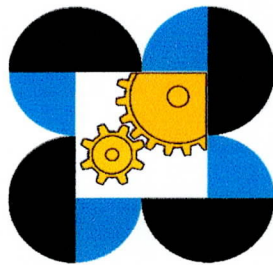


Freedom of Information Manual



DOST-ITDI

Updated as of 21 April 2022

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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF SCIENCE AND TECHNOLOGY
INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE
General Santos Avenue, Bicutan, Taguig City

**FREEDOM OF INFORMATION (FOI)
Procedures Manual**

Section 1. Overview

1. **Purpose of the Manual.** This Manual will provide the process to guide and assist the ITDI in dealing with requests of information received under the Executive Order No. 2, series of 2016 "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", issued by President Rodrigo Roa Duterte on July 23, 2016.(Annex A)
2. **Structure of the Manual.** This Manual shall set out the rules and procedures to be followed by the Industrial Technology Development Institute(ITDI), and its Research and Development Divisions and Scientific and Technological Services Divisions,when a request for access to information is received. The Director is responsible for all actions carried out under this Manual and may delegate this responsibility to the Deputy Director for Administrative and Technical Services and the respective Division Chief. The Director shall act as the Decision Maker (DM), but may delegate a specific officer, and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual.** The Manual shall cover all requests for information directed to the ITDI and all its Research and Development Divisions and Scientific and Technological Services Divisions.
4. **FOI Receiving Officer (FRO).** There shall be an FOI Receiving Officer designated at ITDI. The FRO shall hold office at National Metrology Building, DOST Compound, General Santos Avenue, Bicutan, Taguig City. The functions of the FRO shall include receiving on behalf of the ITDI all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision maker for further evaluation, or deny the request based on:
 - a. That the form is incomplete; or
 - b. That the information is already disclosed in the ITDI's Official Website, foi.gov.ph or at data.gov.ph.
5. **FOI Decision Maker (FDM).** The DOST AO 00 s, 2017 designates the Head of Agency, the Director, as the FOI Decision Maker who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
 - a. The ITDI and its Research and Development Divisions and Scientific

and Technological Services Divisions does not have the information requested;

- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI (see Annex "E" for list of exceptions); or
 - d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the ITDI.
6. **Central Appeals and Review Committee.** There shall be a Department Central Appeals and Review Committee for all DOST-attached agencies, institutes, councils and offices composed of the Assistant Secretary for Finance and Legal Affairs, as Chair; Assistant Secretary for International Cooperation, as Vice Chair; and Director of Planning and Evaluation Service, as member.
- The Committee shall review and analyze the denial of request of information of the agency and recommend whether to affirm or reverse the denial to the Office of the DOST Secretary. (DOST AO 002 s, 2017).
7. **Approval and Denial of Request.** The Decision Maker shall approve or deny all request for information. In cases where the Decision Maker is on official leave, the Director may delegate the authority to the alternate officer, which should not fall below the rank of the Division Chief.

Section 2. Definition of Terms

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

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

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

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

Exceptions – information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

foi.gov.ph – the website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, foi.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. foi.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Repots, so that they can be compared by agency and over time.

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

FOI Contact – the name, address and phone number at each government office where you can make an FOI request.

FOI Decision Maker – refers to the Head of Agency who evaluates the recommendation of the FRO on any FOI request, and has the authority to approve or deny such request.

FOI Receiving Officer (FRO) – the primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request. The FRO shall likewise make the initial evaluation of the FOI request, monitor all FOI requests and appeals, compile statistical information on FOI requests and actions taken thereon, and provide such other assistance to the FDM.

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

Force Majure – Unforeseen events that may affect government operation such as systems breakdown, natural calamities, war, and the like.

Frequently Requested Information – refers to information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

Full Denial – when the ITDI cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

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

Information – shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored 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.

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

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

Official record/s – shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

Partial Grant/Partial Denial – when a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

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

Perfected Request – a FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

Personal Information – shall refer to any information, whether recorded in a material form or not, from which the identify 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.

Proactive Disclosure – information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

Processed Request or Processed Appeal – the number of requests or appeals where the agency has completed its work and sent a final response to the requester.

