



BAGONG PILIPINAS



Tagapagtataguyod ng Malinis at
Masaganang Karagatan

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FISHERIES OFFICE
ORDER NO. 030
Series of 2024

SUBJECT : REVISED BFAR FREEDOM OF INFORMATION (FOI) MANUAL

In the exigency of service and for the guidance in dealing with requests for information received under Executive Order 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 and Providing Guidelines Therefor", the BFAR Revised Freedom of Information Manual is hereby issued for implementation.

This manual shall be posted in the Bureau's Central and Regional Offices' website.

This Order takes effect immediately and remains enforced until revoked in writing.

All orders/memoranda inconsistent herewith are deemed revoked.


ATTY. DEMOSTHENES R. ESCOTO
National Director





Bureau of Fisheries and Aquatic Resources

Freedom of Information People's Manual

REVISION 03 – January 2024

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SECTION 1 OVERVIEW

- 1. Purpose:** This People's Freedom of Information (FOI) Manual shall prescribe the procedures for requesting information from the Bureau of Fisheries and Aquatic Resources (BFAR) pursuant to Executive Order (EO) No. 2, Series of 2016, on Freedom of Information. **(See Annex "A").**
- 2. Coverage of the Manual:** This Manual shall cover all requests for information directed, filed or submitted to BFAR including the central office, regional offices, and provincial fisheries offices.

SECTION 2 DEFINITION OF TERMS

Administrative FOI Appeal – refers to the procedure for appealing an unfavorable or adverse action by the FOI Decision Maker on an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI request have the right to appeal such unfavorable or adverse action to the Central Appeals and Review Committee, who shall then conduct a review of said appeal.

Annual FOI Report – a report to be filed each year with the Presidential Communications Operations Office (PCOO) by the Bureau detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

Bureau – refers to the Bureau of Fisheries and Aquatic Resources (BFAR)

Consultation – When a government office locates a record that contains information of interest to another government agency, it will ask for the views of that other agency on the disclosure of the records before any final determination is made. This process is called a "consultation."

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

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

Exceptions to FOI – Information that should not be released and disclosed in response to the RFI because it is protected by the Constitution, laws or jurisprudence. The information referred to, includes documents and records which are identified in the master list of exceptions from the Office of the President. (*See Annex "B"*)

Freedom of Information (FOI) – This refers to the right of the people to access information, as recognized by the Executive Branch, on matters of public concern. It involves the full public disclosure of all government transactions involving public interest, subject to the procedures and limitations provided in EO No. 2

FOI Action Officer (FAO) – A designated officer under a Division/Unit/Section of the Bureau who shall prepare pertinent documents pursuant to the RFI received by the Receiving Officers.

FOI Decision Maker (FDM) – The designated officer who is ultimately responsible for managing FOI requests submitted to the Bureau and ensuring that requests are handled in accordance with EO No. 2 and shall have the overall responsibility for the initial decision for the release or denial of records for a valid RFI.

FOI Receiving Office – It is the primary contact in the Bureau where the requesting party can call and ask questions about the FOI process or their pending FOI request. At the Central Office, the Records Section under the Administrative Division shall serve as the FOI receiving office.

FOI Receiving Officer (FRO) – The designated person within the Bureau's Central Office, Regional Offices and National Centers who is authorized to receive and evaluate the validity of the Request for Information (RFI), route the request to the concerned FAO, and receive response to processed RFI for release to the Requesting Party (RP)

Full Denial – When a government office cannot release any records in response to a FOI request due to valid reasons such as that the requested information is exempt from disclosure in its entirety or that no records responsive to the request could be located.

Full Grant – When a government office is able to disclose all records in full in response to a FOI request.

Information – Any record/s, document/s, paper/s, report/s, letter/s, contract/s, minutes and transcripts of official meetings, map/s, book/s, photograph/s, data, research material/s, film/s, sound and video recording/s, magnetic or other tape/s, electronic data, computer stored data, any other like or similar data or material/s recorded, stored or archived in whatever format, whether offline or online, which is/are made, received, or kept in or under the control and custody of the Bureau pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the Bureau.

Information for Disclosure – Information promoting awareness and understanding of policies, programs, activities, rules, or revisions affecting the public, government agencies, specifically the Bureau, its Regional Offices and National Centers, 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 the Bureau's website, without need for written requests from the public.

Official Record/s – Information produced or received by a public officer or employee of the Bureau, or by a government office in an official capacity or pursuant to a public function or duty.

Pending Request or Pending Appeal – An FOI request or an administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

Personal Information – Any information that directly provides the identity of an individual or when put together with other information would directly and certainly identify an individual.

Processed Request or Processed Appeal – The number of requests or appeals that the Bureau completed with a final response to the requesting party.

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

Request for Information (FRI) – A written request for information or records that are under the custody of the Bureau received through the foi.gov.ph portal or through the Central Office Records Section, and FOI receiving office of the regional offices and national centers.

Requesting Party (RP) – Any individual, whether or not a Filipino citizen, or any entity, whether a corporation, civil society organization, academic institution, media organization, or any private organization who submitted a Request for Information.

