People's Freedom of Information Manual of the Cooperative Development Authority

TABLE OF CONTENTS

Page No.	
	Overview • Purpose of the Manual • Structure of the Manual • Coverage of the Manual • FOI Receiving Officer • FOI Decision Maker • Central Appeals and Review Committee • Approval and Denial of Request
	Definition of Terms
	Glossary of Terms
	Promotion of Openness in Government
	Protection of Privacy
	Standard Procedure Receipt of Request for Information Initial Evaluation • Request relating to more than one office under the Authority • Information is not in the custody of the Authority • Requested information already available in Authority website • Similar or Identical request for information Transmittal from FRO to Decision Maker Role of Decision Maker in Processing the Freedom of Information Request Role of FRO to transmit the Information Extension of Time Notifying the requesting party of the decision Approval of Request Denial of Request
	Remedies in Case of Denial of Request
	Fees
	Administrative Liability
	Annexes
	• **Executive Order No. 02**

	• **FOI Receiving Officers of the Agency and Extension Offices**
	• **List of Exceptions to FOI**
	• **Flow Chart**
	• **FOI Request Form**
	• **FOI Response Template**

SECTION 1: OVERVIEW

1.1 Purpose: The purpose of this FOI Manual is to provide the process to guide and assist the Cooperative Development Authority (CDA) including its Extension Offices, in dealing with requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (Annex "A")

1.2 Structure of the Manual: This Manual shall set out the rules and procedures to be followed by the Authority, and its Extension Offices, when a request for access to information is received. The Chairperson is responsible for all actions carried out under this Manual. There shall be a Decision Maker who will assume the overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

1.3 Coverage of the Manual: The Manual shall cover all requests for information directed to the CDA-Head Office and all the Extension Offices, as follows:

a) Dagupan Extension Office
b) Tuguegarao Extension Office
c) CAR Extension Office
d) Pampanga Extension Office
e) Manila Extension Office
f) CALABARZON Extension Office
g) MIMAROPA Extension Office
h) Naga Extension Office
i) Iloilo Extension Office
j) Cebu Extension Office
k) Tacloban Extension Office
l) Pagadian Extension Office
m) Cagayan de Oro Extension Office
n) Davao Extension Office
o) Kidapawan Extension Office
p) Caraga Extension Office

1.4 FOI Receiving Officer: There shall be an FOI Receiving Officer (FRO) designated by the Authority.

The functions of the FRO shall include the following:

a. Receive on behalf of the Authority or any of its Extension Office all requests for information and forward the same to the appropriate office who has custody of the records;
b. Monitor all FOI requests and appeals;
c. Provide assistance to the FOI Decision Maker;

d. Provide assistance and support to the public and staff with regard to FOI;
e. Compile statistical information as required;
f. Conduct initial evaluation of the request; and
g. Advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- Incompleteness of the form; or
- The information is already disclosed in the Authority's Official Website

1.5 FOI Decision Maker: The Deputy Executive Director shall be the FOI Decision Maker (FDM) at the Central Office and the Extension Office Director at the Extension Offices. They shall evaluate the request for information and shall have the authority to grant the request, or deny it based on the following:

a. The Authority does not have the information requested;
b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
c. The information requested falls under the list of exceptions to FOI; or
d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the Authority.

1.6 Approval and Denial of Request to Information: The Decision Maker shall approve or deny all requests for information. In case where the Decision Maker is on official leave, the Director of LRD/Supervising CDS of the Extension Office shall act on their behalf.

1.7 Central Appeals and Review Committee: There shall be a Central Appeals and Review Committee to be headed by the Executive Director and two (2) members designated by the Chairperson of the Authority to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Chairperson on the denial of such request.

SECTION 2: DEFINITION OF TERMS

2.1 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.

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

2.3 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.

2.4 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, without need for written requests from the public.

2.5 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.

2.6 Open Data. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

2.7 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.

2.8 Public Service Contractor. Shall be defined as a private entity that has dealing, contract, or a transaction in whatever form or kind with the government or a government agency or office that utilizes public funds.

2.9 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.

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

a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

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

SECTION 3. GLOSSARY OF TERMS

3.1 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 in independent review.

3.2 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.

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

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

3.5 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.

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

3.7 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.