Public Record/s – shall include information required by laws, executive orders, rules

or regulations to be entered, kept and made publicly available by a government office.

Received Request or Received Appeal – an FOI request or administrative appeal that an agency has received within a fiscal year.

Referral – when a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. The process is called a “referral”.

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

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. 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
- d. Specifically established by an executive order or an act of Congress to be kept classified.

Simple Request – a FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

Working Day – 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 of transaction, Article 13 of the New Civil Code shall be observed.

Section 3. Protection of Privacy

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

- 3.1 The ITDI shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only if its disclosure as permitted by existing laws;
- 3.2 The ITDI shall protect personal information in its custody or control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- 3.3 The FRO, FDM or any employee or official of ITDI who has access, whether authorized or unauthorized, to personal information in the custody of the ITDI, shall not disclose that information except as authorized by existing laws.

SECTION 4. Promotion of Openness in the Government

1. **Duty to Publish Information.** The ITDI shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and through their website timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, banner programs, organizational structure, and decision-making processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its key officials, position, email addresses, and functions;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - e. Important rules and regulations, orders or decisions;
 - f. Current and important database and statistics that it generates;
 - g. Bidding processes and requirements; and
 - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Accessibility of Language and Form.** The ITDI shall endeavor to translate key information into major Filipino dialects and present them in popular form and means.
3. **Keeping of Records.** The ITDI shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the generated or collected.

Section 5. Standard Procedure

(See Annex "F" for Flowchart)

1. Receipt of Request for Information

- 1.1 **Where Filed.** The FOI Request shall be filed with the FRO.
- 1.2 **FOI Request Form.** A Person or party making an FOI request shall use the standard FOI Request Form and shall submit two (2) copies thereof. The original shall be kept by the FRO, while the copy shall be returned to the requesting party.
The standard FOI Request Form shall be available free of charge upon request from the FRO or through the ITDI's website (www.itdi.dost.gov.ph). An FOI Request shall only be considered valid when accompanied by the standard Request Form. The Standard Form is attached as Annex "D" of this Manual.
- 1.3 **Requisites of an FOI Request.** The FRO shall check compliance with the following requirements:
- a. The request must be in writing (legible, if request is handwritten);
 - b. The request shall state the name and contact information of the Requesting Party, as well as provide valid proof of identification or authorization;
 - c. The request shall reasonably describe the information requested or contains information sufficient to identify the record/s concerned; and

- d. The request must state the reason for, or purpose, of the request for information.

The requesting party shall likewise indicate in the FOI Request Form the preferred mode of communication and response.

If the request is not in conformity with the requirements set forth, the FRO shall provide reasonable assistance to enable the Requesting Party to comply.

- 1.4 **Purpose of Request.** The reason for or purpose of the request for information shall be specific or adequately and sufficiently described. The following general averments of the purpose such as "for information," "for research", "for legal purposes" or other similarly worded purposes shall not be considered to have met the requirement of specificity. Failure to specify the reason for or purpose of the request for information, despite request by the FRO to provide a specific reason or purpose, shall be a ground for denial of the FOI request.

- 1.5 **Identification and Proof of Authority.** The requesting party shall attach to his/her FOI request the following:

- a. A copy of any government issued I.D.s containing the photograph and signature of the requesting party. Original must be presented to the FRO for verification;
- b. If the request is made through a representative, in addition to the requirement in the immediately preceding paragraph, the written authorization of the principal and copy of any government issued ID containing the photograph and signature of the principal. Original ID of the principal must likewise be presented to the FRO for verification;
- c. If the requesting party is a juridical entity, original or certified copy of the board resolution, corporate secretary's certificate, or other acceptable written document showing the authority of the representative to act in behalf of the such juridical entity. Representative must likewise present any government issued I.D.s containing the photograph and signature;
- d. If the requesting party is a natural person who is a member, employee, affiliated with or related to a juridical entity, company or organization, and the request is made not in behalf of such juridical entity, company or organization but arises from such membership, affiliation or relation, such other sufficient proof of authority or affiliation, e.g., copy of the company or organization ID; for students, a copy of the school ID and written endorsement of the advisor/supervising faculty member/instructor; and
- e. If the requesting party is a minor, his/her guardian or any competent supervising adult shall comply with the requirements for a representative.

