

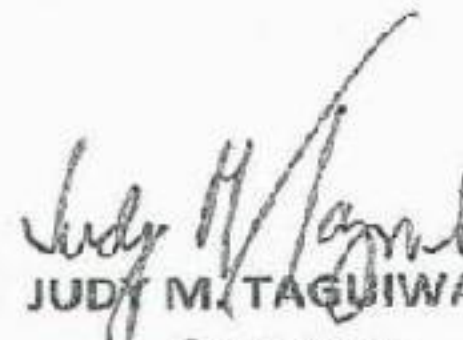


MEMORANDUM CIRCULAR
NO. 09
Series of 2017

FREEDOM OF INFORMATION (FOI) AGENCY MANUAL

Pursuant to Executive Order No. 2 dated 23 July 2016 on Freedom of Information (FOI), entitled *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*, the Department hereby adopts the attached FOI Agency Manual.

13 June 2017, Quezon City, Metro Manila.


JUDY M. TAGUIWALO
Secretary

Certified Copy:


ENYLOU P. MIRAVALLÉS
OIC-Chief, General Services Division

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT

FREEDOM OF INFORMATION

FOI

AGENCY MANUAL

In compliance with Executive Order No. 2, series of 2016:
OPERATIONALIZING IN THE EXECUTIVE BRANCH
THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND
THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY
IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

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SECTION 1 OVERVIEW

1. **Purpose and Legal Basis.** This Manual intends to provide the process the DSWD should follow in dealing with requests for information pursuant to Executive Order No. 2 dated 23 July 2016 on Freedom of Information (FOI), entitled *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* [copy attached as **ANNEX A**].
2. **Structure of the Manual.** This Manual shall set out the rules and procedures that the DSWD would follow upon receipt of a request for access to information. The DSWD Secretary is responsible for all actions carried out under this Manual and may delegate this responsibility to a member of the DSWD EXECOM.
3. **Coverage of the Manual.** The Manual shall cover requests for information citing EO No. 2, series of 2016, directed to the DSWD.
4. **Requests Directed to an Office, Bureau, Service (OBS) or Field Office (FO).** When an FOI Request is addressed to a specific OBS or FO, and that OBS or FO is certain that the requested information is not confidential or privileged, then that OBS or FO may immediately grant the FOI Request. In such case, the OBS or FO shall inform the FOI Receiving Officer (FRO) of the FOI Request and the action taken thereon.

Otherwise, the OBS or FO shall forward the FOI Request to the FRO.

All OBS and FOs shall implement a tracking system wherein the FOI Request shall be allocated a Reference Number, stamped received by the FRO, indicating the date and time of the receipt of the written request, actions taken, and the name, rank, title and position of the officer who actually received it, with a corresponding signature and a copy, and furnished to the requesting party.

In case of requests sent via email, the email shall be printed out, acknowledged by electronic mail, and shall follow the procedure stated in this Manual. The officer who received the FOI Request shall input the details of the FOI Request on the Request Tracking System and allocate a reference number. All tracking systems shall be integrated and coordinated with the records of the tracking system of the FRO.

5. **FOI Receiving Officer (FRO).** Because the Records Unit is the office assigned to receive requests from FOI, the head of the Records Unit shall be designated as the FRO. To ensure uninterrupted service, the FRO shall designate an alternate FRO for instances when the FRO is unavailable for whatever reason.

5.1 The FRO shall:

- a) Receive on behalf of the DSWD all FOI-related requests, including those that cannot be decided by an OBS or FO that directly received the FOI Request;

- b) Conduct initial evaluation of FOI Requests;
- c) Forward FOI Requests to the Decision Maker;
- d) Monitor all FOI Requests and appeals;
- e) Assist the FOI Decision Maker;
- f) Assist and support the public and staff with regard to FOI; and
- g) Compile statistical information, and submit a summary of the most common FOI concerns.

5.2 The FRO shall deny the FOI Request if either:

- a) The form is incomplete, in which case the FRO shall inform the requesting party of the requisites for a valid request, or
- b) The information is already disclosed in the DSWD Official Website – dswd.gov.ph – or at foi.gov.ph or data.gov.ph, in which case, the FRO shall provide the requesting party with the link where the needed information is found.

Otherwise, the FRO shall forward the FOI Request to the FOI Decision Maker for further evaluation, and advise the requesting party of such action.

