

CFO Freedom of Information People's Manual



Office of the President of the Philippines
COMMISSION ON FILIPINOS OVERSEAS

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CFO FOI MANUAL

SECTION 1. OVERVIEW

1.1. **Purpose.** This FOI Manual provides guidance to the Commission on Filipinos Overseas (CFO or the Commission) including its extension offices in responding to requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI).

1.2. **Structure of the Manual.** This Manual sets out the rules and procedures to be followed by the Commission, and its extension offices, when a request for access to information is received. The Head of the Commission or the Interim Officer-in-Charge is responsible for all actions carried out under this Manual and may delegate a specific officer to act as the Decision Maker (DM), who 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).

1.3. **Coverage of the Manual.** The Manual shall cover all requests for information directed to the Commission.

1.4. FOI Key Personnel of the Commission

1.4.1. FOI Decision Maker. The Head of the Commission or the Interim Officer-in-Charge is the FOI Decision Maker (FDM) who shall evaluate the request and has the authority to grant or deny it based on the following:

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

1.4.2. CFO Records Assistant. All communications addressed to the CFO are recorded by a Records Assistant and forwarded to the Head/OIC of the Commission for endorsement/instructions to the appropriate divisions. In the same way, all requests for FOI will be received and recorded by the Records Assistant.

1.4.3. Division FOI Receiving Officers. Each Division of the CFO will have an assigned FOI Receiving Officer.

The functions of the Division FRO are as follows:

- a. monitor all FOI requests and appeals lodged under each of the Divisions;
- b. provide assistance to the FOI Decision Maker;

- c. provide assistance and support to the public and staff with regard to FOI;
- d. compile statistical information as required;

1.5. Central Appeals and Review Committee. A Central Appeals and Review Committee composed of three (3) officials with rank of division head, as designated by the Head/OIC of the Commission will review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to Head/OIC of the Commission on the denial of such request.

1.6. Approval and Denial of Request to Information. The Decision Maker may approve or deny all request(s) for information. In case where the Decision Maker is on official leave, he/she may delegate such authority to his/her designated representative.

SECTION 2. DEFINITION OF TERMS

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

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

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

Freedom of Information (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI Contact. The name, address and phone number at each government office where you can make a FOI request

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

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

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.

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

Full Denial. When the CFO or any of its extension offices cannot release any records 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 a government office is able to disclose all records in full in response to a FOI request.

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

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

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. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

Partial Grant/Partial Denial. When a government office is able to disclose 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 a government office has not yet taken final action in all respects. It captures

anything that is open at a given time including requests that are well within the statutory response time.

Perfected Request. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations

Personal Information. Shall refer to any information, whether recorded in a material form or not, from which the identify 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 government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

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.

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.

Received Request or Received Appeal. An FOI request or administrative appeal that an agency 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."

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. A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION 3. PROMOTION OF OPENNESS IN THE GOVERNMENT

3.1. The Commission endeavors to regularly publish (either in electronic or printed format) accurate information that may be of interest to the public. The following items are available at the CFO website (under the Transparency Seal; Statistics; Downloads sections):

- a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c) The names of its key officials, their powers, functions and responsibilities, and their profiles and 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) Relevant 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.

3.2. The Commission will endeavor to translate key information into major Filipino languages and present them in popular form and means.

3.3. The Commission maintains 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 Commission affords full protection to a person's right to privacy, as follows:

- a. The Commission ensures that personal information in its custody is disclosed only as permitted by existing laws;
- b. The Commission protects personal information in its custody by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access to personal data in the custody of the Commission, will not disclose that information except as authorized by existing laws.

SECTION 5. STANDARD PROCEDURE

5.1. Receipt of Request for Information

5.1.1. The CFO Records Assistant acts as the CFO FOI Receiving Officer (CFRO).

The CFRO receives the request for information from the requesting party and checks for compliance with the following requirements:

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

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

5.1.2. In case the requesting party is unable to make a written request, because of illiteracy or being a differently abled person, he or she may make an oral request, and the FRO shall reduce it in writing.

5.1.3. The request will be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party.

In case of email requests, the email shall be printed in hard copy and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

5.1.4. The Commission responds to requests promptly, within the fifteenth (15) working day following 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:

- 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 of staff; or
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

5.2. Procedure

After receipt of the request for information, the FRO shall transmit the request within the day of receipt to the FDM. The FDM will assess the request and decide whether to approve or deny the request.

Approval of Request

5.2.1. If the request is approved, it will be assigned to the Division concerned where it will process the request and prepare the transmittal letter for signature by the FOI Decision Maker.

The Division FRO shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The Division FRO shall ensure that the complete information requested be submitted to the FDM within 10 days from receipt of such request.

The Division FRO shall note the date and time of receipt of the information from the FDM and inform the latter in case the submission is beyond the 10-day period.

If the Division FRO needs further details to identify or locate the information, he/she 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 Division FRO 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.

The Division FRO shall collate and ensure that the information is complete. He/She shall attach a cover/transmittal letter signed by the CFO Head/OIC and ensure the transmittal via email of such to the requesting party within 15 working days upon receipt of the request for information.

If the information requested is in printed format, the concerned Division will transmit it to the CFO Records Officer and provide the pick-up details to the requesting party.

Denial of Request

5.2.2. If the request is denied, the CFO Records Assistant will promptly notify the requesting party 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 requests shall pass through the Head/OIC of the Commission or his/her designated representative.

5.2.3. Requested information is not in the custody of the Commission or any of its extension offices.

If the requested information is not in the custody of the Commission or any of its offices, following referral and discussions with the FDM, the Division FRO shall undertake the following steps:

a. If the records requested refer to another 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.

b. 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.

5.2.4. Requested information is already posted and available on-line.

Should the information being requested is already posted and publicly available in the CFO website (www.cfo.gov.ph), data.gov.ph or foi.gov.ph, the Division FRO shall inform the requesting party of the said information and provide them the website link where the information is posted.

5.2.5. 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 Division FRO shall inform the applicant of the reason of such denial.

5.2.6. Requested information is partially approved or denied. Should the information being requested is partially approved or denied, only the approved portions of the request will be processed. The requesting party will be notified of the items that were denied.

5.3. 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 Division FRO should inform the FDM.

The Division 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.

SECTION 6. 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:

6.1. *Administrative FOI Appeal to the Commission Central 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 a request may be appealed by filing a written appeal to the Commission Central 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.

b. The appeal shall be decided by the Commission Head upon the recommendation of the Central 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.

6.2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

The Commission shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or a combination of both.

SECTION 8. FEES

8.1. ***No Request Fee.*** CFO shall not charge any fee for accepting requests for access to information.

8.2. For purposes of recovering the incidental costs of generating and processing of special statistics on emigrants, payment shall be charged for requests from the private

business sector or for commercial or business purposes at a rate of P100.00/page. (per CFO Office Order No. 23, series 2004)

8.3. **Exemption from Fees.** The CFO 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 9. ADMINISTRATIVE LIABILITY

9.1. **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.

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

9.3. **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 any body or agency, which provides for more stringent penalties.

ANNEX A

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

6. What agencies can we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

- a. The requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. If necessary, the head of the agency shall provide clearance to the response.
- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

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

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

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request. If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review

Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

ANNEX B

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are

made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

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

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

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

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

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

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

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

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

or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

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

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

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

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

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

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;

(b) The person or office responsible for receiving requests for information;

(c) The procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order.

(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;

(e) The process for the disposition of requests;

(f) The procedure for the administrative appeal of any denial for access to information; and

(g) The schedule of applicable fees.

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

(a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

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

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

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

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

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

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

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

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

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

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

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

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Secretary

ANNEX C

FOI Receiving Officers of CFO and each Division

Name of Division	Location	Contact Person
Central Receiving Officer (<i>through the Administrative and Finance Division</i>)	Citigold Center, 1345 President Quirino Avenue corner Osmeña Highway, Manila 1007 (Main Office)	Ms. Lilibeth Rellama Tel No. 552-4791 Email: info@cfo.gov.ph
FOI Receiving Officer (<i>through the Policy, Planning and Research Division</i>)	Citigold Center, 1345 President Quirino Avenue corner Osmeña Highway, Manila 1007 (Main Office)	Mr. Elfred Ulysses del Rosario Tel No. 552-4763 Email: foireceivingofficer.cfo@gmail.com

ANNEX D

EXECUTIVE FOI LIST OF EXCEPTIONS

(taken from PCOO and www.foi.gov.ph)

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence¹:

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

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

ANNEX E

CFO LIST OF ACCESSIBLE AND NOT ACCESSIBLE INFORMATION

SUBJECT INFORMATION	ACCESSIBLE	NOT ACCESSIBLE
<p>STATISTICAL PROFILE OF REGISTERED FILIPINO EMIGRANTS</p> <p><i>(available online at www.cfo.gov.ph and at www.data.gov.ph)</i></p>	<ul style="list-style-type: none"> • Stock estimate of overseas Filipinos • By country of destination: 1981-2015 • By age group: 1981-2015 • By educational attainment prior to migration: 1988-2015 • By gender: 1981-2015 • By civil status: 1988-2015 • By occupation prior to migration: 1981-2015 • By country of destination: 1981-2015 • By place of origin in the Philippines: 1988-2015 	<ul style="list-style-type: none"> • Sensitive personal information
<p>STATISTICAL PROFILE OF SPOUSES AND OTHER PARTNERS OF FOREIGN NATIONALS</p> <p><i>(available online at www.cfo.gov.ph and at www.data.gov.ph)</i></p>	<ul style="list-style-type: none"> • By major country: 1989-2015 • By age: 1989-2015 • By educational attainment: 1989-2015 • By gender: 1989-2015 • By occupation: 1989-2015 • By extent of knowledge about their host country: 1989-2015 • By manner of introduction: 1989-2015 • By place of origin in the Philippines: 2005-2015 	<ul style="list-style-type: none"> • Sensitive personal information
<p>STATISTICAL PROFILE OF REGISTERED FILIPINO AU PAIRS</p> <p><i>(available online at www.cfo.gov.ph and at www.data.gov.ph)</i></p>	<ul style="list-style-type: none"> • By country of destination: 2012-2015 • By age group: 2012-2015 • By educational attainment: 2012-2015 • By gender: 2012-2015 • By civil status: 2012-2015 • By occupational group Prior to Migration: 2012-2015 • By mode of introduction to the host family: 2012-2015 	<ul style="list-style-type: none"> • Sensitive personal information
<p>STATISTICAL PROFILE OF EVP (J1) PARTICIPANTS</p>	<ul style="list-style-type: none"> • Number of EVP (J1) Registrants from 2007-2015 • By age group: 2014-2015 • By gender: 2014-2015 • By civil status: 2014-2015 	<ul style="list-style-type: none"> • Sensitive personal information

<p>(available online at www.cfo.gov.ph and at www.data.gov.ph)</p>	<ul style="list-style-type: none"> • By educational attainment: 2014-2015 • By category: 2014-2015 	
<p>EXCHANGE VISITOR PROGRAM (EVP)</p> <p>(available online at www.cfo.gov.ph)</p>	<p>EVP Minutes</p> <ul style="list-style-type: none"> • Factsheet of the NOS Applicant • Supporting Documents of the NOS Applicant • Portion of the minutes specifically to the needs of the requesting party • NOS decision <p>EVP Resolutions</p> <p>Need for Training Certificate (NTC)</p> <ul style="list-style-type: none"> • NTC endorsement • Supporting documents of NTC Applicant <p>Enhancement Training Sponsorship Program (ETSP)</p> <ul style="list-style-type: none"> • Fund Monitoring Form • Memorandum of Agreement • Certificate of Acceptance / Acknowledgement Receipt 	<ul style="list-style-type: none"> • EVP registration forms • Minutes of the EVP Committee Meetings • Voice recording of the entire EVP Committee Meetings • Profile / Documents of the NOS Applicant • Profile / Documents of the ETSP Beneficiaries • Names of the EVP Committee Representatives • Utilization of EVP Funds
<p>PUBLICATIONS</p> <p>(available online at www.cfo.gov.ph)</p>	<ul style="list-style-type: none"> • CFO Compendium of Statistics on International Migration • CFO Annual Report • CFO Inputs to the Philippines Combined 7th and 8th Convention on the Elimination of all Forms of Discrimination Against Women Report • Accomplishments of the Overseas Filipinos Remittances for Development (OFReD) • Accomplishments of the Philippine Financial Freedom Campaign • Presidential Awards Primer • The CFO primer • 3rd Global Summit Souvenir Program • Handbook for Filipinos migrating to the United States of America (2014 Edition) 	<p>Communications</p> <ul style="list-style-type: none"> • Inter-Agency Memoranda • Inter-Agency Letters <p>Board of Commissioners (BOC)</p> <ul style="list-style-type: none"> • Resolutions (selected) • Directory <p>Minutes of Meetings</p> <p>Internal Documents subject to the control of the Civil Service Commission</p> <p>Drafts of orders, resolutions, decisions, memoranda or audit reports</p>

	<ul style="list-style-type: none"> • Country specific information kit • Frontier • Filipino Ties • Gintong Patnubay • Handbook for Filipinos Overseas • LINKAPIL Operations Manual • Invest in the Philippines: Investment and Business Guide for Overseas Filipinos • The Anti-Trafficking in Persons Act or 2003 Primer • Enjoy the Benefits of Dual Citizenship • 10 Questions on the Commission on Filipinos Overseas • Transnational Bridges (Migration, Development and Solidarity in the Philippines) Press Releases • Speeches • Accomplishment Report • Policy Briefs • Researches 	
<p>PHILIPPINE SCHOOLS OVERSEAS</p> <p><i>(available online at www.cfo-psy.org.ph)</i></p>	<ul style="list-style-type: none"> • Philippine Schools Overseas Directory • School Name • Address • Contact Details (Telephone number, Fax Number, E-mail Address) • Name of School Principal/ Head • Number of Enrollees • Enrollees per school per grade/year level • Number of Filipinos and Non-Filipino Students • Number of Teachers <p>Status of Permit of Philippine Schools Overseas (for Kindergarten to Grade 10 and SHS Permit)</p> <ul style="list-style-type: none"> • Permit number and date of issuance (DepEd and Host Country Permit) • Validity 	<p>Minutes of IACPSO Regular and Special Meetings</p> <p>Audio Recordings of IACPSO Meetings</p> <p>IACPSO Resolutions/ Decisions specific to concerned party/parties Utilization of PSO funds</p> <p>Names of IACPSO Committee Representatives</p>

	<ul style="list-style-type: none"> • School Category <p>Conference Reports</p> <ul style="list-style-type: none"> • Conference Proceedings • Directory of Participants • Directory of Conference Sponsors • Conference Program • Synthesis of the Conference • Evaluation Result • Press Releases • Photos <p>IACPSO Resolutions that Concerns the General Public</p> <p>Terms of Reference with PSO Conference Sponsors</p> <p>Manual of Policies, Standards and Regulations for Philippine School Overseas</p> <p>Directory of Member Agencies of IACPSO</p> <ul style="list-style-type: none"> • Name of Agency and specific division/office handling PSO concerns • Contact details (Telephone number, Fax Number, E-mail Address) 	
<p>LINKOD SA KAPWA PILIPINO PROGRAM (LINKAPIL)</p> <p><i>(available online at www.cfo-linkapil.org.ph)</i></p>	<p>Individual Folders of LINKAPIL Projects Implemented/Funded (Feeding, Scholarship, Infrastructure, Livelihood Projects)</p> <ul style="list-style-type: none"> • Project Brief/Background • Memorandum of Agreement • Donation Acceptance Receipt • Progress/Status report <p>Individual Folders of Organization Conducting Foreign Surgical and Medical Missions in the Philippines</p> <ul style="list-style-type: none"> • Communications • List of Medical Mission Team members • Deed of Donation and other relevant documents <p>LINKAPIL Laws and Regulations</p>	<p>LINKAPIL Beneficiary Profiles</p> <p>Donors Profile/Directory</p> <p>Database of Filipino Associations Overseas (FAOs) – on a case-to-case basis</p>

	<p>Partnership MOA</p> <p>Database/Matrices of LINKAPIL Donation</p>	
<p>PRE-DEPARTURE ORIENTATION SERVICES (PDOS) and COUNTRY FAMILIARIZATION SEMINAR (CFS)</p> <p><i>(available online at www.cfo.gov.ph)</i></p>	<p>Registration forms online</p> <p>Press releases</p> <p>Registration guidelines</p> <p>Au Pair guidelines</p> <p><u>Bureau of Immigration's</u> departure formalities</p> <p>PDOS and CFS flyers</p> <p>Info kits and guide for migrants</p> <p>Anti-human trafficking information materials</p> <p>PDOS and Au pair modules (in PDF form and strong emphasis on citation request)</p>	<p>Supporting Personal documents submitted to CFO in compliance to the PDOS and CFS</p> <p>Registration sticker</p> <p>Feedback form and letters sent to CFO by clientele</p> <p>List of attendees for PDOS/CFS</p>
<p>GUIDANCE AND COUNSELING PROGRAM (GCP)</p> <p><i>(available online at www.cfo.gov.ph)</i></p>	<p>Statistical profiles</p> <p>GCP modules and flyers</p>	<p>Guidance and Counseling Form (accomplished or not)</p> <p>Case Profiles</p> <p>Assistance-to-National files</p> <p>Counseling Assessment made by counselors</p> <p>Personal data of clients (counselee and petitioner)</p> <p>List of persons included in the Watch list or black list in the CFO database</p> <p>Personal documents submitted to CFO in compliance to the Counseling program</p> <p>Feedback form and letters sent to CFO by clients</p>

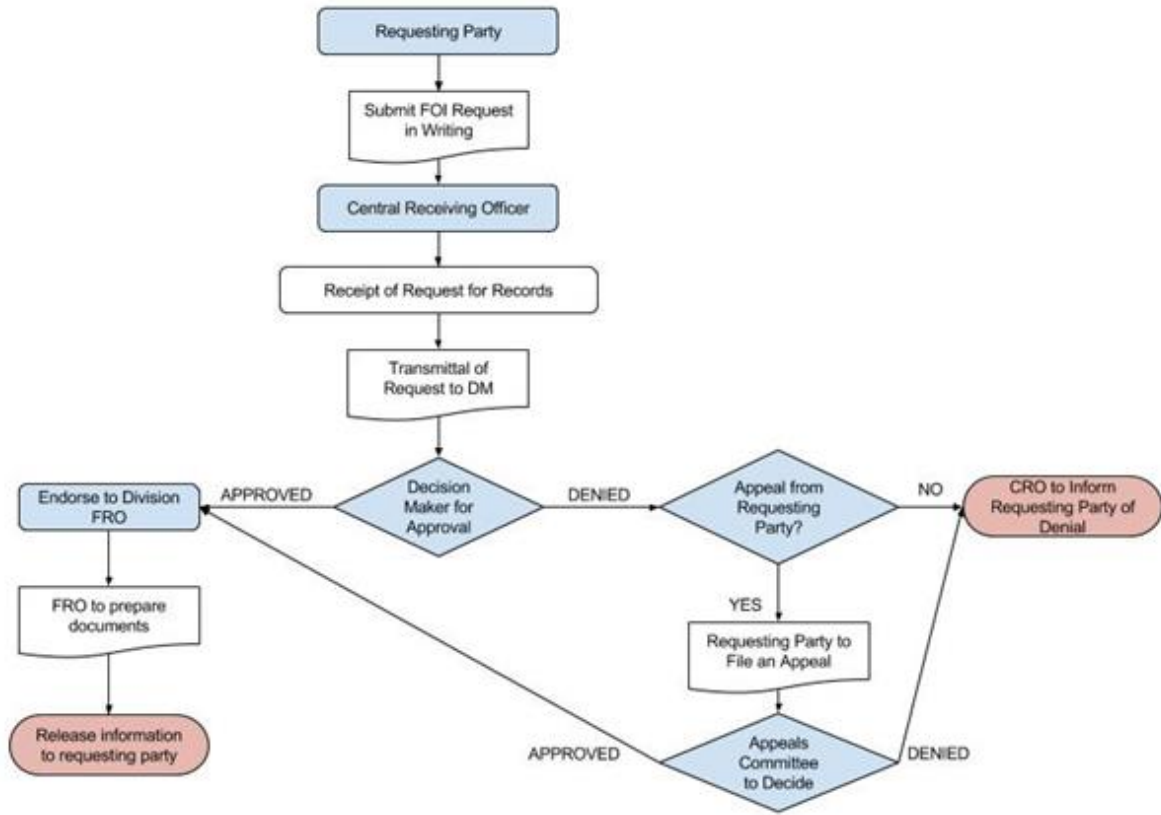
		<p>Inter-agency communications discussing case progress and resolutions</p> <p>Counseling Certificates</p> <p>Progress report of cases and counseling sessions</p> <p>List of attendees for GCP</p>
<p>1343 ACTIONLINE</p> <p><i>(available online at www.1343actionline.ph)</i></p>	<p>Statistics of reported cases by:</p> <ul style="list-style-type: none"> • Province of origin • Gender • Age • Nature of case • Number of case reports and victims • Country of destination • Status of cases <p>Anti-human trafficking information materials</p> <p>Modules for Anti-Human trafficking campaign</p> <p>Memorandum circular, notices and official communications among IACAT and ADVOCOM</p> <p>Press releases</p> <p>Anti-human trafficking handbook</p> <p>Position papers on TIP and relevant cases</p> <p>Community Education Program schedule and areas</p>	<p>Legal documents of clients</p> <p>Case report from DOS 1</p> <p>Case reports from e-mail, mobile application or text messages</p> <p>Updated ATN and 1343 cases/ progress reports</p> <p>MOA, letters and communication with the IACAT concerning an on-going case</p> <p>Profile or Identity of the victims and case officers</p> <p>Case management folder</p> <p>Data of the victims (biographic and other supplemental information)</p> <p>Data culled from CFO-SIS and Itanong Mo Kay SIS (report, request and profile)</p> <p>Progress reports on all the cases culled from different programs of CFO.</p>
<p>ADMINISTRATIVE MATTERS</p>	<p>Audited Financial Statements (previous year only)</p> <ul style="list-style-type: none"> • Trial balance • Statement of financial performance • Statement of Financial Position • Cash flow • Notes to FS 	<p>Case profile (AFD can only provide certification of the case)</p> <p>Personal documents of employees</p> <p>Payslip (upon request only of concerned employee)</p>

	<p>Accessible upon request (w/justifiable reason/s)</p> <ul style="list-style-type: none"> • Statement of Assets Liabilities and Networth (SALN) • Personal Data Sheet of Active Personnel (PDS) • Plantilla of Personnel • Service Records • Certificates of Employment • Report on Appointment/s issued • Admin Manuals • CFO learning and Development Plan • Trainings Needs Analysis (TNA) • Copy of Purchase Orders (PDF only) • Notice of Award (PDF only) • Notice to Proceed (ODF only) • Copy of BAC Resolution (PDF only) • Copy of Annual Procurement Plan (PDF only) • Financial Accountability Reports • Budget Execution Documents • Advice to debit Account (by internal creditors only) 	<p>Payroll</p> <p>Accomplished examination materials</p> <p>LDDAP-ADA for internal creditors</p> <p>201 File DTR / Leave card form</p> <p>Training certificates</p> <p>Applicants' Profile</p> <p>Results of Examination (Accomplished examination materials not included)</p> <p><u>Personnel Selection Board Results</u></p> <p>Appointment Papers</p> <p>Contract of Service</p> <p>Notice of Step Increment</p> <p>Notice of Salary Adjustment</p> <p>Loyalty Awards</p> <p>Bonding Applications</p> <p>Individual Performance Commitment and Review Form (IPCR)</p> <p>Office Performance Commitment and Review Form (OPCR)</p> <p>Individual Development Plans (IDP)</p> <p>OJT Profiles, Certificates and other files</p> <p>AFD Internal Memoranda</p> <p>Bank Statement</p>
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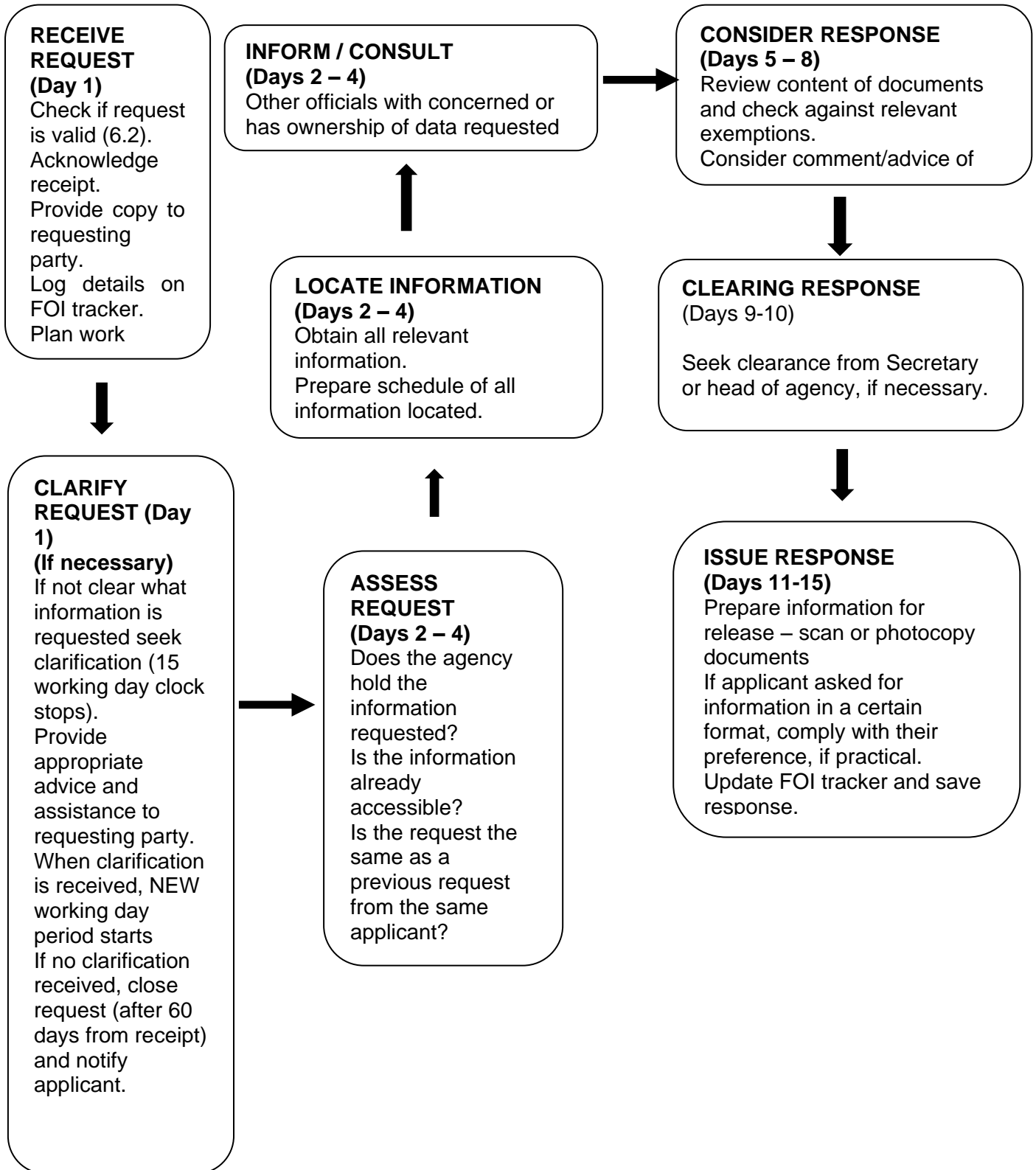
		MOA with Schools for OJT Report on Travel and Fuel Consumption Report of Disbursements (UTILITIES)
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ANNEX F

FOI Request Flow Chart



DETAILED FOI REQUEST PROCESS



FOI REQUEST PROCESS IN DAYS

Day 1	Days 2 – 4	Days 5 – 8	Days 9 – 10	Days 11 - 15
<p>RECEIVE REQUEST</p> <ul style="list-style-type: none"> • Check if request is valid. • Acknowledge receipt. • Provide copy to requesting party. • Log details on FOI tracker. • Plan work needed with DM. <p>CLARIFY REQUEST (If necessary)</p> <ul style="list-style-type: none"> • If not clear what information is requested seek clarification (15 working day clock stops). • Provide appropriate advice and assistance to requesting party. • When clarification is received, NEW working day period starts • If no clarification received, close request (after 60 days from receipt) and notify applicant. 	<p>ASSESS REQUEST</p> <ul style="list-style-type: none"> • Does the agency hold the information requested? • Is the information already accessible? • Is the request the same as the previous request from the same applicant? <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> • Obtain all relevant information. • Prepare schedule of all information located. <p>INFORM / CONSULT</p> <ul style="list-style-type: none"> • Other officials concerned or have ownership of data requested. 	<p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> • Review content of documents and check against relevant exemptions. • Consider comment/advice of officials. 	<p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> • Seek clearance from Secretary or head of agency, if necessary. 	<p>ISSUE RESPONSE</p> <ul style="list-style-type: none"> • Prepare information for release – scan or photocopy documents • If applicant asked for information in a certain format, comply with their preference, if practical. • Update FOI tracker and save response.

Notes:

1. This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
2. Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. However, it is always important to allow sufficient time for Decision Makers, etc to clear FOI responses before expiry of the 15 working day deadline.
3. For any request, it is essential to start looking at it as soon as it is received, to assess what work needs to be done and to plan that work so that the request is answered on time. This table is intended to help with that planning.

ANNEX G
FOI Request Form

(Name of Agency)
(Address of Agency)

PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form

TITULO NG DOKUMENTO / (Title of the Document):

MGA TAON/PANAHONG SAKLAW / (Year):

LAYUNIN / (Purpose):

PANGALAN / (Name): _____

CONTACT Nos. _____

LAGDA / (Signature): _____

PETSA / (Date): _____

TIRAHAN / (Address): _____

KATIBAYAN NG PAGKAKAKILANLAN/(Proof of Identity):

PARAAN NG PAGTANGGAP NG IMPORMASYON/
(How would you like to receive the information?)

Gawaing itinalaga kay:

(Submitted to)

(Lumagda sa ibaba ng pangalang nakalimbag)
Petsa/Oras ng Pagkatalaga:

(Date / Time of Submission)

Taong nagpapatunay ng Gawaing Natapos:

(Certified by)

(Lumagda sa ibaba ng pangalang nakalimbag)

Uri ng isinagawang aksiyon:

(Type of action conducted)

Iniskedyul ni / (Received by):

CFO FOI Receiving Officer

Remarks:
