals received, processed, and pending at BOC.
- 2.3. **CONSULTATION.** When BOC locates a record that contains information of interest to another office, it will ask the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation".
- 2.4. **data.gov.ph.** The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.
- 2.5. **eFOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. It also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

2.6. 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.

2.7. FOI CONTACT. The name, address and phone number at each government office where you can make FOI request.

2.8. 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.

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

2.10. FREEDOM OF INFORMATION (FOI). The executive branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided Executive Order No.2 This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

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

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

2.13. FULL GRANT. When BOC is able to disclose all records in full in response to a FOI request.

2.14. INFORMATION. Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, and video recording,, magnetic or other tapes, electronics 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.

2.15. 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

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government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

2.16. MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

2.17. OFFICIAL RECORD/S. Shall refer to information produced or received by the BOC or its employee in an official capacity or pursuant to public function or duty.

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

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

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

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

2.22. PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which 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 and individual.

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

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

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

2.26. PUBLIC SERVICE CONTRACTOR. Shall refer to a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or government agency or office that utilizes public funds.

2.27. RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that BOC has received within a fiscal year.

2.28. 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.”

2.30. 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 proceeding 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 include, 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.

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

SECTION 3. PROTECTION OF PRIVACY

While providing for access to information, BOC shall afford full protection to a person’s right to privacy, as follows:

- a. The BOC shall ensure that sensitive personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter or relevant to the subject-matter of the request and its disclosure is permitted under the existing laws;
- b. The BOC shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts; and
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of BOC, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE

(See Annex C for flowchart)

1. Receipt of Request for Information.

1.1 The FRO shall receive the request for information from the requesting party and shall check if the following requirements have been complied with:

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

The request may be made through electronic mail (e-mail), provided that the requesting party shall attach a scanned copy of the FOI application request form along with scanned copy of a duly recognized government-issued proof of identity 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 FRO or the public officer who actually received it. The request shall be signed by the FRO and a copy thereof shall be produced and given to the requesting party. The request shall be signed by the FRO and a copy of it shall be produced and given to the requesting party. In case of e-mail requests, the same shall be acknowledged by e-mail indicating the date and time of the receipt of the request, and the name, rank, title and position of the FRO or the public officer who actually received it. The same shall also be printed for record-keeping purposes. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.4 The FRO or his/her duly authorized employee shall ensure that the FOI Request Form is correctly filled up and may request for additional information to facilitate the BOC in complying with the request. The FRO or the duly authorized employee may not refuse to accept the FOI request unless for reasons provided in this Manual.

1.5 Period to Respond: The BOC must respond to requests promptly, within the fifteen (15) working days from the date of receipt of the complete request for information. A working day is any day other than a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the Civil Code shall be observed.

The date of receipt shall be:

- (1) The date when the request is physically delivered to the BOC;
- (2) The date when the request is received by mail by the BOC; or
- (3) The date when the request is electronically received by the BOC, provided that, when the request has been emailed to a BOC employee who is absent and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact, then it shall be the date when the request is electronically delivered to that contact.

Provided, that in cases where the request was electronically made to an absent/unavailable FRO and this has generated a message with instructions on how to re-direct the message to another contact, the date of receipt will be the day the request is electronically received by that contact.

The period may be extended whenever the request requires extensive search of the records facilities of the BOC, examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The FDM shall inform the FRO, and 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, unless exceptional circumstances warrant a longer period.

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

- 2.1 **Requested information is not in the custody of BOC:** If the requested information is not in the custody of BOC, following referral and discussions with the FDM, the FRO shall undertake the following steps:

If the records requested refer to another department, agency, bureau, or office, the request will be immediately transferred to such appropriate department through the most expeditious manner and the transferring office must inform the requesting party that the information should not be held within the 15 working day limit. The 15 working day requirements for the receiving office commences the day after it received 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 will be provided with the contact details of that office, if known.

