



Freedom of Information
Manual
(Professional Regulation Commission)

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SECTION 1 : OVERVIEW

- 1.1. **Purpose:** The purpose of the Professional Regulation Commission Freedom of Information Manual (Manual) is to provide a process that will guide and assist the Professional Regulation Commission (PRC), including its offices, in dealing with requests of information under Executive Order (E.O.) No. 2, series of 2016 (*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*)
- 1.2. **Structure of the Manual:** This Manual shall set the rules and procedures to be followed by the PRC and its offices when a request for access of information is received. The PRC Chairperson is responsible for all actions carried out under this Manual and may delegate this responsibility to the respective Heads of offices and divisions.
- 1.3. **Coverage of the Manual:** This Manual shall cover all requests for information directed to the PRC and all its offices.
- 1.4. **FOI Receiving Officer/s (FROs):** The FRO shall be the respective records officer of the PRC Records Management Division.

The functions of the FRO shall include:

- a. Receive, on behalf of the PRC or any of its offices, all requests for information and forward the same to the appropriate office that has custody of the records;
 - b. Monitor all FOI requests and appeals;
 - c. Provide assistance to the FDM's;
 - d. Provide assistance and support to the public and staff with regard to FOI requests and decisions;
 - e. Compile statistical information as required; and,
 - f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FDM's for further evaluation, or deny the request based on the following:
 - i. The FOI Request Form is incomplete; or
 - ii. The information is disclosed in the Commission's official website or at data.gov.ph;
- 1.5. **FOI Decision Maker/s (FDMs):** The FDM shall be the respective heads of offices and divisions from where the disclosure of information is requested. The FDM shall conduct evaluation of the request for information and shall have the authority to grant the request, or deny the same based on the following:
 - a. The Office 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 unreasonable, substantially identical or substantially similar to a request of the same requesting party that has been previously granted or denied by the Commission.
 - 1.6. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee (CARC) composed of three (3) officials to be designated by the PRC Chairperson, to review and analyze the appealed decision of the FDM and shall recommend to the PRC Chairperson whether to

grant or deny the appeal. The CARC shall also provide expert advice to the PRC Chairperson on the denial thereof.

SECTION 2: DEFINITION OF TERMS

- 2.1 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 request have the right to appeal that initial determination to the CARC, which will then conduct an independent review.
- 2.2 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.
- 2.3 CONSULTATION.** When the PRC locates a record that contains information of interest to another agency, it will ask views from that agency on the possible disclosure of the records before final determination can be made.
- 2.4 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.
- 2.5 foi.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, foi.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. foi.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.
- 2.6 FOI CONTACT.** The name, address and phone number of the designated FOI Receiving Officer/s in the PRC where FOI request can be made.
- 2.7 FOI REQUEST.** A written duly signed request submitted to the PRC personally, by registered mail or by e-mail asking for records or information from the PRC.
- 2.8 FOI RECEIVING OFFICER.** PRC personnel duly designated by the PRC Chairperson who shall receive, record, and monitor all request for information, provide assistance to the requesting party and/or public on FOI matters, among others.
- 2.9 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.
- 2.10 FREQUENTLY REQUESTED INFORMATION.** Information released in response to a FOI request that the Commission determines have become or are likely to become the subject of subsequent requests for substantially the same records.

- 2.11 FULL DENIAL.** When the PRC or any of its offices cannot release the record in response to the FOI request. Example, the requested information is exempt from disclosure or there is no record available.
- 2.12 FULL GRANT.** When PRC is able to disclose all records in full response to the FOI request.
- 2.13 INFORMATION.** It shall mean any record, document, papers, report, letter, contract, 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 were made, received, or kept under the control and custody of the PRC pursuant to law, executive order, and rules and regulations in connection with the performance or transaction of official business by the PRC.
- 2.14 INFORMATION FOR DISCLOSURE.** Information promoting the awareness and understanding of policies, programs, activities, rules or regulations 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, this type of information can already be posted to government websites without need for written request from the public.
- 2.15 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 while complex requests are placed in one or more tracks. Requests in each track are processed on a first in/first out basis.
- 2.16 OPEN DATA.** It refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- 2.17 PARTIAL GRANT/PARTIAL DENIAL.** When the PRC grants the disclosure of some information or records in response to the FOI request but deny some portions of the FOI request.
- 2.18 PENDING REQUEST OR PENDING APPEAL.** A FOI request or administrative appeal for which the PRC has not yet taken final action. It includes request awaiting response within the statutory response time.
- 2.19 PERFECTED REQUEST.** A FOI request, which reasonably complies with the requirements of E.O. No. 2, series of 2016 or this FOI manual
- 2.20 PERSONAL INFORMATION.** It shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
- 2.21 PROACTIVE DISCLOSURE.** Information made publicly available by the PRC without waiting for a specific FOI request. The PRC's initiative to post in its website information concerning its mandates, functions, policies and programs.