The authorization shall expressly state the extent of the authority of the representative to make the request, provide clarification, received the requested information, and to bind the principal for all representations

and/or undertaking made by the representative in connection with the request for information.

- 1.6 **Mode of Request.** FOI Request may be made through registered mail, e-mail, or through official online portals, provided, that the requesting party shall provide all the required information and attach the supporting documents.

If the request is made through e-mail or other official portals, such request must be accompanied by a scanned copy of the duly accomplished FOI Request Form, and a copy of the requesting party's valid government issued ID with photograph and signature.

- 1.7 **Reasonable Assistance.** In case the Requesting Party is unable to make a written request, because of illiteracy or due to being a person with disability, he/she may make an oral request, and the FRO shall reduce it in writing. Reasonable assistance does not cover reproduction costs of the requesting party's copy of the FOI request and the supporting documents.

- 1.8 **Exceptional Situations.** In meritorious cases, the FRO may accept an FOI request which lacks the standard FOI Request Form, provided that the FOI request contains all the required information and complies with the other requirements of an FOI request as provided herein. In such case, the FRO shall accomplish the standard FOI Request Form in relation to such request and attach the same to the written request.

- 1.9 **Acknowledge Receipt.** The FRO shall stamp "RECEIVED" on the FOI Request Form and indicate the date and time of receipt, his/her name, rank and position with the corresponding signature. The FRO shall return one copy to the Requesting Party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail.

- 1.10 **Reference Number.** The FRO shall input the details of the request on the FOI Request Tracking System and assign a reference number.

2. **Period for Approval and Release.** The ITDI must respond to the requests promptly, within the fifteen (15) working days following the date of receipt of a fully compliant 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, Article 13 of the New Civil Code shall be observed.

The date of receipt of the request will be as follows:

- a. If made personally, on the day the FRO stamped "received" on the FOI Request Form;
- b. If made by registered mail, the date of actual receipt of the request by the 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. of the working day. Requests

received after 5:00 p.m. shall be received on the next working day.

- d. Where the e-mail of the designated officer request is unavailable and this has generated an "out of office" message with instructions on how to re- direct the message to another contact, the date of receipt will be the day the request arrives in the inbox of that contact.
- e. Where the FRO has requesting the Requesting Party for further details to identify and locate the requested information, the day on which the necessary clarification is received.

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

- 3.1 **If the Request Form is sufficient in form and substance**, the FRO shall forward the FOI Request Form to the FDM within three (3) working days from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- 3.2 **If the requested information is substantially similar or identical to a previous request by the same requester**, the request shall be immediately denied. The FRO, however, shall inform the Requesting Party of the reason of such denial.
- 3.3 **If the requested information is already posted and available on-line**, (ITDI website, data.gov.ph or foi.gov.ph) the FRO shall inform the Requesting Party of the said fact and provide them the website link where the information is posted.
- 3.4 **If the requested information is in the possession of several/different agencies, institutes, councils or offices**, that part of the request which information are held by ITDI shall be treated as a normal FOI request and processed accordingly. The FRO shall then forward the request within three (3) working days from receipt of such request to the concerned agency, institute, council or office for action, indicating the portion of the request which pertains to the respective agency, institute, council or office. The requesting party shall be advised accordingly.

The FRO shall coordinate and monitor its compliance. The FRO shall also make clear with the respective FROs of such agency, institute, council or office that they will only provide the specific information that relates to their respective agency, institute, council or office.

As per DOST AO No. 2, s 2017, should the FRO fail to transmit the original request to a second party agency, institute, council or office within (3) working days from receipt of such request, the original receiving agency, institute or council or office shall assume full accountability and responsibility in the handling of such request.

- 3.5 **Requested information is not in the custody of the ITDI**, the request will be immediately transferred to such appropriate agency, institute, council or office within three (3) working days from the receipt of request by the FRO. The requesting party shall be advised accordingly.
- 3.6 **In case of the inability to determine office jurisdiction, or if the request has been previously transferred from one agency, institute, council or office to another and the requested information is not in the custody of the third (3), agency institute, council or office which received it**, the same shall be referred by the latter to the DOST-Central Office within three (3) working days from its receipt of the request. The DOST-Central Office, in turn, shall determine within three (3) working days from receipt of such referral, to which agency, institute, council or office the request properly pertains, with the assistance of the Office of the Assistant Secretary for Legal Affairs.
4. **Submission of Recommendation to the FDM.** After determining whether it has possession of the requested information or the requested information falls under any of the exceptions to the FOI, the FRO shall prepare and submit its recommendation to the FDM whether to grant or deny, partially deny or grant, redact certain information, refer to other office, and such other actions as may be appropriate. FRO shall seek the necessary clearances from their division chief and from third parties, if applicable, before submitting the recommendation to the FDM. The FDM shall either approve or deny the request.
- The FRO shall submit its recommendation to the FDM together with the requested information, if the recommendation is to grant the request, within eight (8) working days from the FRO's receipt of the request.
5. **Notice to the Requesting Party of the Approval/Denial of the Request.** The FRO shall prepare the response in the mode preferred by the requesting party and ensure its transmittal to the Requesting Party within 15 working days upon receipt of the request for information.
- 5.1 **Approval of Request.** In case of approval, the FRO shall ensure that all records that have been retrieved have been checked for possible exemptions prior to actual release. The FRO shall prepare the response informing the Requesting Party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
- 5.2 **Denial of Request.** In case of denial of the request, wholly or partially, the FRO shall, within the prescribed period, notify the Requesting Party of the denial in writing. The notice shall clearly set forth the ground/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.
- The agency is not obliged to state why an exemption applies if by doing so, exempt information would be revealed.

- 5.3 **Conforme.** Pursuant to DOST AO 002, s. 2017, the FRO shall ensure that the requesting party has been informed of and agrees to the policies of the Department of Science and Technology as declared in FOI Requested Form.
6. **Unclaimed requested information.** Requesting Party has thirty (30) working days from the date of release within which to claim the requested information. Information/record not claimed within that period shall be disposed of accordingly.
7. **Exceptions to FOI.** List of exceptions to FOI is attached as Annex "E".
8. **Redaction.** If the information, record or document requested contains information which may be disclosed and other information which are covered by the Exceptions to FOI (such as personal information or sensitive personal information protected under the Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted prior to the release of the information, record or document.

Section 6. Remedies in Case of Denial

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

1. Administrative FOI Appeal to the Department 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 the FDM may be appealed by filing a written appeal to the Department Central Appeals and Review Committee stating the reason why the Requesting Party disagrees with the reason/s given for denial of the request.
The Appeal must be lodged with the FRO of the Department Central Appeals and Review Committee who shall immediately transmit the appeal to the said Committee. The Committee shall make a fresh determination on the FOI Application/Request of the Requesting Party and shall submit its recommendation to the Office of the Secretary within fifteen (15) working days from the filing of said appeal.
 - b. The appeal shall be decided by the Department Secretary within fifteen (15) working days upon the recommendation of the Committee. Failure to decide within the total 30-day period shall be deemed a denial of the appeal.
 - c. The denial of the appeal by the Department Secretary or the lapse of the period to respond to the request may be appealed further to the Office of the President pursuant to Administrative Order No. 22, s 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the Requesting Party may file the appropriate judicial action in accordance with the Rules of Court.

Section 7. Request Tracking System

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

Section 8. Fees


1. **No Request Fee.** The ITDI shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the Requesting Party in case there shall be charges for reproduction and copying of the requested information in order to provide the information. Such fee shall be the actual amount spent by the ITDI in providing the information to the Requesting Party.
3. **Schedule of Fees.** The cost of reproduction is P1.50 per page.
4. **Exemption from Fees.** The ITDI may exempt any Requesting Party from payment of fees upon request stating the valid reason why such Requesting Party shall not pay the fee.

