

# Freedom of Information Manual



## **DOST-PCAARRD**

Updated as of 18 August 2022

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## SECTION I: OVERVIEW

1. **Purpose:** The purpose of this People's FOI Manual is to provide the process to guide and assist Filipino Citizens in requesting for information under Executive Order (E.O.) No. 2, Series of 2016, 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 DOST-PCAARRD when a request for access to information is received. The DOST-PCAARRD Executive Director (ED) is responsible for all actions carried out under this Manual.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed towards DOST-PCAARRD.
4. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the DOST-PCAARRD ED, with a rank of not lower than Senior Science Research Specialist, who shall conduct evaluation of the request for information and has the authority to grant or deny the request.
5. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the DOST-PCAARRD who shall receive all written requests for information. The FRO shall hold office at the Records Section, Finance and Administration Division. (*Annex B*)
6. **Approval and Denial of Request for Information:** The Decision Maker shall approve or deny all request for information. In case where the Decision Maker is on official leave, the DOST-PCAARRD ED may delegate such authority to any Officer not below the rank of a Director.
7. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Director or its equivalent, designated by the DOST-PCAARRD ED to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the DOST-PCAARRD ED on the denial of such request.

## SECTION II: DEFINITION OF TERMS

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

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

**CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of said office on the disclosability of the records before any final determination is made. This process is called a "consultation."

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

**FOI.gov.ph.** The website that serves as the government's comprehensive eFOI platform for all information on the FOI. Among many other features, FOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available.

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

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

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

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

**FOI RECEIVING OFFICE.** The primary contact at each DOST-PCAARRD 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 DOST-PCAARRD determines have become or are likely to become the subject of subsequent requests for substantially the same records. (*Annex C*)

**FULL DENIAL.** When the DOST-PCAARRD or any of its office, bureau or DOST-PCAARRD cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

**FULL GRANT.** When a government office is able to disclose all records in full in response to a FOI request.

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

similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

**INTELLECTUAL PROPERTY.** The term used to describe intangible assets resulting from the creative work of an individual or organization. IP also refers to creations of the mind, such as inventions, literary and artistic works, and symbols, names, images, and designs used in commerce

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

**OFFICIAL RECORD/S.** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

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

**PCAARRD Coordinating Units (CU).** The generic term for a PCAARRD office in-charge of coordinating, integrating, monitoring, and reporting of cluster PAPs, work and financial plans/physical and financial plans, and accomplishments.

**PCAARRD Document Tracking System.** The DocTracks is an automated document management system that tracks the flow of documents from receipt at the Records Section to the ED and then to the person(s) assigned to act on it.

**PCAARRD Portal.** PCAARRD's official web portal, [pcaarrd.dost.gov.ph](http://pcaarrd.dost.gov.ph), where information about the agency, its mandates, programs, activities, news, scholarship info, databases, etc. can be found.

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

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

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

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

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

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

**RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an DOST-PCAARRD has received within a fiscal year.

**REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another DOST-PCAARRD, it will forward that record to the other DOST-PCAARRD to process the record and to provide the final determination directly to the requester. This process is called a "referral."

**SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

1. About an individual's race, ethnic origin, marital status, and age; and religious, philosophical, or political affiliations;
2. About an individual's health, education, genetics, or sexual life; or, 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;
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.

**SIMPLE REQUEST.** A FOI request that DOST-PCAARRD anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

### **SECTION III. PROTECTION OF PRIVACY**

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

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

### **SECTION IV. PROMOTION OF OPENNESS IN GOVERNMENT**

1. **Duty to Publish Information.** PCAARRD shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and through their website timely, true, accurate and updated key information including, but not limited to:
  - 1.1. A description of its mandate, banner programs, organizational structure, and decision-making processes;
  - 1.2. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
  - 1.3. The names of its key officials, position, email addresses, and functions;
  - 1.4. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
  - 1.5. Important rules and regulations, orders or decisions;
  - 1.6. Current and important database and statistics that it generates;
  - 1.7. Bidding processes and requirements; and
  - 1.8. 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.** PCAARRD shall endeavor to translate key information into major Filipino dialects and present them in popular form and means.