- 2.22 PROCESSED REQUEST OR PROCESSED APPEAL.** The number of requests or appeals where the PRC has completed its work and sent a final response to the requesting party.
- 2.23 PUBLIC RECORDS.** It includes information required by laws, executive order, rules or regulations to be entered, kept, and made publicly available by PRC.
- 2.24 RECEIVED REQUEST OR RECEIVED APPEAL.** A FOI request or administrative appeal that an agency has received within a fiscal year.
- 2.25 REFERRAL.** The FOI receiving officer forwards the FOI request to an appropriate agency for further determination of primary interest and processing of the request.
- 2.26 SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, it shall refer to personal information:
- 2.26.1 About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - 2.26.2 About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 2.26.3 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
 - 2.26.4 Specifically established by an executive order or an act of Congress to be kept classified.
- 2.27 SIMPLE REQUEST.** A FOI request that requires minimal processing and review, placed in one processing track, and anticipated to have faster response/ delivery time, depending on the volume and/or simplicity of the records requested.

SECTION 3 : PROMOTION OF OPENNESS IN GOVERNMENT

- 3.1. Duty to Publish Information:** The PRC 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:
- 3.1.1. A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - 3.1.2. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - 3.1.3. The names of its key officials, their powers, functions and responsibilities, and their profiles;
 - 3.1.4. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - 3.1.5. Important rules and regulations, final and executory orders or decisions, and Board/ Commission resolutions;
 - 3.1.6. Current and important database and statistics that it generates;

- 3.1.7. Bidding processes and requirements; and
- 3.1.8. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

3.2. Exemption to Right of Access to Information : The following are exemptions to the right of access to information, as recognized by the Constitution, existing laws or jurisprudence:

- 3.2.1. Information covered by Executive privilege;
- 3.2.2. Privileged information relating to national security, defense or international relations;
- 3.2.3. Information concerning law enforcement and protection of public and personal safety;
- 3.2.4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- 3.2.5. 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;
- 3.2.6. Prejudicial premature disclosure;
- 3.2.7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
- 3.2.8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
- 3.2.9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

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

3.4. Keeping of Records: The Commission 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 data generated or collected.

SECTION 4 : PROTECTION OF PRIVACY

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

- 4.1.** The Commission shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- 4.2.** The Commission shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
- 4.3.** The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the

Commission, shall not disclose that information except when authorized by existing laws.

SECTION 5 : STANDARD PROCEDURES

5.1. Receipt of request for information:

5.1.1. The 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 "D"*).

The request can be made through electronic mail (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.

See Annex "B" List of FOI Receiving Offices and contact details.

5.1.2. 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.

5.1.3. The request shall be stamped received by the FRO, indicating the date and time of the receipt of such, including the name, rank, title and position of the public officer who actually received it, with his signature. A copy thereof shall be furnished to the requesting party. In case of email requests, the emailed message shall be printed out. The FOI request shall also follow the procedures stated in subsection 5.1.1. The FRO shall acknowledge that the FOI request has been received. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

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

The date of receipt of the request will either be on:

- a. The day on which the request is physically or electronically delivered and received by the PRC FRO, or his assigned staff to receive the requests; or
- b. If the PRC has asked the requesting party to comply lacking requirement or clarify the request, the date on which the lacking requirement or clarification is received.

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

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

5.2.1. ***Request relating to more than one office under the PRC.*** If a request for information is received and is required to be complied with by more than one office, the FRO shall forward such request to the offices concerned, and ensure its coordination and monitoring. The FRO shall also clear with the respective FDMs of such offices that they will only provide the specific information that relates to their office.

5.2.2. ***Requested information is not in the custody of the PRC or any of its offices.*** If the requested information is not in the custody of the PRC or any of its offices, the FRO shall undertake either steps:

- If the records requested refer to another agency or department, the request will be immediately endorsed to the appropriate agency or department. The FRO must inform the requesting party that the information being requested is not in the custody of the PRC within the fifteen (15) working day limit provided for in this manual: or
- If the records requested refer to an office not within the coverage of Executive Order No. 2, the FRO shall advise the requesting party.

5.2.3. ***Requested information is already posted and available on-line.*** Should the information being requested is already posted and publicly available in the PRC website (www.prc.gov.ph), or www.data.gov.ph or www.foi.gov.ph the FRO shall inform the requesting party of the availability of the information in public use platforms, provide the website link where the information is posted or available

5.2.4. ***Requested information is substantially similar or identical to a previous request.*** If the requested information is substantially similar or identical to a previous request by the same requesting party, the request shall be denied. The FRO shall inform the requesting party of its denial and the reason of such denial.

5.3. Transmittal of Request by the FRO to the FDM: After the FRO has evaluated the request for information, he shall notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from receipt thereof. The FRO shall log the date, time and name of the FDM who received the request in a record book, duly signed by the FDM.

5.4. 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 needed. He shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of thereof.

The FRO shall note the date and time of receipt of the information from the FDM and report to the Chairperson of the PRC or the designated head of office in case the submission is beyond the ten (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 fifteen (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 concerning another agency or department, the FDM shall consult with the agency or department concerned on the possible disclosure of the records before making final determination.

- 5.5. 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. He shall attach a cover/transmittal letter signed by the Chairperson or the designated Head of office concerned and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.
- 5.6. Request for an Extension of Time:** If the information requested requires extensive search of the PRC records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO, who, in turn, shall apprise the requesting party of the extension, setting forth the reasons thereof.
- 5.7. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approves or denies the request, he shall immediately notify the FRO. The FRO shall prepare the response to the requesting party.
- 5.8. Approval of Request:** In case of approval, the FRO shall guarantee that all records retrieved and considered are checked for possible exemptions prior to actual release. The FRO shall prepare the letter informing the requesting party that the request has been granted and shall inform said party to pay the applicable fees, if there be any.
- 5.9. 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.

SECTION 6 : REMEDIES IN CASE OF DENIAL

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

- 6.1. Administrative FOI Appeal to the CARC:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the receipt of the notice of denial.
 - 6.1.1. The appeal shall be decided by the Chairperson upon the recommendation of CARC within thirty (30) working days from the filing of said written appeal.
 - 6.1.2. The denial of the Appeal by the Chairperson may be appealed further to the Office of the President under Administrative Order No. 22, s.2011.
- 6.2.** Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

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

SECTION 8. FEES

- 8.1. No request fee:** The PRC shall not charge any fee for accepting FOI requests.
- 8.2. Reasonable Cost of Reproduction and Copying of the information:** The FRO shall immediately notify the requesting party if reproduction or copying fee is required in order to provide the information. Such fee shall be the actual amount spent by the PRC in providing the information to the requesting party. The schedule of fees shall be posted in conspicuous areas within PRC premises and its website.
- 8.3. Exemption from Fee:** The PRC may exempt any requesting party from payment of fees, in case of pauper or indigent clients upon presentation of certificate of indigence from the Barangay

SECTION 9. ADMINISTRATIVE LIABILITY

- 9.1. 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
- 9.2. Procedure:** The Revised Rules on Administrative Cases in the Civil Service and PRC Revised Rules and Regulations in Administrative Investigation shall be applicable in the disposition of cases under this Manual.
- 9.3. Provisions for More Stringent Laws, Rules and Regulations:** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body of agency, which provides for more stringent penalties.