

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

**FREEDOM OF INFORMATION
IMPLEMENTING DETAILS**

SECTION 1: OVERVIEW

1. **Purpose:** The purpose of the FOI Manual is to provide the process to guide and assist the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE, including its Research and Development Divisions and Scientific and Technological Services Divisions, in dealing with requests of information received under Executive Order (EO) No. 2 on Freedom of Information (FOI). (**Annex "A"**)
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE, and its Research and Development Divisions and Scientific and Technological Services Divisions, when a request for access to information is received. The INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE and the respective Division Chiefs. 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 INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE and all its Research and Development Divisions and Scientific and Technological Services Divisions.
4. **FOI Receiving Officer (FRO):** Refer to the latest ITDI Special Order for FOI Receiving Officer.

The functions of the FROs shall include the following:

- a. Receive, on behalf of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or any of its Research and Development Divisions and Scientific and Technological Services Divisions, all requests for information;
- b. Forward the same to the appropriate division who has custody of the records; monitor all FOI requests and appeals;
- c. Provide assistance to The Director as FOI DM;
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required; and
- f. Conduct initial evaluation of the request and advise the requesting party.

SECTION 2: DEFINITION OF TERMS

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

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand 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. eFOI.gov.ph also promotes the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE's 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.

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 the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 OF DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE. 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.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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.

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules or regulations to be entered, kept, and made publicly available by the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE that utilizes public funds.

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

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.

SECTION 3. GLOSSARY 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 the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE, which will then conduct an independent review.

ANNUAL FOI REPORT. A report to be filed each year with the Presidential Communications Office (PCO) by the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE.

CONSULTATION. When the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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".

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

FREEDOM OF INFORMATION. The Executive Branch recognizes the right of the people to information on 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 the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE where you can make a FOI request.

FOI REQUEST. A written request submitted to the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE where the requesting party can call and ask questions about the FOI process or the pending FOI request.

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

FULL DENIAL. When the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or any of its Research and Development Divisions and Scientific and Technological Services Divisions 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 the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE is able to disclose all records in full in response to a FOI request.

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

PARTIAL GRANT/PARTIAL DENIAL. When the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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. An FOI request or administrative appeal for which the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE's regulations.

PROACTIVE DISCLOSURE. Information made publicly available by the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE without waiting for a specific FOI request. It posts on its website a vast amount of material concerning its functions and mission.

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

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE has received within a fiscal year.

REFERRAL. When the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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".

SIMPLE REQUEST. A FOI request that the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION 4. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** The INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 its website timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, structure it delivers and the procedure 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, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - e. Important rules and regulations, 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 INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** The INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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 it or that which it generated or collected.

SECTION 5. PROTECTION OF PRIVACY

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

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

SECTION 6. STANDARD PROCEDURE

(See **Annex "F"** for FOI Request Process Flowchart)

1. Receipt of Request for Information.

- a. FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:
 - i. The request must be in writing;
 - ii. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - iii. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (see **Annex "E"**)

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

- b. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and FRO, shall reduce it in writing.
- c. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email

requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

- d. The INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE, and its Research and Development Divisions and Scientific and Technological Services Divisions must respond to the requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- i. The day on which the request is physically or electronically delivered to the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE, or directly into the email inbox of a member of staff; or
- ii. If the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

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

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

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

- a. **Request relating to more than one office under the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE:** If a request for information is received which requires to be complied with by different attached agencies, bureaus and offices, FRO shall forward such request to the said attached agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. FRO, shall also clear with the respective FROs of such agencies, bureaus and offices that they will only provide the specific information that relates to their agencies, bureaus and offices.
- b. **Requested information is not in the custody of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or any of its Research and Development Divisions and Scientific and Technological Services Divisions:** If the requested information is not in the custody of the

INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or any of its Research and Development Divisions and Scientific and Technological Services Divisions, following referral and discussions with The Director as FDM, the FRO shall undertake the following steps:

- i. If the records requested refer to another department, the request will be immediately transferred to such appropriate department through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving offices commences the day after it receives the request.
 - ii. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- c. **Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE 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.
- d. **Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.
- e. **Transmittal of request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the Director of such request. The copy of the request shall be forwarded to the Director within one (1) day from receipt of the written request. The FRO shall record the date, time and name of The Director as FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- f. **Role of FDM in processing the request:** Upon receipt of the request for information from the FRO. The Director shall assess and clarify the request if necessary. She shall make all necessary steps to locate and retrieve the information requested. She shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note of the date and time of receipt of the information from The Director and report to the Secretary as DOST Secretary or his

designated Undersecretary or Assistant Secretary, or Heads of agencies, bureaus and offices, in case the submission is beyond the 10-day period.