6. **FOI Decision Maker (FDM).** The Legal Service Director shall be the FDM. To ensure uninterrupted service, the FDM shall designate an alternate FDM for instances when the FDM is unavailable for whatever reason.

6.1 The FDM shall evaluate FOI Requests.

6.2 The FDM shall deny an FOI Request if:

- a) The DSWD does not have the information requested;
- b) The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c) The information requested falls under the list of exceptions to FOI [copy of the Inventory of Exceptions to Right to Access to Information issued by the Office of the President attached as **ANNEX B**]; or
- d) The FOI 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 DSWD.

Otherwise, the FDM shall grant the FOI Request.

The FDM may also partially grant and partially deny the FOI Request when warranted, *e.g.*, some of the requested information fall under the exceptions while other requested information do not.

7. **OBS or FO Holding the Information to be Disclosed.** The OBS or FO holding the information to be disclosed shall locate and retrieve such information, and then transmit such information to the FRO.
8. **Central Appeals and Review Committee (CARC).** The CARC shall be composed of the following:
 - Assistant Secretary for the Office of the Secretary Group
 - Assistant Secretary for Policy and Plans Group
 - Assistant Secretary for General Administration and Support Services Group

The CARC shall act on written appeals from requesting parties whose FOI Requests have been denied.

The CARC shall also provide expert advice to the DSWD Secretary on FOI-related matters.

SECTION 2 DEFINITION OF TERMS

data.gov.ph – The Open Data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.

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

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

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, series of 2016. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI Contact – The name, address and phone number of the FOI Receiving Officer before which the public can send an FOI Request.

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

FOI Receiving Office – The primary contact at the DSWD where the requesting party can call and ask questions about the FOI process or a pending FOI Request.

Frequently Requested Information – Information released in response to an FOI Request that the DSWD determined to likely become the subject of subsequent requests for substantially the same records.

Full Denial – When the DSWD or any of its OBS or FO cannot grant an FOI Request, because, among other reasons, the requested information is exempt from disclosure or no record responsive to the FOI Request could be located.

Full Grant – When a government office is able to disclose all records in response to an FOI Request.

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

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

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.

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

Partial Grant/Partial Denial – When a government office is able to disclose some information requested, but must deny other information requested.

Personal Information – Any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

Public Records – Includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

Sensitive Personal Information – As defined under the Data Privacy Act of 2012, refers to personal information:

- (i) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (ii) 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;
- (iii) 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
- (iv) Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3 PROMOTION OF TRANSPARENCY IN GOVERNMENT

1. **Duty to Publish Information.** The DSWD shall regularly publish, print and disseminate, at no cost to the public and in an accessible form, in conjunction with Republic Act 9485 (the Anti-Red Tape Act) and Executive Order No. 80, series of 2012 (*Directing the Adoption of a Performance-Based Incentive System for Government Employees*), and through the DSWD website, timely, true, accurate and updated key information including, but not limited to, the following:
 - a) A description of its mandate, structure, powers, functions, duties and the criteria or parameters of its 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, business address, and telephone number;
 - 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 reports and statistics that it generates; except when included in the Department's inventory of exceptions;

- g) Bidding processes, invitations 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 Form.** The DSWD shall endeavor to translate key information into major Filipino languages and present them in popular form and means, subject to separate guidelines for the purpose.
 3. **Keeping of Records.** The DSWD 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. The Records Unit of the Central Office shall keep records of all FOI-related requests.

SECTION 4 PROTECTION OF PRIVACY

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

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

SECTION 5 STANDARD PROCEDURE

[A Flowchart is attached as ANNEX C.]

1. **Filing of an FOI Request.**
 - 1.1 When an FOI Request is addressed to a specific OBS or FO, and that OBS or FO is certain that the requested information is not confidential or privileged, then that OBS or FO may immediately grant the FOI Request. In such case, the OBS or FO shall inform the FRO of the FOI Request and the action taken thereon.

Otherwise, the OBS or FO shall forward the FOI Request to the FRO within one (1) working day from receipt.

The OBS or FO receiving the FOI Request should check compliance with the following requirements:

- a) The FOI Request must be in writing and duly signed [sample FOI Request Form attached as ANNEX D].
- b) The FOI Request must state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization.
- c) The FOI Request must reasonably describe the information requested, and the reason for, or purpose of, the request for information.

- 1.2 The FRO shall receive the FOI Request from the requesting party or from the OBS or FO that forwarded the FOI Request.

In cases of requests involving research studies, the FRO shall inform the requesting party of the option to instead file the request under Administrative Order No. 19, series of 2011, entitled *Policy Guidelines on the Conduct of Research Studies in DSWD Offices, Centers and Institutions*.

The FRO shall also check compliance with the following requirements:

- a) The FOI Request must be in writing and duly signed.
- b) The FOI Request must state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization.
- c) The FOI Request must reasonably describe the information requested, and the reason for, or purpose of, the request for information.

An FOI Request may be made through email, provided, that in such case, the requesting party shall attach to the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

- 1.3 If the requesting party is unable to make a written request, because of illiteracy or disability the requesting party may make an oral request before the FRO, and the FRO shall reduce the request into writing. In any event, the requesting party shall provide proper identification and authorization.

2. Processing of FOI Request.

- 2.1 **Receipt.** The FRO shall stamp the FOI Request "Received", indicating the date and time of receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding

signature. A copy shall be furnished to the requesting party. In case of email requests, the email shall be printed out, be acknowledged by electronic mail, and follow the procedure mentioned above. The FRO shall input the details of the FOI Request on the Request Tracking System and allocate a reference number.

- 2.2 **Response.** Within fifteen (15) working days from receipt of an FOI Request, the DSWD shall respond with either a Full Grant, a Full Denial, or a Partial Grant/Partial Denial.

The date of receipt of the FOI Request will be either:

- i) The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- ii) If the DSWD, through the FRO, has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be deemed abandoned.

An exception shall be when the request was emailed to an absent member or staff, and this has generated an "out of office" message with instructions on how to redirect the message to another contact. In such case, the date of receipt shall be the day the request arrives in the inbox of that contact.

- 2.3 **Initial Evaluation.** Upon receipt of an FOI Request, the FRO shall evaluate the request.

2.3.1. **Requested information is already posted and available online.** If the requested information is already posted and publicly available on the DSWD website – data.gov.ph – or on foi.gov.ph, the FRO shall inform the requesting party of this fact and provide the link to where such information is posted.

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

3. **Transmittal of FOI Request from FRO to FDM.** After receipt of the FOI Request, the FRO shall evaluate the requested information, and notify the FDM of such FOI Request. The FRO shall forward a copy of the FOI Request to the FDM within one (1) working day from receipt. The FRO shall record the date, time and name of the FDM who received the FOI Request in a record book with the corresponding signature of acknowledgement of receipt of the FOI Request.

The FRO shall note the date and time of receipt of the notice from the FDM. The FRO shall be responsible for coordination and monitoring of compliance.

4. **Processing of FOI Request.** Upon receipt of the FOI Request, the FDM shall assess the FOI Request. If necessary, the FDM may seek clarification from the requesting party and/or the OBS or FO holding the requested information.

- 4.1 Within three (3) working days from receipt of the FOI Request, or of the requested clarification, if any, the FDM shall determine if the FOI Request should be granted in full, denied in full, or granted in part and denied in part. The FRO shall report to the DSWD Secretary if the determination of the FDM is beyond the three (3)-working day period.

- 4.2 If the FDM believes a record contains information of interest to another OBS or Field Office, the FDM shall consult such other OBS or FO before making any determination.

Upon making such determination, the FDM shall immediately notify the OBS or FO holding the information to be disclose, as well as the FRO.

- 4.3 If the FOI Request relates to information held by more than one OBS and/or Field Office, the FDM shall notify all offices concerned, as well as the FRO. The FDM shall also clear with the heads of such offices that they will only provide the specific information that relates to their offices.

- 4.4 If the FOI Request would only be partially granted and partially denied, the FDM shall indicate the information approved to be disclosed.

- 4.5 **Extension of Time.** If the FOI Request needs extensive study, or in case of fortuitous events, or other similar cases, the FDM shall inform the FRO of the need for additional time. The FRO shall then inform the requesting party of the extension, setting forth the reasons for such extension.

5. **Notice to Requesting Party of Approval/Denial of FOI Request.** Upon receipt of the determination made by the FDM, the FRO shall within one (1) working day notify the requesting party of the same.

In case of approval of the FOI Request, the FRO shall inform the requesting party and direct the requesting party to pay the applicable fees, if any.

In case of denial of the FOI Request either in full or in part, the FRO shall inform the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for the denial. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information.

