



DEPARTMENT OF SCIENCE AND TECHNOLOGY
Science Education Institute

Freedom of Information (FOI) People's Manual

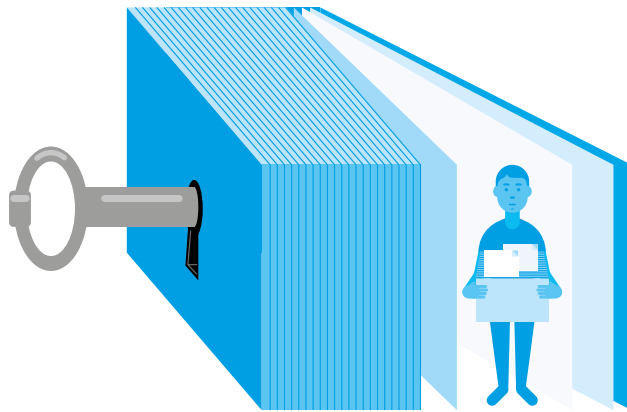


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Overview



1. Purpose: The purpose of the FOI Manual is to provide the process to guide and assist the INSTITUTE, including its divisions and units, in dealing with requests for information received under Executive Order (EO) No. 2 on Freedom of Information. (Annex “B”)

2. Structure of the Manual: This Manual shall set out the rules and procedures to be followed by the INSTITUTE, and its divisions and units, when a request for access to information is received. The Director of the INSTITUTE is responsible for all actions carried out under this Manual and may delegate this responsibility to the FOI Committee Head of the INSTITUTE and the respective Heads of the divisions and units. The INSTITUTE Director, or the designated officer-in-charge, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

3. Coverage of the Manual: The Manual shall cover all requests for information directed to the INSTITUTE and all its divisions and units, as follows:

- a) Office of the Director (OD);
- b) Office of the Deputy Director (ODD);
- c) Finance and Administrative Division (FAD);
- d) Science Education and Innovations Division (SEID);
- e) Science and Technology Scholarship Division (STSD); and
- f) Science and Technology Manpower Education, Research, and Promotions Division (STMERPD).

4. FOI Receiving Officer: There shall be an FOI Receiving Officer (FRO) and an Alternate Receiving Officer designated at the INSTITUTE. These officers shall preferably come from the Public Assistance or Information Office, or its equivalent, and shall hold office at the SEI.

The functions of the FRO shall include the following:

- a. Receive, on behalf of the INSTITUTE and other divisions and units, all requests for information;
- b. Forward the same to the appropriate office that has custody of the records; monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker (FDM) & FOI Division Decision Maker (FDDM);
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required; and
- f. Conduct initial evaluation of the request and advise the public on its status.

Definition of Terms

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.

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

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

INFORMATION OF DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions

affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

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

OPEN DATA. Publicly available data structured in a way that enables the data to be fully discoverable and useable by end-users.

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

PUBLIC SERVICE CONTRACTOR. Defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

PERSONAL INFORMATION. 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 2

Definition of Terms

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

- a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual's health, education, genetic or sexual life, or to any proceedings 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;

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

SECTION 3

Glossary of Terms

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

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

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask the views of that other agency whether or not the record is disclosable before making any final determination.

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

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

FOI CONTACT. The name, address and phone number at each government office where one can make an FOI request.

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

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. Information released in response to an FOI request that the agency determines has become or is likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the INSTITUTE or any of its division or unit cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

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

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

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

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which a government office has not yet taken final action

in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

PERFECTED REQUEST. An FOI request that reasonably describes the records sought and is made in accordance with the government office's regulations.

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

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

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

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

SIMPLE REQUEST. An FOI request that an agency anticipates will involve a small volume of material or which can be processed relatively quickly.

FORCE MAJEURE. Unforeseen events that may affect government operations such as systems breakdown, natural calamities, war, and the like.

WORKING DAY. 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, Article 13 of the New Civil Code shall be observed.

SECTION 4

Promotion of Openness in Government

- 1. Duty to Publish Information.** The INSTITUTE 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:
- A description of its mandate, delivery structure, its procedure and decision-making processes;
 - A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments and expenditures;
 - Important rules and regulations, orders or decisions;
 - Current and important database and statistics that it generates;
 - Bidding processes and requirements; and
 - Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
- 2. Accessibility of Language and Form.** The INSTITUTE shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
- 3. Keeping of Records.** The INSTITUTE 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 generated or collected.

SECTION 5

Protection of Privacy

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

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

SECTION 6

Standard Procedure (see Annex E for flow chart)

1. Receipt of Request for Information.

- 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 "F"*)

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

- 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 transcribe it in writing.
- The request shall be stamped received by the FRO or the designated alternate, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The

FRO or the designated alternate shall input the details of the request on the Request Tracking System and allocate a reference number.

- The INSTITUTE or any of its divisions or units must respond to the requests promptly, within fifteen (15) working days following the date of receipt of the request.

The date of receipt of the request will be either:

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

An exception to this will be where the request has been emailed and there is force majeure due to unforeseen events.

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.

2. Initial Evaluation

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

Standard Procedure

- a. **Request relating to more than one office under the INSTITUTE:** If a request for information is received requiring compliance with different divisions and units, the FRO shall forward such request to the concerned divisions and units and ensure coordination and monitoring of its compliance. The FRO shall also clear with the respective FROs of such divisions and units that they will only provide the specific information that relates to their divisions and units.
- b. **Requested information is not in the custody of the INSTITUTE or any of its divisions and units:** If the requested information is not in the custody of the INSTITUTE or any of its divisions or units, following referral and discussions with the FDM, the FRO shall undertake the following steps:
- If the records requested refer to another agency, bureau or office, the request will be immediately transferred to the appropriate department through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving offices commences the day after it receives the request.
 - If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- c. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the INSTITUTE website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of this fact and provide them the website link where the information is posted.
- d. **Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason for such denial.
- e. **Transmittal of request by the FRO to the FOI Division Decision maker (FDDM):** Upon receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDDM of such request. The copy of the request shall be forwarded to such FDDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- f. **Role of FDDM in processing the request:** Upon receipt of the request for information from the FRO, the FDDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDDM shall ensure that the complete information requested will be submitted to the FRO within 10 days upon receipt of such request.
- The FDDM shall note the date and time of receipt of the information from the FRO and report to the INSTITUTE Director or the designated FOI Committee Head, in case the submission is beyond the 10-day period.

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

If the FDDM determines that a record contains information of interest to another office, the FDDM shall consult with the agency concerned if the information can be disclosed before making any final determination.

After the initial evaluation and other necessary steps made by the FDDM to locate and retrieve the information, he or she shall report or submit the document to the FDM for approval.

g. **Role of the FDM:** Upon receipt of the retrieved information from the FDDM, the FOI Decision Maker shall either deny or approve the release of the information to the requesting party. If the information is exempt from disclosure in its entirety, or there are no records regarding the information being requested, the FDM will deny the request. However, when the division or unit is able to disclose all FDM records, the FDM will approve the complete release of the information.

h. **Role of FRO to transmit the information to the requesting party:** The FRO shall collate and ensure that the information received from the FDM is complete. The FRO shall transmit the requested information to the requesting party within 15 days upon receipt of the said request, with a cover letter signed by the Institute Director or the duly designated Officer-in-Charge. . information

i. **Request for an Extension of Time:** The FDM should inform the FRO if the requested information requires extensive search of the government's office records, examination of voluminous records, the occurrence of

fortuitous events, and/or other analogous cases which may cause delay in responding to the request.

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

j. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, he/she shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall be subject to the approval of the INSTITUTE Director or the duly designated Officer-in-Charge.

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

l. **Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall be subject to the approval of the INSTITUTE Director or the duly designated Officer-in-Charge.

SECTION 7

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:

1. Administrative FOI Appeal to the INSTITUTE FOI Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- a. Denial of Request by the Heads of the INSTITUTE divisions or units may be appealed in writing to the INSTITUTE FOI Committee within (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- b. The appeal shall be decided by the INSTITUTE Director upon the recommendation of the FOI Committee within thirty (30) working days from the filing of said written appeal.
 - c. The denial of the appeal by the INSTITUTE Director or the lapse of the period to respond to the request may be appealed further to the Office of the Secretary under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial remedies in accordance with the Rules of Court.

SECTION 8

Request Tracking System

The INSTITUTE shall establish a system to trace the status of all paper-based and/or online requests for information received.

SECTION 9

Fees

1. No request fee.

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

2. Reasonable Cost of Reproduction and Copying of the Information.

The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the INSTITUTE in

providing the information to the requesting party. The schedule of fees shall be posted by the INSTITUTE.

3. Exemption from fees.

The INSTITUTE may exempt any requesting party from payment of fees, upon the latter's statement of a valid reason for such payment exemption.

SECTION 10

Administrative Liability

1. Non-compliance with FOI.

Failure to comply with the provisions of this Manual shall be grounds 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

2. Procedure.

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

3. Provisions for More Stringent Laws, Rules and Regulations.

Nothing in this Manual shall be construed to derogate from any law, rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

Signed this 21st day of January 2020 in Bicutan, Taguig City.


ALBERT G. MARIÑO
Director III and FOI Chairperson


JOSETTE T. BIYO
Director IV



Freedom of Information

The FOI Executive Order provides for full public disclosure of all government records involving public interest, and upholds the constitutional right of people to information on matters of public concern.

The Order states:

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

– E.O. 2 sec. 3

The Order defines “information” to include any

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

– E.O. 2 sec. 1.a

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 for 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 up a request form and submit it 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 is 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 the 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.

Executive Order No. 2

MALACAÑANG PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and

offices, and the duty to ensure that the laws be faithfully executed;

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

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

Section 1. DEFINITION. For the purpose of this Executive Order, the following terms shall mean:

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

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

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

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

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

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

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

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

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

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

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

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

ANNEX B

Executive Order No. 2

Section 7. PROTECTION OF PRIVACY. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

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

Section 8. PEOPLE'S FREEDOM TO INFORMATION (FOI) MANUAL. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;

The person or office responsible for receiving requests for information;

- (a) The procedure for the filing and processing of the request as specified in the succeeding Section 9 of this Order;
- (b) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (c) The process for the disposition of requests;
- (d) The procedure for the administrative appeal of any denial for access to information; and
- (e) The schedule of applicable fees.

Section 9. PROCEDURE. The following procedure shall govern the filing and processing of request for access to information:

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

- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

Section 11. IDENTICAL OR SUBSTANTIALLY SIMILAR REQUESTS. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office.

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

Section 13. REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION.

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

Executive Order No. 2

- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such a person or office to decide within the aforesated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

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

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

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

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

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

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

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

By the President:
(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

SEI-FOI Receiving Officer (FRO)

Agency : DOST-SEI
Location of Receiving Officer : Level 1, Science Heritage Bldg., DOST Compound
Gen. Santos Ave., Bicutan, Taguig City
Contact Details : (632) 8837-0749/ 8837-2071 local 2385
foi@sei.dost.gov.ph
Assigned Receiving Officer : Anita E. Gorgonio

List of Exceptions

*A Model People's FOI Manual (updated as of 23 January 2017)
Recommended by the Presidential Communications Operations Office*

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

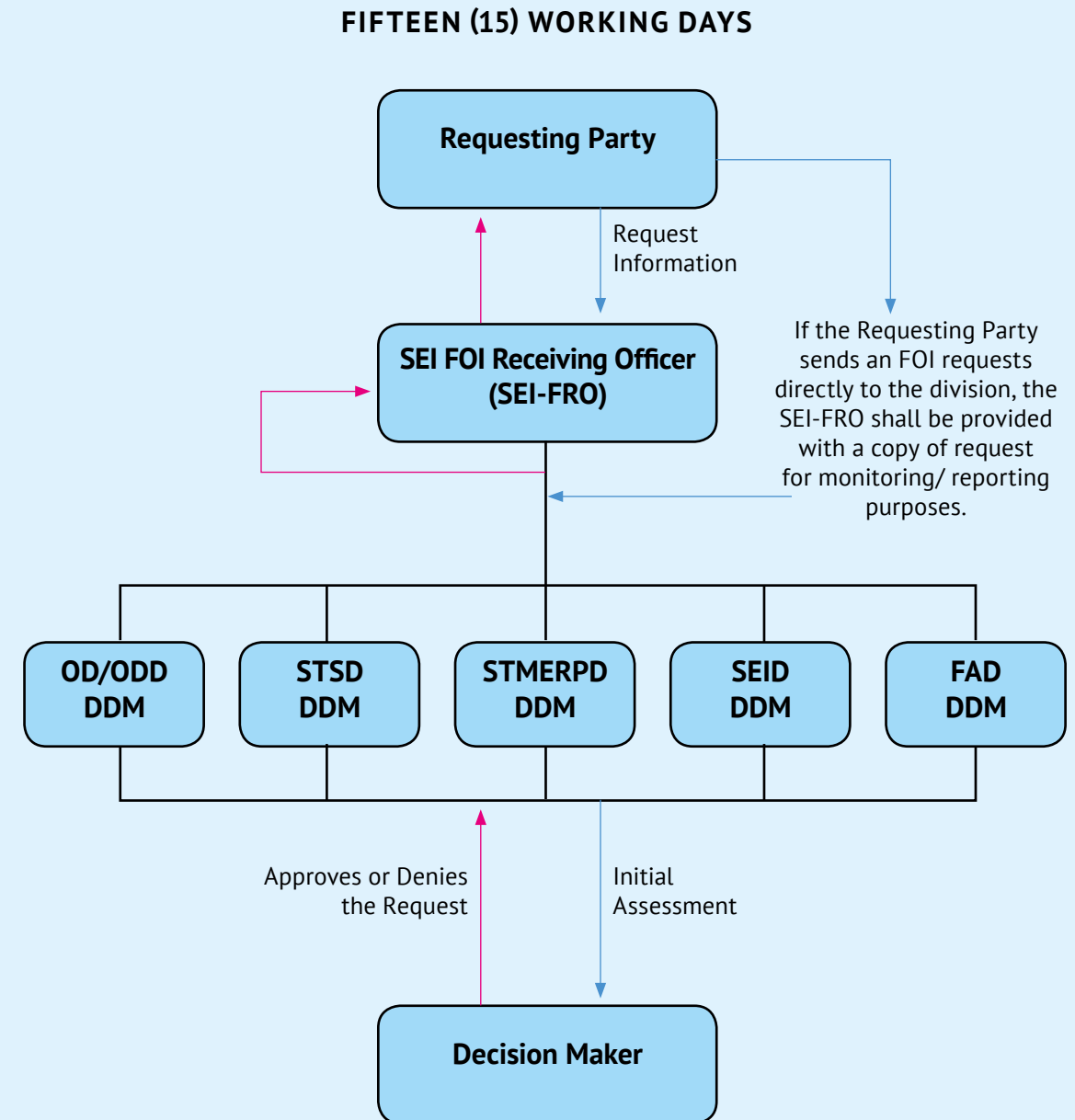
- Information covered by Executive privilege;
- Privileged information relating to national security, defense or international relations;
- Information concerning law enforcement and protection of public and personal safety;
- Information deemed confidential for the protection of the privacy of persons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

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.

SEI List of Exceptions

1. Personal Information of student and teacher participants, resource persons, DOST-SEI Scholars and Scholar-Graduates, PD 997 Applicants and Grantees, and consultants;
2. 201 files of personnel;
3. Proceeding before the Committee on Decorum and Investigation during preliminary investigation of employees;
4. Information deemed confidential concerning the application of employees, together with all the records, documents and communications relating thereto and its processes;
5. Medical and psychological records of personnel;
6. Specimen's signature;
7. GSIS/PAG-IBIG/Philhealth information in relation to:
 - Records of a person's birth;
 - Employment records and reports submitted by the employee or employer to the SSS, unless in compliance with a subpoena ducestecum of the Court, or with the SSS Administrator's permission or any SSS official duly authorized by the Administrator; and
 - Records and reports duly accomplished and submitted to the SSS by the employer or the member
8. Income Tax Return (BIR Form No. 2316)
 - Tax returns and corrections prior to the issuance of an assessment by the CIR; and
 - Prohibition of disclosing information under the National Internal Revenue Code
9. Working Papers - Confidentiality of working papers, schedules and memoranda made by a Certified Public Accountant;
10. Confidential information supplied by the suppliers/bidders/contractors to the General Services Unit (GSU) pursuant to Republic Act 9184 (Government Procurement Reform Act);
11. Information on ongoing evaluation or review of bids and response being undertaken by the bidding or review committee which are not considered as "official acts, transactions, or decisions" on the bids or proposals or "definite propositions" on the part of the government;
12. Raw data sets purchased from the Philippine Statistics Authority (PSA);
13. Academic records and ledger of financial assistance of scholars;
14. DOST-SEI Scholarship Test Materials; and
15. Guidelines/resolutions on the selection of scholarship qualifiers;

SEI-FOI Flowchart



FOI Request Form



DEPARTMENT OF SCIENCE AND TECHNOLOGY
Science Education Institute
 General Santos Avenue, Bicutan, Taguig City

FOI Request Form

Tracking No.

PART I. INFORMATION ON REQUESTING PARTY

FULL NAME: _____

COMPLETE ADDRESS: _____

CONTACT DETAILS:

Landline: _____ Mobile: _____ Email: _____

PROOF OF IDENTITY:

Passport No. _____ Driver's License _____

Postal ID. _____ Others: (pls. specify) _____

PART II. REQUESTED INFORMATION

TITLE OF DOCUMENT/RECORD REQUESTED: _____

DATE OF DOCUMENT: _____

PURPOSE OF REQUEST (Please specific as possible): _____

HOW WOULD YOU LIKE TO RECEIVE THE INFORMATION?

Email Fax Postal Address Pick-up (Office Hours)

I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself and my principal to use the requested information only for the specific purpose stated and subject to such other conditions as may be prescribed by the DOST-SEI.

 Signature of Requesting Party

 Time and Date

For Official Use Only

Received by: Name/Signature: Position: Date and Time Received: Remarks: _____	Forwarded to: Division/Unit: Date and Time:
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Freedom of Information (FOI)

People's Manual



DEPARTMENT OF SCIENCE AND TECHNOLOGY

Science Education Institute

1F/2F Science Heritage Building

DOST Compound

General Santos Avenue, Bicutan

Taguig City

www.sei.dost.gov.ph