Sensitive Personal Information – As defined in the Data Privacy Act of 2012, shall refer to personal information:

- a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual's 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;

- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security number, previous or current health record, licenses or its denials, suspension or revocation, and tax returns; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3 PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** The Bureau adheres to openness in government. In doing so, it shall ensure that all information for public disclosure, and on public record related to Fisheries are regularly published, printed and disseminated at no cost to the public and uploaded to the Bureau's website (www.bfar.da.gov.ph).
2. **Accessibility of Language and Form.** The BFAR shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** The BFAR shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications, and documents received or filed by the Bureau and the data generated or collected.

SECTION 4 PROTECTION OF PRIVACY

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

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

SECTION 5
FUNCTIONS OF FOI OFFICERS AND COMMITTEES

1. FOI Receiving Officer

There shall be FOI Receiving Officers (FRO) designated at the Central Office, Regional Offices and National Centers. The FRO of the BFAR Central Office shall be from the Records Section with office at G/F Fisheries Building Complex, BPI Compound, Visayas Avenue, Quezon City.

The FRO shall perform the following functions:

- a. Serve as the initial point of contact to the public on FOI requests;
- b. Receive all FOI requests on behalf of the Bureau;
- c. Conduct initial evaluation of FOI requests and determine whether these are fully compliant FOI requests;
- d. Deny or refuse to accept FOI request based on the following:
 - i. The form is incomplete: or
 - ii. The information is already disclosed in the Bureau's Official Website www.bfar.da.gov.ph or at data.gov.ph;
- e. Transmit requests for information to the FDM;
- f. Monitor all FOI requests and appeals;
- g. Consolidate statistical information on FOI requests and actions taken thereon; and
- h. Provide such other assistance to the FAO and FDM.

Only the designated FRO at the Central Office shall access/open or act on request lodged/registered with the eFOI Portal.

The regional offices and national centers shall also assign their respective records officers as FROs who shall receive standard FOI requests.

2. FOI Decision Maker

The BFAR National Director is responsible for all actions carried out under this Manual and may delegate such responsibility to the Assistant Director for Administrative Services.

At the Central Office, the Chief, Administrative Division shall act as the FOI Decision Maker (FDM), while at the regional office, the Regional Director shall designate his/her Finance and Administrative Section (FAS) Chief to act as FDM. (*See Annex "C"*)

The FDM shall perform the following functions:

- a. Evaluate the request for information;
- b. Decide whether to grant or deny the request based on the following:
 - i. The Bureau does not have the information requested;
 - ii. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - iii. The information requested falls under the list of exceptions to FOI; and
 - iv. The request is identical or substantially similar request to a previously granted or denied request from the same requesting party.
- c. Endorse a fully compliant FOI request to the appropriate FOI Action Officers (FAO);
- d. Order the redaction of certain information prior to release; and
- e. Refer the request to other offices as may be appropriate.

3. FOI Action Officer (FAO)

The Center Chiefs, Division Chiefs and Unit Heads shall be designated as FOI Action Officers (FAO). They shall address request for information related to their respective and official mandates or functions.

The functions of the Action Officers shall include the following:

- a. Determine whether their respective office has custody of the requested information;
- b. Prepare records/ information requested; and
- c. Refer the request to other offices as may be appropriate.

In case the concerned FAO is on official leave, his/her authorized Officer-in-Charge shall automatically act as the FAO.

4. Central Appeals and Review Committee

There shall be a Central Appeals and Review Committee (CARC) only at the BFAR Central Office composed of the National Director, the two (2) Assistant Directors, and the Chief of the Legal Division.

The CARC shall exercise the following functions:

- a. Receive, review, evaluate, and assess the appeal on the denial of the request for information;
- b. Determine if the appeal was filed within the period provided under EO No. 2, s. 2016;

- c. Recommend to the head of agency the actions on the appeal filed by the requesting party;
- d. Ensure that the appeal be decided within thirty (30) working days from the filing of said appeal; and
- e. Implement the decision of the head of agency regarding the appeal.

SECTION 6
STANDARD PROCEDURE
(See Annexes "D1" and "D2" for flowchart)

1. Filing of FOI Request

- 1.1. A person or party making an FOI request shall fill out the standard FOI Request Form (*See Annex "F"*) in two (2) copies. The form can be requested from the FRO or can be accessed from the BFAR website at www.bfar.da.gov.ph.
- 1.2. The requesting party shall comply the following requirements:
 - a. Attach a valid government issued I.D. containing his/her photograph and signature;
 - b. If the request is made through a representative, a written authorization of the principal and at least one (1) valid government I.D. containing the photograph and signature of the representative; and
 - c. The purpose of the request for information shall be specific or adequately and sufficiently described. Failure to specify the reason for or purpose of the required information, despite request by the FRO to provide a specific reason or purpose shall be a ground for denial of the FOI request.
- 1.3. In case the requesting party is unable to make a written request, he/she may make an oral request and the attending FRO shall reduce it in writing. The request shall be stamped received by the FRO.
- 1.4. FOI requests may be made through registered mail, electronic mail (e-mail), or through official online portals, provided that the requesting party shall provide all the required information and attachments/supporting documents.

If the requesting party chooses to file an FOI request in a separate written request, by e-mail or other official portals, such request shall be accompanied by a duly filled out standard FOI Request Form and attached to said written request or email.
- 1.5. The FRO shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements, without prejudice to Section 9 of this Manual.

2. Receiving of FOI Request

- 2.1. The FOI Receiving Officer shall receive the fully compliant request for information from the requesting party. The duly filled-out FOI Request form shall be stamped received indicating the name of the FRO, the date and time of the receipt of the written request. The original copy shall be kept by the FRO, while the other copy shall be returned to the requesting party.
- 2.2. In case the FOI request was received through electronic mail, the email shall be printed out and the FRO shall observe the same procedure as above. The FRO shall likewise acknowledge by e-mail the receipt of a fully compliant request.
- 2.3. The FRO shall register the received FOI request in the Bureau's Document Tracking System (DTS) and forward the same to the concerned FDM. It shall also be recorded in a logbook for back-up purposes.
- 2.4. In case an FOI request is received by an Office other than the FRO, the receiving office shall:
 - a. Transmit the FOI request to the FRO within three (3) working days from receipt of such request; and
 - b. Advise the requesting party of the transfer to the FRO within fifteen (15) working days from receipt of such request.

3. Initial action on Request

- 3.1. Evaluate the content of the request.
- 3.2. Upon determination that the request is a fully compliant FOI request, the FRO shall transmit the said request to the concerned FDM within one (1) day from receipt of the written request.

In case the FRO is unable to determine the appropriate FDM, the FRO shall be given an additional two (2) working days to undertake further coordination to determine the FDM.

- 3.3. The FOI request may be denied, during the FRO evaluation on the following grounds:
 - a. Non-Compliant FOI Request. The FRO shall only accept a fully compliant FOI request and shall not accept a request that lacks any of the requirements stated above:
 - b. Requested information has already been publicly disclosed by the Bureau through its website, foi.gov.ph or other official website, the FRO shall

inform the requesting party of the said fact and provide them the website link where the information was posted; and

c. Requested information is substantially similar or identical to the previous request.

3.4. Request for Clarification. The FRO may likewise request for clarification from the requesting party to identify or locate the requested information. The clarification shall toll/stop the running of the fifteen (15) working day-period and the period shall commence anew the day after the required clarification is received by the FRO.

3.5. The FRO shall within fifteen (15) days upon receipt of the request, advise/inform the requesting party of the denial of request, stating the ground for the denial in item 3.3. hereof.

4. Evaluation and Action of the FDM

4.1. Upon receipt of the FOI request from the FRO, the FDM shall proceed to evaluate the request, as follows:

- a. Ascertain whether the information requested is in the custody of BFAR or any of its offices;
- b. Determine whether there are grounds for the denial of the requested information;
- c. If the requested information is in the custody of more than one office, FDM shall forward the request to all concerned offices. The respective action officers shall only provide specific information that relates to their office; and
- d. If the FAO determines that a record contains information of interest to another agency, the FDM shall consult with the agency concerned on the disclosure of the records before making any final determination.

5. Preparation of Requested Information by the FAO

5.1. Upon receipt of the FOI request from the FDM, the FAO shall:

- a. Ascertain whether the information requested is in its possession or custody;
- b. Determine whether there are grounds for the denial of the requested information;
- c. Locate the requested information; and
- d. Prepare the requested information by reproducing according to the number of copies requested, certify or authenticate, etc.

5.2. If the FAO requires clarification or further details to identify or locate the information requested, the FAO through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working

day period and the period shall commence anew the day after the required clarification is received by the FRO.

If no clarification is received from the requesting party after sixty (60) days, the request shall be closed.

- 5.3. If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, or cannot be easily retrieved due to occurrence of fortuitous events or other analogous cases, the FAO, through the FRO shall within ten (10) working days from receipt of the request, inform the requesting party of the need for extension of time to act on the request.
- 5.4. 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.
- 5.5. The FAO in coordination with the FDM shall undertake the necessary consultation/s with appropriate offices on whether the requested information is covered by any of the Exception to FOI. The consultation shall include the office where the information or record originated.
- 5.6. The FAO shall prepare and submit prepared requested information and recommendation/s as necessary to the FDM, who shall approve or deny the request.

6. Response to Requesting Party

- 6.1. **Approval of Request.** The FDM shall ensure that all records have been retrieved and considered checked for possible exemptions, prior to actual release.
- 6.2. **Release of Information.**
 - 6.2.1.1. Once the FDM approves, he shall collate and ensure that the requested information is complete and transmit the same to the FRO for release to the requesting party.
 - 6.2.1.2. The FRO shall prepare the response to the requesting party either in writing, by e-mail, or, if applicable, through other mode of response preferred by the requesting party.
 - 6.2.1.3. The requesting party shall be instructed to pay P2.00 per page if the number of pages of the documents being requested is more than fifteen (15), prior to the release of the requested information.

- 6.3. **Denial of Request.** In case of the denial of the request, whether wholly or partially, the FDM through the FRO, shall notify the requesting party of the denial in writing within the prescribed period. The Notice shall clearly state the ground/s 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.