- 2.2 **Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the BOC website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the

said fact, and immediately provide them with the website link where the information is posted.

- 2.3 Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason such denial within the 15-day period prescribed by this Manual.
3. **Transmittal of Request by the FRO to the FDM.** After receipt of the request for information, the FRO shall evaluate the information being requested to the FDM within one (1) working day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
4. **Role of FDM in processing the request.** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He shall refer the request to the appropriate officer of the BOC who shall make all necessary steps to locate and retrieve the information requested and submit the same to the FDM within three (3) working days. The FDM will review the information requested to ensure it is responsive to the FOI request and that the disclosed information is compliant with all relevant laws and regulations. Afterwards, the FDM shall submit the complete information requested to the FRO within ten (10) working days upon receipt of such request by the FRO from the requesting party.

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

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party as provided in this Manual. The clarification shall stop the running of the 15-day period and will commence the day after it receives the required clarification from the requesting party.

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

The FDM may deny the FOI request on the following grounds:

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

- c. The information requested falls under the list of exceptions to FOI, as provided in Annex B; or
 - d. The request is an unreasonable, subsequent, identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the BOC.
5. **Role for FRO to transmit the information to the requesting party.** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the Commissioner or the designated official, and ensure the transmittal of such to the requesting party.

The FRO shall notify the requesting party of the availability of the requested documents/information which may be transmitted by any way the FRO deems suitable and/or expedient. The requesting party may also pick-up the requested materials in the PIAD Office.

6. **Notice to the Requesting Party of the Approval/Denial of the Request.** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release.

Should the request be approved, but compliance thereto necessitates that reproduction and photocopying of documents, the FRO shall notify the requesting party within the prescribed period that the request was granted and the requesting party is directed to pay the applicable fees, if any. No notice is required if there are no applicable charges.

7. **Denial of Request.** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denied FOI request shall pass through the Office of the Commissioner or to his designated official for his information.

SECTION 6. 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 BOC Central Appeals and Review Committee.** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- a. Appeal of the FDM decision shall be made by filing a written appeal to the Commissioner within fifteen (15) calendar days from the notice of denial.
 - b. The Commissioner shall make a final decision on the appeal, based on the recommendation of the Review Committee. Failure to decide within thirty (30) working day period shall be deemed a denial of the appeal.
 - c. The denial of the appeal by the Commissioner 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 administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

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

SECTION 8. FEES

1. **No Request Fee.** BOC shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by BOC in providing the information to the requesting party. The schedule of fees shall be posted by BOC.
3. **Exemption from Fees.** BOC may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9. ADMINISTRATIVE LIABILITY

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

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Article 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

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

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

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

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

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

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

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

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

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

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

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

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

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

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

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

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

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

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

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

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

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

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SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

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

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

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

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

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

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

ANNEX "B"

Exemptions to FOI

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



FREEDOM OF INFORMATION REQUEST FORM

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss) _____
2. Given Name/s (including M.I) _____
3. Surname _____

4. Complete Address (Apt/House Number, Street, City/Municipality, Province) _____

5. Landline/Fax _____
6. Mobile _____
7. Email _____

8. Preferred Mode of Communication Landline Mobile Number Email Postal Address
(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply Email Fax Postal Address Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature) Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others _____

B. Requested Information

11. Title of Document/Record Requested (Please be as detailed as possible) _____

12. Date or Period (DD/MM/YY) _____

13. Purpose _____

14. Document Type _____

15. Reference Numbers (if known) _____

16. Any other Relevant Information _____

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature _____

Date Accomplished (DD/MM/YYYY) _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) _____

Date entered on eFOI (If applicable, otherwise N/A) _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) _____

Decision Maker Assigned to Application (print name) _____

Decision on Application Successful Partially Successful Denied Cost Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY) _____

Date Document (if any) Sent (DD/MM/YYYY) _____

FOI Registry Accomplished Yes No

RO Signature _____

Date (DD/MM/YYYY) _____