6. **Role of OBS or FO Holding the Information to be Disclosed.** Upon receipt of the determination made by the FDM, the OBS or FO holding the information to be disclosed shall locate and retrieve such information. Such OBS or FO shall then

transmit such information to the FRO within ten (10) working days from receipt of notice from the FDM.

The FRO shall note the date and time of receipt of the information from the OBS or FO concerned, and shall report to the DSWD Secretary if the submission of the OBS or FO concerned is beyond the ten (10)-working day period.

- 6.1. **Further Extension of Time.** If the information requested requires extensive search of the office records facilities, examination of voluminous records, or in case of the occurrence of fortuitous events, or other similar cases, the OBS or FO concerned shall inform the FRO of the need for additional time. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension.
7. **Transmittal of Approved Information to Requesting Party.** Upon receipt of the approved information from the OBS or FO concerned, the FRO shall collate and ensure that the information is complete. The FRO shall then prepare a transmittal letter to be signed by the DSWD Secretary or the duly authorized representative of the DSWD Secretary. The FRO shall, within one (1) working day from receipt of the approved information from the OBS or FO concerned, transmit the approved information to the requesting party.

SECTION 6 REMEDIES IN CASE OF DENIAL

1. **Appeal to the CARC.** A requesting party whose FOI Request is denied either in full or in part may file a written Appeal before the CARC within fifteen (15) calendar days from receipt of the notice of denial of the FOI Request or from the lapse of the period to respond to the FOI Request.
2. **Deliberation.** The CARC shall then deliberate on the merits of the Appeal and, within fifteen (15) working days from the filing of the Appeal, transmit its Recommendation to the DSWD Secretary.
3. **Action by the DSWD Secretary.** The DSWD Secretary shall, within fifteen (15) working days from receiving the CARC Recommendation, issue a Decision on the Appeal.
4. **Further Appeal.** If the requesting party is dissatisfied with the DSWD Secretary's Decision on the Appeal, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

**SECTION 7
REQUEST TRACKING SYSTEM**

1. The DSWD shall establish a system to track the status of all FOI Requests received, which may be paper-based, electronic and/or online.
2. FOI Requests granted by OBS and FOs shall be consolidated and submitted to the FRO to be integrated into the main tracking system of the DSWD.

**SECTION 8
FEES AND CHARGES**

1. The DSWD shall not charge any fee for accepting an FOI Request.
2. The DSWD may require the requesting party to replace the paper used in excess of ten (10) pages, or to provide the media to be used for copying digital files.

**SECTION 9
ADMINISTRATIVE LIABILITY**

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall constitute the appropriate administrative offense under the Revised Rules on Administrative Cases in the Civil Service, and shall be dealt with accordingly.
2. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any agency or by the DSWD.

ANNEX A – EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

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

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

Sec. 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.

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

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within fifteen (15) calendar days from the date of effectivity of this Order.

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

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 8. *People's Freedom to Information (FOI) Manual.* For the effective implementation of this Order, every government office is directed to prepare within ninety (90) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;

- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

Sec. 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 subsection (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

Sec. 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.

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

Sec. 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.

- Sec. 13. *Remedies in Cases of Denial of Request for Access to Information.*
- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) 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.
- Sec. 14. *Keeping of Records.* Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.
- Sec. 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.
- Sec. 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.
- Sec. 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.
- Sec. 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.
- Sec. 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

ANNEX B – LIST OF EXCEPTIONS

MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO: All Heads of Departments, Bureaus and Agencies
of the National/Local Governments Including
Government-Owned and Controlled Corporations
(GOCCs), Government Financial Institutions (GFIs),
and All Others Concerned

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

DATE: 24 November 2016

Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.

SALVADOR C. MEDIALDEA

Exceptions to Right of Access to Information

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

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international 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.

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;² 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;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
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;⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and
 - c. Patent applications, the publication of which would prejudice national security and interests;⁷
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;⁸
 - 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;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²
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,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

Sensitive personal information as defined under the Data Privacy Act of 2012 refers to personal information:¹⁸

- (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 individual¹⁹ 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.²⁰

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² 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;²³
- (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
- (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;²⁵
- (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;²⁶
- (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;²⁷
- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
- (7) names of victims of child abuse, exploitation or discrimination;²⁹

- (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;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (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;³³ and
 - (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;³⁴
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁶
 - c. Records and reports submitted to the Social Security System by the employer or member;³⁷
 - d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
 - 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;³⁹
 - f. Applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987;⁴⁰
 - g. Documents submitted through the Government Electronic Procurement System;⁴¹
 - 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;⁴²
 - i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the Philippine Mining Act of 1995 and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴³
 - 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;⁴⁴
 - 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;⁴⁵

- l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the Insurance Code;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁰
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵¹
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;⁵²
 - b. Matters involved in an Investor-State mediation;⁵³
 - c. Information and statements made at conciliation proceedings under the Labor Code;⁵⁴
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
 - 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;⁵⁶
 - f. Information related to investigations which are deemed confidential under the Securities Regulations Code;⁵⁷
 - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
 - 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;⁵⁹
 - i. Investigation report and the supervision history of a probationer;⁶⁰
 - j. Those matters classified as confidential under the Human Security Act of 2007;⁶¹
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶² 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;⁶³
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;⁶⁴
 - (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);⁶⁵ and
 - (3) Refugee proceedings and documents under the 1951 Convention Relating to the Status of Refugees, as implemented by DOJ Circular No. 58 (s. 2012);
 - b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁶
 - 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;⁶⁷
 - d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁸
 - e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁶⁹
 - f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁰ and
 - g. Attorney-client privilege existing between government lawyers and their client.⁷¹

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

² 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.

³ *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).

⁴ 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.

⁵ *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."

⁶ *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.

⁷The 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).

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

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

¹⁰Section 3(b), Rule IV, *Rules on CCESPOE*.

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

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

¹³Section 3(e), Rule IV, *Rules on CCESPOE*.

¹⁴Sections 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.

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

¹⁶Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Big. 232].

¹⁷Medical 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).

¹⁸Section 3(1), *Data Privacy Act of 2012*.

¹⁹Article 26(2), *Civil Code*.

²⁰Section 11, *Data Privacy Act of 2012*.

²¹Section 4, *Data Privacy Act of 2012*.

²²*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.

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

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

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

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

²⁷Section 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.

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

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

³⁰Section 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*.

³¹Section 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.

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

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

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

³⁵Sections 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 Big. 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*.

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

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

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

³⁹Section 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.

⁴⁰Section 81, EO No. 226 (s. 1987), as amended.

⁴¹Section 9, *Government Procurement Reform Act* (RA No. 9184).

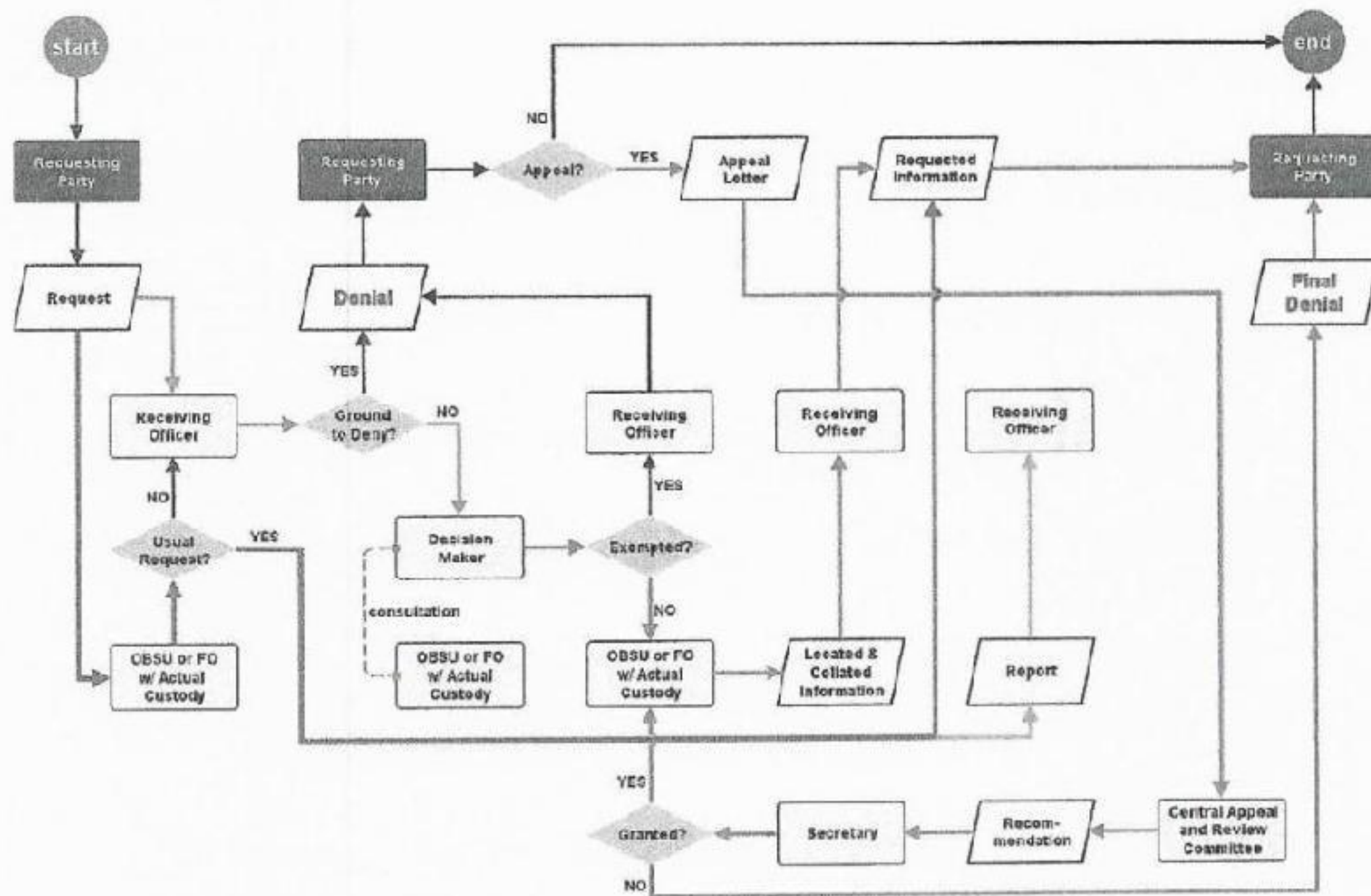
⁴²Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