3. **Keeping of Records.** PCAARRD shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the generated or collected.

## SECTION V. STANDARD PROCEDURE

### 1. Receipt of Request for Information.

- 1.1 The FOI Receiving Officer (FRO) shall monitor the eFOI platform (<https://www.FOI.gov.ph/>) for incoming requests for information. Requests received through the FOI portal shall be downloaded by the FRO. All requests shall clearly describe the information requested, and purpose of the information.
- 1.2 The FRO shall also receive letters and email requests (addressed to the PCAARRD Corporate mail [pcaarrd@pcaarrd.dost.gov.ph](mailto:pcaarrd@pcaarrd.dost.gov.ph)) and check compliance of the following requirements:
- Full name and contact information of the requesting party
  - Photocopied or scanned valid proof of identification (government issued ID or student ID)
  - For students conducting research, the request must include an endorsement letter from their professors/teachers
  - Completely filled-up FOI Request form (**Annex D**). The FRO may deny the request if the form is incomplete.

Requests shall be stamped RECEIVED, indicating the date, time, and the name, title/position and signature of the public officer who actually received it. The requesting party shall be furnished a receiving copy.

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 date of receipt of the request will be either:

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

- 1.3** The FRO shall require walk in clients to fill up the FOI Request form and photocopy the requester's ID

In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.

- 1.4** The FRO shall input the request in PCAARRD's Document Tracking System (DocTracks). In the record, the FRO shall indicate an FOI prefix before the subject in the Subject field and in the Remarks field, the FOI tracking number and the due date (10 working days after the date of receipt).

- 1.5** The DOST-PCAARRD must respond to requests promptly, within ten (10) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday, public holidays or a day which is declared as a non-working day due to inclement weather. In computing for the period, Art. 13 of the New Civil Code shall be observed.

- 1.6** Should the requested information need further details to identify or locate, then the 10 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.

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

- 2.1** If the FRO finds the request for information sufficient in form and substance, the FRO shall forward to the FOI Decision Maker (FDM) such request within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the person who delivered the letter (hard copy) in a record book with corresponding signature of acknowledgement of receipt of the request.

- 2.2 Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in PCAARRD 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. The FRO shall tag the request successful.

- 2.3 Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same

requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

- 3. Transmittal of Request by the FRO to the FDM:** The FRO shall forward the request, through the DocTracks, to the FOI Decision Maker (FDM) within one (1) working day.

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

- 4. Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. The FDM shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that it is well coordinated and monitor its compliance.

4.1 If a request is received where information can be found in different divisions and units of PCAARRD, the FDM shall forward such request, through DocTracks, to the coordinating unit(s) of said divisions. However, if the information is specific to one division only, the FDM may forward the request directly to that division. The coordinating unit(s)/division(s) concerned shall compile requested information before submitting it to the FDM. The coordinating unit/division concerned shall update the compliance to the FOI request also through the DocTracks.

The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days from date of receipt.

4.2 If the FDM needs further details to identify or locate the information, the FDM shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 10-working day period and will commence the day after it receives the required clarification from the requesting party.

4.3 If the information being requested is in the possession of several/different agencies, institutes, councils or offices, the FDM, thru the FRO shall forward such request within three (3) working days from receipt of such to the concerned agency, institute, council or office for action, indicating the portion of the request which pertains to the respective agency, institute, council or office. Their respective action on the request shall be treated separately from each other.

The FDM, thru the FRO, shall respond to the requester that PCAARRD could only provide partial information and refer them to the appropriate agency. The FRO shall copy furnish the DOST Central for information if referral was made to other DOST agencies. The FRO shall then process the request for information that is available to PCAARRD in accordance with the procedure set forth in 2.1.

Should the FRO fail to transmit the original request to a second (2nd) party agency, institute, council or office within three (3) working days from receipt of such request, the original receiving agency, institute, council or office shall assume full accountability and responsibility in the handling of such request.