- 6.4. **Grounds for Denial.** An FOI request may be denied based on the following grounds:

- a. *The Bureau does not have possession or custody of the information requested.* If, after exercising due diligence, the FDM finds that the requested information is not in the custody or possession of the Bureau, the FDM shall either deny the request or refer the request to the department, agency or office which has custody of the information, if known, within the prescribed period for action on the request. The FDM through the FRO, shall advise the requesting party of such referral, and the contact details of that office, if known.
- b. The Information requested falls under the Exceptions to FOI (Annex "B");
or
- c. 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 Bureau.

7. Redaction and Extraction

If the information, document, or record requested contains information which may be disclosed and other information which are covered by the Exceptions to FOI (such as personal information or sensitive persona information protected under Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted/extracted prior to the release of the requested information, document or record. **See Annex "E"** for further guidance on redaction and extraction of information.

8. "No Wrong Door Policy"

In compliance with FOI-MC No. 21-05 or the 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," the BFAR will not deny FOI requests for information and/or records not under its possession but instead refer the request to the appropriate government agency which is the proper repository or custodian of the requested information or records, or have control over the said information or records (*See Annex F*).

9. Processing Time on FOI Requests

- 9.1. The Bureau shall respond within fifteen (15) working days from the date of receipt of a fully compliant FOI request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Law shall be observed.

For clarity, the period to respond to FOI request shall not commence unless the request is a fully compliant FOI request.

- 9.2. For purposes of computing the fifteen (15) working days, the date of receipt of the FOI request shall be reckoned as follows:
- a. If made personally, the date actually filed and stamped "received" by the FRO;
 - b. If made by registered mail, the date of actual receipt of the request by FRO;
 - c. If sent by e-mail or other official online portals, the date it was actually electronically delivered to or received by the designated e-mail or portal if the same arrived before 5:00 p.m. shall be considered received on the next working day; and
 - d. Where the FRO has requested the requesting party for further details to identity and locate the requested information, the date on which the necessary clarification to the satisfaction of the FRO is received.

SECTION 7 REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by may be appealed by filing a written appeal to BFAR Central Appeals and Review Committee within fifteen (15) working 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 Director upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

- c. Upon exhaustion of 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

All FOI request for information shall be registered to the existing Document Tracking System (DTS) of the Bureau to ensure that all requests received, status of pending requests and requests acted upon are properly documented and monitored.

The Bureau shall utilize the Document Tracking System (DTS) in tracing the status of all requests for information received by the Bureau.

SECTION 9 FEES

1. **No Filing Fee for FOI Requests.** The Bureau shall not charge any fee for accepting requests for information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The Bureau may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations.

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 Bureau in providing the information to the requesting party. The schedule of fees shall be conspicuously posted outside the FRO, or in any place within the premises of the Bureau which is accessible to the public.

3. **Exemption from Fees.** The BFAR 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 10 ADMINISTRATIVE LIABILITY

1. 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. **The Revised Rules on Administrative Cases in the Civil Service issued by the Civil Service Commission shall be applicable in the disposition of administrative cases against employees and officials of the Bureau.**
- 3. **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**



MALACANAN 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 OF 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:

THE PRESIDENT OF THE PHILIPPINES

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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws 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

own People's FOI Manual, which shall include, among others, the following information:

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

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground 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 access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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 and 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.

By the President:



SALVADOR C. MEDIALDEA
Executive Secretary



Router



CERTIFIED COPY:


MARIANITO M. DIMAANDAB
DIRECTOR IV
MALACANANG RECORDS OFFICE

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 as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

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

ANNEX B

Office of the President
of the Philippines
Malacañang

MEMORANDUM FROM THE EXECUTIVE SECRETARY

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

SUBJECT: **INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)**

DATE: 24 November 2016

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

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

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

For your information and guidance.

SALVADOR C. MEDIALDEA
N *sc* *sc*

CERTIFIED COPY:
MARIANITO M. DIMARUDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE
sc *11/24*

Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

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

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

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 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;⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and

² This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

³ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

⁴ 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.

⁵ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

⁶ *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.

- 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;⁸
 - 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;⁹
 - 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 camapped vehicles and apprehension of the persons charged with camapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

⁷ 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).

⁸ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

⁹ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹⁰ Section 3(b), Rule IV, Rules on CCESPOE.

¹¹ Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹² Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

- a. 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:¹⁸

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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual¹⁹ 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

¹³ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁴ 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.

¹⁵ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁶ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁷ 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).

¹⁸ Section 3(l), *Data Privacy Act of 2012*.

¹⁹ Article 26(2), *Civil Code*.

²⁰ Section 11, *Data Privacy Act of 2012*.

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

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (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;²⁶
 - (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;²⁷
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
 - (7) names of victims of child abuse, exploitation or discrimination;²⁹

²¹ Section 4, *Data Privacy Act of 2012*.

²² *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

²³ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁴ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁵ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁶ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

²⁷ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁸ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

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

- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and³³
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁴
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵

³⁰ 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*.

³¹ 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.

³² Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³³ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁴ Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁵ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁶
- c. Records and reports submitted to the Social Security System by the employer or member;³⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;³⁹
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴⁰
- g. Documents submitted through the Government Electronic Procurement System;⁴¹
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁴²
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴³
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁴

³⁶ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

³⁷ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

³⁸ Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁹ Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁴⁰ Section 81, EO No. 226 (s. 1987), as amended.

