



Republic of the Philippines
Department of Science and Technology

PHILIPPINE NUCLEAR RESEARCH INSTITUTE



September 12, 2023

PNRI OFFICE ORDER NO. 009
Series of 2023

SUBJECT: Revised PNRI Freedom of Information Manual 2023

In the interest of the service and in compliance with Executive Order (E.O.) No. 2 on Freedom of Information (FOI), the attached revised FOI Manual shall be adopted by the PNRI.

The Manual shall provide the process to guide and assist the Institute in dealing with requests for information received under E.O. No. 2. It shall cover all requests for information directed to the PNRI and its five (5) divisions.

The Deputy Director is hereby designated as the FOI Decision Maker (FDM) who shall be responsible for evaluating requests for information and has the authority to grant or deny it in accordance with the conditions set forth in the PNRI FOI Manual.

The Head of the Nuclear Information and Documentation Section is designated as the PNRI FOI Receiving Officer (FRO) while the Division Chief of each Division serves as the Division FRO.

This Office Order shall take effect immediately and shall supersede any other issuances inconsistent herewith.


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SEP 26 2023



Freedom of Information Manual

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SECTION 1: OVERVIEW

- 1. Purpose:** This FOI Manual, herein referred to as “Manual” shall provide the process to guide and assist the Philippine Nuclear Research Institute (PNRI), in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (Annex “A”)

- 2. Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the PNRI, when a request for access to information is received. The PNRI Director is responsible for all actions carried out under this Manual and may delegate this responsibility to the Deputy Director of the PNRI. The Director, or the Deputy Director, shall also act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

- 3. Coverage of the Manual:** The Manual shall cover all requests for information directed to the PNRI and its five (5) Divisions, as follows:
 - a) Atomic Research Division
 - b) Finance and Administrative Division
 - c) Nuclear Services Division
 - d) Nuclear Regulatory Division
 - e) Technology Diffusion Division

- 4. FOI Receiving Officer:** The Head of the Nuclear Information and Documentation Section shall be designated as the PNRI FOI Receiving Officer (FRO) and shall hold office at the NIDS, First Floor, NART Building, Philippine Nuclear Research Institute, Commonwealth Avenue, Diliman, Quezon City

The functions of the FRO shall include:

- a. Receive on behalf of the PNRI, all requests for information and forward the same to the appropriate Division Chief who has custody of the records (Annex D);
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker (FDM);
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required;
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FDM for further evaluation, or deny the request based on:
 - i. That the request form is incomplete (Annex E); or
 - ii. That the information is already posted at the PNRI/DOST Official Website

Each Division shall assign their respective FROs (Annex B)

5. FOI Decision Maker (FDM): The Director, or the Deputy Director as designated, shall serve as the FOI Decision Maker, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The PNRI does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI as shown in Annex C;
- d. The request is similar or identical from the previous request from the same requesting party which has been previously granted or denied by PNRI.

6. Central Appeals and Review Committee: A Central Appeals and Review Committee shall be created to be headed by a Division Chief with at least two (2) Section Heads as Members to review all appeals and/or requests for reconsideration. The Committee shall also provide expert advice to the FDM and/or the Director on the denial for such requests.

7. Approval and Denial of Request to Information: The FOI Decision Maker shall approve or deny all requests for information. In case where the Decision Maker is on official leave, the duly designated officer-in-charge shall act in his/her behalf.

SECTION 2: DEFINITION 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 the DM, who will conduct an independent review through the Appeals and Review Committee.

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

CONSULTATION. When the PNRI 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."

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

FOI CONTACT. The name, address and phone number where an individual can make a FOI request.

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

FOI REQUEST. A written request submitted to the PNRI personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to the PNRI.

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.

FREQUENTLY REQUESTED INFORMATION. Information released in response to a FOI request that the PNRI determines have become or are likely to become the subject of subsequent requests for substantially the same records.

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

FULL GRANT. When the PNRI is able to disclose all records in full in response to a FOI request.

INFORMATION. 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 the PNRI 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. Includes 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 PNRI. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as the PNRI website www.pnri.dost.gov.ph, without need for written requests from the public.

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests

granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

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

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

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

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which the PNRI has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

PERFECTED REQUEST. An FOI request, which reasonably describes the records, sought and is made in accordance with the PNRI's regulations.

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

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

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

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

PUBLIC SERVICE CONTRACTOR. Shall be deemed as a private entity that has dealing, contract, or a transaction of whatever form or kind with the PNRI that utilizes public funds.

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

REFERRAL. When the PNRI 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."

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

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and,
- d. Specifically established by *an* executive order or an act of Congress to be kept classified.

SIMPLE REQUEST. An FOI request that the PNRI anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

- 1. Duty to Publish Information.** The PNRI shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9185, or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, structure, powers, functions, duties and decisionmaking processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its key officials, their powers, functions and responsibilities, and their profiles and 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.** The PNRI shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

- 3. Keeping of Records.** The PNRI shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

SECTION 4. PROTECTION OF PRIVACY

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

- a. The PNRI shall ensure that personal information, particularly sensitive personal information, in its custody or under its control, is disclosed only as permitted by existing laws;
- b. The PNRI 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 official who has access, whether authorized or unauthorized, to personal information in the custody of the PNRI, shall not disclose that information except as authorized by existing laws.

SECTION 5. STANDARD PROCEDURE

(See Annex "D" for flowchart)

1. Receipt of Request for Information

- a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:
 - The request must be in writing;
 - The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification (any government issued ID or company ID) or authorization; and,
 - The request shall reasonably describe the information requested, and the reason for, or purpose of the request for information (See **Annex "E"**)

The request can be made through electronic mail (email), provided that the requesting party shall attach in the email a scanned copy of the FOI application request (downloadable from the PNRI website), and a copy of a duly recognized government ID with photo. All requests received through emails by any of the Divisions should be forwarded to the PNRI FRO for record purposes.

- b. 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.
- c. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the 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 email. The FRO shall input the details of the request on the PNRI document tracking management system (DTMS) and allocate a reference number, as may be necessary.

- d. The PNRI or any of its Division must respond to requests promptly, within fifteen (15) working days from the date of receipt of the request. 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 receipt of the request will be either:

- d.1 The day on which the request is physically or electronically delivered to the PNRI, or directly into the email inbox of a PNRI official or employee; or
- d.2 If the PNRI 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 a PNRI official or employee, 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 PNRI receives the required clarification from the requesting party.

2. Transmittal of Request by the FRO to the Division's FRO (DFRO). After receipt of the request for information, the FRO shall forward the request to the FDM and all DFROs within one (1) day from receipt of the request. The FRO shall record the date, time the request was sent to the FDM and DFROs with the corresponding signature/acceptance from the DTMS as acknowledgement of receipt of the request.

3. Initial Evaluation. After receipt of the request for information from the FRO, the Division Chiefs who shall serve as the DFRO, shall make an initial evaluation on the contents of the request.

- a. **Request relating to their Division:** If request is related to their division's function/activities, the DFRO concerned shall act on the request;
- b. **Request relating to more than one Division under the PNRI:** If a request for information received requires to be complied with by different Divisions, the FDM shall forward such request to the divisions concerned and ensure that it is well coordinated and monitor its compliance. The FDM shall also clear with the respective DFROs that they will only provide the specific information that relates to their division/s.
- c. **Requested information is not in the custody of the PNRI or any of its Division/Section:** If the requested information is not in the custody of the PNRI or any of its Division/Section, following referral and directive from the FDM, the FRO shall undertake the following steps:

- If the records requested refer to another department/agency, the request will be immediately transferred to such appropriate department/agency through the most expeditious manner and the FRO must inform the requesting party that the request for information has been forwarded to the appropriate department/agency. The procedure shall follow the "No Wrong Door" Policy (Annex "G").
- 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.
- If the requested information is not available, the FRO shall inform the requesting party that such information is not available on record.

- d. Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the PNRI website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- e. Requests requiring redaction and extraction:** The requested information may be released in part pursuant to the "Guidelines on Redaction and Extraction of Information Before Disclosure to the Public" (Annex "H").
- f. Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

4. Role of FDM in processing the request. Upon receipt of the request for information from the FRO, the DFRO shall assess and clarify the request if necessary. The DFRO shall make all necessary steps to locate and retrieve the information requested. The DFRO shall ensure that the complete information requested be submitted to the FDM for clearance/approval within 10 days upon receipt of such request.

The FDM shall then forward the information to the FRO where the latter shall note the date and time of receipt of the information from the FDM. The FRO shall report to the PNRI Director or the designated FDM in case the submission is beyond the 10day 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 agency concerned on the disclosability of the records before making any final determination.

5. 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 is complete. He shall attach a cover/transmittal letter signed by the PNRI

Director or the designated FDM concerned and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

- 6. Request for an Extension of Time.** If the information requested requires extensive search of the PNRI's 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 mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.
- 7. 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 PNRI Director or his designated FDM for final approval.
- 8. 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 be directed to pay the applicable fees, if any.
- 9. 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/s for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the PNRI Director or to his designated FDM.

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 PNRI Appeals and Review Committee:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the PNRI Director or his duly designated FDM may be appealed by filing a written appeal to the PNRI Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. The Appeals and Review Committee shall

be composed by the Senior Staff, with the Deputy Director as chair and the Division Chiefs as members.

- b. The appeal shall be decided by the PNRI Director upon the recommendation of the Appeals and Review Committee 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 PNRI Director 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 PNRI DTMS shall serve as the request tracking system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 9. FEES

1. **No Request Fee.** The PNRI 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. Such fee shall be the actual amount spent by the PNRI in providing the information to the requesting party. The schedule of fees shall be posted by the PNRI.
3. **Exemption from Fees:** The PNRI may exempt any requesting party from payment of fees, 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 be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service.
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.



Annex "A"
Executive Order No. 2

MALACANAN 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 OF 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:

THE PRESIDENT OF THE PHILIPPINES

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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws 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 as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

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 effectivity of this Order, its

own People's FOI Manual, which shall include, among others, the following information:

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

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

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

SECTION 12. Notice of Denial. If the government office decides to deny the request wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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.

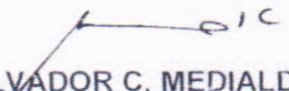
SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

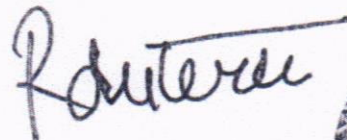
SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not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

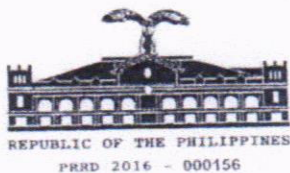
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.


By the President:


SALVADOR C. MEDIALDEA
Executive Secretary





CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

6

Annex "C"

List of Exceptions

A. Atomic Research Division

1. All results derived from any research and development activities which are proprietary or confidential in nature and/or covered under Intellectual Property Rights
2. Unpublished research data

B. Nuclear Services Division

1. All results derived from any research and development activities which are proprietary or confidential in nature and/or covered under Intellectual Property Rights
2. Unpublished research data
3. List of clients, results of analysis and/or services rendered

C. Nuclear Regulatory Division

1. Unless provided by law or order from competent court or authority, results of inspections and/or violations

D. Technology Diffusion Division

1. All information/data/reports covered by a "Confidentiality Clause"
2. All project results which are IP protected

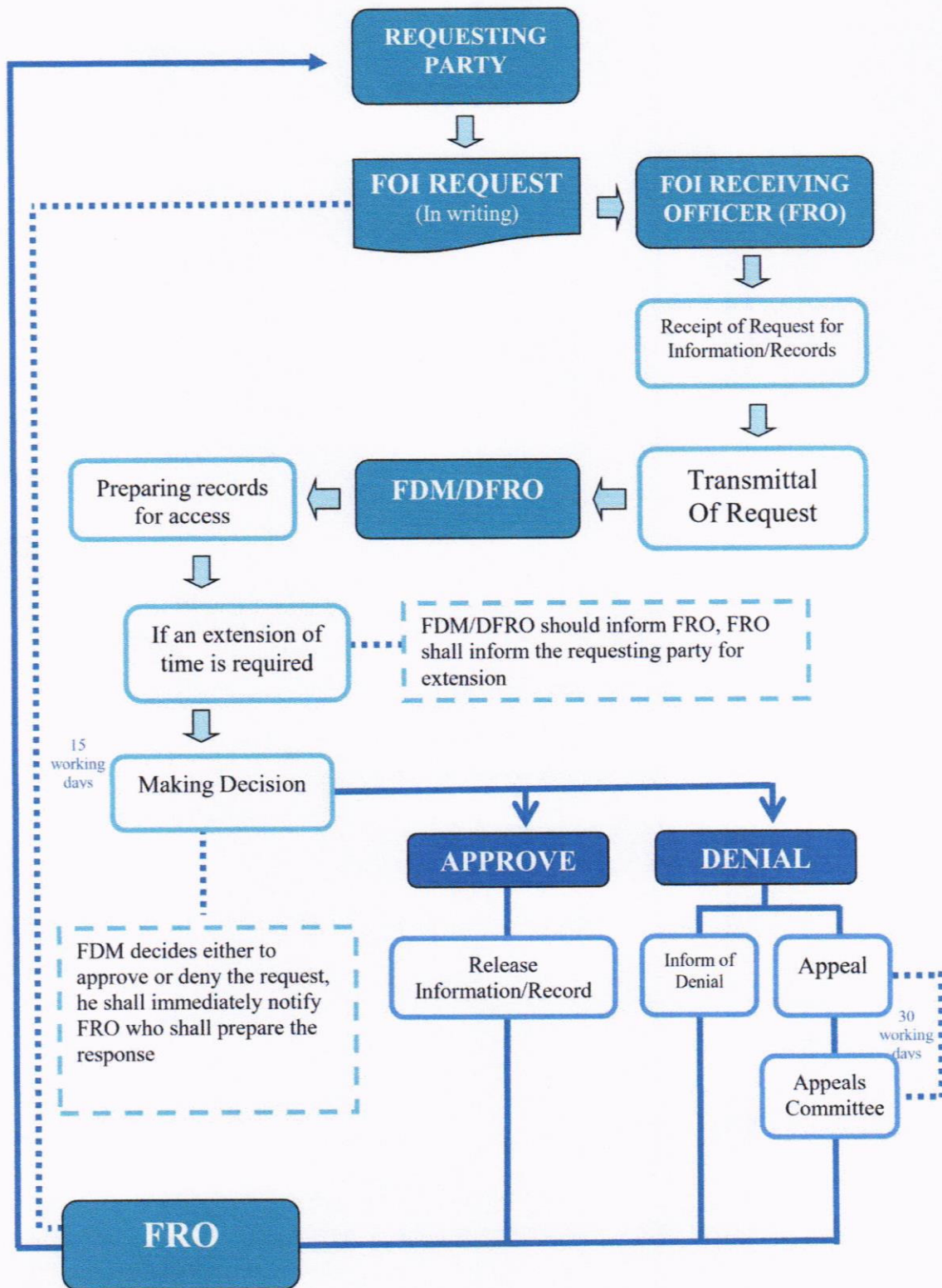
E. Finance and Administration Division

1. All financial information, data, reports submitted by the service contractors.
2. All provisions related to the trade, industrial, financial or commercial secrets of the company which are proprietary and confidential in nature.