- 4.4 If the requested information is not in the custody of the agency, institute, council or office, the request will be immediately transferred to such appropriate agency, institute, council or office within three (3) working days from the receipt of request by the FRO.

Should the agency, institute, council or office to which the request is subsequently transferred also decide that the request pertains to information in the possession of another agency, institute, council or office, the former is also given a period of three (3) working days within which to transfer the request to the latter. The transferring agency, institute, council or office must act on the request in accordance with the procedure set forth in 2.1.

In case of the inability to determine office jurisdiction or, if the request has been previously transferred from one agency, institute, council or office to another and the requested information is not in the custody of the third (3rd) agency, institute, council or office which received it, the same shall be referred by the latter to the DOST-Central Office within three (3) working days from its receipt of the request. The DOST-Central Office, in turn, shall determine within three (3) working days from receipt of such referral, to which agency, institute, council or office the request properly pertains, with the assistance of the Office of the Assistant Secretary for Legal Affairs.

Upon final determination by the DOST-Central Office, the request shall be forwarded to the concerned agency, institute, council or office which shall act on the request in accordance with the procedure set forth in paragraph 2.1.

Notwithstanding items 4.3 and 4.4 above, the process of referral should be compliant to Section 5 of FOI MC No. 21-05 (**Annex G**).

- 4.5 The FDM has the authority to deny a request based on the following:

- i. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- ii. The information requested falls under the list of exceptions to FOI (**Annex E**); and
- iii. Requested information is substantially similar or identical to the previous request.

It is a policy of the DOST-PCAARRD that all data received as per FOI request shall not be used for commercial purposes and shall not be transferred to third parties without the express written consent of the DOST-PCAARRD. In this regard, the DOST-PCAARRD reserves the right to determine as to which matters are to be deemed commercial in nature.

5. **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 FDM should inform the FRO within 10 working days from date of receipt.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

6. **Notice to the Requesting Party of the Decision on the Request:** Once the FDM approved or denied the request, he shall prepare a letter response to the requesting party to be signed by the PCAARRD ED. All actions on FOI requests, whether approval or denial, shall pass through the DOST-PCAARRD ED or his designated officer for final approval.

**6.1 Approval of Request:** In case of approval, the FDM shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release.

**6.2 Denial of Request:** In case of denial of the request wholly or partially, the FDM shall, within the prescribed period, prepare a denial statement 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 provided shall be deemed a denial of the request to information.

The FDM shall update the DocTracks record and attach the denial statement or transmittal letter and the information requested. The DocTracks record shall be forwarded to the Records Section/FRO who will upload the action on the request in the eFOI platform.

7. **Role of 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. The FRO shall ensure the transmittal (through the eFOI platform) of such to the requesting party and mark the request as successful. In case of denial, the FRO shall ensure that the denial statement is uploaded in the eFOI platform.

The FRO shall close the DocTracks request by adding the date the information was transmitted in the eFOI platform. See **Annex F** for flowchart

## **SECTION VI. REMEDIES IN CASE OF DENIAL**

A person whose request for access to information has been denied may file a written appeal to the Central Appeals and Review Committee within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. In this regard, the following Executive Officials are hereby designated as the DOST-PCAARRD Appeals and Review Committee:

Chairperson:	Deputy Executive Director for ARMSS
Vice-Chairperson:	Deputy Executive Director for R&D
Member:	Director, Management Information System Division

The Central Appeals and Review Committee ("Committee") shall, within fifteen (15) working days from the filing of said written appeal, submit its recommendation to the Executive Director.

The appeal shall be decided by the Executive Director within fifteen (15) working days upon the recommendation of the Committee. The Executive Director shall furnish the Committee of a copy of its final decision. Should there be a failure to decide the appeal within the total thirty (30) working day period, this shall be deemed as a denial of the appeal.

The denial of the Appeal by the Executive Director or the lapse of the period to respond to the request may be appealed further to the Office of the President through the Office of the DOST Secretary pursuant to Administrative Order No.22, s. 2011.

