



REPUBLIC OF THE PHILIPPINES  
ROMBLON STATE UNIVERSITY  
Odiongan, Romblon

**FREEDOM  
OF  
INFORMATION MANUAL**

PURSUANT TO EXECUTIVE ORDER  
NO. 02, 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

## TABLE OF CONTENTS

<b>1. Overview</b>	<b>3</b>
<b>2. Definition of Terms</b>	<b>4</b>
<b>3. Glossary of Terms</b>	<b>6</b>
<b>4. Promotion of Transparency in Government</b>	<b>8</b>
<b>5. Protection of Privacy</b>	<b>9</b>
<b>6. Standard Procedure</b>	<b>10</b>
<b>a. Receipt of Request for Information</b>	<b>10</b>
<b>b. Initial Evaluation</b>	<b>13</b>
<b>c. Transmittal of Request from FRO to FDM</b>	<b>14</b>
<b>d. Role of FDM in processing the request</b>	<b>15</b>
<b>e. Role of FRO to transmit the information to the requesting party</b>	<b>15</b>
<b>f. Request for an Extension of Time</b>	<b>15</b>
<b>g. Notice to the requesting party of the approval/denial of the request</b>	<b>15</b>
<b>h. Approval of Request</b>	<b>15</b>
<b>i. Denial of Request</b>	<b>16</b>
<b>7. Remedies in Case of Denial</b>	<b>16</b>
<b>8. Request Tracking System</b>	<b>17</b>
<b>9. Fees</b>	<b>17</b>
<b>10. Administrative Liabilities</b>	<b>17</b>
<b>ANNEX : Executive Order No. 02</b>	<b>19</b>

## SECTION 1

### OVERVIEW

#### 1. Purpose:

The purpose of this FOI Manual is to provide the process that guides and assists the Romblon State University (RSU) Main Campus and its eight (8) campuses in dealing with requests of information directed to the University in relation to Executive Order (EO) No.2 on Freedom of Information (FOI) – (Annex “A”)

#### 2. Objectives

This manual sets the rules and procedures to be followed by RSU and its campuses, whenever a request for access to information is received. The RSU President, Dr. Arnulfo F. De Luna shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the designated FOI Receiving Officer, FOI Decision Maker, Data Protection Officer (DPO), and the respective Campus Directors of the university’s satellite campuses. The University President may delegate the Central Appeals and Review Committee with members concerning the specific records or documents requested with the authority to act as the FOI Decision Maker (FDM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

#### 3. Coverage of the Manual

The Manual shall cover all requests for information directed to RSU main and its campuses and designated Campus Directors, as follows:

- |                       |                          |
|-----------------------|--------------------------|
| • Main Campus –       | Odiongan, Romblon        |
| • San Agustin Campus  | San Agustin, Romblon     |
| • Calatrava Campus    | Calatrava, Romblon       |
| • San Andres Campus   | San Andres, Romblon      |
| • Sta. Fe Campus      | Sta. Fe, Romblon         |
| • Sta. Maria Campus   | Sta. Maria, Romblon      |
| • Romblon Campus      | Sawang, Romblon, Romblon |
| • San Fernando Campus | San Fernando, Romblon    |
| • Cajidiocan Campus   | Cajidiocan, Romblon      |

#### 4. FOI Receiving Officer

The Romblon State University FOI Receiving Office is under the HRMO headed by Dr. Eddie G. Fetalvero, Professor VI / Acting HRMO who is also designated as Receiving Officer

(FRO) of the said institution. The function of the FRO shall include receiving on behalf of RSU or any of its Campuses, all request for information. The FRO shall maintain a logbook of all requests chronologically received for accountability purposes. The request shall be forwarded to the appropriate person or office who has custody of the records. The FRO shall monitor all FOI requests and appeals, provide assistance to the FOI Decision Maker (FDM) provide assistance and support to the public with regard to FOI requests, compile statistical information as required and conduct initial evaluation of the evaluation of the request. The FRO shall also advise the requesting party whether the request will be forwarded to the FDM for further evaluation, or deny the request based on valid reasons.

## 5. FOI Decision Maker

The Romblon State University FDM will be the Vice President for Administration and Support Services in the person of Mr. Lou V. Foja (Administrative Officer V/Budget Officer) as designated by the University President. The FDM, Data Protection Officer, and the Central Appeals and Review Committee (CARC) shall conduct evaluation of the request for information and has the authority to grant the request or deny it based on valid reasons.

