



Freedom of Information Manual

(Professional Regulation Commission)

Updated as of January 2025

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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 Archives and Records 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. For 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. 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.

3.3. 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 (*See Annex "E" for flowchart*)

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 "C" 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.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

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, and in case of occurrence of fortuitous events or other analogous cases, the FDM shall 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:
- 1st Offense – Reprimand
 - 2nd Offense – Suspension of one (1) to thirty (30) days; and,
 - 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.

Approved this 31st day of January 2025, Sampaloc, Manila, Philippines.


HON. CHARITO A. ZAMORA
Chairperson

ANNEXES

ANNEX "A"

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

4. 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.

5. 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.

6. 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 agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

- a. The requestor is to fill out a request form and submit the same to the agency's Receiving Officer. The Receiving Officer shall validate the request and log 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 agency 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 agency shall provide clearance to the response.
- g. The agency 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.

8. How much does it cost to make an FOI request?

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

9. 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 agency will explain why the request was denied.

10. 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 agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the agency 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.

12. 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 "B"

Executive Order No. 02, S. 2016



**MALACAÑAN PALACE
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

THE PRESIDENT OF THE PHILIPPINES

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as

the need to do so arises, for circularization as hereinabove stated.

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

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

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

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

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

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

SECTION 8. People's Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its

own People's FOI Manual, which shall include, among others, the following information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

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

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

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.

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

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

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

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

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a

records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

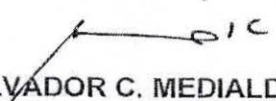
SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

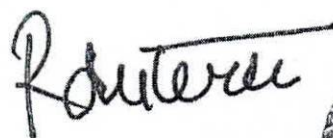
SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not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

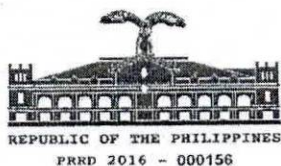
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.


By the President:


SALVADOR C. MEDIALDEA
Executive Secretary





CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

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ANNEX “C”

FOI Receiving Officers of the PRC Central and Regional Offices

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
PRC Main Office	P. Paredes St, Sampaloc, Manila, 1008	Tel: 5310-2020 Email: records@prc.gov.ph	Sherwin M. Marasigan Supervising Administrative Officer (SAO) – Archives and Records Division
National Capital Region (NCR) Office	P. Paredes St, Sampaloc, Manila, 1008	Tel: 5310-1047 Email: ncr@prc.gov.ph	Respective Records Officer
Cordillera Administrative Region (CAR) Office - Baguio City	Pine Lake View Building, No. 09 Otek St. cor. Benjamin R. Salvosa Drive, Brgy. Rizal Monument, Baguio City 2600	Tel: (074) 661-9105 Email: car@prc.gov.ph	Respective Records Officer
Regional Office I - Rosales	Government Center, Pangasinan-Nueva Viscaya Road, Carmay East, Rosales, Pangasinan 2441	Tel: (075) 649-3798 Email: ro1@prc.gov.ph	Respective Records Officer
Regional Office II - Tuguegarao City	Regional Government Center, Carig Sur, Tuguegarao City, Cagayan	Tele/fax: (078) 304-0701 Tele/fax: (078) 304-3703 Email: ro2@prc.gov.ph	Respective Records Officer
Regional Office III - San Fernando City	2/F and 3/F, (New) PEO Annex Bldg., Provincial Capitol Compound, Brgy. Santo Niño, City of San Fernando, Pampanga	Tel: 0956-830-5757 Email: ro3@prc.gov.ph	Respective Records Officer
Regional Office IVA - Lucena City	2/F Lucena Grand Central Terminal Bldg., Ilayang Dupay, Lucena City	Tel: (042) 373 7305 Email: ro4a@prc.gov.ph	Respective Records Officer
Regional Office IVB - MIMAROPA	4/F Sunnymede IT Center, 1614 Quezon Avenue, South Triangle, Quezon City	Tel: (02) 8733-1045 Email: ro4b@prc.gov.ph	Respective Records Officer
Regional Office V - Legaspi City	Regional Government Center Site, Rawis, Legaspi City 4500	Tel: (052) 481-3079 Fax: (052) 481-3323 Email: ro5@prc.gov.ph	Respective Records Officer
Regional Office VI - Iloilo City	2/F, Gaisano Iloilo City Center Mall, Benigno Aquino Ave., Mandurriao, Iloilo City	Tel: (033) 329-2730 Tel: (033) 329-2733 Telefax: (033) 329-2410 Email: ro6@prc.gov.ph	Respective Records Officer
Regional Office VII - Cebu City	HVG Arcade, Subangdaku, Mandaue City, Cebu	Tel: (32) 2535330 Email: ro7@prc.gov.ph	Respective Records Officer
Regional Office VIII - Tacloban City	Liceo del Verbo Divino (LVD) Campus, Law Building (former Department of Agrarian Reform - DAR Office)	Tel: (053) 323-9729 Tel: (053) 832-2519 Tel: (053) 832-2520 Email: ro8@prc.gov.ph	Respective Records Officer
Regional Office IX - Pagadian City	4/F, C3 Building, Rizal Avenue Pagadian City	Tele/fax: (062) 925-0080 Email: ro9@prc.gov.ph	Respective Records Officer
Regional Office X - Cagayan de Oro	Skypark, Limketkai Center Cagayan de Oro City, Misamis Oriental	Tel: 0995-277-8672 / 0909-197-8244 Email: ro10@prc.gov.ph	Respective Records Officer
Regional Office XI - Davao City	Calamansi St. cor. 1 st St. Juna Subdivision, Matina, Davao City 8000	Tel: (082) 234-0006 to 07 Email: ro11@prc.gov.ph	Respective Records Officer
Regional Office XII - Koronadal	Regional Government Center, Brgy. Carpenter Hill, Koronadal City, South Cotabato 9506	Tel: (083) 822-0822, 24 to 27 Email: ro12@prc.gov.ph	Respective Records Officer
Regional Office XIII - Butuan Cit	Robinsons Place - Butuan City, Butuan City, Agusan Del Norte	Tel: 09302291575 Tel: (085) 815 0915 Email: ro13@prc.gov.ph	Respective Records Officer

ANNEX "D"

LIST OF EXCEPTIONS

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

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

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 implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.²

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;³ and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;⁴ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁵
2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;⁶
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁷ and

² As enumerated in the Memorandum from the Office of the Executive Secretary entitled, "Inventory of Exceptions to Executive Order No. 2 (s. 2016)", dated 24 November 2016, signed by Executive Secretary Salvador C. Medialdea.

³ This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

⁴ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

⁵ Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

⁶ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

- c. Patent applications, the publication of which would prejudice national security and interests;⁸
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;⁹
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;¹⁰
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹¹
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹² and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹³

⁷ *Akbayan v. Aquino, supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

⁸ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

⁹ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

¹⁰ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹¹ Section 3(b), Rule IV, Rules on CCESPOE.

¹² Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹³ Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹⁴ personal information or records,¹⁵ including sensitive personal information, birth records,¹⁶ school records,¹⁷ or medical or health records;¹⁸

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁹

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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual²⁰ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²¹

¹⁴ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁵ Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers 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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

¹⁶ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁷ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁸ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)- Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

¹⁹ Section 3(l), *Data Privacy Act of 2012*.

²⁰ Article 26(2), *Civil Code*.

²¹ Section 11, *Data Privacy Act of 2012*.

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²²

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²³ and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;²⁴
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁵
 - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁶
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁷
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;²⁸
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁹

²² Section 4, *Data Privacy Act of 2012*.

²³ *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

²⁴ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁵ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁶ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁷ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

²⁸ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁹ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

- (7) names of victims of child abuse, exploitation or discrimination;³⁰
 - (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³¹
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³²
 - (10) names of students who committed acts of bullying or retaliation;³³
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and ³⁴
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁵
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁶

³⁰ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

³¹ Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

³² Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

³³ Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³⁴ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁵ Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁶ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁷
- c. Records and reports submitted to the Social Security System by the employer or member;³⁸
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁹
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;⁴⁰
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴¹
- g. Documents submitted through the Government Electronic Procurement System;⁴²
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁴³
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴⁴

Build-Operate-Transfer Law (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

³⁷ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

³⁸ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

³⁹ Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

⁴⁰ Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁴¹ Section 81, EO No. 226 (s. 1987), as amended.

⁴² Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴³ Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴⁴ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁵
 - k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁶
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁷
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁸
 - n. Information on registered cultural properties owned by private individuals;⁴⁹
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵⁰ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵¹
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by

⁴⁵ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

⁴⁶ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁷ Section 10, *Safeguard Measures Act*.

⁴⁸ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁴⁹ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁵⁰ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵¹ Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵²

7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
 - a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵³
 - b. Matters involved in an Investor-State mediation;⁵⁴
 - c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁵
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁶
 - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁵⁷
 - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁵⁸
 - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁹
 - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁶⁰
 - i. Investigation report and the supervision history of a probationer;⁶¹

⁵² Section 3(g), Rule IV, Rules on CCESPOE.

⁵³ Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵⁴ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁵ Article 237, *Labor Code*.

⁵⁶ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁷ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁸ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁵⁹ Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁶⁰ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

- j. Those matters classified as confidential under the *Human Security Act of 2007*;⁶²
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶³ and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶⁴
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁶⁵
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on

⁶¹ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶² Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

⁶³ Section 14, Civil Service Commission Resolution No. 01-0940.

⁶⁴ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

⁶⁵ Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁶⁶ and

- (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁷
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁶⁸
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁹
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁰
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷¹ and
- g. Attorney-client privilege existing between government lawyers and their client.⁷²

⁶⁶ Article 7, UNCITRAL Transparency Rules.

⁶⁷ *Senate v. Neri, supra*; *Senate v. Ermita, supra*.

⁶⁸ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*.

⁶⁹ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁰ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

⁷¹ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

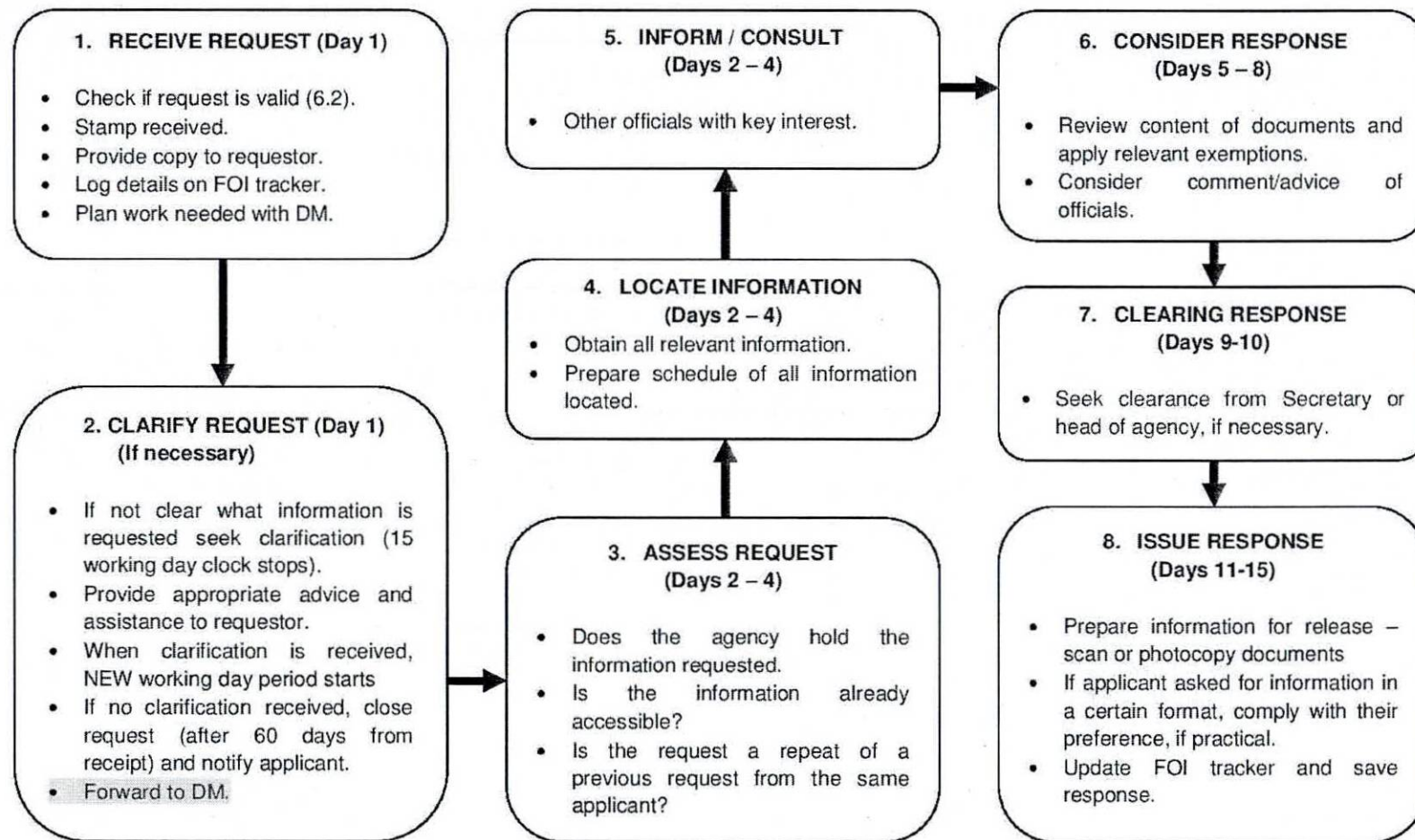
⁷² Canon 21 of the *Code of Professional Responsibility*.

Flow Chart



ANNEX "E-2"

Detailed FOI Request Process



ANNEX "E-3"

FOI Request Process in Days

Day 1	Days 2 – 4	Days 5 – 8	Days 9 – 10	Days 11 - 15
RECEIVE REQUEST <ul style="list-style-type: none"> Check if request is valid. Stamp received. Provide copy to requestor. Log details on FOI tracker. Plan work needed with DM. CLARIFY REQUEST (If necessary) <ul style="list-style-type: none"> If not clear what information is requested seek clarification (15 working day clock stops). Provide appropriate advice and assistance to requestor. When clarification is received, NEW working day period starts If no clarification received, close request (after 60 days from receipt) and notify applicant. Forward to DM. 	ASSESS REQUEST <ul style="list-style-type: none"> Does the agency hold the information requested. Is the information already accessible? Is the request a repeat of a previous request from the same applicant? LOCATE INFORMATION <ul style="list-style-type: none"> Obtain all relevant information. Prepare schedule of all information located. INFORM / CONSULT <ul style="list-style-type: none"> Other officials with key interest. 	CONSIDER RESPONSE <ul style="list-style-type: none"> Review content of documents and apply relevant exemptions. Consider comment/advice of officials. 	CLEARING RESPONSE <ul style="list-style-type: none"> Seek clearance from Secretary or head of agency, if necessary. 	ISSUE RESPONSE <ul style="list-style-type: none"> Prepare information for release – scan or photocopy documents If applicant asked for information in a certain format, comply with their preference, if practical. Update FOI tracker and save response.

Notes:

- This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
- Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. **However, it is always important to allow sufficient time for Decision Makers, etc to clear FOI responses before expiry of the 15 working day deadline.**
- For any request, it is essential to start looking at it as soon as it is received, to assess what work needs to be done and to plan that work so that the request is answered on time. This table is intended to help with that planning.

FOI Request Form

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FOI Tracking Number:

FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2,s. 2016)
(as of November 2016)

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: (◀) denotes a MANDATORY field.

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 (e.g. Mr, Mrs, Ms, Miss)

2. Given Name/s (including M.I)

3. Surname

4. Complete Address (Apt/House Number, Street, City/Municipality, Province)

5. Landline/Fax

6. Mobile

7. Email

8. Preferred Mode of Communication

☐ Landline ☐ Mobile Number ☐ Email ☐ Postal Address

(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply

☐ Email ☐ Fax ☐ Postal Address ☐ Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature)

☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID

☐ School ID ☐ Company ID ☐ Others

B. Requested Information

11. Agency - Connecting Agency (if applicable)

12. Title of Document/Record Requested (Please be as detailed as possible)

13. Date or Period (DD/MM/YY)

14. Purpose

15. Document Type

16. Reference Numbers (if known)

17. Any other Relevant Information

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)

◀ _____

FREEDOM OF INFORMATION

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 enclose 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 make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal 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 workings days from the date when we receive your appeal.

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 do not 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 make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal 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 workings days from the date when we receive your appeal.

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 make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal 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 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "G-6"

FOI RESPONSE TEMPLATE – IDENTICAL REQUEST

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 the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal 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 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer