
The seal of the Waterbury City Water District is a circular emblem. It features a central illustration of a water treatment facility with a large circular tank and a rectangular building. The background of the seal shows a landscape with mountains and a body of water. The outer ring of the seal contains the text "WATERBURY CITY WATER DISTRICT" at the top and "1974" at the bottom, flanked by two stars. The seal is rendered in a light blue and yellow color scheme.

# FREEDOM OF INFORMATION MANUAL

Document Code: **MN-ZCWD-01**


Revision No: **2**


Effectivity Date: **April 2022**

	<b>ZAMBOANGA CITY WATER DISTRICT</b>		
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## SECTION I: OVERVIEW

### Introduction

The Office of the President, under the administration of President Rodrigo R. Duterte, issued Executive Order (EO) No. 2, series of 2016 that authorizes the Executive Branch of the Government to exercise the People’s Constitutional right to information and the State Policies to full public disclosure and transparency in public service. The EO mandates all executive offices, departments, bureaus, offices, and instrumentalities, including government-owned or –controlled corporations (GOCCs), and state universities and colleges to give every Filipino “access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as government research data used as basis for policy development.” Local government units are also encouraged to observe and be guided by the EO.

Section 8 of the said EO directs every government office to prepare its own People’s Freedom of Information (FOI) Manual specifying a number of implementing details taking into consideration their mandates and the nature of information in their custody and control.

The **ZAMBOANGA CITY WATER DISTRICT (ZCWD)** is a government-owned and controlled corporation, created under PD 198, “Provincial Water Utilities Act, and formed by the City Council of Zamboanga on March 4, 1974.

### Purpose


The purpose of this ZCWD FOI Manual (Manual) is to provide the process to guide and assist the ZCWD in the management of requests of information received under EO No. 2, Series of 2016, on Freedom of Information (FOI). (**Annex “G”**)


### Structure of the Manual

This Manual shall set out the guidelines and procedures to be followed by the ZCWD when a request for access to information is received. The General Manager is responsible for all actions carried out under this Manual and may delegate this responsibility to the Assistant General Managers or his designated officer in-charge. The General Manager may delegate specific officers to act as the secondary Decision Makers, who shall have the responsibility for the **initial** decision on FOI requests, (i.e. to decide whether to release all the records or deny access).

### Coverage of the Manual

This FOI Manual shall cover all processes related to the receipt, evaluation, approval or denial, and dissemination of requested information directed to the ZCWD.

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## 1. FOI Receiving Officer

The General Manager shall designate a primary FOI Receiving Officer (FRO) situated at the ZCWD Main Office. **The FRO shall come from the Planning and Monitoring Division under Corporate Planning Department.** A secondary FRO should also be identified in cases where the primary FRO is out-of-office due to official travel, scheduled leave or for personal reasons.

The fundamental functions of the FRO shall include:

1. receive on behalf of the ZCWD all requests for information and forward the same to the appropriate department who has custody of the records
2. monitor all FOI request and appeals
3. provide assistance to the FOI Decision Maker (FDM)
4. provide assistance and support to the public and staff with regard to FOI
5. compile statistical information as required;
6. conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:
  - a. the information provided on the request form is incomplete; or
  - b. the requested information is already disclosed in the ZCWD's Official Website ([www.zcwd.gov.ph](http://www.zcwd.gov.ph)), [foi.gov.ph](http://foi.gov.ph), or at [data.gov.ph](http://data.gov.ph) or at the ZCWD's social media page ([fb.com/ZamboangaCityWaterDistrict](https://fb.com/ZamboangaCityWaterDistrict)).
  - c. the request is similar or identical to a previous request submitted by the same requesting party
7. Manage the FOI Request Tracking System which shall consist of the FOI log sheet and software. The FRO shall have sole access to the FOI software and is responsible to input and monitor the details of all received requests.

### 1.1. FOI Contact Person


The Department Managers shall be the contact persons of their respective units. As such, they are responsible to confirm, deny or clarify with the FRO as to the availability of the requested information from their unit.


## 2. FOI Decision Maker (primary and secondary)

**The General Manager shall be the primary FOI Decision Maker (FDM) who shall make the final decision on all requests for information forwarded to the Office of the General Manager (OGM) after review, evaluation and recommendation of the concerned secondary FDM.**

**The secondary FDM shall consist of the Assistant General Managers (AGM) or its OIC, Corporate Planning Department and, Legal Department Managers who shall conduct extensive evaluation of the request for information and has the authority to recommend the grant the request, or deny it based on the following:**

- a. The ZCWD does not possess the information requested;
- b. The information requested contains sensitive personal or confidential information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI; or

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- d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the ZCWD.

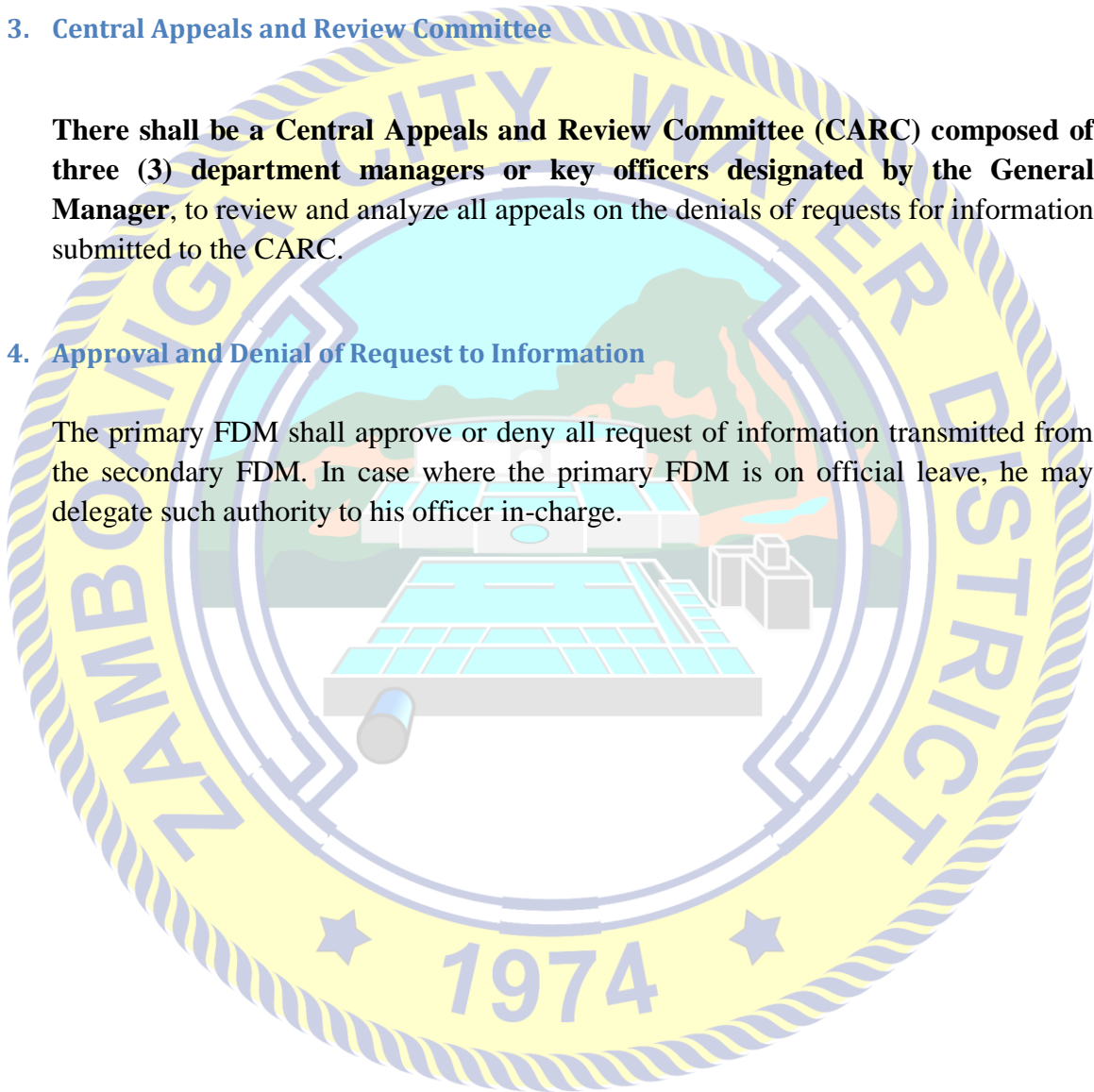
In the absence of the AGM due to official travel, scheduled leave or personal reasons, he/ she shall designate a substitute secondary FDM among his subordinates with a rank not lower than Department Manager for the duration of his/ her absence. Upon the AGM's return, the designated substitute secondary FDM must submit to the former a record of all requests received and the subsequent actions enacted on them.


### 3. Central Appeals and Review Committee


There shall be a **Central Appeals and Review Committee (CARC)** composed of **three (3) department managers or key officers designated by the General Manager**, to review and analyze all appeals on the denials of requests for information submitted to the CARC.

### 4. Approval and Denial of Request to Information

The primary FDM shall approve or deny all request of information transmitted from the secondary FDM. In case where the primary FDM is on official leave, he may delegate such authority to his officer in-charge.





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## SECTION 2: DEFINITION OF TERMS and ACRONYMS


1. **CONSULTATION:** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other ZCWD on the disclosability of the records before any final determination is made. This process is called a “consultation.”
2. **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.
3. **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 ZCWD 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 ZCWD and over time.
4. **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.
5. **FREEDOM OF INFORMATION (FOI):** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.
6. **FOI CONTACT:** The name, address and phone number at each government office where an individual, organization, private or public agency could submit an FOI request.
7. **FOI REQUEST:** A written request submitted personally or by email to the ZCWD asking for documents or records on any topic within the scope of the ZCWD. An FOI request can generally be made by any Filipino to any government office.
8. **FOI RECEIVING OFFICE:** The primary contact at each ZCWD where the requesting party can call and ask questions about the FOI process of the pending FOI request.
9. **FREQUENTLY REQUESTED INFORMATION:** Info released in response to an FOI request that the ZCWD determines have become or are likely to become the subject of subsequent requests for substantially the same records.
10. **FULL DENIAL:** When the ZCWD is unable to release the requested documents or records in response to an FOI request, due to justifiable and legal reasons.