## SECTION 2

### DEFINITION OF TERMS

**www.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.

**www.eFOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. 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 Reports, so that they can be compared by agency and over time.

**INFORMATION.** Shall mean any records, documents, papers, reports, letters, contracts, and transcript of official meeting 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, 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. Thrust 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 the publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

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

**PUBLIC SERVICE CONTRACTOR.** Shall be defined 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.

**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.

**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.

## SECTION 3

### GLOSSARY OF TERMS

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

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

**CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask 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”.

**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.

**FOI CONTACT.** The name, address, phone number and email address of Officer where you can make a FOI request:

**DR. ARNULFO F. DE LUNA**  
SUC President II  
CP # 09189576319  
Tel. # 042-567-5273  
Email address: afdluna@yahoo.com

**DR. EDDIE G. FETALVERO**  
Professor VI / Acting HRMO  
CP # 09292601400  
Tel. No. 042-567-5859  
Email address: RSUhrmo@yahoo.com

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

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

**FREQUENCY REQUEST INFORMATION.** Information release in response to an FOI request that RSU determines have become or are likely to become the subject of subsequent request for substantially the same records.

**FULL DENIAL.** When RSU and its campuses cannot release any records in response to a FOI request, because the requested information is exempted from disclosure in its entirety or, no records responsive to the request could be located.

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

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

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

**PENDING REQUEST OF PEDING APPEAL.** An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. Its captures anything that is open at a given time including request that are well within the statutory response time.

**PERFECTED REQUEST.** A FOI request, which reasonably describes the records, sought and made in accordance with the government office's regulations.

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

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

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

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

**SIMPLE REQUEST.** A FOI request that RSU anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

## **SECTION 4**

### **PROMOTION OF TRANSPARENCY IN GOVERNMENT**

#### **1. Duty to Publish Information**

Romblon State University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website timely, true, accurate and updated key information including, but not limited to:

- a.** A description of its mandate, structure, power, functions, duties and decision-making process;
- b.** A description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- c.** The names of its key officials, their powers, functions, and responsibilities, and their profiles and curriculum vitae;
- d.** Work programs, development plans investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e.** Important rules and regulations, orders or decisions;
- f.** Current and important database and statistics that it generates;
- g.** bidding processes and requirements; and
- h.** Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

#### **2. Accessibility of language and form**

Romblon State University shall endeavour to translate key information into major Filipino languages and present them in popular form and means.

### **3. Keeping of Records**

Romblon State University shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decision, resolution, enactments, actions, procedures, operation, activities, communication and documents received or filled with them and the data generated or collected.

## **SECTION 5**

### **PROTECTION OF PRIVACY**

While providing for access to information, Romblon State University (RSU) shall afford full protection to a person's right to privacy, as follows:

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

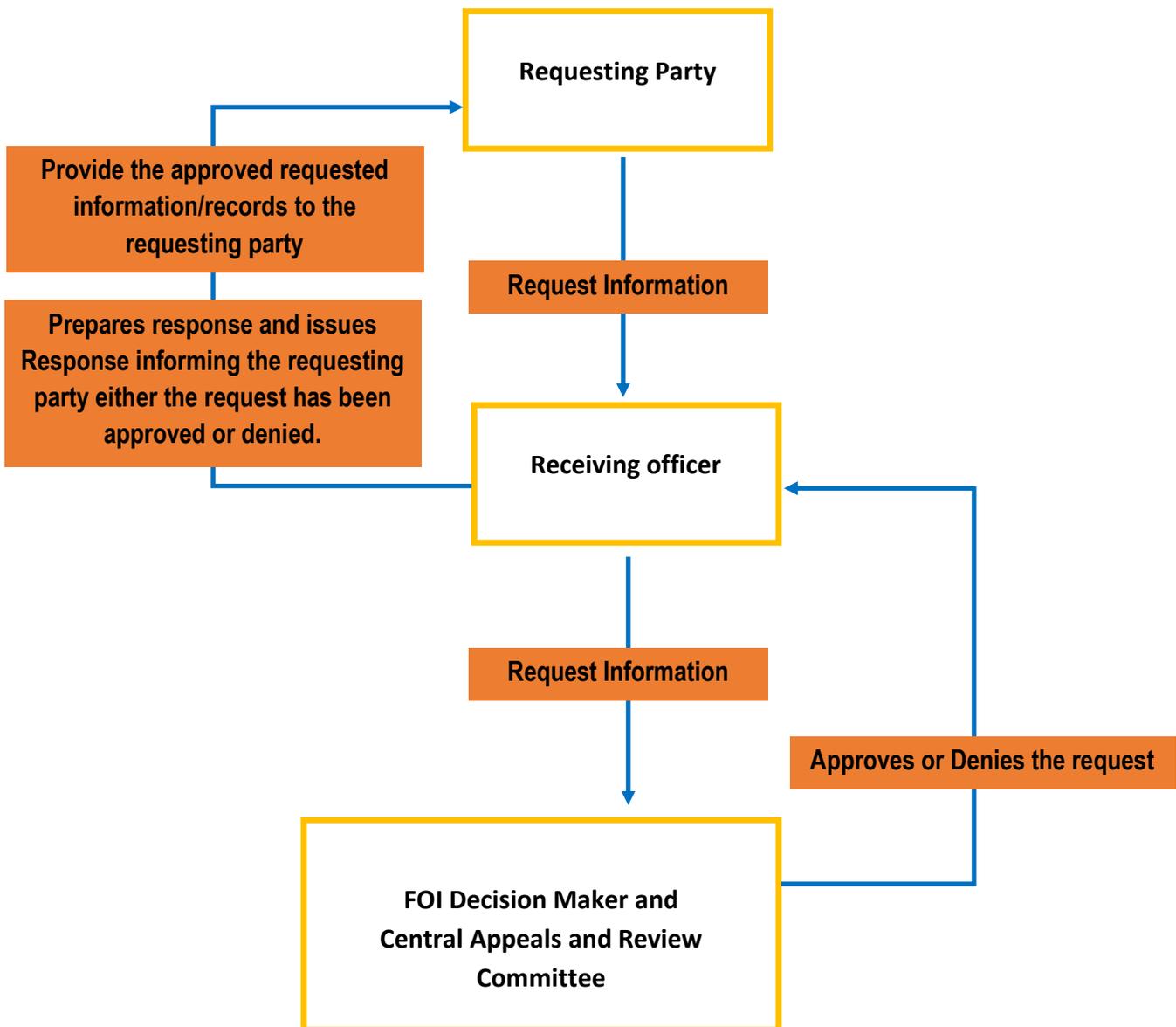
**SECTION 6**

**STANDARD PROCEDURE**

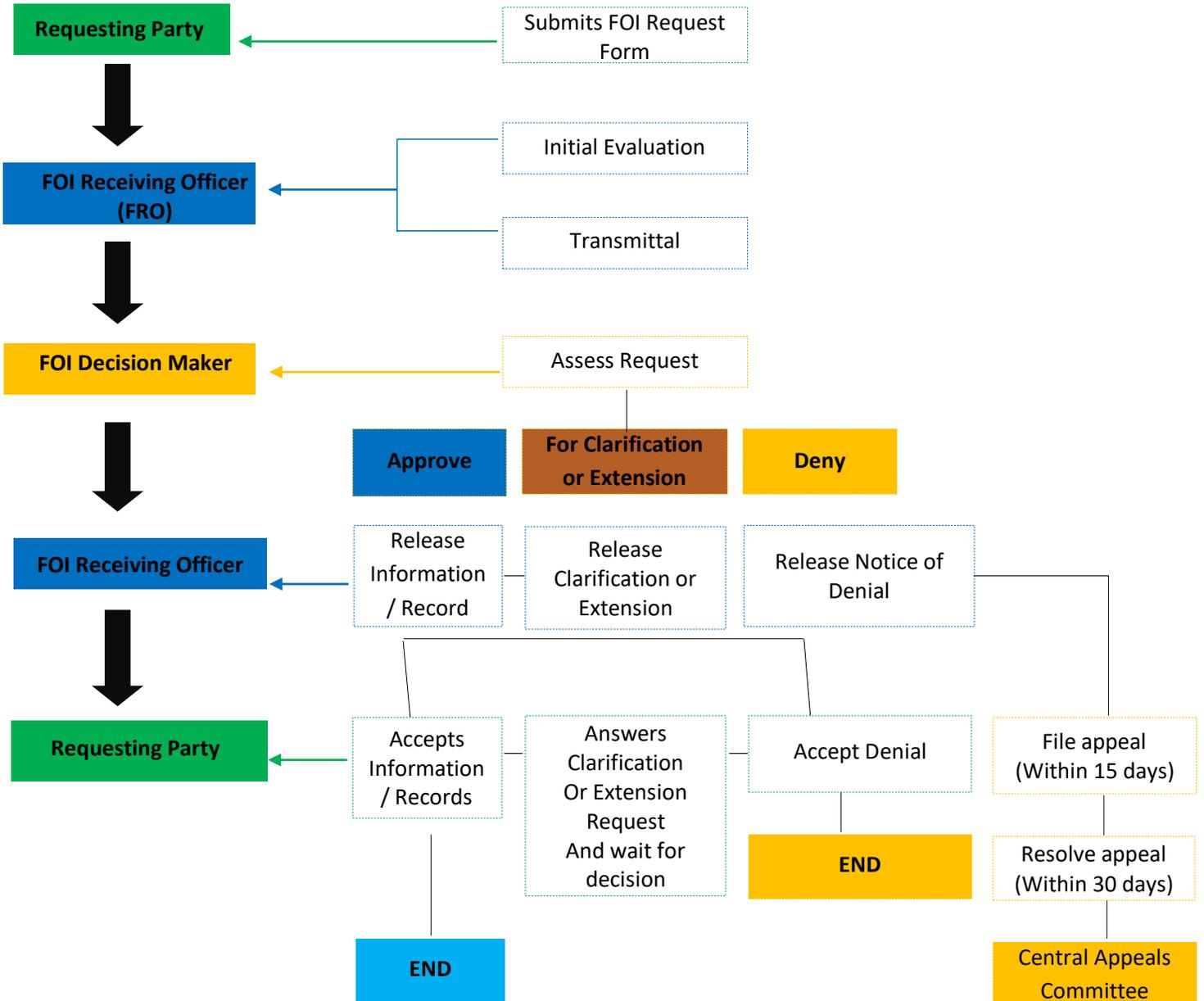
**1. Receipt of Request for Information.**

**RSU FREEDOM OF INFORMATION FLOWCHART**

**Fifteen (15) Working Days**



## RSU FREEDOM OF INFORMATION (FOI) General Flow Chart



1.1 The designated FOI Receiving Officer (FRO), Dr. Eddie G. Fetalvero, Professor VI / Acting HRMO shall receive the request for information from the requesting party and check compliance of the following requirements:

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

The request can be made through mail or email address to the President , Dr. Arnulfo F. De Luna, an Approving Officer, 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. The RSU President Address:

**DR. ARNULFO F. DE LUNA**  
SUC President II  
Romblon State University  
Odiongan, Romblon

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 Dr. EDDIE G. FETALVERO, Professor VI/Acting HRMO and designated FOI Receiving Officer, indicating the date and time of the receipt of the written request with a corresponding signature and a copy furnished the requesting party. In case of email request, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledge by electronic email. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number. The FOI Receiving Officer address:

**DR. EDDIE G. FETALVERO**  
Professor VI / Acting HRMO  
Romblon State University  
Odiongan, Romblon

1.4 RSU and its campuses must respond to any FOI request promptly, within the fifteenth (15) working days following the date of receipt of the request. A working day is any day other than 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 be either:

- a. 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
- b. If the government office asked the requesting party for further details to identify and locate the requested information, the date in which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to redirect 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. Initial Evaluation**

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

**2.1. Requests exempted from coverage:** If the request is exempted from coverage, the FRO shall recommend the denial of the recommendation of the FRO and shall notify the requesting party of the decision of the request.

The following are the exceptions:

- Judicial affidavits filed in all cases (Courts, Ombudsman and Sandiganbayan) involving the University and its campuses
- All filled and pending cases involving the University and its campuses
- 201 Files of all staff and personnel
- Minutes of the meetings of the University Board of Trustees and its committees
- University Selection Board Documents
- Statement of Assets, Liabilities and Net worth (SALN)
- BAC/TWG Minutes of meetings
- Abstract of Bids
- BAC and TWG Recommendations
- Financial Report not yet audited by COA
- All university reports not in the final form
- Inter-office and inter-agency memo/correspondence
- Office recommendation as member of inter-agency Task force/committee/body

- Accomplished eligibility and evaluation forms for Project proposals
- OPCR and IPCR
- Student Files/Records
- Evaluation report on LUC/SUC
- Personnel Pay Slips/Payroll

## **2.2 Request relating to more than one campus other than the main campus of the University:**

If a request for information is received which requires to be complied with, of different campuses, colleges and offices, the FRO shall forward such request to said concerned campus, college, or office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such campuses, colleges and offices that they will be only provided the specific information that relates to their academic units.

## **2.3. Request information is not in the custody of the University**

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

- If the records request refers to another institution/agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

## **2.4. Request information is already posted and available on-line**

If the information being requested is already posted and publicly available in the Romblon State University website ([www.rsu.edu.gov](http://www.rsu.edu.gov)), [data.gov.ph](http://data.gov.ph) or [efoi.gov.ph](http://efoi.gov.ph), the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

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

After receipt of the request for information, being the FRO, the FDM and the Central Appeals and Review Committee shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested to be submitted to the FRO within 10 days upon receipt of such request.

#### **4. Role of FDM in processing the request**

Upon receipt of the request for information from the FRO, the FDM and CARC shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information request be submitted to the FRO within 10 days upon receipt of such request. The FRO shall note the date and time of receipt of the information from the FDM and report to the RSU President or the respective Campus Directors, in case submission is beyond the 10-day period. If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek Clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party. If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the office concerned on the disclosability of the records before making any final determination.

#### **6. Role of FRO to Transmit the information to the requesting party**

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information from the FDM, the FRO shall attach a cover/transmittal letter signed by the RSU President or Office of the Vice President for Administration/Academic Affairs/Research, Extension, and Training, and the respective Deans of the Colleges and Campus Directors of the satellite campuses and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

#### **7. Request for an extension of time**

If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandate fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

#### **8. Notice to the requesting Party of the Approval/denial of the Request**

Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the RSU President or duly designated RSU President for final approval.

#### **9. Approval of request**

In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare

the letter or email informing the requesting party within the prescribed period that the request was granted and directed to pay the applicable fees, if any.

## **10. Denial of Request**

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI request shall pass through the RSU President, Vice President for Administration/Academic Affairs and Campus Directors of the satellite campuses.

## **SECTION 7**

### **REMEDIES IN CASE OF DENIAL**

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

#### **1. Administrative FOI Appeal to the RSU Legal Legislative Services**

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

- a.** Denial of the Appeal by the Romblon State University may be appealed by filling a written appeal to the RSU Legal and Legislative Services within fifteen (15) calendars days from the notice of denial or from the lapse of the period to respond to the request.
  - b.** The appeal shall be decided by the RSU President upon the recommendation of RSU Legal and Legislative Services within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30 day period shall be deemed a denial of the appeal.
  - c.** The denial of the Appeal by the RSU president or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative order No. 22, s. 2011
- 2.** Upon Exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

## SECTION 8

### REQUEST TRACKING SYSTEM

The RSU through the Planning Office in coordination with the Records Section shall establish a system to trace the status of all requests all information received by it, which may be paper- based, on-line or both.

## SECTION 9

### FEES

1. **No Request Fee.** The RSU shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by RSU in providing the information to requesting party. The RSU schedule of fee shall be posted by the all Offices of RSU.
3. **Exemption from Fees.** RSU may exempt any requesting party from payment of fees due to indecency, lack of funds, or similar circumstances, upon request stating the valid reason why such requesting party shall not pay the fee.

## SECTION 10

### ADMINISTRATIVE LIABILITY

#### 1. Non-compliance with FOI

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

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

#### 2. Procedure

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

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

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



ARNULFO FREGON DE LUNA, PhD  
SUC President II

**EXECUTIVE ORDER NO. 02**

**MALACAÑANG PALACE  
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 02**

**OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE’S  
CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL  
PUBLIC PROVIDING GUIDELINES THEREFOR**

**WHEREAS**, pursuant to Article 28, Article II of the 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 Constitution 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 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 letter, contracts, minutes and transcripts of official meeting, 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 any government office pursuant to law, executive orders, rules and regulation 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 (LGU’s) are encouraged to observe and be guided by this Order.

## **SECTION 3. Access to information**

Every Filipino shall have access to information, 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 any inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of affectivity 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 Section 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for security their Statement 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 favour 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 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 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 record, 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 and regulation.

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

hundred twenty (120) calendar days from the affectivity 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 9 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgement 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 RSU rule 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, provided valid proof of his identification or authorization, reasonably describe the information. Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rule and regulations or it is one of the exceptions contained in the inventory or updated 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 correspondence signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other

analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer time.

- (f) Once a decision is made 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 application 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 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 Director of Legal and Legislative Service, following the procedure mentioned in Section 9 of this Order: Provided, that 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 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 the 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 (. 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