



PANGASINAN STATE UNIVERSITY FREEDOM OF INFORMATION MANUAL

Section 1. Legal Bases

The following are the legal bases of the Pangasinan State University in formulating this Manual on Freedom of Information (FOI):

Section 28, Article II of the 1987 Constitution, provides that 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;

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

Republic Act 10173 otherwise known as Data Privacy Act of 2012, 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; and

Executive Order No. 02 s. 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 therefore".

Section 2. Affirmation of Policy

The University affirms its commitment to provide information relevant to its vision, mission, core values and guiding principles.

Section 3. Objectives of the Manual

This Manual sets the rules and procedures to be followed by the University, whenever a request for access to information is received. The University President shall designate responsible officers for the implementation of this Manual.

Section 4. Responsible Officers

Since the University consists of 9 campuses, the following focal persons responsible are:

- a. FOI Receiving Officer (FRO) – Public Relations, Publication, and Information Office (PRPIO) coordinators of the respective campuses headed by the Director of PRPIO.
- b. FOI Decision Maker (FDM) – the Campus Executive Directors (CED) for initial determination of the classification of the requested document.
- c. FOI Appellate Authority (FAA) - the University President shall be the Appellate Authority in case of denial of request by the FDM.

The office of the PRPIO through the FRO shall receive on behalf of the University all requested information. The FRO shall maintain a logbook of all request chronologically received for monitoring purposes. The request shall be forwarded to the concerned office who has custody of the records. The requested information shall only be released upon the approval of FDM. The FRO shall monitor all FOI requests and appeals. Upon completion of the evaluation of the request the FRO shall advise the requested party of the result of the request.

Section 5. Scope and Coverage of the Manual

This Manual shall cover all requests for all information pertaining to University's official and public records, research data, including official acts, transactions or decisions directed through its campuses and offices, as follows:

- Main Office
- Alaminos City Campus
- Asingan Campus
- Bayambang Campus
- Binmaley Campus
- Infanta Campus
- Lingayen Campus
- San Carlos City Campus
- Sta. Maria Campus
- Urdaneta City Campus
- Open University System
- School of Advanced Studies

Section 5. Definition and Terms

As used in this Implementing Rules and Regulations and considering the mandate of this institution, the following terms are hereby defined:

(a) "University" shall refer to Pangasinan State University;

(b) "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.

(c) "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.

(d) "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.

(e) "Requesting Party" shall refer to any person, private or public organization/agency who wants to access information or secure a copy of official document of the University.

(f) "Access to Information" shall refer to information, official records, public records and documents pertaining to official acts, transactions or decisions, as well as to university's research data used as basis for policy development.

(g) "data.gov.ph" The Open Data website that serves as the government's comprehensive portal for all public government data is searchable, understandable, and accessible.

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

(i) "Information for Disclosure" shall refer to 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.

(j) "Open Data" shall refer to the publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

(k) "Public Service Contractor" shall define as a private entity that has dealing, contract, or a transaction or whatever form or kind with the government or a government agency or office that utilizes public funds.

(l) "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 or certainly identify an individual.

(m) "Sensitive Personal Information" As defined in the Data Privacy Act of 2012, shall refer to personal information:

- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) 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;
- (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.

(n) "FOI Request" A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

(o) "FOI Receiving Office" The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

(p) "Administrative FOI Appeal" The appeal made by the requesting party in case of denial of the request to FOI Appellate Authority. The FOI Appellate Authority shall conduct an independent review on the denial made by the FDM and shall issue a decision.

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

(r) "Consultation" When a government office locates a record that contains information of interests to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation".

(s) "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.

(t) “FOI Contact” The name, address and phone number of the responsible officers of each office where you can make FOI request.

(u) “FOI Request” a written request submitted to the University Officer where to make records on any topic. FOI request can generally be made by any Filipino citizen to any government office.

(v) “FOI Receiving Office” The primary contact in the University where the requesting party can call and ask questions about the FOI process or the pending FOI request.

(w) “Frequently Requested Information” Information released in response to FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

Section 6. Promotion of Transparency

1. **Duty to Publish Information.** PSU shall regularly publish, print and disseminate in an accessible form, and through its website an updated key information including, but not limited to:

- Description of its mandate, structure, powers, functions, duties and decision-making process;
- Description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- Name of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, program of receipts and expenditures;
- Important rules and regulations, orders or decisions;
- Current and important database and statistics that it generates;
- Bidding processes and requirements; and
- Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or exercise of its powers.

2. Management System of Records

The University shall establish or maintain decentralized Records Management System for recording, keeping, archiving and disposal of all official documents of the University. The Records Officer of each campus shall submit annual report to the Records Management Office of the University.

Section 7. Classification of Documents

The University documents shall be classified as Confidential, Restricted, or Open and Available Document, as the case maybe.

7.1 Confidential. These are information, documents or materials within the terms of reference of the University in which their unauthorized disclosure would be prejudicial to the interest or prestige of the nation or governmental activity or would cause administrative embarrassment to an individual or entity.

The following kind of documents, among others, are CONFIDENTIAL in nature:

- (a) All memoranda, reports, proposals, highlights, summary of agreements, minutes of the Board Meetings, finance, investment, human resources, development plans, other government operations, policies and measures for consideration or comments of any of the University Staffs or Offices.
- (b) All memoranda, reports, proposals, or other documents, including electronic communication exchanges, submitted to the University relating to its programs, activities and projects (PAPs) for consideration of the University Board of Regents or its Committees.
- (c) All memoranda, reports, proposals, or other documents, including electronic communication exchanges, relating to finance, investment, and human resources, for consideration of the University President, and/or the Board of Regents.
- (d) Approved and confirmed minutes, highlights, summary of agreements, resolutions, as well as all transcripts and/or audio recordings of meetings, of the Board of Regents or any of its duly approved Committees.
- (e) Project Evaluation Reports (PERs), its appurtenant documents and other documents of similar nature that have not been approved or those that are still being reviewed/deliberated by the University Councils, the Board of Regents or its Committees.
- (f) All electronic communications exchanges (i.e. internal between University Staff/Offices, or external between University Staff/Offices and outside recipients) related to the mandated operations of the respective University Offices, Staff, and/or the Board of Regents.
- (g) Certain personnel records and staff matters, such as documents relating to the administrative investigations.
- (h) Administrative documents, such as budget proposals, proposed promotions, performance evaluations and Personal Data Sheet (PDS).
- (i) Other documents classified as "Confidential" by the University President and the Board of Regents.

7.2 **Restricted.** These are information, documents or materials that require special protection other than confidential. It may also refer to which access have been restricted because there exists a legal impediment and/or standard issued by the head of the agency that requires such public records to be withheld from public access. These include Project Evaluation Reports (PERs) of approved projects as well as all documents and matters other than those considered public records, which do not fall under the category of Confidential, as hereinabove defined and illustrated.

7.3 **Open and Available Records.** These are information, documents or materials to which public access may not be prohibited. This shall include documents covered by the University's commitments with other institutions on open data sharing policies, or with other similar instruments with provisions for mandatory public sharing of specific information.

Section 8. Authority to Classify, Reclassify, and Declassify Documents

The authority to classify, reclassify, and declassify documents shall be exercised by the Board of Regents with the endorsement of the respective authorized officials of the University and/or office concerned.

Section 9. Coverage of Classification

The classification of documents shall be applied to all non-exempted documents issued by the Board of Regents, including those existing in the University Records Office.

Section 10. Document Identification and Markings

At the time of the original classification, the following shall appear on the cover sheet of each classified document:

- (a) One of the three (3) classification levels defined in Section 7 of this IRR;
- (b) Identity (name and position) of the official in-charge where the document originated.
- (c) Agency and office of origin;

- (d) Reference number of the document;
- (e) Instructions related to the classified document as to its storage, reproduction, disposition and responsibility of the Staff/Official handling the document; and
- (f) Additional markings that supplement the classification level markings.

Section 11. Document Transmission

11 .1 Classified documents shall not be removed from its official storage without proper authorization from the University President.