Section 9. Administrative Liability

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative liabilities:
 - a. 1st Offense - Reprimand
 - b. 2nd Offense - Suspension of one (1) to thirty(30) days;
 - c. 3rd Offense - Dismissal from the service
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any office or agency, which provides for more stringent penalties.

Signed this 21st day of April, 2022 at Bicutan, Taguig City.

Approved:


DR. ANNABELLE V. BRIONES
Director
Industrial Technology Development
Institute

Annexes

ANNEX A

MALACAÑAN PALACE MANILA

**BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER NO. 02**

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

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

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

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

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

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

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

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

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

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

and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

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

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

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

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

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

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

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

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

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

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the

information, public record or official record, or the responsible central or field officer duly designated by him in writing.

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

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

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no

request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

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

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

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

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

(a) Denial of any request for access to information may be appealed to the

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

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

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

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

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

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

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

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

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

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

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

By the President:

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

Annex B

FOI Receiving Officers and Decision Makers of the DOST-ITDI

Name of Office	Name and Function	Contact Details	Email Address
Technological Services Division (TSD)	Mr. Albert M. Pallaya FOI Receiving Officer	8837-2071 loc. 2265/2184	ampallaya@itdi.dost.gov.ph/ ampallaya08@gmail.com
Administrative Division	Mr. Anthony C. Bauzon Alternate- FOI Receiving Officer	8837-2071 loc. 2220	acbauzon@itdi.dost.gov.ph
Office of the Director	Dr. Annabelle V. Briones Decision Maker	8837-2071 loc. 2182/2215	avbriones@itdi.dost.gov.ph
Technological Services Division (TSD) (Chief)	Ms. Nelia Elisa C. Florendo Alternate Decision Maker	8837-2071 loc. 2265	necflorendo@itdi.dost.gov.ph

Annex C

FOI Frequently Asked Questions

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2, S. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

6. What agencies can we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

- a. The requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
 - a. The request shall be forwarded to the officials involved to locate the requested information.
 - e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
 - f. If necessary, the head of the agency shall provide clearance to the response.

- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

Annex D

FOI Request Form Online:

This document may be reproduced
and is NOT FOR SALE

FOI Tracking Number:



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2/s. 2016)
(as of November 2016)

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

A. Requesting Party

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

- | | | |
|--|--|------------|
| 1. Title (e.g. Mr, Mrs, Ms, Miss) | 2. Given Name/s (including M.I) | 3. Surname |
| <hr/> | | |
| 4. Complete Address (Apt/House Number, Street, City/Municipality, Province) | | |
| <hr/> | | |
| 5. Landline/Fax | 6. Mobile | 7. Email |
| <hr/> | | |
| 8. Preferred Mode of Communication | <input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address
(If your request is successful, we will be sending the documents to you in this manner.) | |
| 9. Preferred Mode of Reply | <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-Up at Agency | |
| 10. Type of ID Given (Please ensure your IDs contain your photo and signature) | <input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID
<input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others _____ | |

B. Requested Information

- | | |
|--|-------|
| 11. Agency - Connecting Agency (if applicable) | <hr/> |
| 12. Title of Document/Record Requested (Please be as detailed as possible) | <hr/> |
| 13. Date or Period (DD/MM/YY) | <hr/> |
| 14. Purpose | <hr/> |
| | <hr/> |
| 15. Document Type | <hr/> |
| 16. Reference Numbers (if known) | <hr/> |
| 17. Any other Relevant Information | <hr/> |

FREEDOM OF INFORMATION

C. Declaration

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

I declare that:

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

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

Signature

◀ _____

Date Accomplished (DD/MM/YYYY)

◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name)

◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A)

◀ _____

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

◀ _____

Proof of ID Presented (Photocopies of original should be attached)

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

The request is recommended to be:

☐ Approved ☐ Denied

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online

Second Receiving Officer Assigned (print name)

◀ _____

Decision Maker Assigned to Application (print name)

◀ _____

Decision on Application

☐ Successful ☐ Partially Successful ☐ Denied ☐ Cost

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online
☐ Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY)

◀ _____

Date Documents (if any) Sent (DD/MM/YYYY)

◀ _____

FOI Registry Accomplished

☐ Yes ☐ No

RO Signature

◀ _____

Date (DD/MM/YYYY)