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11. **FULL GRANT:** When the ZCWD is able to disclose all records in full in response to an FOI request.
12. **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.
13. **INFORMATION FOR DISCLOSURE:** Information promoting the awareness and understanding of policies, programs, 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.
14. **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 yet another track. Requests in each track are processed on a first in/first out basis.
15. **OFFICIAL RECORD/S:** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
16. **OPEN DATA:** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
17. **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.
18. **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.
19. **PERFECTED REQUEST:** An FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.
20. **PERSONAL INFORMATION:** 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 the individual.


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21. **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.
22. **PROCESSED REQUEST OR PROCESSED APPEAL:** The number of requests or appeals where the ZCWD has completed its work and sent a final response to the requester.
23. **PUBLIC RECORDS:** Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
24. **RECEIVED REQUEST OR RECEIVED APPEAL:** An FOI request or administrative appeal that the ZCWD has received within a fiscal year.
25. **REFERRAL:** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called “referral.”
26. **SENSITIVE PERSONAL INFORMATION:** As defined in the Data Privacy Act of 2012, shall refer to personal information:
  - a. About an individual race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
  - b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
  - c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
  - d. Specifically established by an executive order or an act of Congress to be kept classified.
27. **SIMPLE REQUEST:** An FOI request that the ZCWD anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

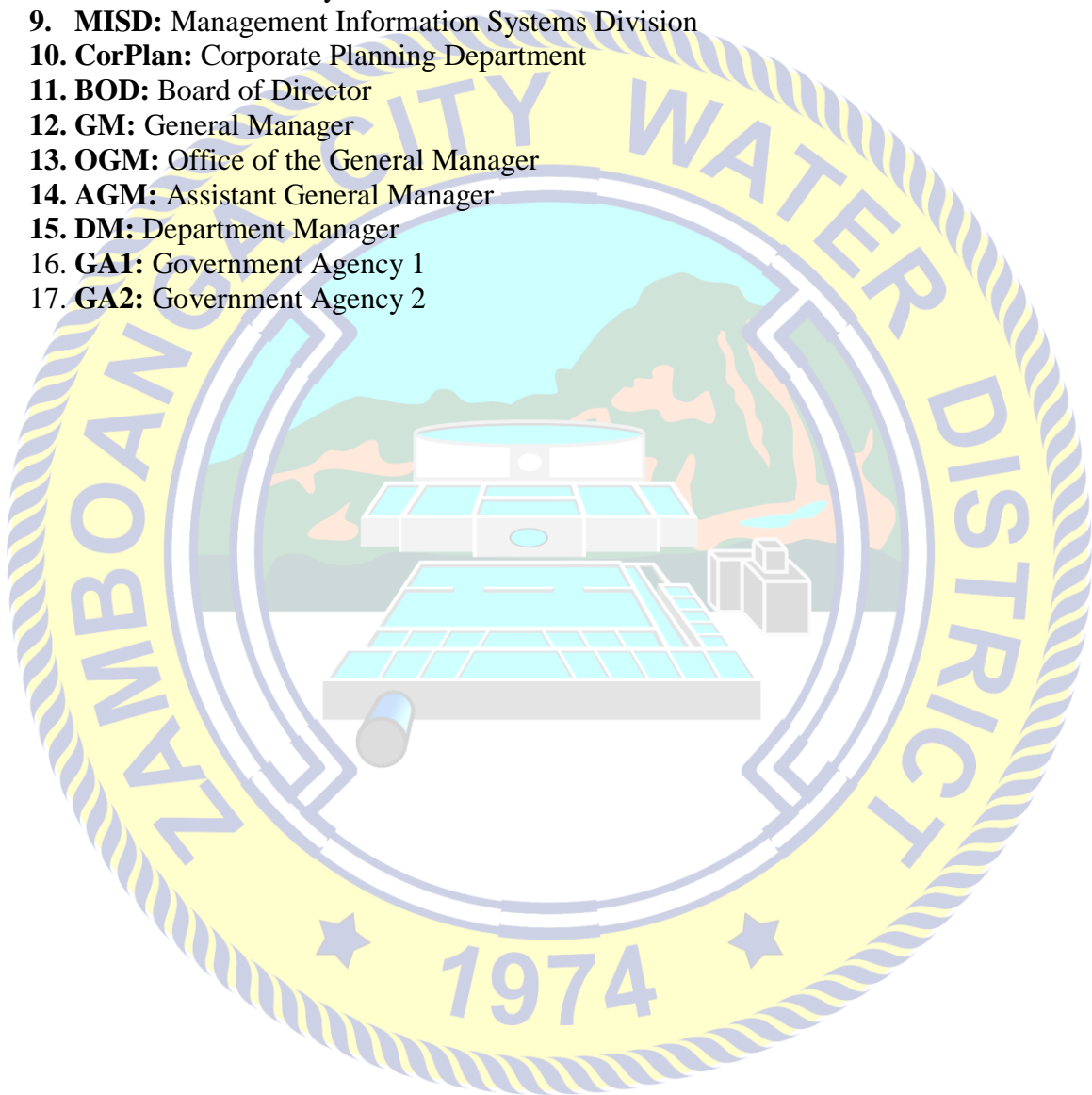
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## ACRONYMS USED IN THIS MANUAL

1. **FOI:** Freedom of Information
2. **FRO:** FOI Receiving Officer
3. **FDM:** FOI Decision Maker
4. **CARC:** Central Appeals and Review Committee
5. **RTS:** Request Tracking System
6. **ZCWD:** Zamboanga City Water District
7. **BGMD:** Building and Grounds Maintenance Division
8. **CREAS:** Community Relations and External Affairs Section
9. **MISD:** Management Information Systems Division
10. **CorPlan:** Corporate Planning Department
11. **BOD:** Board of Director
12. **GM:** General Manager
13. **OGM:** Office of the General Manager
14. **AGM:** Assistant General Manager
15. **DM:** Department Manager
16. **GA1:** Government Agency 1
17. **GA2:** Government Agency 2





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### SECTION 3: PROMOTION OR OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** The ZCWD shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including but not limited to:
  - a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
  - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
  - c. The names of its key officials, their powers, functions and responsibilities, and their profiles and their curriculum vitae;
  - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
  - e. Important rules and regulations, orders or decisions;
  - f. Current and important database and statistics that it generates;
  - g. Bidding processes and requirements; and
  - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers
  
2. **Accessibility of Language and Forms.** The ZCWD shall endeavour to translate key information, which will be identified by the Executive Committee, into Filipino and Chavacano, the local dialect of Zamboanga City, and shall post these on conspicuous locations within the offices of the ZCWD, on local publications and at the official ZCWD website ([www.zcwd.gov.ph](http://www.zcwd.gov.ph)) and social media page ([fb.com/ZamboangaCityWaterDistrict](https://fb.com/ZamboangaCityWaterDistrict)).
  
3. **Keeping of Records.** The ZCWD 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 either in digital or print format.

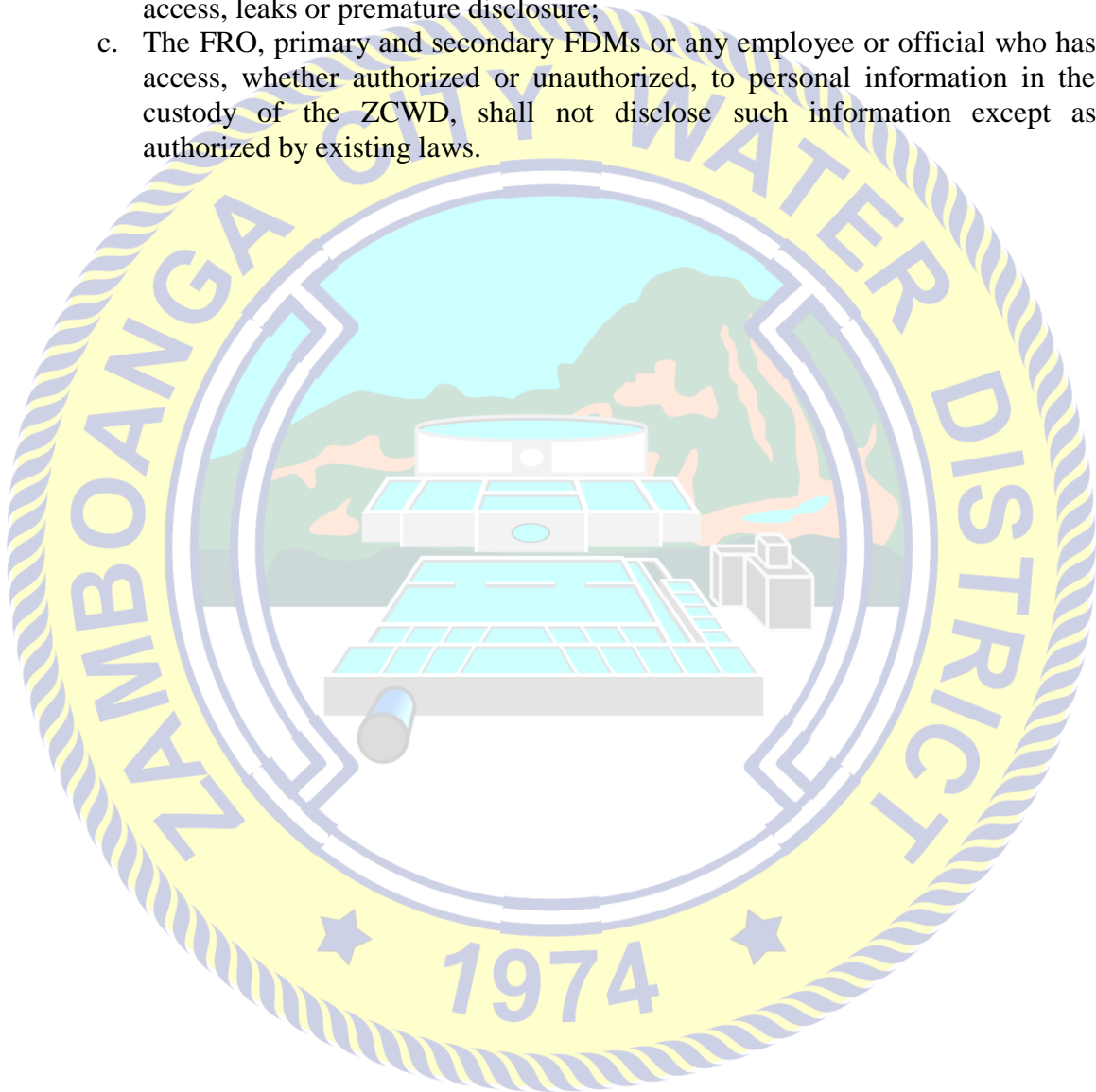
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**SECTION 4: PROTECTION OF PRIVACY**