⁴¹ Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴² Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴³ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁴ 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).

- k. 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;⁴⁵
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁰
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵¹
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

⁴⁵ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁶ Section 10, *Safeguard Measures Act*.

⁴⁷ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁴⁸ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁴⁹ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁰ 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).

⁵¹ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵²
- b. Matters involved in an Investor-State mediation;⁵³
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁴
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁵⁶
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁵⁷
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁵⁹
- i. Investigation report and the supervision history of a probationer;⁶⁰
- j. Those matters classified as confidential under the *Human Security Act of 2007*;⁶¹

⁵² 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.

⁵³ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁴ Article 237, *Labor Code*.

⁵⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁶ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁵⁸ 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.

⁵⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁰ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶¹ Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶² and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶³
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁶⁴
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁶⁵ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);

⁶² Section 14, Civil Service Commission Resolution No. 01-0940.

⁶³ 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.

⁶⁴ Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

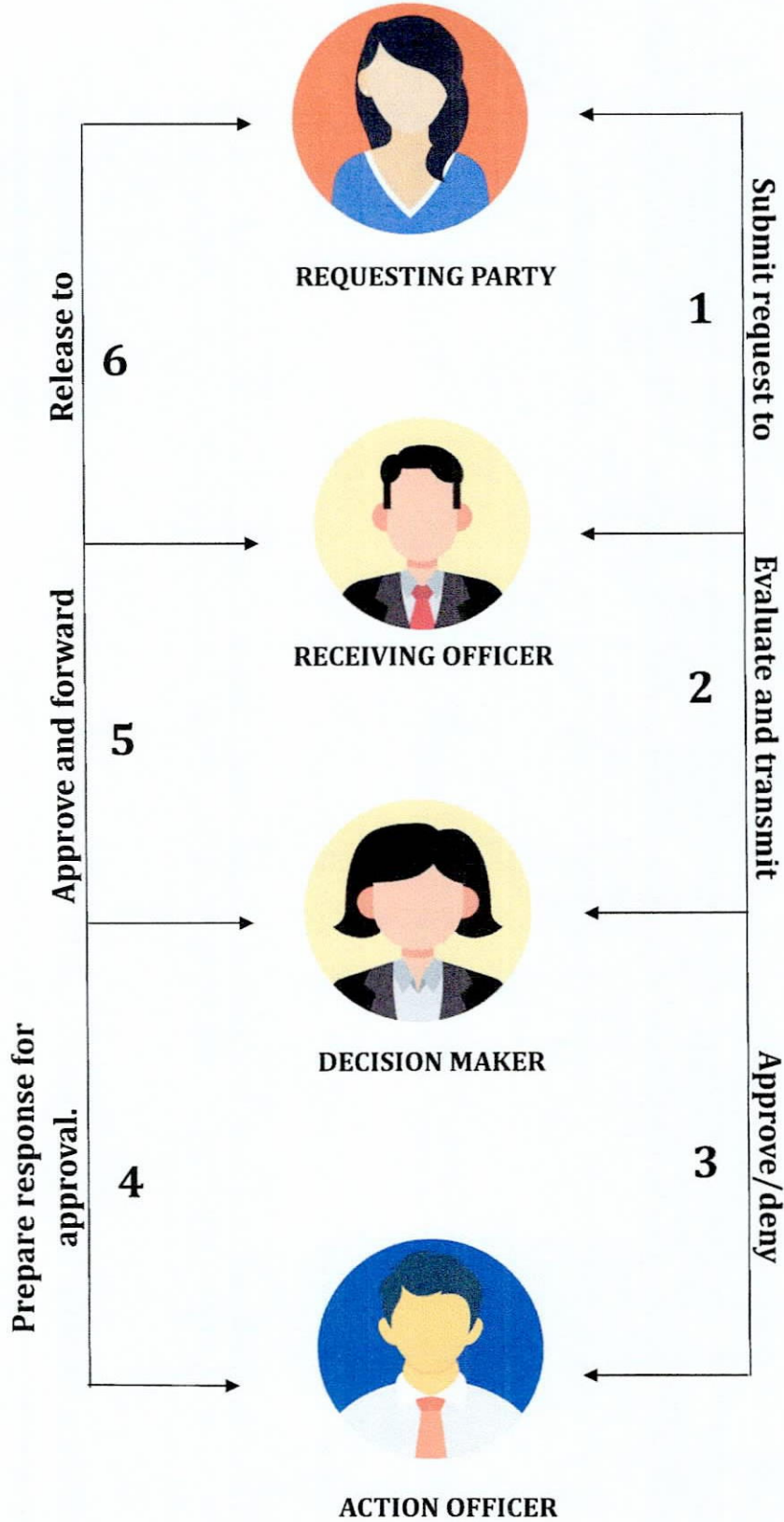
⁶⁵ Article 7, UNCITRAL Transparency Rules.