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

⁴⁴Section 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*).

- ⁴⁵ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.
- ⁴⁶ Section 10, *Safeguard Measures Act*.
- ⁴⁷ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).
- ⁴⁸ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).
- ⁴⁹ CHED Memorandum Order No. 015-13, 28 May 2013.
- ⁵⁰ 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).
- ⁵¹ Section 3(g), Rule IV, *Rules on CCESPOE*.
- ⁵² 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*.
- ⁵³ Article 10, *International Bar Association Rules for Investor-State Mediation*.
- ⁵⁴ Article 237, *Labor Code*.
- ⁵⁵ Section 7.1, Rule 7, *CIAC Revised Rules of Procedure Governing Construction Arbitration*.
- ⁵⁶ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.
- ⁵⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.
- ⁵⁸ 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.
- ⁵⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.
- ⁶⁰ Section 17, *Probation Law of 1976* [PD No. 968 (s. 1976)].
- ⁶¹ Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).
- ⁶² Section 14, Civil Service Commission Resolution No. 01-0940
- ⁶³ 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.
- ⁶⁴ 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.
- ⁶⁵ Article 7, *UNCITRAL Transparency Rules*.
- ⁶⁶ *Senate v. Neri, supra; Senate v. Ermita, supra*.
- ⁶⁷ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*.
- ⁶⁸ *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.
- ⁶⁹ 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.
- ⁷⁰ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.
- ⁷¹ Canon 21 of the *Code of Professional Responsibility*.

ANNEX C – FOI PROCESS FLOWCHART



ANNEX D – SAMPLE FOI REQUEST FORM

Pursuant to Executive Order No. 2 dated 23 July 2016 on Freedom of Information (FOI), I respectfully request the following information from the Department of Social Welfare and Development (DSWD):

DESCRIPTION OF INFORMATION REQUESTED (title of document, periods covered, etc.)		
PURPOSE FOR REQUEST		
FORM		<input type="checkbox"/> Photocopy <input type="checkbox"/> Digital Copy
REQUESTING PARTY	NAME	
	ADDRESS	
	CONTACT NOS.	
	PROOF OF IDENTITY	
	SIGNATURE	
<small>DO NOT FILL UP BELOW THIS LINE</small>		
DATE AND TIME OF RECEIPT		
NAME OF RECEIVING OFFICER		
SIGNATURE OF RECEIVING OFFICER		

NOTE: Please make sure that the information being requested is not already publicly available by first checking these websites foi.gov.ph, data.gov.ph and dswd.gov.ph.