3.8 FOI Receiving Office. The primary contact at each agency where the requesting party can call questions about the FOI process or the pending FOI Request.

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

3.10 Full Denial. When the Authority or any of its Extension Office 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.

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

3.12 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.

3.13 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.

3.14 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.

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

3.16 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.

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

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

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

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

SECTION 4. PROMOTION OF OPENNESS IN GOVERNMENT

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

a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
c. The name of its key officials, their powers functions and responsibilities, and their profiles and curriculum vitae;
d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
e. Important rules and regulations, orders or decisions;

f. Current and important database and statistics that it generates;
g. Bidding processes and requirements; and
h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

4.2 Accessibility of Language and Form. The Authority shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

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

SECTION 5. PROTECTION OF PRIVACY

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

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

SECTION 6. STANDARD PROCEDURE *(See **Annex "D"** for flowchart)*

6.1 Receipt of Request for Information.

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

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

c. 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.

d. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

e. The Authority or any of its office must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

f. The date of receipt of the request will be either:
   - 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
   - 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.

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

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

6.2 Initial Evaluation. After the receipt of the request for information, the FRO shall evaluate the contents of the request as follows:

a. **Request relating to more than one office under the Authority**: If a request for information is received which requires to be compiled with the Extension Offices, the FRO shall forward such request to the Extension Office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such Extension Offices that they will only provide the specific information that relates to their Office.

b. **Requested information is not in the custody of the Authority or any of its Extension Offices:** If the requested information is not in the custody of the Authority or any of its Extension Offices, following referral and discussions with the FDM. The FRO shall undertake the following steps:

- 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.
- 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.

g. **Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in theCDA website, data.gov.ph or eFOI.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

h. **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.

6.3 Transmittal of Request by the FRO to the FDM: After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request by forwarding the request to the FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

6.4 Role of FDM in processing the request: Upon receipt of the request for information from the FRO, the FDM shall assess the request and refer the same to the unit or Extension Office where the information is kept with instructions that if the requested information is available and not one of the exceptions or confidential, the same shall be forwarded to the FRO within 10 days upon receipt of such request.

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

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

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

6.5 Role of FRO to transmit the information to the requesting party: Upon receipt of the requested information from the custodian, the FRO shall collate and ensure that the information is complete. He/She shall attach a transmittal letter signed by him/her. The Authority shall ensure the transmittal of the complete information to the requesting party within 15 working days upon receipt of the request for information.

6.6 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 custodian should inform the FDM on the need to extend the prescribed period. The FDM will inform the FRO on his decision. The FRO will act in accordance with the decision of the FDM.

If the FDM approves the extension of time 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.

6.7 Notice to the Requesting Party of the Approval/Denial of the Request: Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email.

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

6.9 Denial of Request: In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the Chairman.

SECTION 7. REMEDIES IN CASE OF DENIAL

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

a. Administrative FOI Appeal to the Authority's Central Appeals and Review Committee: Provided, that the written appeal must be filled by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- Denial of the request by the FDM may be appealed by filing a written appeal to the Authority's Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
- The appeal shall be decided by the Chairperson upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
- The denial of the Appeal by the Chairperson or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.

7.2 Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 8. REQUEST TRACKING SYSTEM

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

SECTION 9. FEES

9.1 No Request Fee. The Authority shall not charge any fee for accepting requests for access to information.

9.2 Reasonable Cost of Reproduction and Copying of the Information: The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the Authority in providing the information to the requesting party. The schedule of fees shall be posted by the Authority as part of its Citizen's Charter.

9.3 Exemption from Fees: The FDM may exempt any requesting party from payment of fees, upon request and stating the valid reason why such requesting party shall be exempt from payment of fees.

SECTION 10. ADMINISTRATIVE LIABILITY

10.1 Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

a. 1st Offense – Reprimand;
b. 2nd Offense – Suspension of one (1) to thirty (30) days; and
c. 3rd Offense – Dismissal from the service

10.2 Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

10.3 Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

Approved per BOA Resolution No. 004-A, s-2017 dated February 21, 2017.

ORLANDO R. RAVANERA
Chairman

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 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:

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 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.

SECTION3. **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; and
c. Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

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

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

a. Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By the President:

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

ANNEX "B"

FOI Receiving Officers of CDA Head and Extension Offices

Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving
Head Office	827 Aurora Blvd. Cubao Quezon City	(02) 721-5323	Rosemarie J. Beltran / Abigail A. Pizarras
Dagupan EO	Siapno Bldg., Dagupan City	(075) 523-5545 / 5228285	Millbrae M. Fernandez
Tuguegarao EO	Carig Sur, Tuguegarao City Cagayan	(078) 396-9775 / 304-1543	Juana Marie B. Tenorio
CAR EO	Magsaysay Ave., Baguio City	(074) 442-6731	Ceasar Timpac
Pampanga EO	San Fernando City, Pampanga	(045) 963-5107	Cheyanne L. Evangelista
CALABARZON EO	Halang, Calamba City	(049) 545-1486 / 502-9790	
MIMAROPA EO	Calapan, Mindoro City	(043) 288-6238	
Naga EO	Dayangdang, Naga City	(054) 473-9053 / 472-1481	Othello D. Privaldos
Manila EO	EDSA, Quezon City	(02) 332-0019 / 373-6895	Prima Sarah R. Parangue
Iloilo EO	Leganes, Iloilo City	(033) 524-8090 / 329-2055	Jonilyn D. Vestidas
Cebu EO	Guadalupe, Cebu City	(032) 254-0481 / 268-2849	Elsa D. Bubuli
Tacloban EO	Fatima Village, Tacloban City	(053) 523-5065 / 323-7158	Jaselle Joy M. Garrido
Pagadian EO	San Jose District, Pagadian City	(062) 214-1398 / 925-0221	Ryan C. Amilhussin
Cagayan de Oro EO	Canitoan Cagayan de Oro City	(088) 309-8462 / 850-1891	Charmee Joson
Davao EO	Monteverde Ave., Davao City	(082) 225-8064 / 222-7710	
Kidapawan EO	Kidapawan City	(064) 521-0342 / 288-1731	
Caraga EO	Pili Drive, Butuan City	(085) 225-5613 / 342-5530	Leopoldo B. Cabiad

ANNEX "C"
List of Exceptions

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

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 relation;

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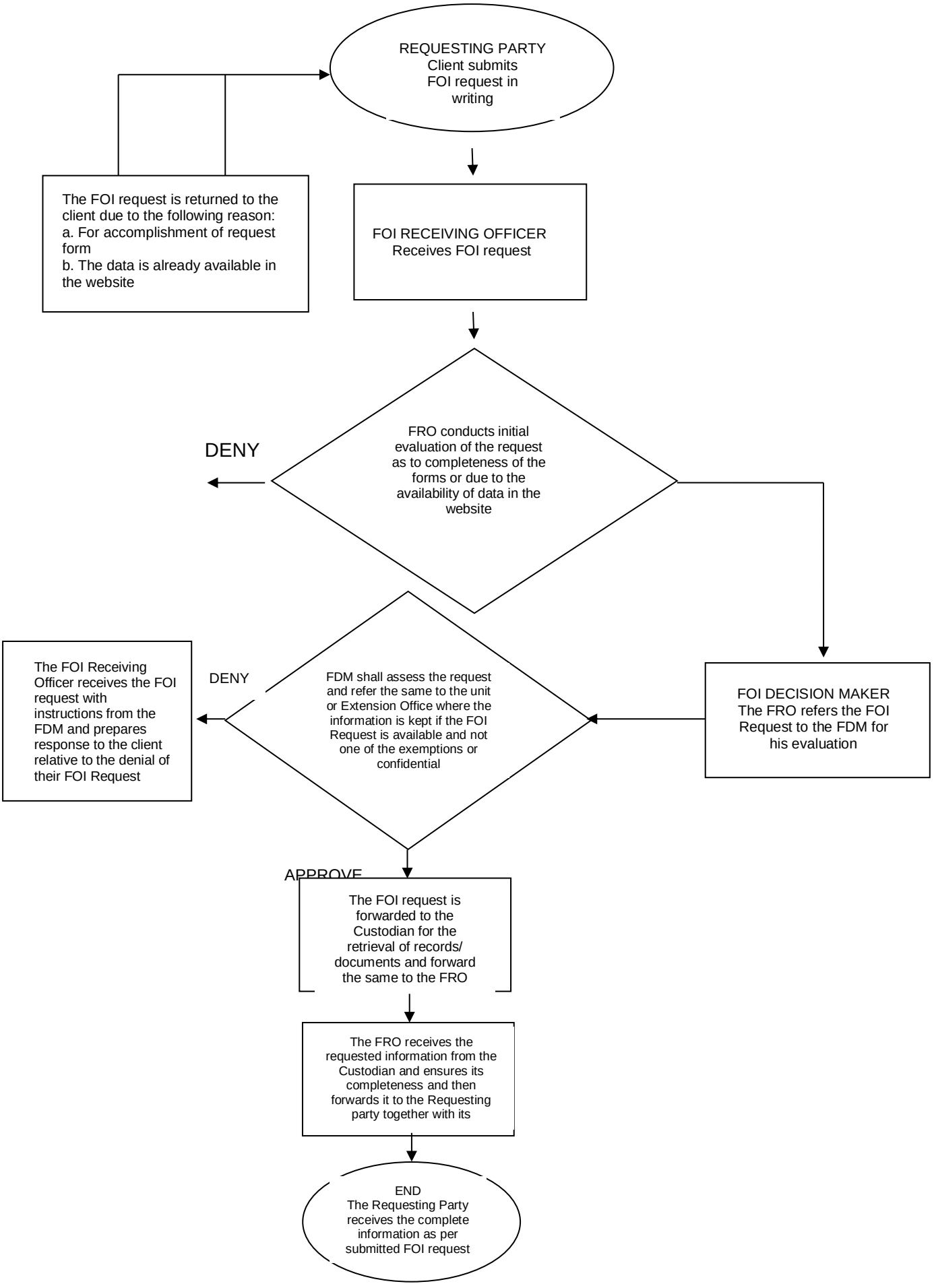
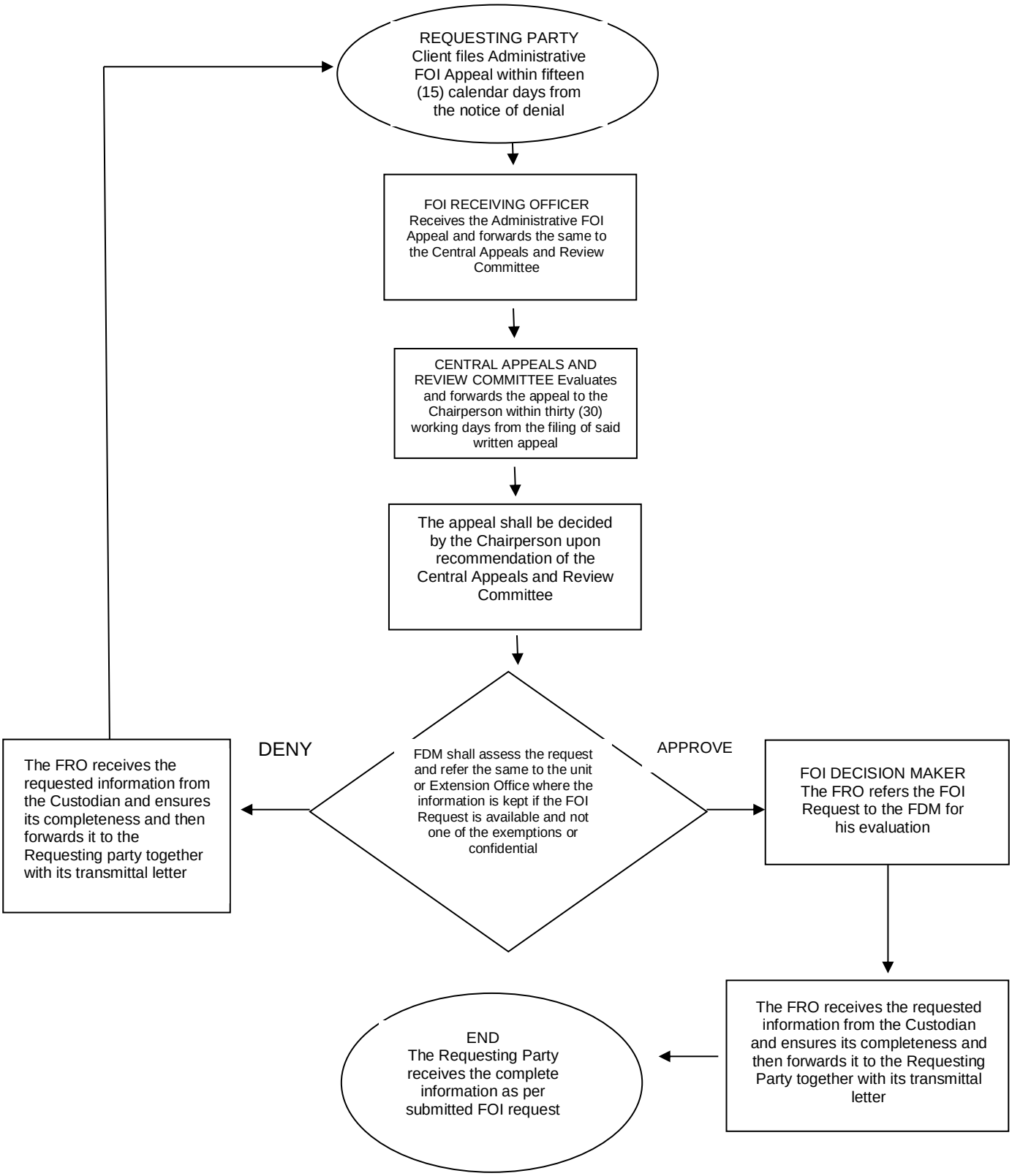
[1] These exceptions only apply to governmental bodies within the control and supervision of the Executive department Unless specifically Identified. these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