## **SECTION VII. REQUEST TRACKING SYSTEM**

PCAARRD shall use eFOI platform request tracking system to receive requests; acknowledge requests; ask for clarification or additional information; provide response to the request; upload information requested, if approved; and provide a statement of denial, if disapproved.

PCAARRD shall use an internal Document Tracking System (DocTracks) to farm out the fulfilment of the request for information through the different divisions. The FRO shall input all FOI requests and corresponding tracking numbers in the DocTracks. The FDM shall manage and assess requests using the same system.

## SECTION VIII. FEES

1. **No Request Fee.** The DOST-PCAARRD 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 there 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 DOST-PCAARRD in providing the information to the requesting party. The schedule of fees shall be posted by the DOST-PCAARRD.
3. **Exemption from Fees:** The DOST-PCAARRD 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 IX. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
  - a. 1<sup>st</sup> Offense - Reprimand;
  - b. 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and
  - c. 3<sup>rd</sup> 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 DOST-PCAARRD, which provides for more stringent penalties.

  
REYNALDO V. EBORA, PhD  
Executive Director 

**ANNEX A**

MALACAÑAN PALACE  
MANILA

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 02**

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

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

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

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

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

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

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

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

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

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

(b) “Official record/records” shall refer to information produced or received by a public officer or employee, or

by a government office in an official capacity or pursuant to a public function or duty.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The

response mentioned above refers to the decision of the DOST-PCAARRD or office concerned to grant or deny access to the information requested.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By the President:

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

## ANNEX B

### FOI Receiving Officers of the DOST-PCAARRD and its local offices

NAME OF OFFICE	NAME AND FUNCTION	CONTACT DETAILS	EMAIL ADDRESS
Records Section, Finance and Administration Division (FAD)	Ms. Frela Shayne M. Barias FOI Receiving Officer	02-8779- 5680 Local 202	pcaarrd_records@pcaarrd.dost.gov.ph
Office of the Executive Director (OED)	Dr. Reynaldo V. Ebora FOI Decision Maker	02-8779- 5680 Local 201	pcaarrd@pcaarrd.dost.gov.ph

## **ANNEX C.**

### **FOI FREQUENTLY ASKED QUESTIONS**

#### **Introduction to FOI**

##### **1. What is FOI?**

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

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

##### **2. What is Executive Order No. 2 S. 2016?**

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

##### **3. Who oversees the implementation of EO 2?**

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

#### **Making a Request**

##### **1. Who can make an FOI request?**

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

##### **2. What can I ask for under EO on FOI?**

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

### **3. What agencies can we ask information?**

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

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

### **4. How do I make an FOI request?**

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

### **5. How much does it cost to make an FOI request?**

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

### **6. What will I receive in response to an FOI request?**

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

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

### **7. How long will it take before I get a response?**

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

**8. What if I never get a response?**

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


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

**9. What will happen if my request is not granted?**

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

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

**ANNEX D**  
**FOI Request Form**

<small>This document may be reproduced and is NOT FOR SALE</small>		<small>FOI Tracking Number:</small> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>FREEDOM OF INFORMATION REQUEST FORM</b> <small>(Pursuant to Executive Order No. 2, s. 2016) (as of November 2016)</small>		
<small>Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (M) denotes a MANDATORY field.</small>		

**A. Requesting Party**

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

1. Title <i>(e.g. Mr, Mrs, Ms, Miss)</i>	2. Given Name/s <i>(including M.I)</i>	3. Surname
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
4. Complete Address <i>(Apt/House Number, Street, City/Municipality, Province)</i>		
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
5. Landline/Fax	6. Mobile	7. Email
<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>		
8. Preferred Mode of Communication	<input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address <small><i>(if your request is successful, we will be sending the documents to you in this manner.)</i></small>	
9. Preferred Mode of Reply	<input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-Up at Agency	
10. Type of ID Given <i>(Please ensure your IDs contain your photo and signature)</i>	<input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others <div style="border-bottom: 1px solid black; width: 100px;"></div>	

**B. Requested Information**

11. Agency - Connecting Agency <i>(if applicable)</i>	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
12. Title of Document/Record Requested <i>(Please be as detailed as possible)</i>	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
13. Date or Period <i>(DD/MM/YY)</i>	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
14. Purpose	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
15. Document Type	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
16. Reference Numbers <i>(if known)</i>	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>
17. Any other Relevant Information	<div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div>



## 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 E**

### **LIST OF EXCEPTIONS**

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

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.