Annex E

DSWD FOI Receiving Officer and FOI Focal Persons in the Field Offices

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
DSWD-Central Office	DSWD Building, Constitution Hills, Batasan Pambansa Complex, Quezon City, 1100 Metro Manila	931-91-05 loc. 505 951-71-19	Ms. Myrna H. Reyes DSWD FOI Receiving Officer Records and Archives Mgt. Section
DSWD Field Office 1	2500 San Fernando, La Union	(072) 687 – 8000 loc. 224	Ms. Mary Claire S. Eguilos Administrative Officer III Records Section
DSWD Field Office 2	3 Dala na Pagayaya, Regional Government Center, Carig Sur, Tuguegarao City, Cagayan	(078)396-0051 0995-348-3658	Ms. Preciosa R. Turingan Administrative Officer IV Records Section
DSWD Field Office 3	Government Center, Maimpis, City of San Fernando, Pampanga	(045) 961-2143 (045) 861-2413 local 107 0920-907- 8480	Ms. Evelyn T. Manalo Regional Information Officer (RIO) Social Marketing Unit
DSWD Field Office CALABARZON	Alabang-Zapote Rd., Alabang, Muntinlupa City	(02) 807-4140	Ms. Eden Flores Administrative Officer V General Services and Records Section
DSWD Field Office MIMAROPA	Records and Archives Management Section, 1680 Benitez Cor Malvar Sts Malate Manila	336 8106 loc 103 recordsdswd4b@gmail.com	Ms. Mariel Sebastian Head Records and Archives Management Section
DSWD Field Office 5	Magnolia St. PBN, Buraguis, Legaspi City	(052) 480-0607	Ms. Nida M. Tiansay Administrative Officer V

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
			Records Officer
DSWD Field Office 6	MH Del Pilar, Molo, Ilo-ilo City, Right Wing of Lobby Area	0939-810-4930/09954532267 (033) 3376221 0995-102-4910/09204068857 0912-8849-557	Ms. May Rago-Castillo Ms. Monteso Grino-Caoyonan Ms. Merry Jezza Brenda
DSWD Field Office 7	MJ Cuenco Avenue corner Gen. Maxilom Ave., Cebu City	0949-920-7255 records.fo7@e-dswd.net	Mr. James Phillip M. Padillo Records Officer General Services-Records Unit
DSWD Field Office 8	Magsaysay Blvd, Downtown, Tacloban City, Leyte	<u>+63 908 697 6981</u>	Ms. Vina Aquino Regional Information Officer Social Marketing Unit
DSWD Field Office 9	Gen. Vicente Alvarez Street, Zamboanga City 7000	<u>ivaneric10@gmail.com</u> 0917-772-1401	Mr. Ivan Eric Salvador Regional Information Officer Social Marketing Unit
DSWD Field Office 10	Masterson Ave., Upper Carmen, Cagayan de Oro City	088-858-8134 088-858-8892 0916-770-1120	Ms. Charmaine Suzette Ms. Leanore P. Tadas
DSWD Field Office 11	Suazo St., cor. Magsaysay Ave., Davao City	(082) 2271964 loc. 419 2278749 loc. 419	Ms. Carmela C. Duron Regional Information Officer Social Marketing Office Ms. Julie Ace Brandon F. Ramos Social Marketing Office Ms. Shery Jane S. Fernandez Social Marketing Office Ms. Florame Espada

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
			Social Marketing Office
DSWD Field Office 12	9506-Purok Bumanoag, Brgy. Zone 3, Coronadal City	09353714818	Ms. Nurhanie S. Diangka
DSWD Field Office CAR	#40 North Drive, Baguio City 2600 Philippines	(6374)446 5961/442 7917/444 3209 focar@dswd.gov.ph	Mr. Rainier Pena Records Section
DSWD Field Office NCR	389 San Rafael corner Legarda Streets, Sampaloc, Manila	488-3009/ 733-0010 local 115 recordssectionncr@yahoo.com	Ms. Luz Hojilla Administrative Officer V Records Section
DSWD Field Office NIR	Aldecoa Drive, Brgy. Daro, 6200 Dumaguete City	09275369371 records.fonir@e-dswd.net 0935-253-4015 records.fonir@e-dswd.net	Mr. Joseph John I. Orden Mr. Rowell Agad
DSWD Field Office CARAGA	R. Palma St. Butuan City 8600	(085) 342-5619/ 09466482862	Ms. Benedicta Laña Head Records Section