◀ _____

FREEDOM OF INFORMATION

FOI Request Form Standard:



Republic of the Philippines
Department of Science and Technology
INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE
DOST Cpd., General Santos Ave., Bicutan, Taguig City
Tel. Nos. : 837-2071 to 82 (DOST Trunklines) Telefax No.: 837-3167
<http://www.itdi.dost.gov.ph>



Management
System
ISO 9001:2015



FOI REQUEST FORM (Customer Copy)

Date: _____ Request Reference No.: _____
Name: _____ Contact No.: _____
Address: _____
ID Presented: _____ ID No.: _____
Document Requested: _____
Purpose: _____
Received by: _____
FOI Receiving Officer

FOI REQUEST FORM (ITDI Copy)

Date: _____ Request Reference No.: _____
Name: _____ Contact No.: _____
Address: _____
ID Presented: _____ ID No.: _____
Document Requested: _____
Purpose: _____
For FOI Receiving Officer Only
Type of Document: _____
Mode of Request: _____
Request Forwarded to: _____
Remarks: _____
Received by: _____
FOI Receiving Officer

ANNEX E

LIST OF EXCEPTIONS

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

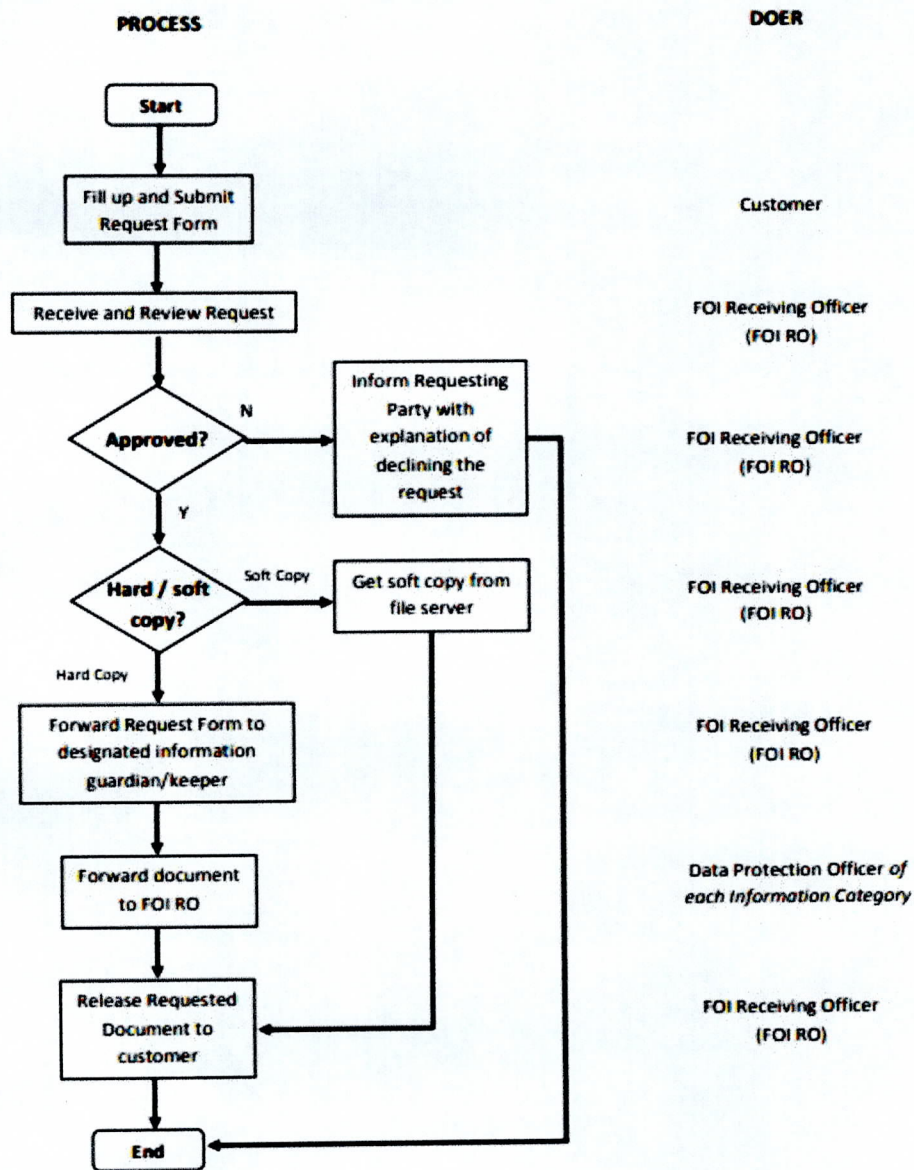
1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons 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.

Annex F

Flow Chart

This flow outlines the Freedom of Information (FOI) process in the DOST- ITDI from the receipt of request to the delivery of the required information.



Annex G

FOI MC No. 21-05



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 (All) 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 All 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.

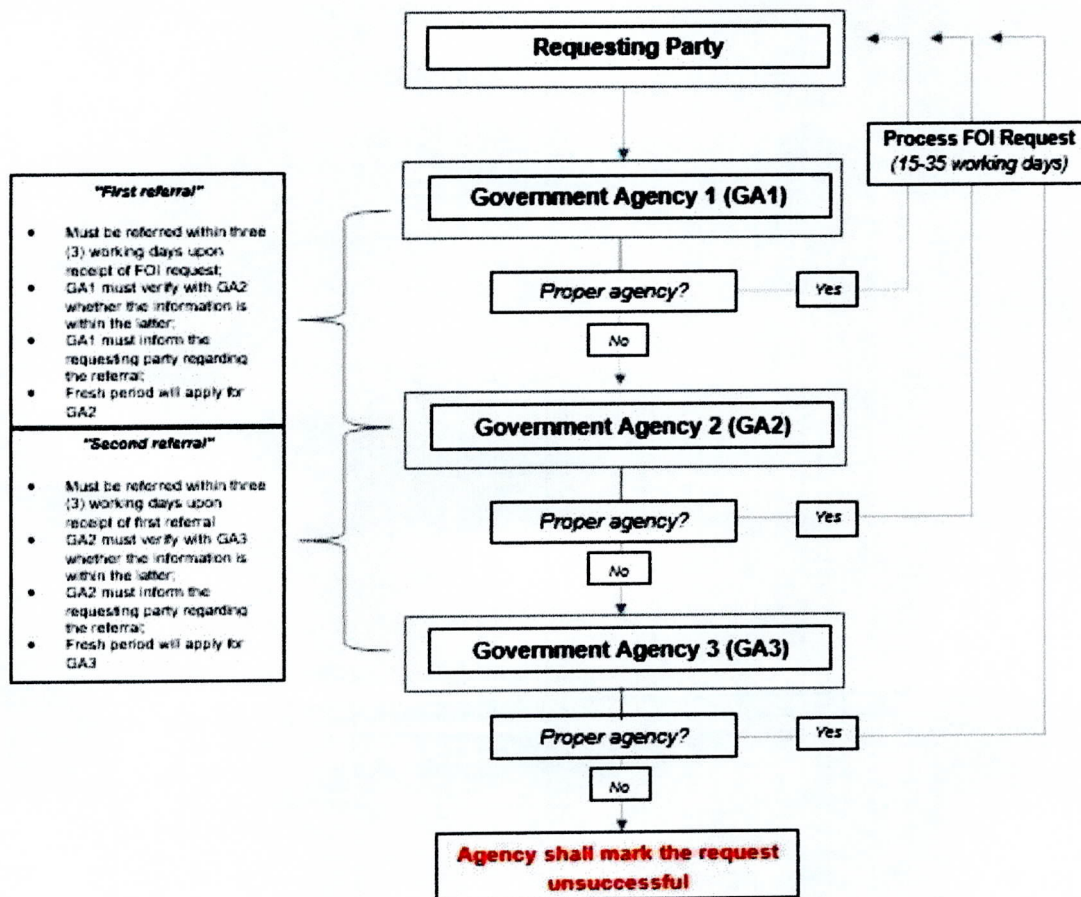
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

Annex H

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.