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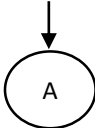
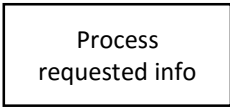
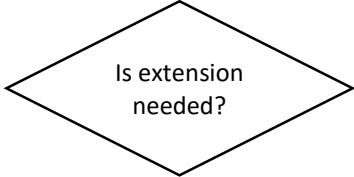
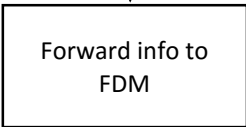
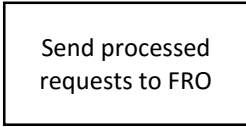
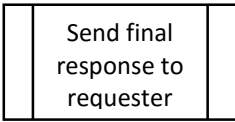
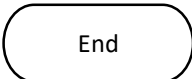
<sup>1</sup> These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

## ANNEX F

### Flow Chart

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

FLOW	STAFF/ Responsible Unit
<pre> graph TD     Start([Start]) --&gt; Documents[Document Icon] </pre>	<p>FOI Receiving Officer (FRO) or his/her designated representative receives requests for information from the following sources:</p> <ol style="list-style-type: none"> <li>1) EFOI platform</li> <li>2) Letters</li> <li>3) Walk in clients</li> <li>4) Emails to <a href="mailto:pcaarrd@pcaarrd.dost.gov.ph">pcaarrd@pcaarrd.dost.gov.ph</a></li> </ol> <p>Inquiries directly addressed to the Division from existing partners are excluded from this process. All other requests through different sources have to be forwarded to <a href="mailto:pcaarrd@pcaarrd.dost.gov.ph">pcaarrd@pcaarrd.dost.gov.ph</a>.</p> <p>FAD to issue a Memorandum as the need arises instead of nominating a permanent alternate to the FRO.</p>
<pre> graph TD     Documents --&gt; IE[Initial Evaluation] </pre>	<p>FRO evaluates FOI request in terms of:</p> <ol style="list-style-type: none"> <li>1) completeness of requirements (FOI form, full name, contact details, ID, endorsement letter from adviser/higher authority)</li> <li>2) content of request</li> </ol> <p>FRO acknowledges receipt of request and asks for requirements, if lacking</p>
<pre> graph TD     IE --&gt; DocTracks[/Input request in DocTracks/] </pre>	<p>The FRO inputs the request in PCAARRD's Document Tracking System (DocTracks). In the record, the FRO shall indicate an FOI prefix before the subject and in the Remarks field, the FOI tracking number and the due date.</p> <p>Thru the DocTracks, FRO forwards the request to the Office of the Executive Director (OED) and FOI Decision Maker (FDM)</p>
<pre> graph TD     DocTracks --&gt; FDE{FDM Evaluation} </pre>	<p>PCAARRD will do its best effort to share documented information that we own and possess.</p> <p>The FDM evaluates the FOI request</p> <ol style="list-style-type: none"> <li>1) If the request needs clarification, the FDM inputs the reason for clarification in the Remarks field of the DocTracks record. The FRO asks the requester for more information</li> <li>2) If the request is denied, the FDM prepares a letter for signature of the PCAARRD-ED, stating the reason for denial</li> </ol>

