



Republic of the Philippines
Commission on Higher Education

SULU STATE COLLEGE

Capitol Site, Jolo, Sulu



FREEDOM OF INFORMATION MANUAL

TABLE OF CONTENTS

SULU STATE COLLEGE

Vision
Mission

I. OVERVIEW

1. Introduction
2. Purpose of the Manual
3. Coverage of the Manual

II. DEFINITION OF TERMS

III. PROTECTION OF PRIVACY

IV. FOI OFFICERS

1. FOI Decision Maker (FDM)
2. FOI Receiving Officer (FRO)

V. PROCEDURE

VI. TRACKING SYSTEM

VII. FEES

VIII. ADMINISTRATIVE LIABILITY

ANNEXES

- A. Executive Order No. 2 Series of 2016
- B. Memorandum from the Executive Secretary
- C. FOI Request Flowchart
- D. FOI Request Form
- E. Certification to be signed by the Requesting Party who Filed via the eFOI Portal
 - E.1 FOI Template (Incomplete Information)
 - E.2 FOI Template (Invalid Request)
 - E.3 Response Template (Acknowledging Receipt of Perfected Request)
 - E.4 Response Template (Extension of Time)
 - E.5 Response Template (Request for Clarification)
 - E.6 Response Template (Document Enclosed)
 - E.7 Response Template (Answer)
 - E.8 Response Template (Document Available Online)
 - E.9 Response Template (Partial Grant some Documents not in the Custody)

-
- of the College
- E.10** Response Template (Exceptions)
 - E.11** Response Template (Referral to another Agency)
 - E.12 Response Template (Information in Custody of Office not Within the Coverage of (E.O. No. 2)
 - F.** No Wrong Door Policy

SULU STATE COLLEGE

Vision

The Sulu State College as Center of Excellence in BARMM, producing globally competitive graduates and as institutional stewards in the development of the region.

Mission

SSC is committed to develop academic stalwarts and globally competent professionals, producing cutting edge research, knowledge and technologies for sustainable development engage in partnership and viable resource generation programs.

I. OVERVIEW

1. Introduction

Article III Section 7 of the 1987 Philippine Constitution guarantees the right of the people to information on matters of public concern. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law. This constitutional right of an individual to access information has paved the way for the issuance of Executive Order No. 2 (E.O. No. 2).

On July 23, 2016, President Rodrigo Duterte signed an

Executive Order (E.O.) No. 2 Series of 2016 *entitled,*
*“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”.

Section 2 of E.O. No. 2, s. 2016 provides that said E.O. covers 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 GOCCs, SUCs, and LGUs are encouraged to observe and be guided by such E.O.

The Executive Branch is mandated to have their respective FOI Manual. Sulu State College came up with a Manual as a guide to College officials, faculty, staff, students and the general public in the processing of any request for information.

1. Purpose of the Manual

The main purpose of the Sulu State College Freedom of Information Manual is to develop rules and procedures to be followed by the College in dealing with requests for information received under Executive Order (E.O.) No. 2, series of 2016.

2. Coverage of the Manual

The Manual shall cover all requests for information directed to the College following E.O. No. 2 Series of 2016.

II. DEFINITION OF TERMS

Annual FOI Report -a yearly report submitted to the Presidential Communications Operations Office (PCOO) which contains detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

College refers to Sulu State College, which includes the different departments and units. It is composed of three (3) campuses, namely; 1) Main Campus where the administration building is located, and is situated at Capitol Site, Jolo, Sulu; 2) Agriculture Campus, located at Gandasuli, Jolo, Sulu, where the School of Agriculture is situated; and 3) The SSC Laboratory High School, which can be found at downtown Jolo in Walled City.

Complex Request - refers to a request that requires large data or request that needs extensive research. Request may also need to be evaluated for possible violation of Data Privacy Act of 2012.

eFOI.gov.ph - refers to the government’s Freedom of Information Website. It provides 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

Exceptions - information that should not be disclosed because they are protected by Constitutional Laws.

FOI - (or Freedom of Information) this refers to the right of people to information on matters of public concern, and the College's implementation of a policies of full public disclosure of all its transactions involving public interest, subject to the limitations provided in the Constitution, applicable laws and regulations.

FOI Decision Maker - The FOI Decision Maker (FDM) has overall responsibility for the final decision on FOI Requests made to his/her office. He/she has the authority to either approve or revert the FOI Receiving Officer's decision to the request or appeal. He/she may submit to the FOI Committee complex requests on whether to grant or deny such request.

FOI Receiving Officer - refers to the contact person responsible for evaluating whether FOI requests qualify as perfected requests, tracking and monitoring FOI requests, providing assistance to the FDM, the public and College staff in FOI processing and compiling statistical information regarding FOI processing as may be required by E.O. No. 2.

FOI Request - refers to a written request submitted to the College personally or by email asking for information on any matter of public concern.

Public Records –refers to information required by laws, executive orders, rules, or regulations to be made publicly available by the College.

Readily Available Information - refers to information made publicly or readily available by the College, such documents, records or information which available in the College's website, or are available in its offices.

Sensitive Personal Information - refers to requested information that are not allowed for disclosure because it is covered and defined under Section 3 (l) of the Data Privacy Act of 2012, refers to personal information:

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;

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- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - (4) Specifically established by an executive order or an act of Congress to be kept classified.

III. PROTECTION OF PRIVACY

While providing for access to information on matters of public concern as well as government research data used as the basis for policy development, the College shall afford to full protection to a person's right to privacy. It is balancing and harmonizing the right to Information with protection of peoples' right to privacy as indicated in E.O. No. 2 s. 2016 and R.A. 10173 otherwise known as Data Privacy Act of 2012 respectively.

- a. The College shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by the Constitution, laws, regulations jurisprudence and school policies, rules and regulations;
- b. The College, as well as those seeking information pursuant to this FOI Manual must ensure the implementation of personal information processing principles set out in the Data Privacy Act of 2012.
- c. The College shall therefore in the FOI Request Form and in replying to the granted FOI Request require the Requesting Party to strictly adhere to the Data Privacy Act of 2012 and other applicable laws.
- d. The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:
 - (1) The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;
 - (2) The processing of the same is provided for by existing laws and regulations: *Provided*, that such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: *Provided, further*, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

(3) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;

(4) The processing is necessary to achieve the lawful and non-commercial objectives of public organizations and their associations: *Provided*, that such processing is only confined and related to the *bona fide* members of these organizations or their associations: *Provided, further*, That the sensitive personal information are not transferred to third parties: *Provided, finally*, That consent of the data subject was obtained prior to processing;

(5) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

(6) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.

- e. The College shall protect personal information in its custody or under its control by making reasonable and appropriate security arrangements against unauthorized access, leaks or premature disclosure including physical, organizational and technical measures.
- f. The FOI Receiving Officer, FOI Decision Maker, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the College, shall not disclose that information except as authorized by the Constitution, laws, regulations jurisprudence and College policies, rules and regulations.

IV. FOI OFFICERS

1. FOI Decision Maker (FDM)

There shall be an FOI Decision Maker (FDM), designated by the SSC President, with an Associate Professor rank or higher, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it.

The FOI Decision Maker (FDM) has overall responsibility for the final decision on FOI Requests made to his/her office. The FDM may modify the FOI Delegate's initial decision on an FOI Request on appeal.

In cases involving a possible violation of the Data Privacy Act or any other existing law, the procedure indicated in Section 6 (2) (g) shall be observed.

The following are the FDMs for the concerned College units:

- a. The Vice President for Academic Affairs or any other person who has the required expertise in the interpretation of Freedom of Information related laws, issuances and jurisprudence so as to enable the College to exercise the right and responsibility of academic freedom under the Constitution and its Charter, appointed by the SSC President with respect to FOI Requests for information;

2. FOI Receiving Officer (FRO)

There shall be a designated FOI Receiving Officer (FRO) who will receive and evaluate requests. Monitoring of FOI Requests should be done by the FRO. The FRO shall hold office at SSC Main Campus.

The functions of the FRO shall include receiving on behalf of Sulu State College 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.

V. PROCEDURE

1. Request for Information

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

- a. The request must be in writing;
- b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

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- c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

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.

The FDM/FRO must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request.

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

The FRO who has been given the assignment of accepting requests must check compliance with the following requirements:

- a. The request must be in writing using the prescribed application form. In the event the requesting party courses a request through the eFOI portal and/or submits the form in the eFOI portal that contains items and a certification that is different from the prescribed FOI request form, the FRO shall require such party via email to transmit the duly executed form attached as Annex “F” of this Manual.
- b. The request shall state the name and contact information of the requesting party; and
- c. Requesting party shall provide valid proof of identification. In the absence of a valid government-issued ID, the citizen may provide other documents to prove Filipino citizenship such as, but not limited to a birth certificate, etc. Requesting party shall also state under oath in the Application Form that he/she is a Filipino citizen.

The request shall be made through the eFOI portal at eFOI.gov.ph. FRO shall encourage requesting parties whenever practicable to lodge their requests through the eFOI portal as the same allows the College as well as the party concerned to view and track requests online. As stated above, FROs shall require such parties to sign and transmit the certification found in Annex “F” to the proper FROs.

In case the Requesting Party is unable to comply with any of the requisites for a perfected request, e.g. appropriate ID, insufficient details, etc., the FRO shall deny the request and inform the Requesting Party of the deficiencies in writing and give him or her sixty (60) days to rectify the deficiency and re-file the request.

A perfected request shall be stamped “RECEIVED” by the FRO, indicating the date and time of the receipt of the written request, 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. The FRO shall send a letter or email that the College acknowledges receipt of the perfected request following the template found in Annex “F- 3”.

The FRO shall immediately transmit a hard copy of the perfected request and where practicable also send the same via email to the FRO through the official mail of the FRO. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number for perfected requests received by him.

2. Evaluation of Request

After receipt of the request for information, the FRO shall evaluate and process the request.

1. Request relating to more than one office within the College

If a request for information is received which requires to be complied with by different offices within the SSC, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated, and shall monitor their compliance.

2. Requested information is not in the custody of the College

If the requested information is not in the custody of SSC or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- a. If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency 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 office commences the day after it receives the request.
- b. 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.

3. Requested information is already posted and available online

Should the information being requested is already posted and publicly available in the SSC website, the FRO shall inform the requesting party and provide them the website link.

4. 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 requesting party, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

5. Readily available information

Requests for readily available information as defined in this Manual need not undergo the whole FOI procedure as mandated by EO No. 2 and may be responded to immediately by the FRO.

6. Frequently requested information

Each unit of the College should, as much as practicable, keep a database of frequently requested information for easy retrieval. Such frequently requested information may be made available online or readily available by each office.

7. Requested information may be in violation of Data Privacy Act or other law/(s)

If, after evaluation of the FOI Request, the FRO determines that such request may possibly encroach on the right to privacy of any person or if there appears to be a risk that disclosure of the requested information will expose the College and/or its employees to liability under the Data Privacy Act or any other existing law, the FRO shall refer the matter to the FDM. In the event no recommendation is made by the FRO regarding the constitution of an FOI Review Committee and make such recommendation. The FDM shall, before resolving the Request, refer the matter to a duly constituted FOI Review Committee. The FOI Review Committee may recommend to the FDM the approval or denial of the Request. The composition of the Review Committee is:

1. One representative from the Office of the Vice President for Academic Affairs involving FOI requests, who shall serve as the Chairperson
2. Data Protection Officer of the College involving FOI requests
3. One (1) college official appointed by the FDM who may be knowledgeable on the matter being requested

8. Period to Respond to FOI Request

The College must respond to perfected requests within fifteen (15) working days from 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.

The date of receipt of the FOI request shall either be:

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- a. The date on which the perfected request is physically delivered to the FRO, or received in the email inbox of the FRO whichever is received earlier; or
 - b. The date on which necessary information, proof of citizenship, transmittal of the signed certification is received.

9. Request for an Extension of Time

If the information requested requires extensive search of office records, examination of voluminous records, or other similar reasons, of the College, or in case of the occurrence of a fortuitous event or other analogous causes which will require a longer period in order to comply with the request, the FDM shall inform the requesting party using the template found in Annex “F-4 “and give notice to the FRO for tracking purposes.

If the request is within the jurisdiction of the College, the FDM shall inform the Requesting Party of the extension in writing, setting forth the reasons for such extension and specifying the date or the reasonable period of time when the matter will be disposed of and the name of the official or employee in charge thereof. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

10. Forwarding Request to FDM

After receipt of the perfected request, the FRO shall notify the FDM of such request within one (1) day from receipt by the FRO.

11. Notice of Approval/Denial

Once the FDM decides to approve or deny the request, he/she shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email using the appropriate template reply attached as Annexes to this Manual.

12. Action on the FOI Request

- a. **Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered are checked for possible exceptions prior to actual release and that unnecessary information is redacted in order to uphold the right to privacy. The FRO shall prepare the letter or email based on the appropriate templates contained in Annex “F-

6“or “F-7” for the FDM informing the requesting party within the prescribed period that the request was granted.

- b. Partial grant.** Upon determined by the FDM, the College will not be able to disclose all the records in full as where part of the request involves data or information which falls under the exceptions or some information, data or record cannot be located, the FDM will disclose only such portions of the records.
- c. Denial of Request:** In case of denial of the request wholly or partially, the FRO or FDM 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.

The following are grounds for denial of an FOI Request:

1. The request is covered by one of the exceptions under the Constitution, laws or jurisprudence, for example, the Data Privacy Act of 2012.
2. The request is substantially similar or identical to a previous request by the same requesting party
3. The information is outside the jurisdiction of, or not in the custody of the College.
- 4.

d. No Wrong Door Policy : Consistent with Section 5 of FOI Memorandum Circular No. 21-05 (No Wrong Door Policy for FOI) dated August 27, 2021, the following procedures shall be observed (Annex “13” – No Wrong Door Policy Flow Chart):

When the requested information is not in the custody/possession of SSC but is available in other government agency, the SSC, which will be referred to this Manual as government agency no. 1 (GA1), shall immediately refer the request to another government agency (GA2) under the Executive Branch within three (3) working days from the receipt of the request.

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

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. 2, s. 2012. 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

13. FRO to Transmit the Information to the Requesting Party

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He/she shall attach a cover/transmittal letter signed by the FDM and ensure the transmittal of such to the Requesting Party within 15 working days from receipt of the request for information.

VI. TRACKING SYSTEM

SSC shall establish a system to monitor the status of all requests for information received, which may be paper-based, on-line or both. It shall be the responsibility of the FRO to monitor the status of the request.

VII. FEES

1. No Request Fee

The College shall not charge any fee for accepting requests for access to information.

2. Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information

The FRO shall immediately notify the requesting party in case here shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by the College in providing the information to the requesting party.

VIII. ADMINISTRATIVE LIABILITY

Failure to comply with the provisions of this Manual shall be a ground for the imposition of administrative and disciplinary sanctions against the erring official or employee after notice and hearing as provided under existing laws and regulations.

Annex A. Executive Order No. 2 Series of 2016

MALACAÑANG PALACE MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

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 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:

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- (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 9 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.

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- (b) The public official receiving the request shall provide reasonable assistance, free of charge, 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

9 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. Memorandum from the Executive Secretary

OFFICE OF THE PRESIDENT OF THE PHILIPPINES MALACAÑANG

MEMORANDUM FROM THE EXECUTIVE SECRETARY

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

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

DATE: 24 November 2016

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

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

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

For your information and guidance.

(Sgd.) SALVADOR C. MEDIALDEA

Exceptions to Right of Access to Information

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

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

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings; and

 - b. Matters covered by deliberative process privilege, namely:

-
- i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency oriented-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials; and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy-decisions, memoranda, etc.;
 2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and
 - c. Patent applications, the publication of which would prejudice national security and interests;
 3. Information concerning law enforcement and protection of public and personal safety;
 - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial
 - iii. adjudication;disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or ^{iv.} unjustifiably disclose investigative techniques and procedures;
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;

-
- d. Any information given by informants leading to the recovery of car napped vehicles and apprehension of the persons charged with car napping; and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records, including sensitive personal information, birth records, school records, or medical or health records;

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information;

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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the

name of the individual on a document prepared by the individual in the course of employment with the government;

- b. Source of any news report of information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence; and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;
 - (2) children in conflict with the law from initial contact until final disposition of the case;
 - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;
 - (7) names of victims of child abuse, exploitation or discrimination;
 - (8) which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;
 - (10) names of students who committed acts of bullying or retaliation;
 - (11) time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;

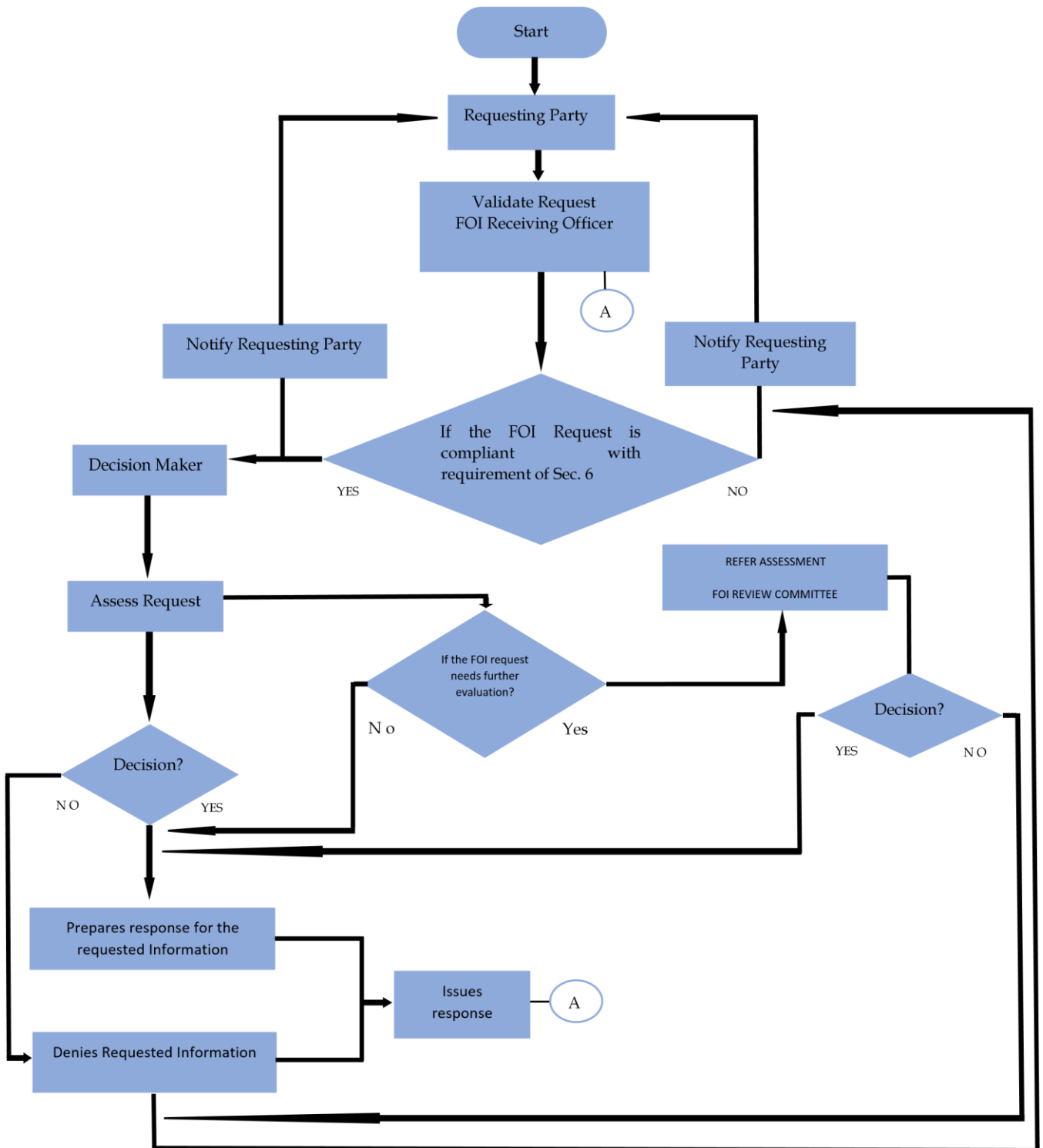
-
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
 - a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);
 - c. Records and reports submitted to the Social Security System by the employer or member;
 - (1) Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;
 - e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;
 - f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;
 - g. Documents submitted through the Government Electronic Procurement System;
 - h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;
 - i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;
 - j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;

-
- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;
 - n. Information on registered cultural properties owned by private individuals;
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED); and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;
6. Information of which a premature disclosure would:
 - a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.
 7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
 - a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;
 - b. Matters involved in an Investor-State mediation;

-
- c. Information and statements made at conciliation proceedings under the *Labor Code*;
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);
 - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;
 - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;
 - g. All proceedings prior to the issuance of a cease and desist order against preneed companies by the Insurance Commission;
 - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;
 - i. Investigation report and the supervision history of a probationer;
 - j. Those matters classified as confidential under the *Human Security Act of 2007*;
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies; and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
 - a. RA No. 1405 (*Law on Secrecy of Bank Deposits*)
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;

-
- c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules); and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
 - b. Testimony from a government official, unless pursuant to a court or legal order;
 - c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;
 - d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;
 - e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;
 - f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings; and
 - g. Attorney-client privilege existing between government lawyers and their client

FOI Request Flow Chart



Annex D. FOI Request Form

**SULU STATE COLLEGE
FOI REQUEST FORM**

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) ◀ _____

Annex

. Certification to be signed by the Requesting Party Who Filed via The eFOI Portal

CERTIFICATION TO BE SIGNED BY REQUESTING PARTY WHO FILED VIA THE eFOI PORTAL AND/OR USED THE APPLICATION FORM IN THE eFOI PORTAL

I declare that:

- a. the information I provided in the eFOI portal and/or the eFOI request form is complete and correct;
- b. I agree that the abovementioned information I provided, including my personal information, will be uploaded by the College in the eFOI portal <https://www.foi.gov.ph/> so as to enable Sulu State College to efficiently process, monitor and track my request and enable me to view the processing of the same online.
- c. I have read the SSC Privacy Notice for the Processing of Freedom of Information Requests aside from the Privacy Notice found in the eFOI request form and the eFOI portal; and
 - (1) I understand that in the event my request is granted and information is provided by SSC that I am duty bound to process or use the information only for the purpose(s) stated in my request pursuant to the provisions of E.O. 2 Series of 2016, RA 6713 and its IRR and the Philippine Data Privacy Act of 2012 and related issuances and that I will hold SSC free and harmless from all liabilities for the unauthorized use of the information provided to me.

I certify to the truthfulness of the information contained in the eFOI request form application, including the information on my Filipino citizenship.

Signature: _____

Person Administering Oath

Annex E

E.1. FOI Template Incomplete Information

FOI TEMPLATE INCOMPLETE INFORMATION AND/OR NO PROOF OF FILIPINO CITIZENSHIP

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Since you did not provide complete information required in the application form and/or proof of Filipino citizenship (NOTE: FRO must clearly state which is applicable) which is required under the SSC FOI Manual, we regret that in the meantime we are constrained to DENY your request.

Article III Section 7 of the 1987 Constitution which is the basis for the requirement under the SSC FOI Manual states:

“The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

Refer also to the FAQ at <https://www.foi.gov.ph/help>

Once you are able to provide a government issued identification card or any other document e.g. birth certificate as proof of your Filipino citizenship you may re-file your request within a period of sixty (60) days from receipt of this letter.

Thank you

Respectfully,

FOI Receiving Officer

Annex

.2. FOI Template (Invalid Request)

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

We are constrained to DENY your request as the same requires us in effect to perform research services for you and therefore your request falls outside the ambit or purview of the abovementioned E.O. and the Constitutional provision that it seeks to implement.

Thank you

Respectfully,

FOI Receiving Officer

Annex E

Annex E.3. Response Template (Acknowledging Receipt of Perfected Request)

RESPONSE TEMPLATE –ACKNOWLEDGING RECEIPT OF PERFECTED REQUEST

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

We acknowledge receipt of your request which contains the information required under Sec.6a (1) of the SSC FOI Manual.

Rest assured that I have forwarded the said request to the proper office for appropriate action

Thank you

Respectfully,

FOI Receiving Officer

.4. Response Template (Extension of Time)

Annex E

RESPONSE TEMPLATE - EXTENSION OF TIME

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Since your request will involve the search of voluminous records etc. we are constrained to invoke the provision of the SSC FOI Manual and the abovementioned E.O. that allow us to request for an extension of time within which to process your request.

Thank you.

Respectfully,

FOI Receiving Officer

Annex E.5. Response Template (Request for Clarification)

RESPONSE TEMPLATE - REQUEST FOR CLARIFICATION

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

In order to process your request our office requires you to provide the following information and/or submit the following documents within a period of sixty (60) days from receipt of this letter. If you fail to provide such information and/or documents within the prescribed period, we regret that we shall be constrained to close your request in order to comply with the procedures in the eFOI tracking system.

Thank you.

Respectfully,

FOI Receiving Officer

.6. Response Template (Document Enclosed)

Annex E

RESPONSE TEMPLATE - DOCUMENT ENCLOSED

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Response to your request

Your FOI request is approved. I enclose a copy of [some/most/all]* of the information you requested [in the format you asked for]

This is to respectfully remind you that the information provided to you by SSC must be processed (used) only for the purpose/(s) stated in your request pursuant to the provisions of E.O. No. 2 Series of 2016, R.A. 6713 and its Implementing Rules and Regulations, the Philippine Data Privacy Act and other applicable laws. The DPA which is a criminal statute imposes the penalty of imprisonment and a fine for the unauthorised processing of personal and sensitive personal information.

We request you to kindly acknowledge receipt of this letter and that you understand that you are bound to comply with the provisions of, among others, the Philippine Data Privacy Act in using the information you requested and that you will hold the College free and harmless from all liabilities in the event that you process the information provided in violation of applicable laws.

Thank you.

Respectfully,

FOI Receiving Officer

Annex E

.7. Response Template (Answer)

RESPONSE TEMPLATE – ANSWER

Dear _____,

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

Your request

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

Purpose/(s) stated for request

Response to your request

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

This is to respectfully remind you that the information provided to you by SSC must be processed (used) only for the purpose/(s) stated in your request pursuant to the provisions of E.O. No. 2 Series of 2016, R.A. 6713 and its Implementing Rules and Regulations, the Philippine Data Privacy Act and other applicable laws. The DPA which is a criminal statute imposes the penalty of imprisonment and a fine for the unauthorized processing of personal and sensitive personal information.

We request you to kindly acknowledge receipt of this letter and that you understand that you are bound to comply with the provisions of, among others, the Philippine Data Privacy Act in using the information you requested and that you will hold the College free and harmless from all liabilities in the event that you process the information provided in violation of applicable laws.

Thank you.

Respectfully,

FOI Decision Maker

Annex E

.8. Response Template (Document Available Online)

RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Response to your request

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

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

This is to respectfully remind you that the information provided to you by SSC must be processed (used) only for the purpose/(s) stated in your request pursuant to the provisions of E.O. No. 2 Series of 2016, R.A. 6713 and its Implementing Rules and Regulations, the Philippine Data Privacy Act and other applicable laws. The DPA which is a criminal statute imposes the penalty of imprisonment and a fine for the unauthorised processing of personal and sensitive personal information.

We request you to kindly acknowledge receipt of this letter and that you understand that you are bound to comply with the provisions of, among others, the Philippine Data Privacy Act in using the information you requested and that you will hold the College free and harmless from all liabilities in the event that you process the information provided in violation of applicable laws.

Thank you.

Respectfully,

FOI Decision Maker

Annex E

.9. Response Template (Partial Grant some Documents not in the Custody of the College

RESPONSE TEMPLATE – PARTIAL GRANT SOME DOCUMENT(S) NOT IN THE CUSTODY OF THE COLLEGE

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Response to your request

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

Thank you.

Respectfully,

FOI Receiving Officer

Annex E

.10. FOI Response Template (Exceptions)

RESPONSE TEMPLATE – EXCEPTIONS

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Response to your request

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

Thank you.

Respectfully,

FOI Decision Maker

Annex E.11. Response Template (Referral to another Agency)

RESPONSE TEMPLATE – REFERRAL TO ANOTHER AGENCY

DATE

Dear _____ ,

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

Your request

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

Purpose/(s) stated for request

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide (some of)* the information you have requested because the College does not have custody of the same and that it is the <name of agency/office> which <has the said documents or information>. Nevertheless, we have endorsed your request to the <name of agency/office> for appropriate action on <date of endorsement>. Kindly refer to the attached referral.

You may inquire about the status of your request with <name of contact person in other agency/office> at <telephone number of agency> or through email at <email address of agency>.

Thank you.

Respectfully,

FOI Receiving Officer

Annex E.12. Response Template (Information in Custody of Office not Within the Coverage of E.O. No. 2)

RESPONSE TEMPLATE – INFORMATION IN CUSTODY OF OFFICE NOT WITHIN THE COVERAGE OF E.O. NO. 2

DATE

Dear _____ ,

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>. (For example, SALNs of incumbent members of the Judiciary, including prior SALNs)

Purpose/(s) stated for request

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide (some of)* the information you have requested because the College does not have the authority to provide the information requested and that it is the <name of office not within the coverage of EO No. 2> which <has the said documents or information>. Should you wish to make a request for information with <name of office not within the coverage of EO No. 2>, you may reach them through the following:

Address: <address of office not within the coverage of EO No. 2>

Telephone: <telephone number of office not within the coverage of EO No. 2>

Email address: <email address of office not within the coverage of EO No. 2>

We have referred your request to the proper authorities. Kindly refer to the attached referral.

Thank you.

Respectfully,

FOI Receiving Officer

Annex F. No Wrong Door Policy Flow Chart

FOI-MC No. 21-05

FOR : FREEDOM OF INFORMATION MEMORANDUM CIRCULAR 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. 2 If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

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

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

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

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

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

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

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

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

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

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

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

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

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

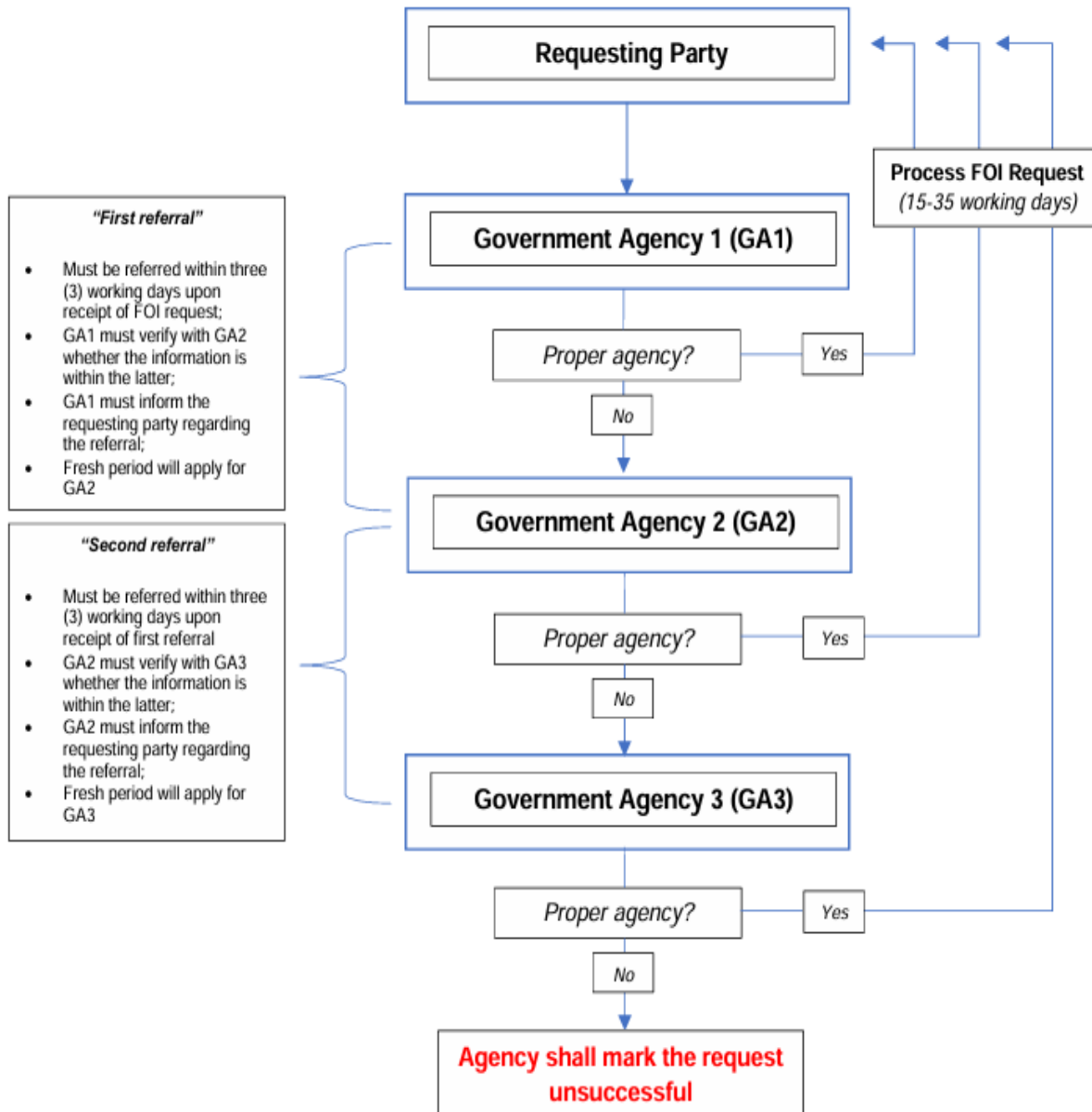
Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

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

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

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.

Prepared by:


NURVIN J. BARA
FOI Decision Maker


RIDZKHAN S. HASSAN
FOI Receiving Officer

Noted by:


Dr. CHARISMA S. UTUTALUM, CESE
SUC President II
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