If The Director needs further details to identify or locate the information, she shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.

If The Director determines that a record contains information of interest to another office, she shall consult with the agency concerned on the disclosability of the records before making any final determination.

- g. **Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from The Director, the FRO shall collate and ensure that the information is complete. He/She shall attach a cover/transmittal letter signed by The Director or her designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

- h. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, The Director should inform the FRO

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall 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.

- i. **Notice of the Requesting Party of the Approval/Denial of the Request:** Once The Director has approved or denied the request, she shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approved or denied, shall pass through the Office of the Director of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or to her designated officer for final approval.

- j. **Approval of Request:** In case of approval, FRO shall ensure that all records that have been retrieved and considered have been checked for possible exemptions, prior to actual release. They shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

- k. **Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to

information. All denials on FOI requests shall pass through the Office of the Director of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE or to her designated officer.

SECTION 7. REMEDIES IN CASE OF DENIAL

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

1. **Administrative FOI Appeal to the DEPARTMENT Central Appeals and Review Committee:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the Office of the Director of the INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE may be appealed by filing a written appeal to the DOST Central Appeals and Review Committee within (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the Office of Secretary 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. The denial of the Appeal by The Secretary or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial in accordance with the Rules of Court.

SECTION 8. REQUEST TRACKING SYSTEM

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

SECTION 9. FEES


1. **No request fee.** The INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the INDUSTRIAL TECHNOLOGY

DEVELOPMENT INSTITUTE in providing the information to the requesting party. The schedule of fees shall be posted by the institute.

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


DR. ANNABELLE V. BRIONES
OIC, OFFICE OF THE DIRECTOR and
DEPUTY DIRECTOR, R&D
DOST-ITDI

Bicutan, Taguig, Metro Manila, Philippines, 28th day of August year 2018.

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 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

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

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:

R. Duterte



[Signature]
SALVADOR C. MEDIALDEA
Executive Secretary



CERTIFIED COPY:

[Signature]
MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

ANNEX “B”

FOI RECEIVING OFFICERS OF DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) AND ATTACHED AGENCIES

Name of Agency	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Industrial Technology Development Institute (ITDI)	Office of the Chief Technological Services Division (TSD), Metrology - ITDI Building, DOST cpd., Gen. Santos Ave., Bicutan, Taguig City 1631 Philippines	Tel. 837 2017 Local 2265, 2184	Request Receiving Officer: Albert M. Pallaya Alternate: Anthony C. Bauzon



August 1, 2019

ITDI SO No. 372
Series 2019

Subject: Amendment of Special Order No. 078 Series 2019: ITDI Committees

In the interest of the service and in compliance with FOI (EO 292) and DPA act of 2012, S.O No. 078, Series 2019 is hereby amended:

DATA PRIVACY ACT GROUP - to include duties and responsibilities:

GROUP	DUTIES AND RESPONSIBILITIES
Decision Maker (DM): Dr. Annabelle V. Briones Alternate DM for DPA: Dr. Diana L. Ignacio Alternate DM for FOI: Nelia Elisa C. Florendo	<ul style="list-style-type: none">• Decision Maker if the information can be disclosed or not to the requesting party• Has overall administrator level access on the organizational data
Data Protection Officer (DPO) – Head Jose Mari B. Manalo Alternate DPO – Head: Gennie A. Ordoña	<ul style="list-style-type: none">• Review and provide brief evaluation report on the document request• Has overall administrator level access on organizational data
DPO – R & D Documents: Ma. Andriena Ida D.A. Ofina	<ul style="list-style-type: none">• Document Guardian/Data Keeper of all R&D Documents• Has administrator level access on R&D Documents• Conduct R&D Documents inventory
DPO – Technical Services Document: Jacqueline F. Dinglasan	<ul style="list-style-type: none">• Document Guardian/Data Keeper of all Technical Services Documents• Has administrator level access on Technical Services Documents• Conduct Technical Services Documents inventory
DPO – Administrative Document: Merlita M. Regonda	<ul style="list-style-type: none">• Document Guardian/Data Keeper of all Administrative Documents• Has administrator level access on Administrative Documents• Conduct Administrative Documents inventory
DPO – Budget and Finance Document: Josefina T. Perez	<ul style="list-style-type: none">• Document Guardian/Data Keeper of all Budget and Financial Documents• Has administrator level access on Budget and Financial Documents• Conduct Budget and Financial Documents inventory

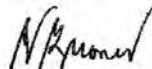
Our Business is Industry

Membership:

- General Conference on Weights and Measures (CGPM) • Asia Pacific Metrology Programme (APMP) • Asia Pacific Legal Metrology Forum (APLMF)

Request Receiving Officer: • Albert M. Pallaya Alternate: Anthony C. Bauzon	<ul style="list-style-type: none"> • Receive document request • Conduct initial review of the document request • Forward document request to designated document guardian or data keeper • Release requested document
ALL	Other duties related to the FOI and DPA activities and requirements

This order shall take effect immediately and remain in force until revoked by proper authority. All other provisions of S.O No. 078 Series 2019 shall remain the same.


DR. ANNABELLE V. BRIONES
Director

Our Business is Industry

* Membership:

- General Conference on Weights and Measures (CGPM)
- Asia Pacific Metrology Programme (APMP)
- Asia Pacific Legal Metrology Forum (APLMF)

8 9 2019

ANNEX “C”

LIST OF EXCEPTIONS

ITDI

*(Please refer to DOST Administrative Order No. 003, Series of 2015
Subject: Adoption of the Department of Science and Technology Data Sharing
Policy, page 2, Item 4 on Exemptions and to Republic Act 10173 - Data Privacy Act
of 2012)*

DOST Data Sharing Policy

4. EXEMPTIONS

4.1 This data sharing policy does not include [a) intellectual properties such as trade secrets, commercial information and proprietary information until it was made public, published, or protected under law; (b) personnel, medical and other similar information that when disclosed constitutes unwarranted invasion of personal privacy; c) names of commercial establishments and entities whose collaborations in DOST-funded programs and projects warrants a protection of their rights to anonymity; and d) results of testing and analytical services provided by DOST agencies to clients.

4.2 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of proprietary data, maintain confidentiality of proprietary information, including research results for a reasonable time and manner, secure and retain legal rights to Intellectual property generated from public funds and to provide incentives for the dissemination and commercialization of research results that enhance its usefulness and accessibility.

4.3 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of personal information and identities of commercial entities for the protection of privacy from DOST-funded programs and projects.

4.4 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of results of testing and analytical services provided to clients.

4.5 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of hazard-related real-time and historical data from DOST-funded programs and projects that has bearing on national security.

Republic Act 10173 - Data Privacy Act of 2012

- An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and in the Private Sector
- Gave parameters on when and on what premise can data processing of Personal Information be allowed. Its basic premise is when a data subject has given direct consent

ANNEX D - ITDI DOCUMENTS INVENTORY

agency_abbrv	agency_name	title	description	file_format	online_publication	location_or_url	disclosure	original_data_owner	data_maintainer	date_released (or coverage)	frequency_ of_update
ITDI	Industrial Technology Development Institute	Training Programs	List of yearly training programs of ITDI	Softcopy and Hardcopy	ITDI Website	www.itdi.dost.gov.ph and TSD File	Public	ITDI	TSD	Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	List of Conducted Training	Summary of conducted activities, which may include client details and requested information/ technology; including action taken by ITDI	Softcopy and Hardcopy	None	TSD Files and PMISD Accomplishment Report File	Limited	ITDI	TSD / PMISD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	ITDI Technical Services	List of available Technical Services provide by ITDI	Softcopy and Hardcopy	ITDI Website	www.itdi.dost.gov.ph and TSD File	Public	ITDI	TSD / STD / NMD	Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Provided Technical Services	List of technical services provided by ITDI	Softcopy and Hardcopy	None	TSD, NMD, STD and PMISD Accomplishment Report File	Limited	ITDI	TSD / STD / NMD / PMISD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Technology Adopters	List ITDI technology adopters	Softcopy and Hardcopy	None	TSD and PMISD Accomplishment Report File	Limited	ITDI	TSD / PMISD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	ITDI Clients	List of ITDI clients including walk-in and phone and email inquiry	Softcopy and Hardcopy	None	TSD, NMD, STD and PMISD Accomplishment Report File	Limited	ITDI	TSD / STD / NMD / PMISD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Budget Accountability Reports	ITDI Financial Report like SAOB and financial performance	Softcopy and Hardcopy	ITDI Website	www.itdi.dost.gov.ph and FAD File	Public	ITDI	FAD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Budget Proposal	BP Forms A to 400-A	Softcopy and Hardcopy	None	FAD File	Limited	ITDI	FAD	Yearly	Yearly
ITDI	Industrial Technology Development Institute	Payroll	ITDI Employee's payroll both contractual and regular	Softcopy and Hardcopy	None	FAD File	Exception	ITDI	FAD	Monthly	Monthly
ITDI	Industrial Technology Development Institute	Capsule Proposal	Project Proposal	Softcopy and Hardcopy	None	Project Leader, PMISD and TRC	Exception	ITDI	Project Leader / PMISD	Monthly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Detailed Project Proposal	Detailed Project Proposal	Softcopy and Hardcopy	None	Project Leader, PMISD and TRC	Exception	ITDI	Project Leader / PMISD	Monthly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Research Agreement	Research Agreement with customer	Hardcopy	None	Customer, TSD and PMISD	Limited	ITDI	PMISD and TSD	Monthly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Project Progress Report	Progress Report of Projects	Softcopy and Hardcopy	None	Project Leader and PMISD	Exception	ITDI	Project Leader / PMISD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Terminal Report	Project Terminal Report	Softcopy and Hardcopy	None	Project Leader and PMISD	Exception	ITDI	Project Leader / PMISD	Yearly	Yearly

ANNEX D - ITDI DOCUMENTS INVENTORY

ITDI	Industrial Technology Development Institute	Summary of Observation	Summary of Project Monitoring Report	Softcopy and Hardcopy	None	PMISD	Limited	ITDI	PMISD	Quarterly	Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Summary of Accomplishment	Summary of ITDI Accomplishments	Softcopy and Hardcopy	None	PMISD	Limited	ITDI	PMISD	Quarterly	Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Commercialized Technology	List of ITDI technology for commercialization	Softcopy and Hardcopy	ITDI Website	www.itdi.dost.gov.ph and TSD File	Public	ITDI	TSD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Training Record Master List	Training Schedule and Participants Profile	Softcopy and Hardcopy	None	TSD File	Limited	ITDI	TSD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Research Output	Patent, IP/IPR, Publication, Report, Maps, Design and Fabrication, Process, Tool Kit, Chemical Formulation, Software, Demonstration, Prototype	Softcopy and Hardcopy	None	Project Leader and TSD File	Exception	ITDI	Project Leader / TSD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	Research Data	Experiment Data Logbook	Softcopy and Hardcopy	None	Project Leader and Researcher	Exception	ITDI	Project Leader and Researcher	Based on Research Activity	Based on Research Activity
ITDI	Industrial Technology Development Institute	Scientific Papers	Scientific Papers	Softcopy and Hardcopy	None	Researcher	Limited	ITDI	Researcher / TSD	Based on Research Activity	Based on Research Activity
ITDI	Industrial Technology Development Institute	Techno Package	Material Balance, Return of Investment, Flow Chart	Softcopy and Hardcopy	None	TSD File	Limited	ITDI	TSD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	ITDI Kit	Brochure, flyers, annual Report, ITDI Primer, AVP, Press Release, Flash Report	Softcopy and Hardcopy	ITDI Website	www.itdi.dost.gov.ph and TSD File	Public	ITDI	TSD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	PDS	Employee's Personal Data Sheet	Hardcopy	None	HR - FAD	Limited	ITDI	HR	Yearly	Yearly
ITDI	Industrial Technology Development Institute	201 Files	Records of all ITDI Employees	Hardcopy	None	HR - FAD	Limited	ITDI	HR	Based on employee's update	Based on employee's update
ITDI	Industrial Technology Development Institute	Service Record	Employee's Service Records	Softcopy and Hardcopy	None	HR - FAD	Limited	ITDI	HR	Based on employee's update	Based on employee's update
ITDI	Industrial Technology Development Institute	Customer Profile	ITDI Customer Information	Softcopy and Hardcopy	None	NMD, TSD, STD	Exception	ITDI	NMD, TSD, STD	Monthly / Quarterly / Yearly	Monthly / Quarterly / Yearly
ITDI	Industrial Technology Development Institute	ITDI Inventory	List of ITDI asset including equipment, supplies and facilities	Softcopy and Hardcopy	None	FAD File	Limited	ITDI	FAD	Based on acquisition update	Based on acquisition update

ANNEX D - ITDI DOCUMENTS INVENTORY

ITDI	Industrial Technology Development Institute	Raw Data	Any single and dependent component of information and unprocessed data that might lead to conclusive information such as audio and video recording, individual notes during the meeting, rating sheet, etc.	Softcopy and Hardcopy	None	Staff / divisional secretariat custody	Exception	ITDI	FAD	Meeting proper	Based on date of meeting
ITDI	Industrial Technology Development Institute	Committee Report	Sensitive committee Report that has legal and social governance such as Preliminary Investigation Report, complains, etc...	Softcopy and Hardcopy	None	Committee Document Custodian, FAD	Exception	ITDI	Committee Document Custodian, FAD	Committee meetings	Based on schedule and necessity of the meeting



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 F – ITDI REQUEST FOR PUBLIC DOCUMENT INTERNAL PROCESS FLOW