FLOW	STAFF/ Responsible Unit
	<ol style="list-style-type: none"> <li>1) Alternatively, the FDM, thru the FRO, refers the requester to the appropriate agency(ies) (ref No Wrong Door Policy)</li> <li>2) If the request is approved, the FDM forwards the DocTracks record to the Division concerned while a copy is sent to the Coordinating unit (CU)</li> </ol>
	<p>The division concerned prepares the requested information.</p> <p>If the information requested can be sourced from more than one division, the CU instructs the concerned divisions to provide their inputs for consolidation of the CU.</p>
	<p>On the specified due date, an extension for processing the request may be requested by the division if more time is needed. The reason(s) must be forwarded to the FDM and then to the FRO to inform the requesting party of the request status.</p> <p>Otherwise, the standard process is followed.</p>
	<p>The CU or division forwards the information requested to the FDM.</p> <p>The CU or division updates the DocTracks record</p>
	<p>All actions on FOI requests, whether referral, approval or denial, shall pass through PCAARRD ED for final approval.</p> <p>The FDM forwards processed requests to the FRO through DocTracks</p>
	<p>The FRO forwards final response to the requester through the same channel as requested and tags the request as successful.</p> <p>The FRO shall close the DocTracks request, and in the remarks field the date the response was transmitted back to the requesting party, either via email or via eFOI platform.</p>
	

Updated 18 August 2022

## ANNEX G

FOI MC No. 21-05



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

FOI-MC No. 21-05

### FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

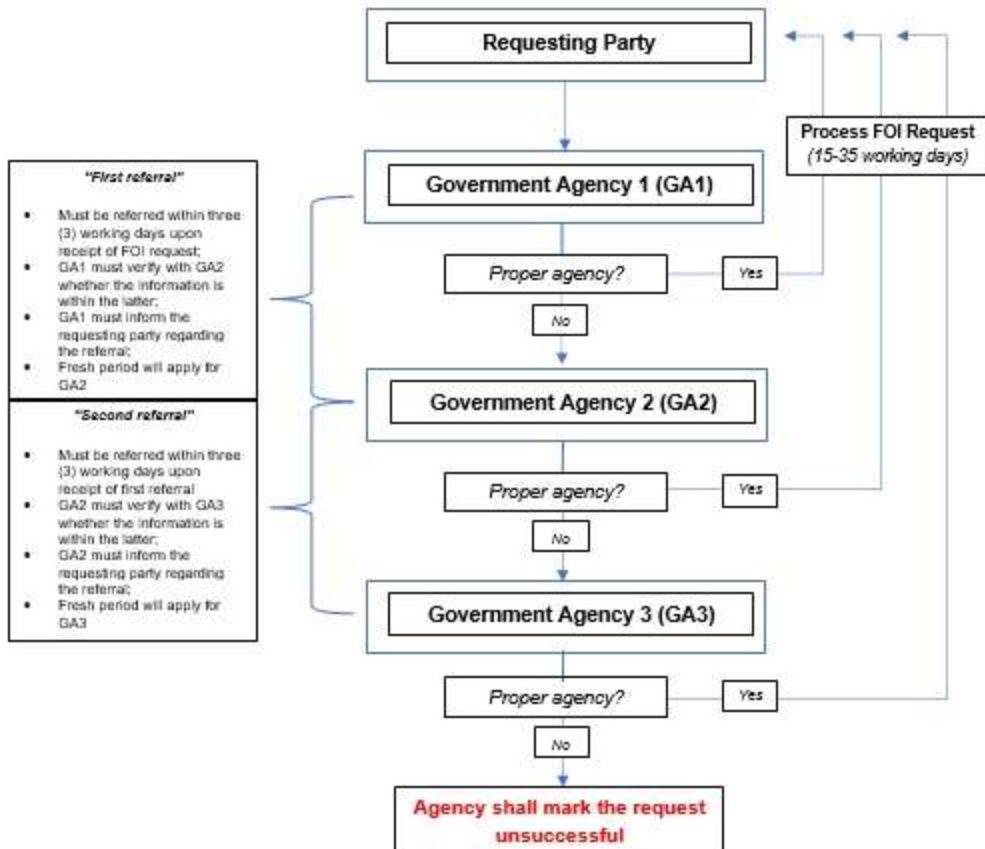
**Section 11. Effectivity.** This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.

  
JOSE RUPERTO MARTIN M. ANDANAR  
Secretary and FOI Champion



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.