11 .2 The Records Management System Office shall establish controls to ensure that classified documents are transmitted under conditions that provide adequate protection and prevent access by unauthorized persons.

11 .3 Transmission of CONFIDENTIAL documents may be covered by a receipt system when required by the sender. The receipt system shall make use of a receipt form where identity of the addressor, addressee, and document are visible and readable. It shall be signed by the recipient and returned to sender. The name of the sender shall be printed, stamped, or typed on the form.

11 .4 Classified documents shall be covered with Cover Sheets, white paper sized 8" x 11" with the following border specifications:

For RESTRICTED: red border;

For CONFIDENTIAL: blue border; and

For OPEN and AVAILABLE RECORDS: green border; and

Security classification and instructions are printed on the front page of the cover sheet. The back page is designed to show a record of transmission of the document.

- (a) All classified documents (CONFIDENTIAL and RESTRICTED), from the moment they are initiated, shall be covered by appropriate cover sheets which shall stay with such documents until both are authorized for destruction.
- (b) Coversheets prescribed in this Manual shall be used only for classified documents transmitted among the various offices of the University.

11 .5 Preparation of classified matter for transmission outside the University.

- a. Classified documents for transmission by Philippine registered mail shall be prepared as follows:
 - i. The documents shall be enclosed in two opaque envelopes or covers.
 - ii. A receipt shall be enclosed with the document as appropriate.
 - iii. The inner envelope or cover shall be addressed and sealed. The return address should likewise be written in the inner envelope.
 - iv. The classification on the front and back of the inner envelope shall be marked in such a way that the markings will be easily seen when the outer cover is removed. Special markings required shall be placed at the front of the inner envelope.
 - v. The inner envelope shall be enclosed in the outer envelope or cover. The classification marking of the inner envelope must not be detectable through the outer envelope.
 - vi. The outer envelope with the inner envelope will then be forwarded. Classification or other special markings shall not appear on the outer envelope.
- b. Transmission within the University Preparation of classified matter for transmission within the University shall be governed by policies issued by the University President.

Section 12. Special Provision for Non-Restricted Access

Members of any University Board of Regents are allowed a non-restricted access to all memoranda, reports, minutes, proposals or other documents under the purview of each respective Committee.

Section 13. Document Storage

13.1 Before storage, documents shall be classified, labeled, and color/number-coded properly.

13.2 The University shall provide storage facilities of all campuses that are secured storage of classified documents.

13.3 Documents/records format are classified into:

(a) Printed Documents

CONFIDENTIAL and RESTRICTED documents shall be stored in a metal file cabinets equipped with a steel lock bar and combination pad lock. The file cabinets must have the size and weight that would minimize the chance of unauthorized physical removal.

(b) Electronic Documents

a. Any device (e.g. PC, laptop, flash disk, etc.) that stores electronic copies of CONFIDENTIAL AND RESTRICTED documents shall be kept in a safe place similar to printed documents and shall apply applicable security measures as mentioned in this Manual.

b. All documents in printed format shall be converted into electronic format. Each Office shall identify, file and organize all classified documents in their processing to facilitate easy storage and retrieval of documents.

c. Each office shall maintain a database in its own storage or file server that contains a database their documents and shall serve as backup of their documents and shall apply appropriate security measures as mentioned in this Manual.

Section 14. Document Reproduction

The reproduction of Confidential and Restricted documents shall be cleared by University President.

Section 15. Disposal of Classified Documents

15.1 All classified documents shall be disposed of legally in accordance with the pertinent laws and other government issuances. The Office of the Records Management System shall ensure that the disposal of such documents shall be systematic, authorized, and managed accordingly.

15.2 Spoiled/excess reproduced classified documents shall be disposed of by shredding and/or pulping.

15.3 Printed documents, electronic records and ICT equipment that contain classified documents shall be disposed of in accordance with the policy of the University and/or other pertinent laws and issuances.

15.4 Classified documents that shall be required for use in litigation or in any government inquiry shall be retained in accordance with the disposition scheduled prescribed by pertinent laws and issuances.

15.5 All classified documents may be digitized, as necessary, and stored until declassified, re-classified and approved by the University President.

Section 16. Administrative Liability

Without prejudice to any criminal and civil case arising therefrom, any unauthorized disclosure or misuse, sharing, publication or use of classified documents or materials shall be considered as an administrative offense under the CSC Rules.

Moreover, failure to comply with the provisions of this Manual may be a ground for administrative and disciplinary actions against any erring public officer or employee as provided under existing laws or regulations.

Section 17. Conduct of Trainings

The University shall coordinate with National Intelligence Coordinating Agency (NICA), National Economic and Development Authority (NEDA) and National Archive of the Philippines for the conduct of trainings.

Section 18. Procedures

1. Receipt of Request of Information

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

- Request must be in writing;
- Request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- Request shall reasonably describe the information requested, and the reason for, or purpose of the request for information.

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

- 1.2. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.3. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature, and a copy furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic email. The FRO input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4. University and its operating units/campuses, and offices must respond to any FOI request promptly, within fifteen (15) working days following the date of receipt of the request. However, a complex request must be responded within twenty (20) notices. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

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

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

An exception to this will be where the request has been emailed to an absent FRO or staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact. Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

2. Evaluation

After receipt of the request for information, the FRO shall evaluate the contents of the requests. If the request is compliant with the requirements the FRO shall transmit the request to the FDM. The FDM should approve or deny the request. The FDM shall return the request to the FRO. The FRO shall inform the approval or denial of the request to the requesting party.

2.1 Request exempted from coverage. If the requested information is exempted from coverage, the request shall be denied. The requesting party shall be properly informed of such denial including the ground thereof.

The following are exceptions:

- 201 Files
- Statement of Assets, Liabilities and Net Worth
- Minutes of the Meetings of the Board of Regents, Finance and Executive Committee
- Documents related to a pending case before judicial and quasi-judicial agencies
- Personnel Selection Board and Faculty Selection Board Documents
- Resolutions of the Board of Regents except Excerpt thereof
- Bids and Awards Minutes of Meetings
- Abstract of Bids
- Technical Working Group Recommendation
- Individual Performance Commitment Review
- Financial Report not yet audited by the Commission on Audit
- Minutes of Technical Working Group Meetings
- All Reports Not in the Final Form
- Inter-Office and Inter-Agency Memorandum/Correspondence
- Office recommendation as member of Inter-agency task force/committee/body
- All documents may be categorized by laws, rules and regulations as confidential in nature.
 - All other documents as may be identified by the University in accordance with the provisions of the Data Privacy Act of 2012 (e.g. those classified as Sensitive Personal Information).
 - Access to information shall be denied when the information falls under any of the
 - Exceptions as provided for herein or in the attached list marked as Annex "B".

3. Notice of Denial

If the FDM denies the FOI request, in whole or in part, the requesting party shall be notified within fifteen (15) days from the receipt of the request stating the grounds of the denial thereof.

The following are grounds for denial:

- (a) Form is incomplete
 - (b) Falls under the exceptions
 - (c) Identical or similar requests or info is already disclosed
- In any case, the requestor shall be notified of the denial of his request.

4. Appeal in case of denial of Request for Access to Information

Written appeals must be filed by the same person making the request within **15 calendar days** from the notice of denial or from the lapse of the relevant period to respond to the request to the FAA. The appeal shall be decided by the FAA within **30 working days** from the filing of said written appeal. Failure of the FAA to decide within the period shall be deemed a denial of the appeal.

Section 19. Protection of Privacy

While providing access to information, the University shall afford full protection to all PSU Officials, employees and students to privacy on their personal information under its custody or control except as may be authorized by law.

Section 20. Fees

The University shall not charge any fee in accepting any FOI request for access to information. It 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.

Section 21 Identical or Substantially Similar Requests

The University shall not be required to act upon an unreasonably and subsequently identical or substantially similar request from the same requesting party whose request has already been previously granted or denied.

Section 22. Notice of Denial

If the University or the office concerned decides to deny the FOI request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) 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.

Section 24. Keeping of Records

Subject to existing laws, rules, and regulations, the University shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and she] implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

Section 25. Separability Clause

Any sections or parts of this manual which shall be found unconstitutional or contrary to any provisions of existing laws, rules and regulations of the Philippines, the remaining sections or provisions shall be in full force or effect.

Section 26. Repealing Clause

All University issuances, memoranda, orders, rules and regulations inconsistent with the provisions of this manual are hereby repealed, amended and/or modified accordingly.

Section 27. Effectivity

This manual shall take effect immediately upon the approval of the University Board of Regents and after posting it to all campuses of the University.

DONE, at the Pangasinan State University, Lingayen, Pangasinan, this 27th day of January in the year of our Lord two thousand twenty two.

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

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

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

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

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

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

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations,

and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

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

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

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

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

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

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

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

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

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

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

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose

that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

- (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.

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 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.

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 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(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, 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

ANNEX “B”

EXCEPTIONS

1. Information that directly relates to the national security or defense and its revelation may cause great damage to national security, or internal or external defense of the state.
2. National Security Matters. At the very least, this jurisdiction recognizes the common law holding that there is a military, diplomatic and other national security matters.
3. Executive Privilege involving information relating to the President’s commander-in-chief, appointing, pardoning and diplomatic powers.
4. Information pertaining to the foreign affairs of the Republic of the Philippines when its revelation shall/may unduly weaken the negotiating position of the government in an ongoing bilateral or multi-lateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states.
5. Information on inter-government exchanges prior to the conclusions of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interest.
6. Deliberate Process privilege.
7. Presidential Communication’s Privilege.
8. The information requested pertains to internal and/or external defense, law enforcement and border control, when the disclosure thereof may:
 - a) Lead to the disclosure of the identity of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence, investigation, information furnished by a confidential source, or
 - b) Disclosure legitimate techniques and procedures for law enforcement investigations or prosecutions, or would disclose legitimate guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
 - c) Endanger the life or physical safety of any individual, or
 - d) Deprive a person of a right to a fair trial and impartial adjudication.
9. Criminal Matters. Also excluded are classified law enforcement matters, such as those relating to the apprehension, the prosecution and the detention of criminals, which courts may not inquire information prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding rescue operations, the whereabouts of fugitives, or lead on covert criminal activities.
10. Investigation or proceeding conducted by public authorities.
11. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries.

12. Prohibition on the Disclosure of investigatory records compiled for law enforcement purposes or information which if writers would be contained in such records, but only to the extent that the production of such records or information would: SU Freedom of Information (FOI) Manual
- Interfere with enforcement proceedings:
 - Deprive a person of a right to a fair trial or an impartial adjudication:
 - Disclose the identity of a confidential source and in the course of a criminal investigation, confidential information furnished only by the confidential source unjustifiably disclose investigatetechniques and procedures.
13. Proceedings before the Committee on Decorum and Investigation during preliminary investigation.
14. Informer's privilege of the Government not to disclose the identity of a person or persons whom furnish information of violations law to officers charged with the enforcement of the law and the identity of a confidential informant.
15. Prohibition on disclosure the identity of persons who furnish information of violations of law to officers charged with the enforcement of the law.
16. Prohibition on the disclosure of information that would put the life and safety on an individual in imminent danger.
17. The information requested consist of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function.
18. Proceedings before or information in the possession of, any government agency, tribunal, board, or officer, which under its respective rules or regulations are treated as confidential and privileged.
19. Confidential information generally refers to information not yet made a matter of public records relatingto pending cases, such as notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.
20. Courts records, including pleadings and other documents filed by litigants are confidential.
21. Requested information pertains to an act which tends to exact testimony from government officials by a citizen are confidential.
22. Such information, record or document compromises drafts of decision orders, rulings, policy decisions, memoranda, etc.
23. The information required pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute an unwarranted invasion of his / her privacy, unless it forms part of the public record, or the person is or was an official of the government agencyand the information relates to his other public function or the person has consented, in writing to the of disclosure of the information.

24. Information concerning the application, together with all the records, documents and communications relating thereto and its processes shall be confidential.
25. Information requested pertains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communication, and/or filed with a government agency, whenever the relation thereof would prejudice the interest of such natural or juridical person in trade, industrial, financial or commercial competition. MSU Freedom of Information (FOI) Manual
26. Trade Secrets and Banking Transactions.
27. Confidential, commercial and financial information are excluded from disclosure.
28. Confidential business information gathered by certain government agencies or officials on the operations, books, records or private corporations and business not required to be made public.
29. Anti-Money laundering concerns, covered or suspicious transaction reports, or any other information in relation thereto.
30. Prohibition of disclosing information under the National Internal Revenue Code.
31. Prohibition on the disclosure of confidential information under the National Revenue Code.
32. Trade secrets acquired by government agencies or officials in the discharge of their duties.
33. Information relating to potential intellectual property right.
34. Documents submitted through the Government Electronic Procurement System (G-EPS).
35. Confidential matters under the Arbitration Law and Alternative Dispute Resolution Law involving arbitration proceeding and when the parties in an arbitration clause so provided that the proceeding and its incidents shall be confidential and information acquired in mediation or arbitration proceedings.
36. An oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or retaining a mediator.
37. Pleadings, motions, manifestations, witness statement, reports filed or submitted in arbitration or for expert evaluation.
38. Information on on-going evaluation or review of bids or proposals being undertaken by the bidding or renew committee which are not yet considered as "official acts, transaction, or decisions" on the bids or proposals or "definite propositions" on the part of the government.
39. Information considered as privilege communications / legal proceedings by law or by the Rulers of Court.
40. Privileged communication under the Rules of Court (in respect of government lawyers, government doctors, and other public officers and employees).
 - A public officer cannot be examined during his term of office or afterwards

as to communications made to him in official confidence, when the court finds that the public interest would suffer by the disclosure.

41. Attorney-client privilege existing between a government lawyer and their client.
42. Client identity is privileged where a strong probability exists that revealing the client's name would implicate that client in the activity for which he sought the lawyer's advice or would expose the client to evil liability.
43. Confidentiality of information relating to pending cases after the decision, resolution or order is made public.
44. Requesting information pertains to comments and disclosure on pending cases in judicial proceedings. **0**
45. Records of cases that are still pending for decision are privileged materials that cannot be disclosed, except only for pleadings, orders and resolutions that have been made available by the court to the general public.
46. Identity of News Informants under RA 1477 (The Shield Law).
47. Requested information pertains to unauthorized recording from all the parties of any private communication spoken word to secretly overhear, intercept or record of such communication by using any recording device.
48. Secrets of private individual known by public officer by reason of his or her office.
49. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized person, or releasing such information in advance of its authorized release date.
50. Confidential or classified information officially known to public officer and employees by reason of their office and not made available to the public.
51. Non-disclosure of Statement of Assets, Liabilities and Net Worth if the purpose/s is /or any of the following purposes:
 - Any purpose contrary to morals or public policy; or
 - Any commercial purpose other than by news and communications media for dissemination to the general public.

The information is of a nature that its premature disclosure would: (1) In the case of an agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, be likely to lead speculations in currencies, interest rates, securities, commodities market; (2) in the case of other agencies, be likely to frustrate the effective implementation of a proposed official action: Provided, that the information shall be disclosed once the above-mentioned dangers have ceased.

52. Information involving a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request for information unless a reasonable interval has lapsed between compliance with the previous request and the making of the current request.
53. The right information may be subjected to reasonable regulations as to manner and hours of examination, efforts to avoid loss or damage, undue interference with the duties of the custodian of the records, and ensuring the right of the persons entitled to also inspect the records. Requesting citizens, further, cannot compel custodians of records to prepare list of abstracts of the data.

54. Government officials cannot be compelled to prepare lists and detailed reports on how congressional funds were disbursed.

Other Exceptions

- Confidentiality of information known to a public official or employee by reason of his office.
- Information and statements made at reconciliation proceedings.
- Expenditure relating to classified information, such as the purchaser of information and payments of rewards.