E. Bids and Awards Committee (BAC)

1. All data, information, reports submitted by the bidders.
2. Unless provided by law or order from competent court or authority, Minutes of BAC Meetings, Abstract of Bids, Post-Qualification Report and other related documents.
3. All internal memoranda and other forms of communications of the BAC

Annex "D"
FOI Request Flowchart



Annex "E"

FOI Request Form



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

Pormularyo ng Kahilingan (FOI) FOI Request Form

TITULO NG DOKUMENTO / TITLE OF THE DOCUMENT _____

MGA TAON / PANAHONG SAKLAW / YEAR _____

LAYUNIN / PURPOSE _____

PANGALAN / NAME _____ CONTACT NO(S). _____

LAGDA / SIGNATURE _____ PETA / DATE _____

TIRAHAN / ADDRESS _____

Paraan ng Pagtanggap ng Impormasyon /
How would you like to receive the information?

KATIBAYAN NG PAGKAKAKILANLAN
(Proof of Identity)

- | | |
|---|------------------------|
| <input type="checkbox"/> Email _____ | Passport No. _____ |
| <input type="checkbox"/> Fax _____ | Driver's License _____ |
| <input type="checkbox"/> Postal Address _____ | Other _____ |
| _____ | |
| <input type="checkbox"/> Pick-up (office hours) | |

Gawaing itinalaga kay (submitted to) _____ Lumagda sa ibaba ng pangalang nakaimbag

Peta/Oras ng Pagkatalaga (Date/Time of submission) _____

Taong nagpapatunay ng Gawaing Natapos (Certified by) _____ Lumagda sa ibaba ng pangalang nakaimbag

Uri ng isinagawang aksyon (Type of action conducted) _____

Tinanggap ni / Received by:

Remarks: _____

FOI Receiving Officer

Address: Commonwealth Avenue, Diliman, Quezon City
PO Box 213 UP Quezon City | PO Box 932 Manila | PO Box 1314 Central, Quezon City
Telephone (632) 929-60-10 to 19 | Fax (632) 920-16-46

Annex "F-1"

FOI Response Template – Document Enclosed



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

[DATE]

Dear [REQUESTING PARTY],

Greetings!

Thank you for your request dated [insert date] under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You asked for [quote request exactly, unless it is too long/complicated]

RESPONSE TO YOUR REQUEST

Your FOI request is approved. Enclosed is a copy of [some/most/all] of the information you requested (in the format you ask for)

Thank you.

Respectfully,

FOI Decision Maker

*Address: Commonwealth Avenue, Diliman, Quezon City
PO Box 213 UP Quezon City | PO Box 932 Manila | PO Box 1314 Central, Quezon City
Telephone (632) 929-60-10 to 19 | Fax (632) 920-16-46*

Annex "F-2"
FOI Response Template – Answer



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

[DATE]

Dear [REQUESTING PARTY],

Greetings!

Thank you for your request dated [insert date] under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You asked for [quote request exactly, unless it is too long/complicated]

RESPONSE TO YOUR REQUEST

Your FOI request is approved. The answer to your request is [insert answer].

Thank you.

Respectfully,

FOI Decision Maker

Annex "F-3"

FOI Response Template – Document Available online



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

[DATE]

Dear [REQUESTING PARTY],

Greetings!

Thank you for your request dated [insert date] under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You asked for [quote request exactly, unless it is too long/complicated]

RESPONSE TO YOUR REQUEST

[Some/Most/All] of the information you have requested is already available online from [add details of where that specific information can be obtained e.g data.gov.ph, foi.gov.ph, PNRI website or other government websites]

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to [insert name of PNRI Director and postal /e-mail address]. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Decision Maker

Address: Commonwealth Avenue, Diliman, Quezon City
PO Box 213 UP Quezon City | PO Box 932 Manila | PO Box 1314 Central, Quezon City
Telephone (632) 929-60-10 to 19 | Fax (632) 920-16-46

Annex "F-4"
FOI Response Template – Document not available



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

[DATE]

Dear [REQUESTING PARTY],

Greetings!

Thank you for your request dated [insert date] under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You asked for [quote request exactly, unless it is too long/complicated]

RESPONSE TO YOUR REQUEST

While our aim is to provide information whenever possible, in this instance this Institute does not have [some of]* the information you have requested. However, you may wish to contact [insert name of other authority/organization] at [insert contact details] who may be able to help you. The reasons why we don't have the information are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to [insert name of PNRI Director and postal /e-mail address]. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Decision Maker

*Address: Commonwealth Avenue, Diliman, Quezon City
PO Box 213 UP Quezon City | PO Box 932 Manila | PO Box 1314 Central, Quezon City
Telephone (632) 929-60-10 to 19 | Fax (632) 920-16-46*

Annex "F-5"
FOI Response Template – Under Exceptions



Republic of the Philippines
Department of Science and Technology



PHILIPPINE NUCLEAR RESEARCH INSTITUTE

[DATE]

Dear [REQUESTING PARTY],

Greetings!

Thank you for your request dated [insert date] under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

YOUR REQUEST

You asked for [quote request exactly, unless it is too long/complicated]

RESPONSE TO YOUR REQUEST

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]* the information you have requested because of an exception(s) under the Section(s) [insert specific section number of the List of Exemptions applies to that information]. The reason why the exemption(s) applies are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to [insert name of PNRI Director and postal /e-mail address]. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Decision Maker

*Address: Commonwealth Avenue, Diliman, Quezon City
PO Box 213 UP Quezon City | PO Box 932 Manila | PO Box 1314 Central, Quezon City
Telephone (632) 929-60-10 to 19 | Fax (632) 920-16-46*

Annex "G" No Wrong Door Policy



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21- 05

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

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

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

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

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

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

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

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

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

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

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

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

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

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

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

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

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the **“Second Referral”** and another fresh period shall apply.

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

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a **“FOI Internal Messenger”**. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. - A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. - For the convenience of all FROs and FDMs

in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

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

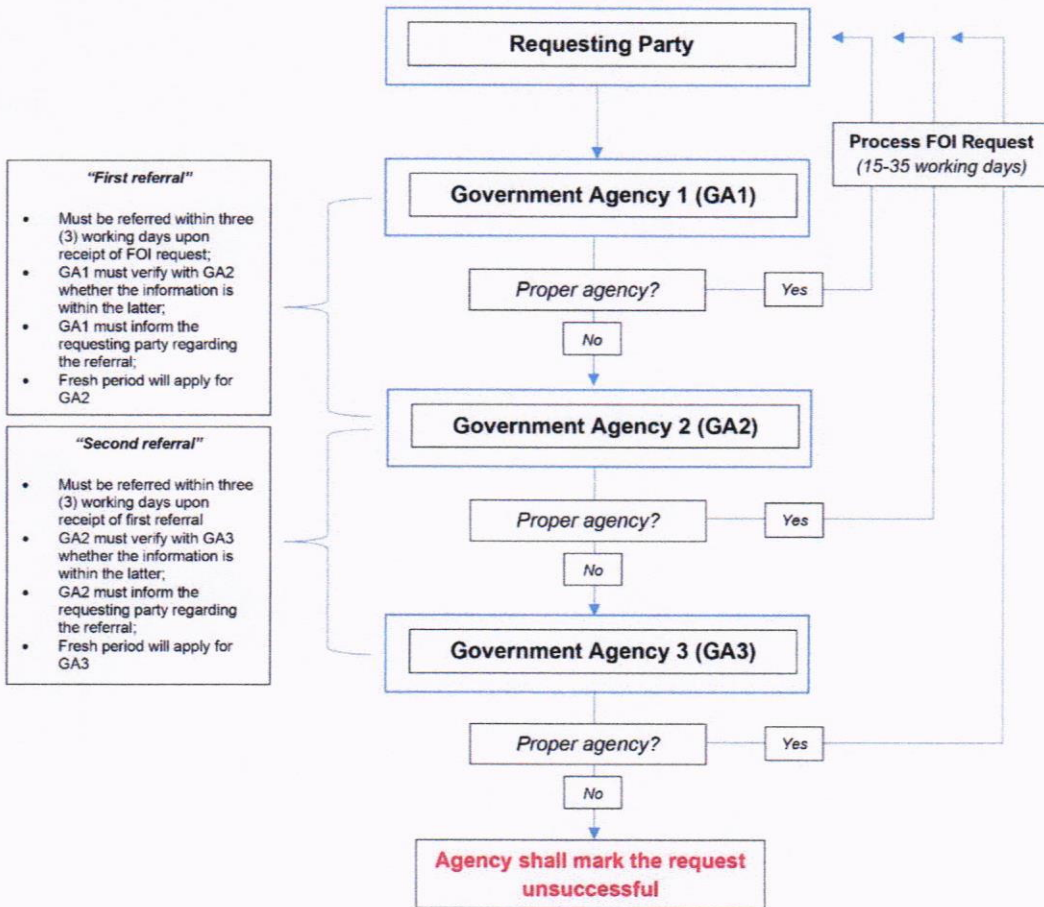
Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

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

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

Annex "H" Redaction and Extraction



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Pangkamunikasyon
Malacanang, Manila

FOI – MC No. 4, s. 2019

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

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

SUBJECT : **GUIDELINES ON REDACTION AND EXTRACTION OF INFORMATION BEFORE DISCLOSURE TO THE PUBLIC**

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

WHEREAS, Article III, Section 7 of the 1987 Constitution provides that the right of the people to information on matters of public concern shall be recognized. Access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law;

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo R. Duterte on 23 July 2016 to operationalize the constitutional mandate of the people's right to information;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the PCOO as the lead agency in the implementation of EO No. 2, s. 2016, and all other FOI programs and initiatives including electronic FOI;

WHEREAS, Section 3 of EO No. 02, s. 2016 provides that 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;

WHEREAS, Article II, Section 11 of the 1987 Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Section 2 of RA No. 10173 or the Data Privacy Act of 2012, provides that it is the policy of the State to protect the fundamental human right of privacy, of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected;

WHEREAS, pursuant to National Privacy Commission (NPC) Advisory No. 2017-02, disclosure of Personal Data Sheet (PDS) shall only be allowed when permitted by law. Information in the PDS that relate to the position or function of a government official or employee shall be disclosed. Sensitive Personal Information¹ may only be disclosed if necessary to the declared, specified, and legitimate purpose of the requesting party. Information not necessary to be disclosed or prohibited to be disclosed under existing laws, rules and regulations, shall be redacted before release of information to the requesting party;

WHEREAS, there is a need to guide the information officers of the government agencies in disclosing information through FOI requests to avoid violation of the Data Privacy Act, Code of Conduct and Ethical Standards for Public Officials and Employees, privacy rights of individuals and existing laws, rules and regulations with respect to protection of personal information and disclosure of information;

NOW, THEREFORE, in consideration of the foregoing, this Memorandum Circular (MC) is issued to provide guidelines on how to balance the disclosure of information with the protection of personal information when a document will be disclosed under the Freedom of Information Program in the Executive Branch pursuant to EO No. 2, s. 2016.

SECTION 1. DEFINITION OF TERMS. The following shall be defined as follows:

- a. **FOI officers** – individuals designated as FOI receiving officers and shall include the decision maker/s of an agency.

¹ Section 3 (l) of RA No. 10173, provides that sensitive personal information refers to personal information:

- (1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) Specifically established by an executive order or an act of Congress to be kept classified.

- b. **Mosaic Effect** – This occurs when the information in an individual dataset, in isolation, may not pose a risk identifying an individual, but when combined with other information, could pose such risk (*US Department of Labor, Open Data Policy*).

Further, when disparate pieces of information—although individually of limited use—become significant when combined with other types of information (*Yale Law Journal, David E. Pozen, 2005*). Applied to public use data, the concept of a mosaic effect suggests that even anonymized data, which may seem innocuous in isolation, may become vulnerable to re-identification if enough datasets containing similar or complementary information are released.

- c. **Sensitive Personal Information** - Section 3 (l) of RA No. 10173, provides that sensitive personal information refers to personal information:
- i. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - ii. About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - iii. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.

Sensitive Personal Information may only be disclosed, if necessary, to the declared, specified, and legitimate purpose of the requesting party. Information not necessary to be disclosed or prohibited to be disclosed under existing laws, rules and regulations, shall be redacted before release of information to the requesting party.

SECTION 2. SCOPE. This Circular 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 Circular.

SECTION 3. REDACTION OF INFORMATION THAT ARE INCLUDED IN THE LIST OF EXCEPTIONS. All information under the inventory of

exceptions, pursuant to EO No. 2, s. 2016, which are included in the document to be released shall be redacted.

SECTION 4. MANNER OF REDACTING. Redactions can be made to physical documents using redaction tape or a black marker pen. After the concerned information has been redacted from the physical document, it must be scanned and checked to ensure all the redacted information is unreadable.

In redacting a digital document, the rule is to ensure that sensitive information is not just visually hidden or made illegible, but is actually deleted from the source file. In some documents, deleting sections can cause an undesirable reflow of text and graphics. Redactions made to digital documents can in some circumstances be reversed, therefore an edited version of an electronic document must never be released.

The information officer redacting a digital document shall ensure that the redacted information can never be recovered by the requesting party by using pertinent application tools.

SECTION 5. EXTRACTION OF INFORMATION. Information extraction is the process of separating/isolating specific information from a set of data. As an alternative to redaction, where a document or file contains information which are included in the inventory of exceptions and a part or parts thereof are disclosable to the public, and redaction is deemed difficult, the information shall be extracted by reproducing it in a separate file or by photocopying a part or parts of a set of data.

SECTION 6. RESPONSIBILITIES OF THE FREEDOM OF INFORMATION OFFICER. The following are the responsibilities of FOI officers:

- a. Evaluate the request received, ensuring that the request has a declared, specified, and legitimate purpose not contrary to morals or public policy.
- b. Consider the mosaic effect of data aggregation. It is the responsibility of each information officer to perform the necessary analysis to determine whether some combination of existing data and the data intended to be disclosed could allow for the identification of an individual or pose a security concern, otherwise, such data should be redacted before disclosure;
- c. Before the redacted government information, official records, and public records are released, the FOI officers shall require the requesting party to sign a written undertaking that he or she shall not share nor disclose the information obtained through the FOI Program to any other person or entity, or use the information obtained in a manner that is not in accordance with the purpose stated in the request.

Failure of the requesting party to comply with the undertaking may be a ground to refuse any future requests or open the requesting party to criminal prosecutions under existing laws; and

- d. Any other responsibilities as may be deemed necessary in accordance with this Circular.

SECTION 7. SEPARABILITY CLAUSE. If any provisions or sections of this Circular are declared unconstitutional, void or in contravention of any existing laws, rules and regulations, the remaining portions or provisions hereof shall continue to be valid and effective.

SECTION 8. EFFECTIVITY. This Circular shall take effect immediately.

SECTION 9. COMPLIANCE. For your guidance and strict compliance.



JOSE RUPERTO MARTIN M. ANDANAR
Secretary & FOI Champion

28 September 2019 Manila, Philippines.