While providing for access to information, the ZCWD shall afford full protection to an employee’s right to privacy, as follows:

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



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## SECTION 5: STANDARD OPERATING PROCEDURES FOR THE MANAGEMENT OF FOI REQUESTS

### 1. Receipt of Request for Information

**1.1** The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check the compliance of the following requirements:

- ✓ The request for information must be filled out using the ZCWD FOI Request Form (See **Annex “E”** ZCWD FOI Request Form) which is available at the ZCWD Main Office and at the ZCWD website ([www.zcwd.gov.ph](http://www.zcwd.gov.ph)) on the *Downloadable Form* section.
- ✓ The ZCWD FOI Request Form must be properly filled out with all relevant information provided and must clearly state the name and contact information of the requesting party.
- ✓ The nature of the request shall reasonably and clearly describe the information requested, and the reason or purpose of the request for information.
- ✓ The requesting party must submit a copy of a valid government-issued ID that must bear the photo and signature of the requester.

The request may be submitted online through the official ZCWD FOI email: [foi@zcwd.gov.ph](mailto:foi@zcwd.gov.ph), provided that the requesting party should attach in the email a signed scanned copy of the ZCWD FOI Request Form following the conditions stated above and a copy of a valid government-issued ID that must bear the photo and signature of the requester.


**1.2** In case the requesting party is unable to make a written request, because of illiteracy or disability, he or she may personally make an oral request at the ZCWD Main Office, and the FRO shall transcribe it on the ZCWD FOI Request Form. However, the requesting party must still submit the required identification requirements stated above.

**1.2.1** Requests for information communicated through phone calls or SMS are not permitted and shall not be accepted by the ZCWD.

**1.3** In case of a proxy request, the duly accomplished ZCWD FOI Request Form must be accompanied by a letter of authority, together with a copy of the requester’s and the representative’s valid government-issued ID’s bearing their photos and signatures, indicating that the requesting party has authorized his/her representative to submit the request on his/ her behalf,.

**1.4** Upon submission by the requesting party of the accomplished ZCWD FOI Request Form, the FRO shall stamp the document as ‘RECEIVED’ and state, on the appropriate spaces provided, the date and time he/she received the request.

**1.4.1** In responding to email requests, the FRO must ensure that the requesting party has utilized the FOI request form to submit their

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request. Otherwise, the FRO shall respond by informing the requesting party that they need to accomplish the request form. An editable copy (in Word or PDF) of the form must be attached on the response.

**1.4.2** For requests submitted and received through the eFOI portal, the FRO shall respond using the template provided by the portal however he/she shall ensure to provide the necessary details such as date and time of receipt, estimated date of response and to which unit shall the request be forwarded.

**1.5** The FRO shall input the details of the request on the Request Tracking System (RTS) and allocate the appropriate reference number in sequence.


**1.6** The ZCWD must respond to requests promptly and within fifteen (15) working days following the date of receipt of the request. All weekdays (Mon-Fri) are considered working days expect for days that have been officially declared as non-working holidays. When computing for the period, *Art. 13 of the New Civil Code*<sup>1</sup> shall be observed. The date of receipt of the request will be either:


<sup>1</sup> **Article 13 of the New Civil Code:**  
When the laws speak of years, months, days or nights, it shall be understood that years are of three hundred sixty-five days each; months, of thirty days; days, of twenty-four hours; and nights from sunset to sunrise.  
If months are designated by their name, they shall be computed by the number of days which they respectively have.  
In computing a period, the first day shall be excluded, and the last day

- a. The day on which the request has been personally submitted and received by the FRO or if thru electronic submission, either via email or the eFOI portal, the date and time the FRO has confirmed receipt of the request;
- b. If the ZCWD has received the request but deemed that additional details or clarification on the nature, extent or scope of the request is needed, the counting of the 15-working day period shall be effectively halted until the requesting party shall have substantially provided the additional details. The counting shall resume upon receipt and acknowledgement by the FRO;
- c. In cases when the FRO is out of the office due to official travel, scheduled leave or for personal reasons, the designated secondary FRO shall perform the duties of the primary FRO to ensure availability of personnel and continuity of the FOI process. Upon the return of the primary FRO, the secondary FRO must provide the former, within one (1) working day, with a record of all requests received during his/ her tenure and the subsequent actions applied on such requests.

**1.7** The ZCWD may defer action on an incomplete request. An incomplete request may be classified as one of the following:

- a. The requesting party has not affixed his/her signature on the request form;
- b. The identification card provided is not a valid government-issued ID or is beyond its date of validity.

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c. The requesting party has not provided their contact details (*email, mobile or landline number*).

In such cases, the FRO shall inform the requesting party of the incomplete request within one (1) working day from the receipt of the request. The requesting party is given three (3) working days to comply; after which renders the request for information null and void.

## 2. Initial Evaluation

After receipt of the request for information, the FRO shall evaluate the contents of the request and take note of the following conditions:

### 2.1 Request relating to more than one department under the ZCWD

If a received request information generated, maintained or retained by more than one (1) department, the FRO shall forward copies of the request to the concerned Departments through their respective contact persons. The FRO shall notify the concerned FDMs that they will only provide the specific information relating to their unit.

### 2.2 Requested information is not maintained or retained by the ZCWD


If the requested information is not in the custody of the ZCWD, following referral and discussions with the FDM, the FRO shall undertake the following steps:


***Adopting in toto the procedure under Section 5 of FOI MC No. 21-05-No-Wrong-Door-Policy-for FOI, provides:  
(Refer to Annex "H": FOI MC 21-05)***

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

*Referral to the appropriate government agency* shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records. If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

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

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

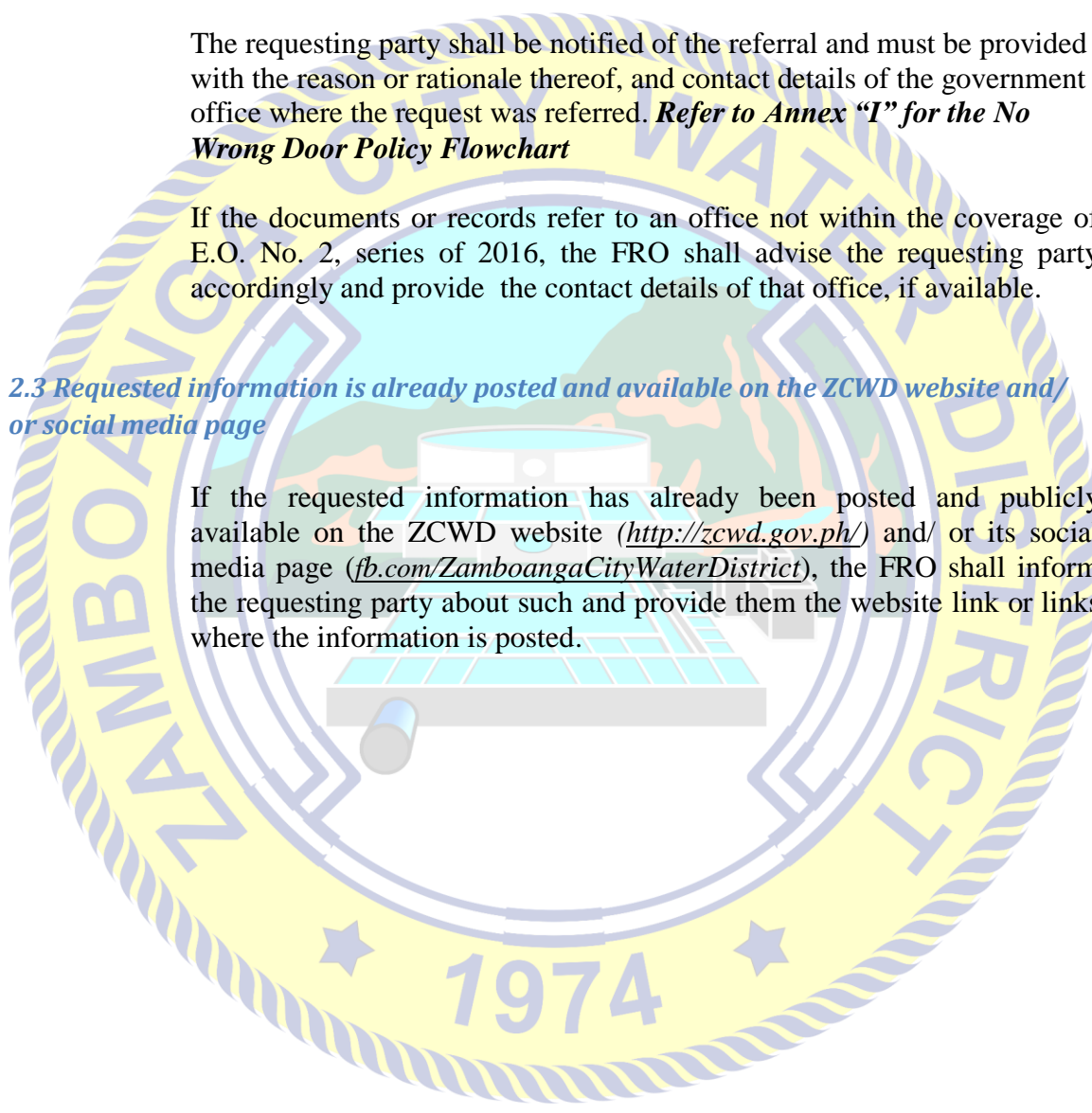
Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.