ANNEX C

**FOI Receiving Officers of the Bureau of Fisheries and Aquatic Resources
and its local offices**

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
BFAR Central Office	Fisheries Bldg. Complex, Visayas Ave., Quezon City	09276690635	Mary Joy A. Malvas Michelle S. Fontelar Sarah Celine V. Cabello
BFAR-CAR	Easter Road, Guisad, Baguio City	09982350539	Sherielyn B. Mariano
BFAR-NCR	2F 8 Kalayaan Ave., Brgy. Malaya, Diliman District, Quezon City	09275501071	Iann Kevin Davis
BFAR-RFO1	Government Center, Brgy. Sevilla, San Fernando City, La Union	09276690635	Maria Elena A. Ancheta
BFAR-RFO2	Carig Regional Center, Carig Sur, Tuguegarao, Cagayan	09155721889	Nilda T. Ramirez
BFAR-RFO3	Regional Government Center, Brgy. Maimpis, City of San Fernando, Pampanga	09184448120	Maria Catherine G. Pineda
BFAR-RFO4A	Purok 3, Brgy. Bambang, Los Baños, Laguna	0999466227	Rosana S. Baldovino
BFAR-RFO4B	Le Grace Bldg., Brgy. Guinobatan, Calapan City, Oriental Mindoro	09399030809	Krizza Roumae M.I Asilo
BFAR-RFO5	Fabrica, Bula, Camarines Sur	09916814404	Aries C. Tang
BFAR-RFO6	Muelle Loney Street, Iloilo City	09778300046	Aldrin Jude E. Madalag
BFAR-RFO7	Arellano Boulevard, Cebu City	09173113130	Cirila Libay
BFAR-RFO8	MRGP Commission Building, Tabuan St.,Brgy. 77, Marasbaras, Tacloban City	09086405734	Brandon E. Cabañes
BFAR-RFO9	R.T.Lim Blvd., Zamboanga City	09382474684	Marijun C. Dumalagan Jr.
BFAR-RFO10	Macabalan, Cagayan de Oro City	09675702394	Jessie A. Velaquez
BFAR-RFO11	Ramon Magsaysay Avenue, Poblacion District, Davao City	09651579098	Oddette M. Cabisares
BFAR-RFO12	Prime Regional Government Center, Carpenter Hill, Koronadal City, South Cotabato	09076552564	Charles Keneth G. Sudaria
BFAR-RFO13	Peñaranda St., Brgy. Taft, Surigao City	09128294791	Sheena D. Asas

STANDARD MODE



ELECTRONIC MODE

Go to **www.foi.gov.ph**.

1

Click the **SIGN UP** button and provide information in the required fields. Attach a valid ID to create an account.

2

Once logged in, you will be directed to your **DASHBOARD**

3

Click the **MAKE A REQUEST BUTTON** then select the name of the agency you wish to ask.

4

You will now be directed to the Make a Request page. Accomplish all fields then click **SEND MY REQUEST**

5

The agency will evaluate your request and will notify you within **15 working days**

6

The agency will prepare the information for release, based on your desired format. It will be sent to you depending on the receipt of preference.

7

ANNEX "E"



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

FOI - MC No. 4, s. 2019

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

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

SUBJECT : **GUIDELINES ON REDACTION AND EXTRACTION OF
INFORMATION BEFORE DISCLOSURE TO THE PUBLIC**

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

WHEREAS, Article III, Section 7 of the 1987 Constitution provides that the right of the people to information on matters of public concern shall be recognized. Access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law;

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo R. Duterte on 23 July 2016 to operationalize the constitutional mandate of the people's right to information;

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

WHEREAS, Section 3 of EO No. 02, s. 2016 provides that 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;

WHEREAS, Article II, Section 11 of the 1987 Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Section 2 of RA No. 10173 or the Data Privacy Act of 2012, provides that it is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected;

WHEREAS, pursuant to National Privacy Commission (NPC) Advisory No. 2017-02, disclosure of Personal Data Sheet (PDS) shall only be allowed when permitted by law. Information in the PDS that relate to the position or function of a government official or employee shall be disclosed. Sensitive Personal Information¹ may only be disclosed if necessary to the declared, specified, and legitimate purpose of the requesting party. Information not necessary to be disclosed or prohibited to be disclosed under existing laws, rules and regulations, shall be redacted before release of information to the requesting party;

WHEREAS, there is a need to guide the information officers of the government agencies in disclosing information through FOI requests to avoid violation of the Data Privacy Act, Code of Conduct and Ethical Standards for Public Officials and Employees, privacy rights of individuals and existing laws, rules and regulations with respect to protection of personal information and disclosure of information;

NOW, THEREFORE, in consideration of the foregoing, this Memorandum Circular (MC) is issued to provide guidelines on how to balance the disclosure of information with the protection of personal information when a document will be disclosed under the Freedom of Information Program in the Executive Branch pursuant to EO No. 2, s. 2016.

SECTION 1. DEFINITION OF TERMS. The following shall be defined as follows:

- a. **FOI officers** – individuals designated as FOI receiving officers and shall include the decision maker/s of an agency.

¹ Section 3 (l) of RA No. 10173, provides that sensitive personal information refers to personal information:

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

- b. **Mosaic Effect** – This occurs when the information in an individual dataset, in isolation, may not pose a risk identifying an individual, but when combined with other information, could pose such risk (*US Department of Labor, Open Data Policy*).