For the complete list of the Inventory of Exceptions to Executive Order (EO) No. 2, s, 2016
Issued by the Office of the Executive Secretary, you may download the softcopy at **bit.ly/foipco.**

ANNEX "D"
FOI Request Flow Chart



ANNEX "E"
Flow Chart on Denial of FOI Request



ANNEX "F"

(Name of Agency)
(Address of Agency)

PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form

TITULO NG DOKUMENTO / (Title of the Document): _____
MGA TAON/PANAHONG SAKLAW / (Year): _____
LAYUNIN / (Purpose)

_____
_____
_____

PANGALAN / (Name): _____ CONTACT Nos. _____
LAGDA / (Signature): _____ PETSA / (Date):_____
TIRAHAN / (Address): _____KATIBAYAN NG PAGKAKAKILANLAN / (*Proof of Identity*):
Passport No. _____
Driver's License _____
Other _____

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

- ☐ Email _____
- ☐ Fax _____
- ☐ Postal Address _____
- ☐ Pick-up(Office hours) _____

Gawaingitinalagakay:
_____ *(Submitted to)*
Lumagdasaibabangpangalangnakalimbag)

Petsa/OrasngPagkatalaga: _____
(*Date / Time of Submission)*

TaongnagpapatunayngGawaingNatapos: _____
(*Certified by)* _____
(*Lumagdasaibabangpangalangnakalimbag)*

Uri ngisinagawangaksiyon: _____

Iniskedyulni (*Received by):*

_____
FOI Receiving Officer

Remarks:

_____

ANNEX “G-1”

FOI RESPONSE TEMPLATE – DOCUMENT ENCLOSED

DATE

Dear _____,

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

Your request

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

Response to your request

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

Thank you.

Respectfully,

_____
FOI Receiving Officer

ANNEX "G-2"

FOI RESPONSE TEMPLATE – ANSWER

DATE

Dear_____,

Greetings!

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

Your request

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

Response to your request

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

Thank you.

Respectfully,

_____
FOI Receiving Officer

ANNEX "G-3"

FOI RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE

DATE

Dear_____,

Greetings!

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

Your request

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

Response to your request

[Some/Most/All] of the information you have requested is already 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 right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

_____

FOI Receiving Officer

ANNEX "G-4"

FOI RESPONSE TEMPLATE – DOCUMENT NOT AVAILABLE

DATE

Dear_____,

Greetings!

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

Your request

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

Response to your request

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

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

_____

FOI Receiving Officer

ANNEX "G-5"

FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

DATE

Dear_____,

Greetings!

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

Your request

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

Response to your request

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

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

_____

FOI Receiving Officer