The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred. ***Refer to Annex “I” for the No Wrong Door Policy Flowchart***


If the documents or records refer to an office not within the coverage of E.O. No. 2, series of 2016, the FRO shall advise the requesting party accordingly and provide the contact details of that office, if available.

***2.3 Requested information is already posted and available on the ZCWD website and/ or social media page***

If the requested information has already been posted and publicly available on the ZCWD website (<http://zcwd.gov.ph/>) and/ or its social media page (<fb.com/ZamboangaCityWaterDistrict>), the FRO shall inform the requesting party about such and provide them the website link or links where the information is posted.



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**2.4 Requested information is substantially similar or identical to a previous submitted request**

Should the FRO determine that the requested information be substantially similar or identical to a previous request by the same requesting party, he/she shall deny the particular request and provide the reason for the denial.

The FRO must inform the requesting party that if the request shall be approved by the primary FDM, the ZCWD may charge applicable fees to cover labor, reproduction costs and/ or authentication and postage/ courier fees.

**3. Transmittal of Request by the FRO to the secondary FDM**

After the FRO evaluates the request for information, determines that it fully satisfies the requirements stated on **Item 1.1**, and verifies with the identified unit on the availability of the requested information, he/she shall transmit **a copy of the request** to the unit's secondary FDM within one (1) day from the receipt of the request. The original request form and the copy of the requesting party's ID shall be maintained by the FRO.

**3.1.** The FRO shall record in a logbook the date, time and name of the contact person who received the request and the FDM he/ she is assigned. The corresponding signature of the focal person signifying receipt of the forwarded request must also be recorded.


**3.2.** The FRO shall also furnish a copy of the request to the primary FDM for his information. In this manner, the primary FDM shall be pre-empted of the request and could anticipate the secondary FDM's recommendation. The FRO shall record in the logbook the date, time, name and signature of the staff who received the request.

**4. Role of the secondary FDM in processing the requested information**


Upon receipt of the ZCWD FOI Request Form by the secondary FDM, he/she shall affix his/her signature, the date and time of receipt on the FOI log sheet. **The secondary FDM shall recommend whether to approve or deny the requested information.**

All received requests by the secondary FDM must be processed within ten (10) working days from receipt. The secondary FDM shall perform one of the following procedures based on his/ her evaluation of the request:

- a.** If the FDM recommends the approval of the request, his/her unit shall carry out all necessary steps to locate, retrieve, gather and provide the information requested.

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b. If the FDM recommends denying the request, he/she shall prepare the reason/s and ground/s for the denial.

c. If the FDM needs further details to determine or locate the information, he/she shall notify the FRO to which the latter must immediately contact the requesting party. This shall effectively pause the counting of the fifteen (15) working day period and will commence again the day the FRO receives the required clarification from the requesting party. If no clarification is received from the requesting party within sixty (60) calendar days, the request shall be closed.

**3.1** The FDM shall, then, prepare his/her recommendation, through an official memorandum, indicating whether the request shall be approved or denied, and forward it together with the request form and other pertinent attachments to the primary FDM (GM or his designated officer-in-charge) within ten (10) working days from the receipt of the request.

**5. Role of the primary FDM in evaluating the requested information**

All secondary FDM-acted requests, whether approved or denied by the FDM, shall be forwarded to the primary FDM for his/her evaluation. The General Manager or his designated officer in-charge shall have the final decision whether to approve or deny the request for information based on the recommendation of the FDM.


- a. If the General Manager approves the request, the OGM shall prepare an official cover letter stating the approval of the request. The OGM shall also maintain, for safekeeping and reference, the following:
  - i. The recommendation provided by the secondary FDM
  - ii. Copy of the request form
  - iii. Copy of the attached documents or records pertinent to the requested information


If the information is in digital format, an electronic copy of the file/s shall be duplicated and maintained at the OGM’s electronic database.

- b. If the General Manager denies the request, the OGM shall prepare an official cover letter stating the denial of the request and the reason/s and ground/s for the denial. The OGM shall also maintain, for safekeeping and reference, the following:
  - i. The recommendation provided by the secondary FDM
  - ii. Copy of the request form

If there are any attached documents or records, whether in digital or print format, pertaining to the requested information, these shall be returned to the secondary FDM.

**5.1.** The official cover letter (see Annex “F-1” to “F-3” for the Sample ZCWD FOI Cover Letter Templates) ZCWD FOI shall state the approval/denial of

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the request and shall signed by the General Manager. The OGM shall maintain a copy of the cover letter.

- 5.2. The official cover letter, copy of the ZCWD FOI Request Form and/or all pertinent documents or records, whether in digital or print format, shall be forwarded to the FRO for transmittal to the requesting party on or before the end of the fifteen (15) working day period.

**6. Role of the FRO to transmit the information to the requesting party**

6.1. The FRO shall note the date and time of receipt of the documents from the primary FDM. He/she shall retain the original request form and transmit the original copy of the response letter and all attachments. The FRO shall duplicate a copy of the response letter and attach it on the original request form.

6.2. The FRO shall collate and ensure that documents and/ or records are complete and in good quality (if the requested information is in digital format, the FRO must ensure that the file is displayed correctly). The FRO shall maintain a copy of the cover letter and attach it on the original ZCWD FOI Request Form which he/she has kept during the submission of the request.


6.2.1. If the request has been approved and there are applicable fees involved, the FRO shall then compute the fees **based on the schedule of fees provided on Section 8.3.**


6.3. The FRO shall notify the requesting party of the ZCWD’s decision on the request.

6.3.1. If the request has been approved and there are applicable fees, the FRO shall instruct the requesting party that the fees must be paid first before the information could be provided.

6.4. The FRO shall ensure that a proof of payment must be provided by the requesting party before the information shall be transmitted. The FRO shall affix his/her signature on the copy of the Official Receipt which shall be submitted by the requesting party. Once the FRO secures the proof of payment, shall transmit the information through one of the following methods provided below:

- a. If the requesting party is able to make a personal appearance, the requested information together with the cover letter shall be given to the requesting party. The FRO shall inform the requesting party to affix his/ her signature on the FRO’s copy of the cover letter and on the FRO’s logbook as proof of receipt.
- b. If the requesting party is unable to make a personal appearance but has provided an email address, the FRO shall scan the requested information together with the cover letter and attach these on the email communication to the requesting party. The FRO must state on the

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logbook the requesting party's email address and the date and time the email was sent.


- c. If the requesting party stated that the requested information shall be sent through post or courier, the FRO shall provide an estimate of the postage or courier to the requesting party. The FRO shall transmit the information through post or courier and take note of the date and time of transmittal, the tracking number (if available) and the person who received the documents at the post or courier. The FRO shall then provide the details of the transmittal (date and time of transmittal, expected date of receipt and tracking number (if available)) to the requesting party.
- d. If the request has been denied and the requesting party refuses to accept the cover letter, the FRO must clearly indicate on the RTS the requester's refusal. The FRO shall then inform the requesting party of the appeals process.

**7. Request for an Extension of Time by the ZCWD**

If the information requested requires extensive search of the ZCWD's documents and records repository, examination of voluminous records and or the occurrence of fortuitous events or other analogous cases, the FDM should immediately inform the FRO of such and within the allocated ten (10) working day period upon receipt of the ZCWD FOI Request Form.

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

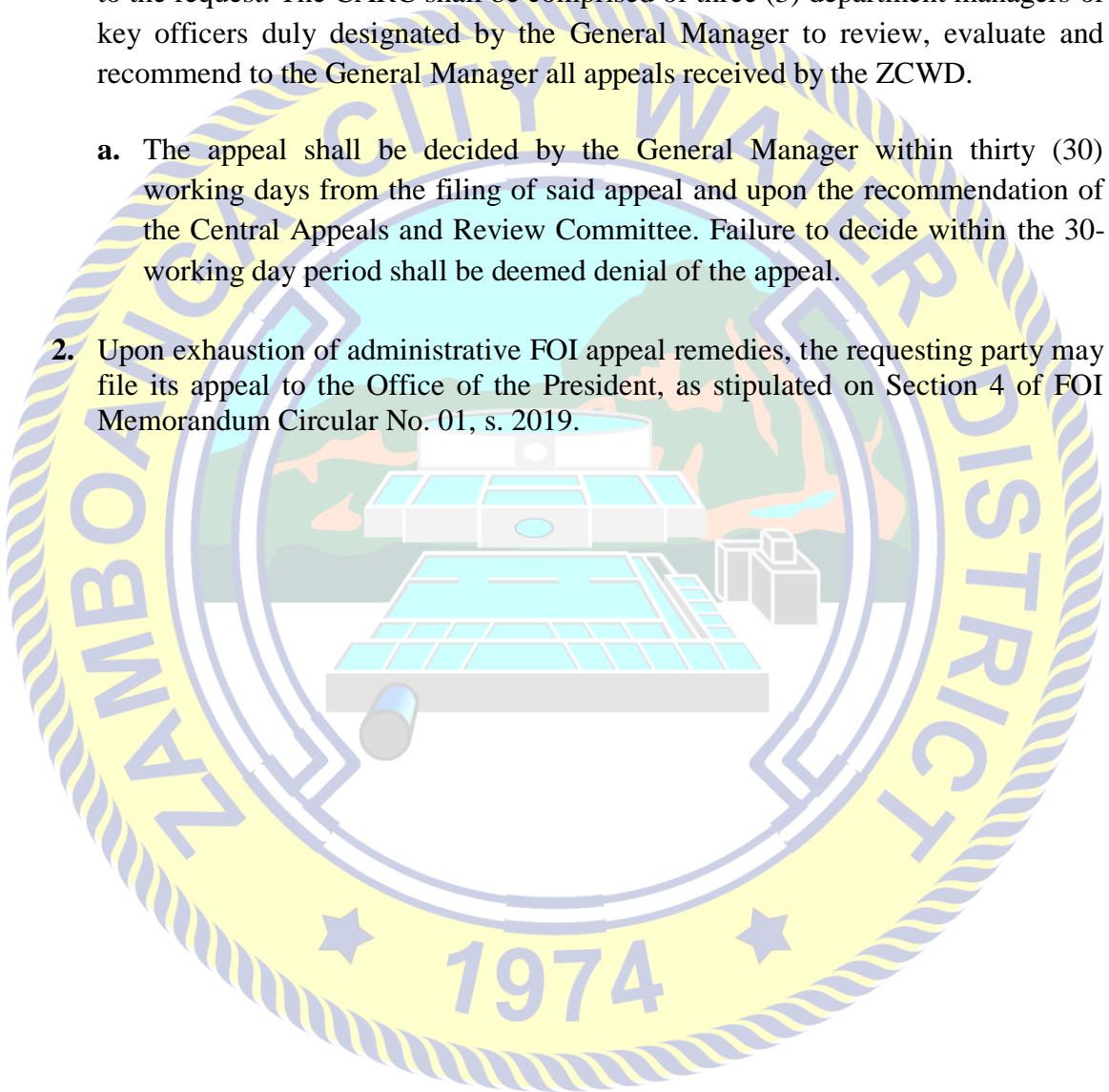
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**SECTION 6: REMEDIES IN CASE OF DENIAL**

An individual, organization, private or public agency whose request for access to information has been denied may avail of the remedy process set forth below:

1. The requesting party must submit an Administrative FOI Appeal to the ZCWD Central Appeals and Review Committee (CARC) provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days from receipt of the notice of denial or from the lapse of the period to respond to the request. The CARC shall be comprised of three (3) department managers or key officers duly designated by the General Manager to review, evaluate and recommend to the General Manager all appeals received by the ZCWD.
  - a. The appeal shall be decided by the General Manager within thirty (30) working days from the filing of said appeal and upon the recommendation of the Central Appeals and Review Committee. Failure to decide within the 30-working day period shall be deemed denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file its appeal to the Office of the President, as stipulated on Section 4 of FOI Memorandum Circular No. 01, s. 2019.

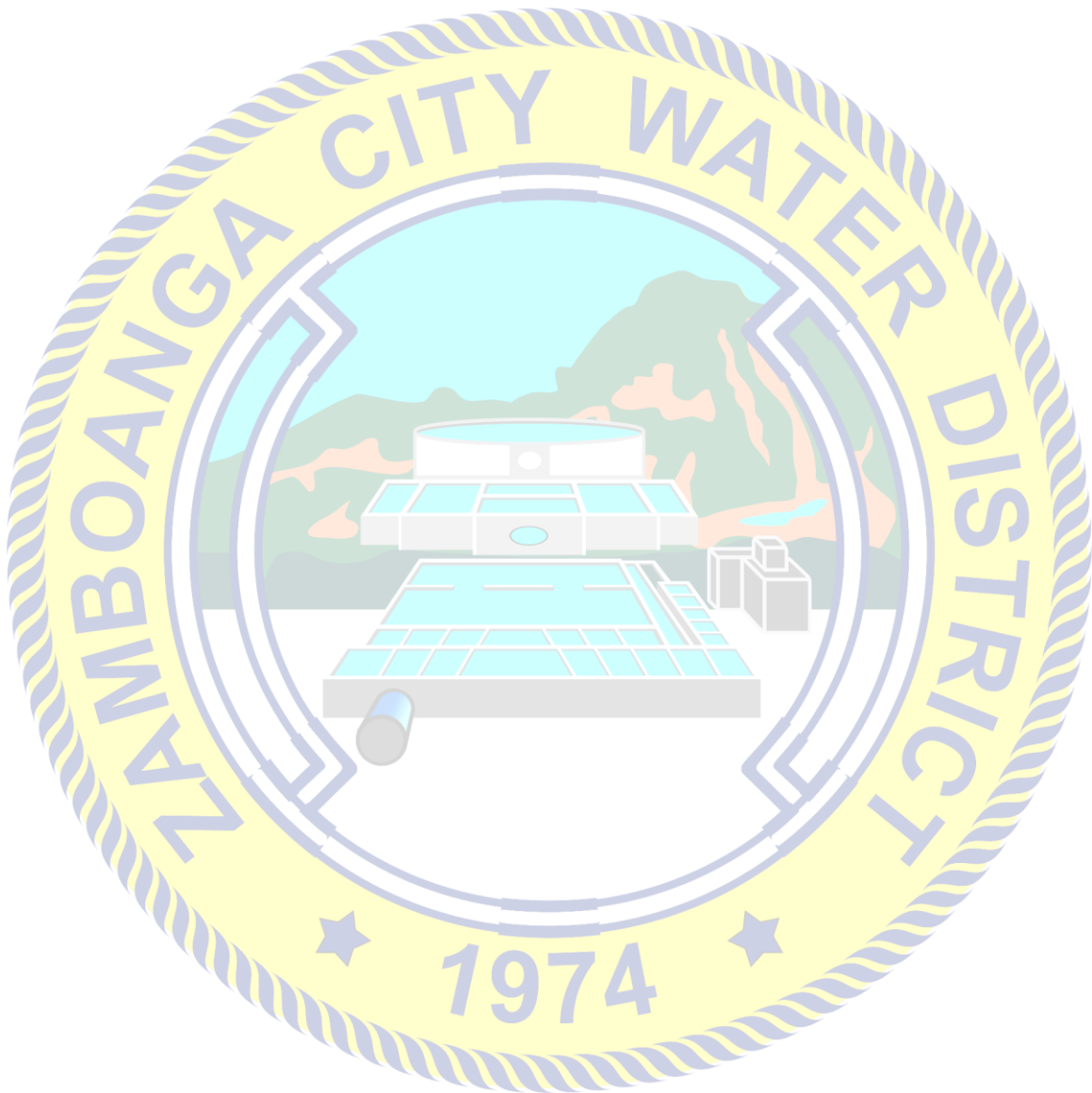



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## SECTION 7: REQUEST TRACKING SYSTEM

The ZCWD **Request Tracking System (RTS)** serves as a mechanism to trace the statuses of all requests for information received by it. The RTS shall consist of the FOI log sheet (see Annex “E”, **item 2** for the log sheet templates) and an online database system (for digital inputs). The FRO is responsible for managing and maintaining the integrity of data on the RTS.



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## SECTION 8: FEES

### 1. No Request Fee

The ZCWD 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 of the applicable fees for the reproduction of the requested documents or records. The requested information shall only be released by the FRO once the requesting party has paid the said fees through the Treasury Section at the ZCWD Main Office or through bank cheque issued in favor to the “**Zamboanga City Water District**”.

### 3. The schedule of fees is provided below


<i>Description of Fee</i>	<i>Amount</i>
<b>1. Reproduction Fee</b> (per page and shall be applied to documented information that need to be reproduced and/or scanned):	Php 3.00
<b>2. Authentication Fee</b> (per document)	Php 100.00
<b>3. Labor Fee</b> i.e. for the retrieval and transport of the requested documented information from the source unit to the FDMs	Php 50.00 (fixed fee)


Payment of the applicable fees shall be transacted at the Treasury Section of the ZCWD Main Office. The requesting party must present the official receipt of the payment to the FOI RO for the release of the requested documents or records.

- A requesting party who prefers to receive the documents through mail or private courier as indicated on the ZCWD FOI Request Form, shall pay the relevant postage or courier fees on top of the reproduction costs and/or authentication fees. For such requests, payments could be made either in cash or bank cheque payable in the name of ‘**ZAMBONGA CITY WATER DISTRICT**’ in the amount informed by the FRO to the requesting party.

The requesting party shall notify the FRO of the payment. The FRO shall confirm the payment with the Treasury Section and secure the Official Receipt (O.R.). The original O.R. shall be included on the documents to be transmitted while a copy of it shall be maintained by the FRO.

- The requesting party must provide the FRO with a copy of the Official Receipt issued by the ZCWD as proof of payment for the applicable fees.

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The requested information shall only be released once the FRO has signed on the copy.

#### 4. Exemption from Fees

The ZCWD may reduce or waive any of its fees in case the requesting party falls under one of the following categories: indigent, a student or a senior citizen, provided: that the requesting party satisfactorily proves their entitlement to such waiver or reduction of fees. The following requirements must be presented by the requesting party upon submission of the accomplished ZCWD FOI Request Form:

- a. An indigent individual shall present a *Certificate of Indigency* as issued by the individual's respective *barangay*.
- b. A student requesting for information must provide a copy of his/her validated school/ academy/ college/ university ID for the current semester and school year he/ she is enrolled for him/her to be entitled to a twenty percent (20%) discount on the applicable fees should the request be approved. For group of students requesting for information, at least one (1) must provide a copy of his/her validated school/ academy/ college/ university ID. However, the aforementioned discount shall only be counted as one and not based on the number of students who submitted the request.
- c. A senior citizen requesting for information and, **who is an account holder of an active water service connection** must provide a copy of the latest ZCWD bill for him/her to be entitled to a twenty percent (20%) discount on the applicable fees should the request be approved. In case the requesting senior citizen is unable to personally submit his/her request, an authorized representative may present the request provided that the conditions stated on **Item 1.3, Section 5** is complied.
  - i. A senior citizen requesting for information **who is not a water service connection account holder** must provide a copy of his/her *Senior Citizen's ID* for him/her to be entitled to a twenty percent (20%) discount on the applicable fees should the request be approved. In case the requesting senior citizen is unable to personally submit his/her request, an authorized representative may present the request provided that the conditions stated on **Item 1.3, Section 5** is complied.

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## SECTION 9: ADMINISTRATIVE LIABILITY

### 1. Non-compliance with FOI

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

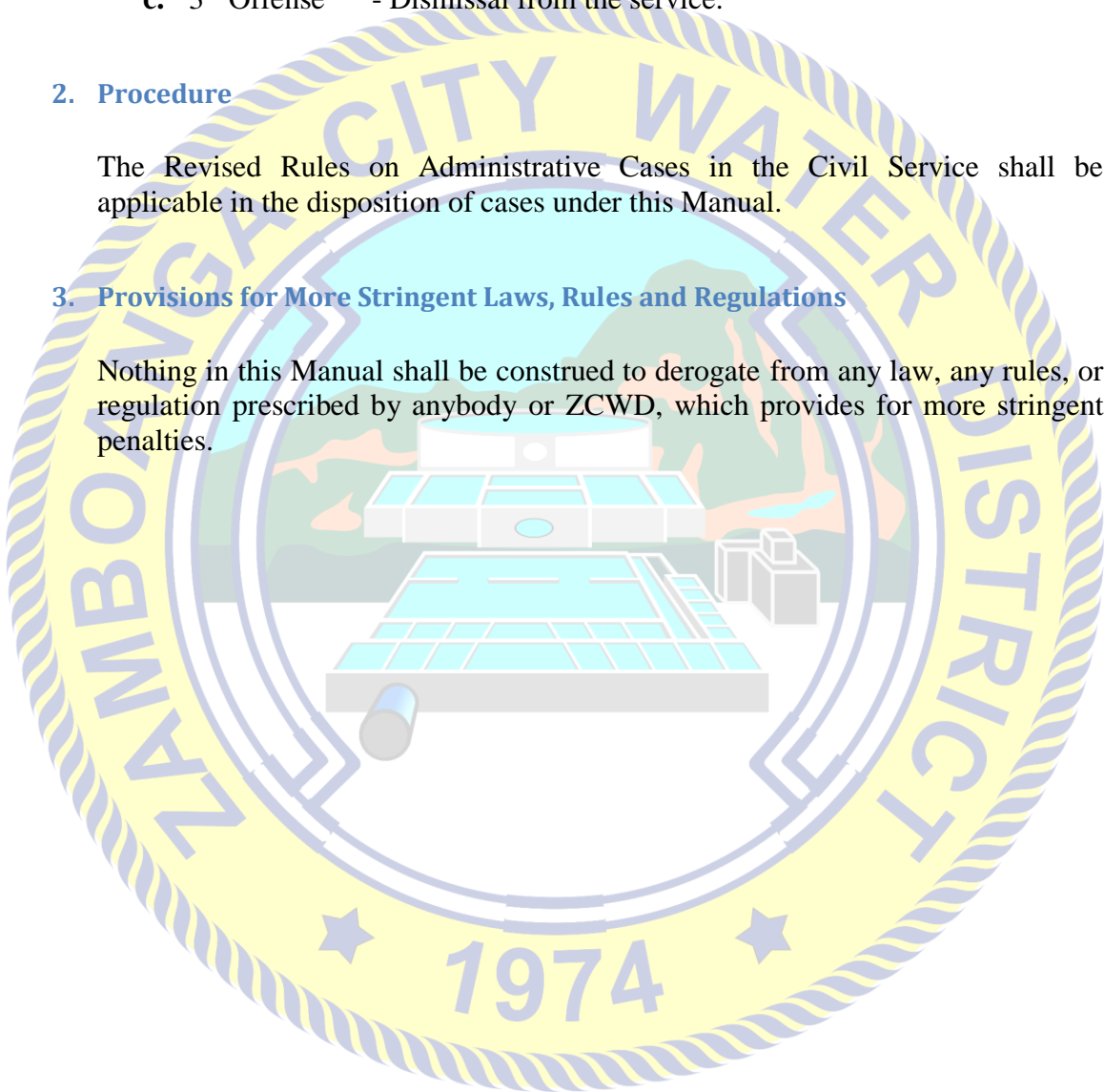
- a. 1<sup>st</sup> Offense - Reprimand;
- b. 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and
- c. 3<sup>rd</sup> Offense - Dismissal from the service.


### 2. Procedure

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


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

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



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## ANNEX "A"

### FOI FREQUENTLY ASKED QUESTIONS (FAQs)

#### INTRODUCTION TO FREEDOM OF INFORMATION (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.

##### 2. What is Executive Order No. 2, Series of 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 is properly implemented.

#### MAKING A REQUEST

##### 4. Who can make an FOI request?

Any Filipino citizen may make an FOI Request. As a matter of policy, the requesting party is required to present a valid government-issued ID with photo and signature of the requesting party.


##### 5. What can I ask for under EO no. 02, s. 2016 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 ZCWD of interest, to be received by its respective Receiving Officer

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**7. How do I make an FOI request?**

*Please refer to Section 5. Standard Operating Procedures for the Management of FOI Requests*

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

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

**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 ZCWD will explain why the request was denied.

**10. How long will I 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 ZCWD will be sending a response, informing of an extension of processing period no longer that fifteen (15) working days, should the need arise.

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


If the ZCWD fails to provide a response within the required fifteen (15) working days, the Requester may write an appeal letter to the Central Appeals and Review Committee within twenty (20) 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, requesters 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 Requester may write an appeal letter to the Central Appeals and Review Committee within twenty (20) 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, requesters may file the appropriate case in the proper courts in accordance with the Rules of Court.


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### ANNEX "B"

<b>ZCWD FOI OFFICERS</b>				
<b>FOI Role</b>	<b>Position</b>	<b>Unit</b>	<b>Office Location</b>	<b>Contact Details</b>
<b>1. Primary FOI Decision Maker (FDM)</b>	<b>General Manager</b>	Office of the General Manager	2 <sup>nd</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8124
	<b>Asst. General Manager</b>	Operations Group	ZCWD Old Reservoir, Pasonanca, Zamboanga City	(062) 957-3651 local 107
<b>2. Secondary FOI Decision Maker (FDM)</b>	<b>Asst. General Manager</b>	Technical Services Group	ZCWD Coco Pavilion, Pasonanca, Zamboanga City	(062) 957-3651 local 109
	<b>Asst. General Manager</b>	Finance Group	1 <sup>st</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8109
	<b>Asst. General Manager</b>	Administration Group	3 <sup>rd</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8120
	<b>Department Manager</b>	Legal Department	2 <sup>nd</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8103
	<b>Department Manager</b>	Corporate Planning Department	2 <sup>nd</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8107
<b>3. FOI Receiving Officer (FRO)</b>	<b>Corporate Planning Specialist</b>	Planning and Monitoring Division	2 <sup>nd</sup> Floor, ZCWD Main Office, Pilar Street, Zamboanga City	(062) 991-1556 local 8133

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## ANNEX "C"

### List of Exceptions to the ZCWD FOI


The ZCWD adopts the *'Inventory of Exceptions to Executive Order No. 2, s. 2016'* issued on 24 November 2016 as its official list of exceptions to the requests for access to information.


#### Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>1</sup>

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

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

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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.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>2</sup> 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;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
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;<sup>5</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and


<sup>3</sup> 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.


<sup>3</sup>*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).

<sup>4</sup> 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.

<sup>5</sup>*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.”

<sup>6</sup>*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.

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- c. Patent applications, the publication of which would prejudice national security and interests;<sup>7</sup>
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;<sup>8</sup>
- 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;<sup>9</sup>
- c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
- d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;<sup>11</sup> and
- e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>
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,<sup>13</sup> personal

<sup>7</sup> 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).


<sup>8</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.


<sup>9</sup> *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>11</sup> Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>12</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

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information or records,<sup>14</sup> including sensitive personal information, birth records,<sup>15</sup> school records,<sup>16</sup> or medical or health records;<sup>17</sup> Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>18</sup>

- (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 individual<sup>19</sup> 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.<sup>20</sup>

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

<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> 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.

<sup>15</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].


<sup>16</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

<sup>17</sup> 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).

<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>19</sup> Article 26(2), *Civil Code*.

<sup>20</sup> Section 11, *Data Privacy Act of 2012*.

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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;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> 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;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (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;<sup>25</sup>
  - (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;<sup>26</sup>
  - (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;<sup>27</sup>

<sup>21</sup> Section 4, *Data Privacy Act of 2012*.

<sup>22</sup> *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.


<sup>23</sup> Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

<sup>24</sup> Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

<sup>25</sup> Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

<sup>26</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

<sup>27</sup> 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.

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- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>28</sup>
  - (7) names of victims of child abuse, exploitation or discrimination;<sup>29</sup>
  - (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;<sup>30</sup>
  - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>31</sup>
  - (10) names of students who committed acts of bullying or retaliation;<sup>32</sup>
  - (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 <sup>33</sup>
  - (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;<sup>34</sup>
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:

<sup>28</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

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


<sup>30</sup> 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*.


<sup>31</sup> 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.

<sup>32</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>33</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

<sup>34</sup> Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

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- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>35</sup>
- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);<sup>36</sup>
- c. Records and reports submitted to the Social Security System by the employer or member;<sup>37</sup>
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;<sup>38</sup>
- 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;<sup>39</sup>
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>40</sup>
- g. Documents submitted through the Government Electronic Procurement System;<sup>41</sup>
- 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*;<sup>42</sup>
- 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

<sup>35</sup> 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 *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

<sup>36</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

<sup>37</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).


<sup>38</sup> Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).


<sup>39</sup> 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.

<sup>40</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>41</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

<sup>42</sup> Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

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Rules and Regulations (IRR), during the term of the project to which it relates;<sup>43</sup>

- 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;<sup>44</sup>
  - 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;<sup>45</sup>
  - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>46</sup>
  - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;<sup>47</sup>
  - n. Information on registered cultural properties owned by private individuals;<sup>48</sup>
  - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>49</sup> and
  - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>50</sup>
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

<sup>43</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

<sup>44</sup> 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).

<sup>45</sup> Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.


<sup>46</sup> Section 10, *Safeguard Measures Act*.


<sup>47</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

<sup>48</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

<sup>49</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

<sup>50</sup> 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).

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where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>51</sup>

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*;<sup>52</sup>
  - b. Matters involved in an Investor-State mediation;<sup>53</sup>
  - c. Information and statements made at conciliation proceedings under the *Labor Code*;<sup>54</sup>
  - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>55</sup>
  - 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;<sup>56</sup>
  - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;<sup>57</sup>
  - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;<sup>58</sup>
  - 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*;<sup>59</sup>
  - i. Investigation report and the supervision history of a probationer;<sup>60</sup>

<sup>51</sup> Section 3(g), Rule IV, Rules on CCESPOE.

<sup>52</sup> 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.

<sup>53</sup> Article 10, International Bar Association Rules for Investor-State Mediation.

<sup>54</sup> Article 237, *Labor Code*.

<sup>55</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.


<sup>56</sup> Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.


<sup>57</sup> Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

<sup>58</sup> 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.

<sup>59</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

<sup>60</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

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- j. Those matters classified as confidential under the *Human Security Act of 2007*;<sup>61</sup>
  - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>62</sup> 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;<sup>63</sup>
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;<sup>64</sup>
    - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);<sup>65</sup> 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);


<sup>61</sup> Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).


<sup>62</sup> Section 14, Civil Service Commission Resolution No. 01-0940.

<sup>63</sup> 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.

<sup>64</sup> 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.

<sup>65</sup> Article 7, UNCITRAL Transparency Rules.

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- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>66</sup>
- 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;<sup>67</sup>
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>68</sup>
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;<sup>69</sup>
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>70</sup> and
- g. Attorney-client privilege existing between government lawyers and their client.<sup>71</sup>

<sup>66</sup>*Senate v. Neri, supra; Senate v. Ermita, supra.*


<sup>67</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*


<sup>68</sup>*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.

<sup>69</sup> 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.

<sup>70</sup>*Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

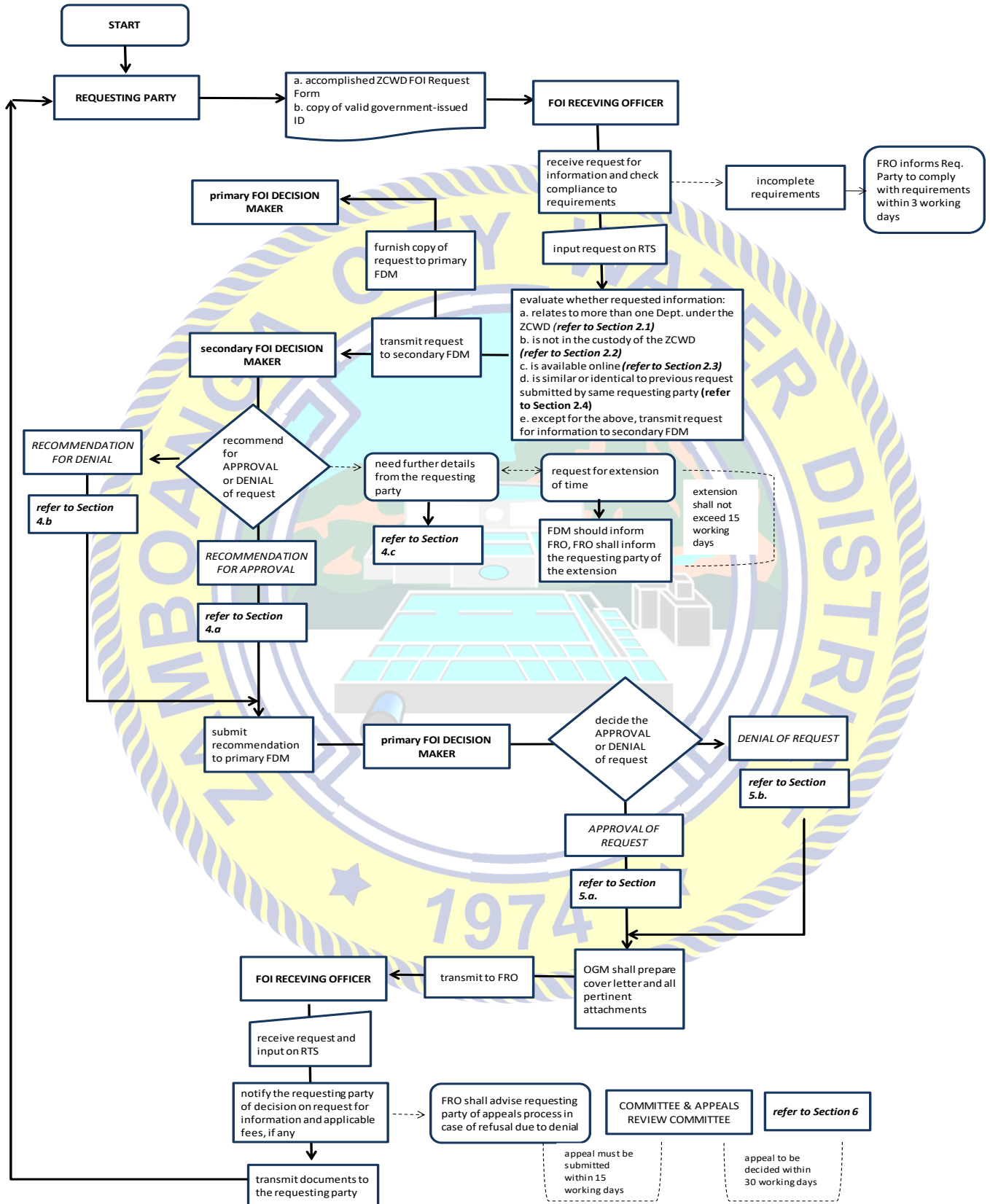
<sup>71</sup> Canon 21 of the *Code of Professional Responsibility.*


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## ANNEX "D"

### ZCWD FOI REQUEST FLOW CHART




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**ANNEX "E"**

**1. FOI REQUEST FORM**

REFERENCE NO.: 2020-__ __ (to be accomplished by the ZCWD FRO)		
DATE:		
<b>A. Contact Information of the Requesting Party</b>		
<p><i>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. Please completely fill out the request form with the relevant information. Avoid leaving blank spaces and write 'N/A' instead.</i></p>		
1. Surname	2. First Name	3. Middle Name:
4. Complete Address (House/Building Number, Street, City/Municipality, Province):		
5. Landline/ Fax:	6. Mobile Number:	7. Email:
8. Preferred mode of communication:		
9. Government-issued ID submitted:		
<b>B. Details of the Requested Information</b>		
10. Agency/ University/ Affiliation (if applicable):		
11. Title of documented information requested (Please be specific as possible):		
12. Date or Period (if known):		
13. Purpose of the request:		
14. How would you like to receive the information:		
15. Do you want the documents/records to be authenticated as Certified True Copy/ies (Php 50.00 authentication fee per document)? (Y/N). If yes, please specify which data would you want to be certified.		
<i>Name and signature of the requesting party</i>		
<b>C. FOI Receiving Officer (for internal use only)</b>		
Received by (print name):		
Date of Receipt:	Time of Receipt:	
<i>Name and signature of the FRO</i>		

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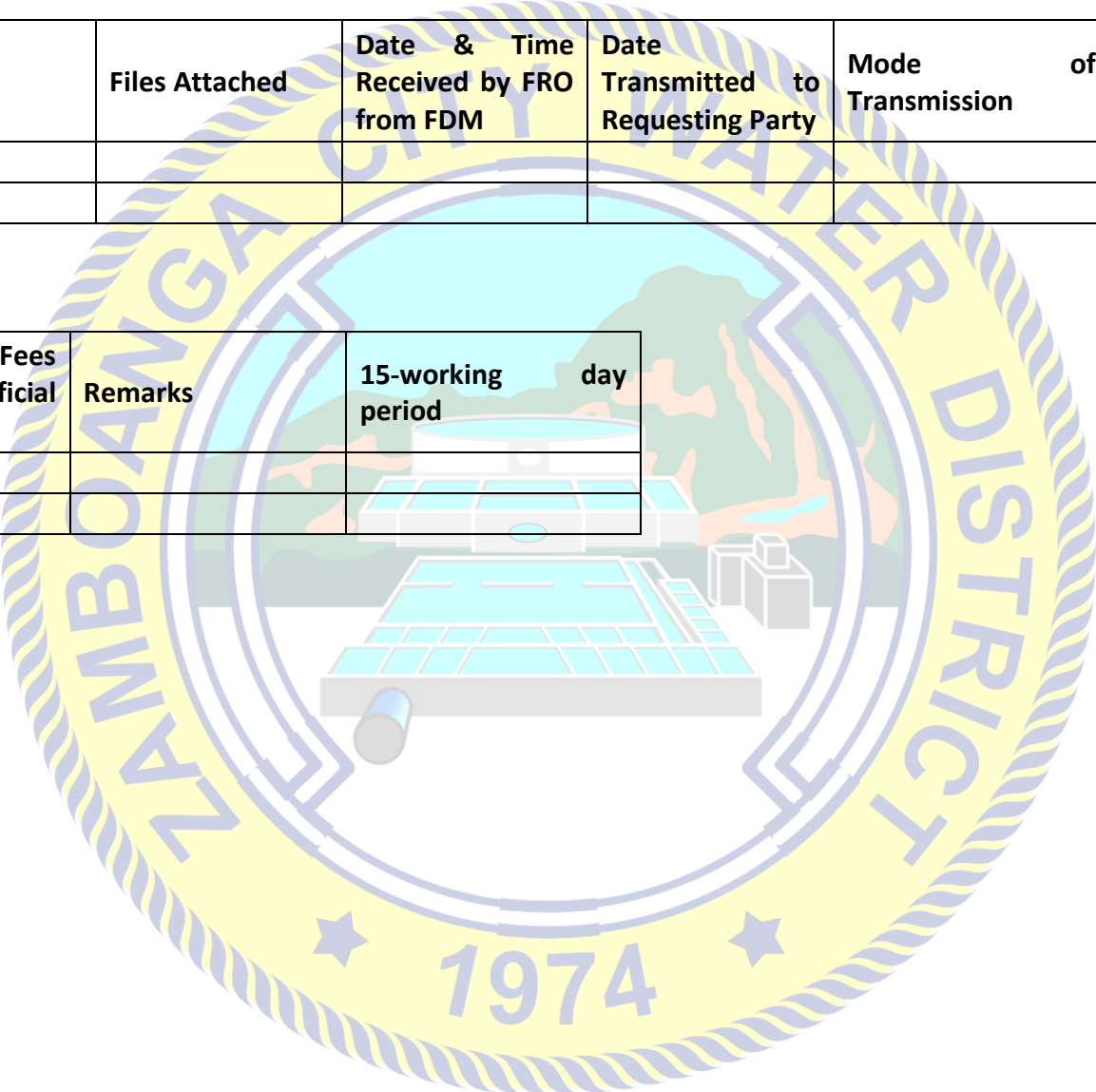
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**2. FOI REQUESTS LOG SHEET TEMPLATE**


Reference No.	Date & Time Received	Requesting Party	Details Requested of Information	Date Forwarded to Secondary FDM	Date and Time forwarded to primary FDM

Decision	Files Attached	Date & Time Received by FRO from FDM	Date Transmitted to Requesting Party	Mode of Transmission

Applicable Fees & Official Receipt No.	Remarks	15-working day period



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**ANNEX "F-1"**

**SAMPLE ZCWD FOI COVER LETTER TEMPLATE - REQUEST APPROVED with ENCLOSED DOCUMENT**

**Date**

**NAME OF RECIPIENT**

Address

Contact Number:

**DEAR MR/MS.**

*Saludo de Paz!*

Thank you for submitting your request for information as provided under Executive Order No. 2 (s. 2016) on the Freedom of Information (FOI) in the Executive Branch.

**Your request:**

As stated on <FOI Request No.> dated <date of request> and which was submitted through the <state the platform where the request was submitted i.e. eFOI, email, walk-in>, you asked for a copy of the <quote request exactly, unless it is too long or complicated>.

**Response to your request:**


**We are pleased to inform you that your FOI request has been approved.** Attached is [**name of document/record/data**] of the information you requested [*if possible, insert format attached*]. The information has been provided by [*insert name of concerned unit*] headed by [*insert name and position of secondary FDM*].


*Muchisimas gracias!*

Very truly yours,

**(name of General Manager)**

General Manager

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**ANNEX “F-2”**

**SAMPLE ZCWD FOI COVER LETTER TEMPLATE – REQUEST DENIED**

**Date**

**NAME OF RECIPIENT**

Address

Contact Number:

**DEAR MR/MS.:**

Greetings!

Thank you for your availing of the request for information service as mandated under Executive Order No. 2 (s. 2016) on the Freedom of Information in the Executive Branch.

**Your request:**

As stated on <FOI Request No.> dated <date of request> and which was submitted through < the <state the platform where the request was submitted i.e. eFOI, email, walk-in, you asked for a copy of the <quote request exactly, unless it is too long or 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 an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions, Memorandum Circular No. 78, s. 1964, or other related law or statute that applies to that information>.


**Your right to request a review:**


If you are unhappy with this response to your FOI request, you may make an appeal by submitting a written letter addressed to the ZCWD’s Central Appeals and Review Committee (CARC). Your appeal should explain why you are dissatisfied with this response, and should be submitted within fifteen (15) calendar days from the date when you received this letter. The CARC will review the appeal and inform you of the result within thirty (30) working days from the date when we receive your appeal.

Very truly yours,

***(name of General Manager)***

General Manager

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## ANNEX G”

### EXECUTIVE ORDER NO.: 02, Series of 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 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 AGENCYs, 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:

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(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, AGENCYs, 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 AGENCY 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 AGENCY 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.

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

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


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


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

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

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

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

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Order, its own People’s FOI Manual, which shall include among others the following provisions:

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

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

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

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twenty (20) working days unless exceptional circumstances warrant a longer period.

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

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

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

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


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

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 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 be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

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

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

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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

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**Annex “H”**

**FOI MC No. 21-05  
FREEDOM OF INFORMATION  
MEMORANDUM CIRCULAR**

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

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

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


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


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

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

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

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

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


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


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

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

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

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply. If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the **“Second Referral”** and another fresh period shall apply. Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred. The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

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**Section 6. FOI Internal Messenger.** - The FOI-PMO shall create a “FOI Internal Messenger”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or [www.foi.gov.ph](http://www.foi.gov.ph), where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested. Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

**Section 7. Status of the Request.** – A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor. If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party. In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

**Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory.** – For the convenience of all FROs and FDMs in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO. The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, [www.foi.gov.ph](http://www.foi.gov.ph). FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012. To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.


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


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

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

**Manila, Philippines, \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

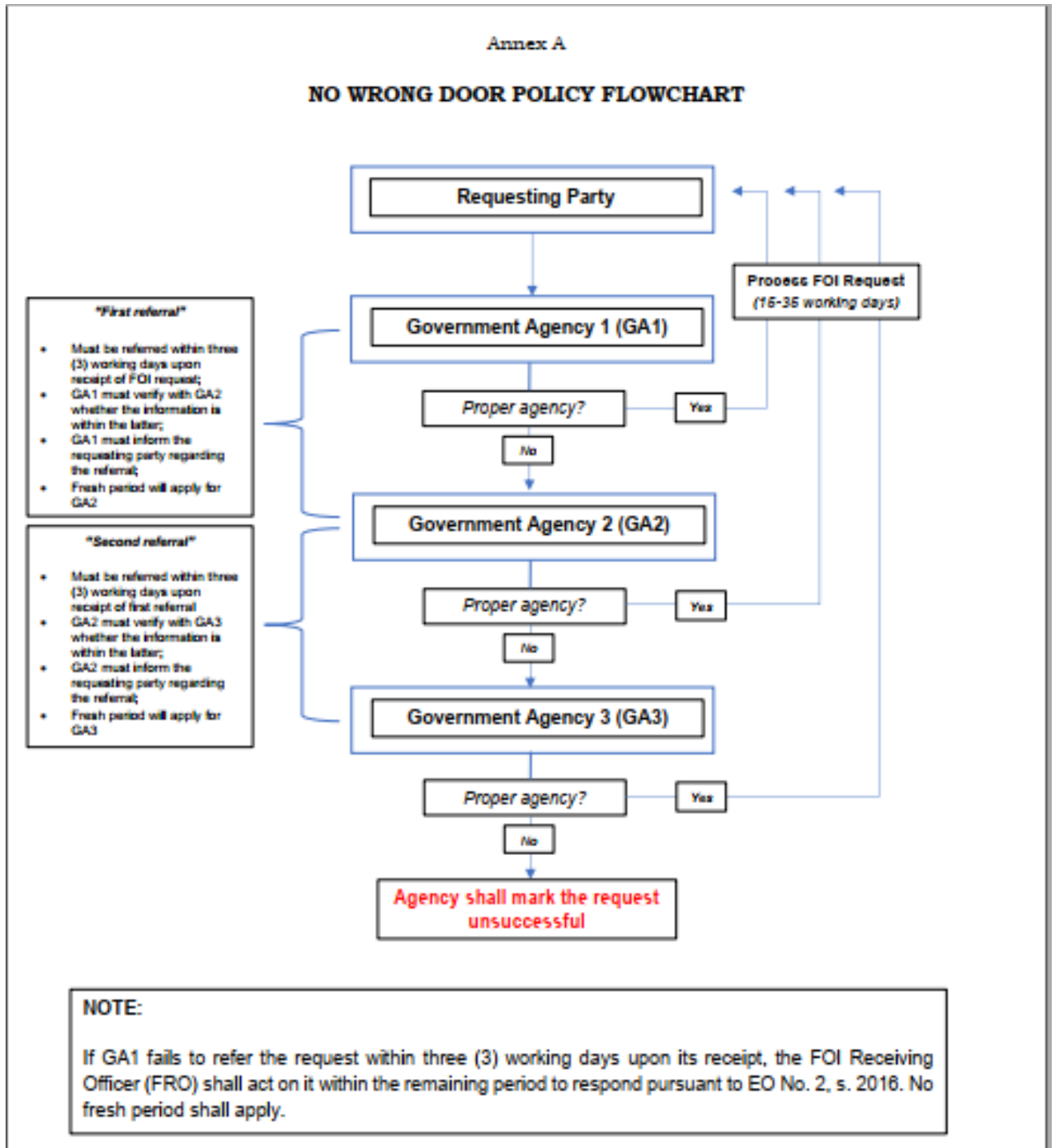
(Signed)  
**JOSE RUPERTO MARTIN M. ANDANAR**  
Secretary and FOI Champion


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## Annex "I"

### NO WRONG DOOR POLICY FLOWCHART (Annex A of FOI MC No. 21-05)



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