Further, when disparate pieces of information—although individually of limited use—become significant when combined with other types of information (*Yale Law Journal, David E. Pozen, 2005*). Applied to public use data, the concept of a mosaic effect suggests that even anonymized data, which may seem innocuous in isolation, may become vulnerable to re-identification if enough datasets containing similar or complementary information are released.

- c. **Sensitive Personal Information** - Section 3 (l) of RA No. 10173, provides that sensitive personal information refers to personal information:
- i. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - ii. 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;
 - iii. 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
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.

Sensitive Personal Information may only be disclosed, if necessary, to the declared, specified, and legitimate purpose of the requesting party. Information not necessary to be disclosed or prohibited to be disclosed under existing laws, rules and regulations, shall be redacted before release of information to the requesting party.

SECTION 2. SCOPE. This Circular 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 Circular.

SECTION 3. REDACTION OF INFORMATION THAT ARE INCLUDED IN THE LIST OF EXCEPTIONS. All information under the inventory of

exceptions, pursuant to EO No. 2, s. 2016, which are included in the document to be released shall be redacted.

SECTION 4. MANNER OF REDACTING. Redactions can be made to physical documents using redaction tape or a black marker pen. After the concerned information has been redacted from the physical document, it must be scanned and checked to ensure all the redacted information is unreadable.

In redacting a digital document, the rule is to ensure that sensitive information is not just visually hidden or made illegible, but is actually deleted from the source file. In some documents, deleting sections can cause an undesirable reflow of text and graphics. Redactions made to digital documents can in some circumstances be reversed, therefore an edited version of an electronic document must never be released.

The information officer redacting a digital document shall ensure that the redacted information can never be recovered by the requesting party by using pertinent application tools.

SECTION 5. EXTRACTION OF INFORMATION. Information extraction is the process of separating/isolating specific information from a set of data. As an alternative to redaction, where a document or file contain information which are included in the inventory of exceptions and a part or parts thereof are disclosable to the public, and redaction is deemed difficult, the information shall be extracted by reproducing it in a separate file or by photocopying a part or parts of a set of data.

SECTION 6. RESPONSIBILITIES OF THE FREEDOM OF INFORMATION OFFICER. The following are the responsibilities of FOI officers:

- a. Evaluate the request received, ensuring that the request has a declared, specified, and legitimate purpose not contrary to morals or public policy.
- b. Consider the mosaic effect of data aggregation. It is the responsibility of each information officer to perform the necessary analysis to determine whether some combination of existing data and the data intended to be disclosed could allow for the identification of an individual or pose a security concern, otherwise, such data should be redacted before disclosure;
- c. Before the redacted government information, official records, and public records are released, the FOI officers shall require the requesting party to sign a written undertaking that he or she shall not share nor disclose the information obtained through the FOI Program to any other person or entity, or use the information obtained in a manner that is not in accordance with the purpose stated in the request.

Failure of the requesting party to comply with the undertaking may be a ground to refuse any future requests or open the requesting party to criminal prosecutions under existing laws; and

- d. Any other responsibilities as may be deemed necessary in accordance with this Circular.

SECTION 7. SEPARABILITY CLAUSE. If any provisions or sections of this Circular are declared unconstitutional, void or in contravention of any existing laws, rules and regulations, the remaining portions or provisions hereof shall continue to be valid and effective.

SECTION 8. EFFECTIVITY. This Circular shall take effect immediately.

SECTION 9. COMPLIANCE. For your guidance and strict compliance.



JOSE RUPERTO MARTIN M. ANDANAR
Secretary & FOI Champion *JA*

28 September 2019 Manila, Philippines.



ANNEX - F

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

FOI-MC No. 21-05

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

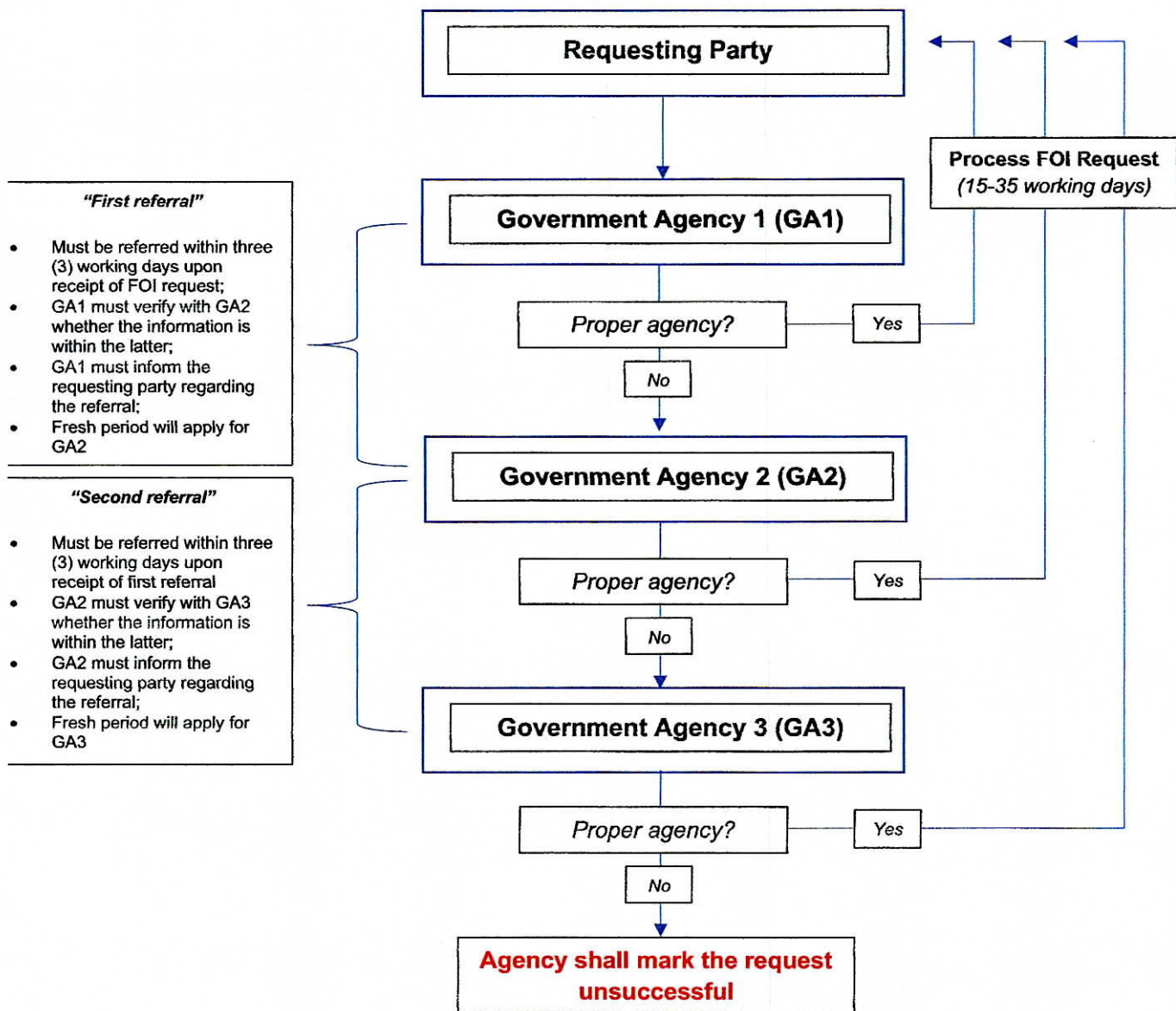
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

Annex A

NO WRONG DOOR POLICY FLOWCHART



NOTE:

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



Republic of the Philippines
 Department of Agriculture
BUREAU OF FISHERIES AND AQUATIC RESOURCES
 Fisheries Building Complex, Bureau of Plant Industry Compound,
 Visayas Ave., Diliman, Quezon City
 Tel. No. 929-8074 | do@bfar.da.gov.ph | records@bfar.da.gov.ph

PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form

TITULO NG DOKUMENTO (*Title of the Document*) _____

MGA TAON/PANAHONG SAKLAW (*Year*) _____

LAYUNIN (*Purpose*) _____

PANGALAN (*Name*) _____

CONTACT Nos. _____

LAGDA (*Signature*) _____

PETSA (*Date*) _____

TIRAHAN (*Address*) _____

KATIBAYAN NG PAGKAKAKILANLAN (*Proof of Identity*)

Passport No. _____

PARAAN NG PAGTANGGAP NG IMPORMASYON
 (How would you like to receive the information)

Driver's License _____

Other _____

- Email
 Fax
 Postal/Address
 Pick-up

Gawaing itinalaga kay:

(Submitted to) _____ (Lumagda sa baba ng pangalang nakalimbag)

Petsa/Oras ng Pagkatalaga:

(Date/Time of Submission) _____

Taong nagpapatunay ng Gawaing Natapos:

(Certified by) _____ (Lumagda sa baba ng pangalang nakalimbag)

Uri ng Isinagawang Aksyon: _____
 (Type of Action Conducted)

Iniskedyul ni (*Received by*):

 FOI Receiving Officer

Remarks:

ANNEX "H-1"

FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

Your FOI request is approved. I enclosed a copy of (some/most/all)* of the information you requested (in the format you asked for)

Thank you.

Respectfully,

FOI Receiving Officer

FOI RESPONSE TEMPLATE - ANSWER

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

Your FOI request is approved. The answer to your request is <insert answer>.

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "H-3"

FOI RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

(Some/Most/All) of the information you have requested is already made available online from <add details of where the specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you about the result within 30 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "H-4"

FOI RESPONSE TEMPLATE – DOCUMENT NOT AVAILABLE ONLINE

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance this Office does not have (some of)* the information you have requested. However, you may wish to contact <insert name of the other organization/authority> at <insert contact details> who may be able to help you. The reasons why we do not have the information are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you about the result within 30 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "H-5"

FOI RESPONSE TEMPLATE - UNDER EXCEPTIONS

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide (some of)* the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions applies to that information>. The reasons why that exception(s) applies are explained in the Annex this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you about the result within 30 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "H-6"

FOI RESPONSE TEMPLATE - IDENTICAL REQUEST

DATE

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you about the result within 30 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer