Freedom of Information Manual

SEPTEMBER 2017
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SECTION I: OVERVIEW

1. **Purpose:** The purpose of this Freedom of Information (FOI) Manual is to provide the process to guide and assist the Government Arsenal (GA) 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 GA when a request for access to information is received. The Director, Arsenal (DA) is responsible for all actions carried out under this Manual and may delegate this responsibility to the Assistant Director, Arsenal (ADA) and the Division Superintendents / Chiefs of Office. The DA 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).

3. **Coverage of the Manual:** This Manual shall cover all requests for information directed to the GA.

4. **FOI Receiving Officer:** The FOI Receiving Officer (FRO) of the GA is the Chief, Management Information System Office (MISO), Administrative Division (AD) who holds office at the Gusaling Jacinto L Papa, Camp General Antonio Luna, Lamao, Limay, Bataan. The GA FRO can be reached through foi.arsenalndnd@gmail.com and phone number (047) 2445626 local 6232.

The functions of the FRO shall include receiving on behalf of the GA all requests for information and forward the same to the Processing Officer, or the Chief, Industrial Relations Section (IRS), Administrative Division (AD); monitoring all FOI requests and appeals; providing assistance to the GA FOI Processing Officer (FPO) and / or Decision Maker (DM); providing assistance and support to the public and staff with regard to FOI; compiling statistical information as required; and, conducting initial evaluation of the request and advising the requesting party whether the request will be forwarded to the GA FOI Processing Officer for further evaluation, or deny the request based on and of the following:

a. The form is incomplete; or
b. The information is already available in the GA Official Website www.arsenal.mil.gov.ph.

Office order designating FOI implementation Officers and constituting FOI Appeals and Review Committee is shown in Annex “B”.

5. **FOI Processing Officer**: The Chief, IRS, AD is the GA FOI Processing Officer (PO) who holds office at the Office of the Arsenal Legal Officer, Bulwagang Comm Jacinto L Papa, Camp General Antonio Luna, Lamao, Limay, Bataan.

The GA PO shall process the request endorsed by the FRO, coordinate with the office / division / unit which has the information requested, conduct evaluation of the request for information and recommend approval or denial of the FOI request based on the following:

a) The GA 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 GA.

6. **FOI Decision Maker**: The Director, Arsenal (DA) is the GA FOI Decision Maker (FDM), 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 GA 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 GA.

6. **Central Appeals and Review Committee**: The GA Central Appeals and Review Committee (CARC) shall review and analyze the grant or denial of request of
information and also provide expert advice to the DA on the denial of such request. It is composed by the following:

Chairperson - Assistant Director, Arsenal
Assist Chairperson - Superintendent, Administrative Division
Members - Superintendent, Planning and Logistics Div
- Superintendent of Concerned Division
Secretariat - TCDS Staff

7. Approval and Denial of Request to Information: The GA FDM shall approve or deny all request of information. When the GA FDM is on official leave, the Assistant Director shall take over as the GA FDM.

SECTION II: DEFINITION OF TERMS

ADMINISTRATIVE 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 Central Appeals and Committee which will then conduct an independent review thereof.

ANNUAL FOI REPORT. A report shall be submitted to and filed by the GA with the Presidential Communications Operations Office (PCOO), Office of the President (OP) and the Undersecretary for Defense Policy (USDP), DND. Annual FOI reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at GA, as well as relevant issues and concerns pertaining to FOI implementation.

CONSULTATION. A process wherein the GA locates a record that contains information of interest to another office and ask for the views on the disclosability of the records before 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.

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

**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. The designated POI Contact Officer of the GA is the Management Information System Office (MISO).

**FOI REQUEST.** A written request submitted to GA 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 GA determines have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the GA 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 pertaining 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.** 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. 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 the GA 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 the GA 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 GA 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 the GA without waiting for a specific FOI request. The GA now posts on their websites a vast amount of material concerning their functions and mission, as mandated in the posting of Transparency Seal and other related laws / regulations.

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

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

**PUBLIC SERVICE CONTRACTOR.** Defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

1. an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;

2. an individual health, education, genetic or sexual identity of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

3. An issuance 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.

**SIMPLE REQUEST.** A FOI request that the GA anticipates will involve a small volume of material or which will be able to be processed relatively quickly.
SECTION III. PROMOTION OF OPENNESS IN GOVERNMENT

1. Duty to Publish Information. The GA shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through 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 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. 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 GA shall endeavor to translate key information into major Filipino languages and present them in popular forms and means.
3. **Keeping of Records.** The GA 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 IV. PROTECTION OF PRIVACY**

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

a. The GA 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 GA 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 GA, shall not disclose that information except as authorized by existing laws.

**SECTION V. STANDARD PROCEDURE**

*(See Annex “D” for flowchart)*

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

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

   - The request must be in writing;
   - The request shall state the name and contact information of the requesting part, as well as valid proof of identification (not less than
two government-issued valid identification cards such as GSIS, UMID, Philhealth, COMELEC ID, passport, licenses or other incontrovertible proofs of identity) 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 email, accessible through the FOI link in the Arsenal website, www.arsenal.mil.ph, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

1.2 In case the requesting party is unable to make a written request due to illiteracy or disability, he or she may make an oral request, and the FRO shall reduce it in writing.

1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who received it, with corresponding signature and copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.4 The GA must respond 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

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.
Email messages / request directly sent to staff are exempt from this. The concerned staff who received the FOI requests shall inform the requesting party of the need to send the request to the official email account of FRO. However, the message shall be forwarded to the FRO as advanced copy. In such cases, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Request relating to more than one office under the GA:

If a request for information is received which requires to be complied with by different GA divisions / offices, the FRO shall forward such request to the said division / office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the division superintendents / chiefs of office that they will only provide the specific information that relates to their divisions / offices.

2.2. Requested information is not in the custody of the GA or any of its divisions / offices:

If the requested information is not in the custody of the GA or any of its divisions / offices, following guidance of the FPO or FDM, the FRO shall undertake the following steps:

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

2.3. Requested information is already posted and available on-line:

Should the information being requested is already posted and publicly available in the GA website, www.arsenal.mil.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.

2.4. 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 for such denial.

3. Transmittal of Request by the FRO to the FPO:

After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FPO of such request. The copy of the request shall be forwarded to such FPO within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FPO in processing the request:

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

The FRO shall note the date and time of receipt of the information from the FPO and report to the DA / ADA, in case the submission is beyond the 10-day period.
If the FPO 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 FPO determines that a record contains information of interest to another office, the FPO shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. **Role of FPO to transmit the information to the FDM:**

   Upon completion of the processing, of the FOI request, the FPO shall forward the same to the FDM with a recommendation for approval or disapproval of the request. The FDM then shall route the approved / disapproved request to the FRO.

6. **Role of the 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 DA and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

7. **Request for an Extension of Time:**

   If the information requested requires extensive search of the government’s office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FPO 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.

8. **Notice to the Requesting Party of the Approval/Denial of the Request:**

   Once the DM 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 DA for final approval.
9. Approval of Request:

In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

10. Denial of Request:

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the DA.

SECTION VI. 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 GA 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 the Request may be appealed by filing a written appeal to the GA 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 DA upon the recommendation of the GA 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.
c. The denial of the Appeal by the DA or the lapse of the period to respond to the request may be appealed further to the Secretary of National Defense and thereafter 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 VII. REQUEST TRACKING SYSTEM

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

Tracking and management of FOI requests is the responsibility of the Management Information System Office (MISO), the designated FOI Receiving Officer. MISO shall create a tracking system for all FOI requests – from receipt of the FRO to transmittal to the FPO, and FDM. Likewise, the system should include tracking of letter referrals made by the FRO to other GA divisions / offices concerned in case the requested information is not available at the GA Central Records, and notices / correspondences to requesting parties including extension of time, approval or denial.

SECTION VIII. FEES

1. **No Request Fee.** The GA shall not charge any fee for accepting requests for access to information.

2. **Reasonable Cost of Reproduction and Copying of the Information:**

   While to fee is imposed by the GA for FOI requests, the FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the GA in providing the information to the requesting party. The schedule of fees to be determined by the FRO, if any, shall be posted by the GA.

3. **Exemption from Fees:**
The GA 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 XI. ELECTRONIC FOI ACCESS

An electronic version of the GA FOI Manual shall be uploaded in the GA official website in portable data format which shall be readily downloadable. The GA MISO shall coordinate with the DND Public Affairs Services (PAS) for the linkage to DND e-FOI portal for public access in the DND website.

An FOI request button / icon should be made available in the GA website. Once clicked, the online user shall be directed to the online FOI Form which is downloadable also. They may also send their email in query / letter request in the form of an email directed to the FRO (MISO).

The GA MISO shall also devise a system for the smooth management of all e-FOI queries and requests, processing of facts, figures and statistics; generation of reportorial reports.

SECTION X. 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”

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 AGENCYs, 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, AGENCYs, 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 AGENCY 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 AGENCY 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 sections unconstitutional or invalid, the other 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
OFFICE OF THE PRESIDENT
OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO. 78

PROMULGATING RULES GOVERNING SECURITY OF CLASSIFIED MATTER IN GOVERNMENT OFFICES.

The following regulations entitled “SECURITY OF CLASSIFIED MATTER IN GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES” for safeguarding official matters affecting the national security, to be enforced and observed in all departments, bureaus, offices and agencies of the government in all national, provincial, municipal and city levels, are hereby promulgated:

SECURITY OF CLASSIFIED MATTER IN GOVERNMENT DEPARTMENTS & INSTRUMENTALITIES

Section I

GENERAL

1. Classification categories. –

a. Official matter which requires protection in the interest of national security shall be limited to four categories of classification which, in descending order of importance, shall carry one of the following designations:

(1) TOPSECRET
(2) SECRET
(3) CONFIDENTIAL
(4) RESTRICTED

b. The classifications mentioned in sub-paragraph a above shall not be attached to a matter which does not involve the national security or which does not relate to any one of those specifically enumerated in paragraphs 4, 11, 17, and 23, below.

2. Definition of terms. –

a. The term, “Department” is used to cover any Philippine Government Department, Service, or Instrumentality.

b. The term “matter” includes everything, regardless of its physical character, on, or in which information is recorded or embodied. Documents, equipment, projects, books, reports, articles, notes, letters, drawings, sketches, plans, photographs, recordings, machinery, models, apparatus, devices, and all other products or substances fall within the general term “matter”. Information which is transmitted orally is considered as “matter” for purposes of security.
c. The term “officer” includes any Government or Armed Forces official or officer permanently or temporarily employed in a Department as defined in a.

d. The term “document” covers any form of recorded information, including printed, written, drawn or painted matter, sound recordings, photographs, films, etc. “Documents” are included in “matter.”

e. The term “equipment” includes machinery, apparatus, devices, supplies, ammunition, etc.

f. “Security Clearance” is the certification by a responsible authority that the person described is cleared for access to classified matter at the appropriate level.

g. The term “need to know” is the principle whereby access to classified matter may only be given to those persons to whom it necessary for the fulfillment of their duties. Persons are nothing to have access to classified matter solely by virtue of their status.

h. The term “custodian” is an individual who has possession of or is otherwise charged with the responsibility for safeguarding and accounting of classified material.

i. “Certificate of Destruction” is the certification by a witnessing officer that the classified matter described therein has been disposed of, in his presence, by approved destruction methods (ANNEX A).

j. The term “physical security” is the safeguarding by physical means, such as guards, fire protection measures and other similar means, of information, personnel, property, utilities, facilities and installations against compromise, trespass, sabotage, pilferage, theft, espionage or any other dishonest or criminal act.

3. Security Officers. – A properly trained and cleared Security Officer shall be appointed in every Department of the Government which handles classified matter. He shall undergo training to be conducted by the National Intelligence Coordinating Agency or Armed Forces of the Philippines intelligence agencies. He shall be responsible to the Head of the Department for the implementation and enforcement of these regulations and the necessary action on breaches of security. Before appointment as a Security Officer, an officer must first be cleared by the Head of the Department for access to the highest classified matter the Department is authorized to handle. In providing this clearance, the Head of the Department may coordinate with the National Intelligence Coordinating Agency or the Department of National Defense.

Section II

TOP SECRET MATTER

4. Definition. – Information and material (matter) the unauthorized disclosure of which would cause exceptionally grave damage to the nation, politically, economically, or from a securing aspect. This category is reserved for the nation’s closest secrets and is to be used with great reserve.

Examples:
a. Very important political documents dealing with such matters as negotiations for major alliances.

b. Major governmental projects such as drastic proposals to adjust the nation’s economy (before official publication).

c. Matter relating to new and far reaching experimental, technical and scientific developments in methods of warfare or defense, e.g., vital matter relating to atomic warfare, defense against biological warfare, or matter affecting future operational strategy. A TOP SECRET grading is justified if:

(1) It is likely to influence military strategy materially;

(2) It gives us a prolonged military advantage over other nations;

(3) It is liable to compromise some other project similarly graded.

d. Critical information relating to vital strategic areas and the supply of vital strategic materials.

e. Information which would indicate the capabilities or major successes of our intelligence services or which would imperil secret sources.

f. Critical information about cryptography in so far as it relates to devices and equipment under development.

g. Certain compilations of data or items which individually may be classified SECRET or lower, but which collectively should be put in a higher grade.

5. Classification Authority. –

a. Original classification authority for assignment of TOP SECRET classification rests exclusively with the Head of the Department. This power may, however, be delegated to authorized officers in instances when the necessity for such arises.

b. Derivative classification authority for TOP SECRET classification may be granted those officers who are required to give comments or responses to a communication that necessitates TOP SECRET response.

6. Reproduction. –

a. TOP SECRET matter may be copied, extracted, or reproduced only when the classifying authority has authorized such action. Permission to reproduce shall not extend beyond a specified number of copies which are to be accorded the same treatment as the original. At the time of issuance of any TOP SECRET document, the classifying authority shall insure that each copy of the document contains a notation substantially as follows:

(1) “Reproduction of this document in whole or in part is prohibited except with the permission of the issuing office or higher authority;” or
(2) “Reproduction of paragraph (s) __________ of this document is prohibited except with the permission of the issuing office or higher authority; other paragraphs may be reproduced.”

b. The reproduction of TOP SECRET matter shall be carried out under the supervision of an authorized officer. All materials and waste incidental to the reproduction shall be accounted for and disposed of as prescribed in sub-paragraph 10a below:

7. **Inventory.** – The Head of the Department shall require physical inventory of all TOP SECRET matter in the custody of his Department at least once a year. Appropriate action on custodial deficiencies shall be made.

8. **Transmission.** –

   a. TOP SECRET matter in the clear shall be transmitted by any of the following means:

      (1) By direct contact of officers concerned.

      (2) By the officially designated courier.

      (3) By accompanied Department of Foreign Affairs diplomatic pouch.

   b. TOP SECRET matter shall not be transmitted by mail, express or electrical means, unless in cryptographic form.

9. **Storage.** – TOP SECRET matter shall be stored –

   a. In a safe, steel file cabinet or other steel container equipped with a built-in, three-position, dial-type combination lock which is of such weight, size and construction as to minimize possibility of physical theft or damage by fire or tampering.

   b. In a secure room of vault which is approved for such use by the Head concerned and which assures protection comparable to sub-paragraph a above.

10. **Destruction.** – TOP SECRET matter, which becomes eligible for destruction in accordance with approved schedules, shall be destroyed as prescribed below:

   a. Destruction shall be accomplished by burning or pulping by the custodian in the presence of a witnessing officer designated by the responsible Head. Witnessing personnel must have a TOP SECRET clearance.

   b. A certificate of destruction shall be prepared and forwarded to the originating office.

**Section III**

**SECRET MATTER**

11. **Definition.** – Information and material (matter) the unauthorized disclosure of which would endanger national security, cause serious injury to the interest or prestige of the nation or of any governmental activity or would be of great advantage to a foreign nation.
Examples:

a. High level directives dealing with important negotiations (as distinct from major negotiations which would be in the TOP SECRET category) with other countries.

b. Proposals for new schemes of governmental or other controls, foreknowledge of which would seriously prejudice their operation.

c. Matter relating to certain new methods of warfare or defense, including scientific and technical developments, not classified as TOP SECRET, e.g., new designs of Service aircraft, guided projectiles, tanks, radar and anti-submarine devices. A SECRET grading is justified if:

(1) It materially influences a major aspect of military tactics;

(2) It involves a novel principle applicable to existing important projects;

(3) It is sufficiently revolutionary to result in a major advance in existing techniques or in the performance of existing secret weapons;

(4) It is liable to compromise some other projects already so graded.

d. Plans or details of schemes for the defense of areas other than vital strategic areas, including plans or particulars of operations connected with them.

e. Vital military information, including photographs, maps, etc., relating to important defenses, establishments, and installations.

f. Intelligence which is not in the TOP SECRET category but which would reveal a secret source, or the value of which depends upon concealing the fact that we possess it.

g. Cryptographic devices and equipment unless specifically assigned to a lower classification.

h. Certain compilations of data or items which individually may be classified CONFIDENTIAL or lower, but which collectively should be put in a higher grade.

12. Classification Authority. – Same as for TOP SECRET matter.

13. Reproduction. – Same as for TOP SECRET matter.

14. Transmission. – SECRET matter shall be transmitted as indicated below:

a. Between points within the Philippines:

(1) Direct contract of officers concerned.

(2) Electrical means in cryptographic form.

(3) Courier specifically authorized by the transmitting agency.

(4) Philippine registered mail.
b. Between points from within and outside the Philippines and vice-versa, and between points outside the Philippines:

(1) As authorized in sub-paragraphs 14a(1) through (3) above.

(2) Accompanied Department of Foreign Affairs diplomatic pouch.

15. Storage. — SECRET matter shall be stored in a manner authorized for TOP SECRET documents, or in metal file cabinets equipped with a steel lockbar and combination padlock of which the manufacturer’s identification numbers have been obliterated. The file cabinets must be of such size, weight, construction or installation so as to minimize the chance of unauthorized physical removal or the possibility of persons gaining unauthorized access by transferring or manipulation or damage by fire.

16. Destruction. — Same as for TOP SECRET matter except that the witnessing officer need have SECRET clearance only and that no certificate of destruction need be prepared. Only records of destruction shall be maintained.

Section IV

CONFIDENTIAL MATTER

17. Definition. — Information and material (matter) the unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation.

Examples:

a. Plans of Government projects such as land development, hydro-electric schemes, road development, or development of areas.

b. Routine Service reports, e.g., on operations and exercises, which contain information of value but not of vital interest to a foreign power.

c. Routine Intelligence reports.

d. Technical matter not of major importance but which has a distinct military value or requires protection otherwise, e.g., new weapons calculated to influence minor tactics or service tests of war equipment of a standard pattern. A CONFIDENTIAL grading is justified if:

(1) It is more than a routine modification for logical improvement of existing materials and is sufficiently advanced to result in substantial improvement in the performance of existing CONFIDENTIAL weapons;

(2) It is sufficiently important potentially to make it desirable to postpone knowledge of its value reaching a foreign nation;

(3) It is liable to compromise some other project already so graded.
e. Certain personnel records and staff matters.

f. Certain compilations of data or items which individually may be classified RESTRICTED, or which may be unclassified, but the aggregation of which enhances their security value.

g. Matters, investigations and documents of a personal and disciplinary nature, the knowledge of which is desirable to safeguard for administrative reasons.

h. Identification of personnel being investigated for misconduct, anomaly or fraud prior to the filing of appropriate charges or completion of the findings of boards created for such purpose.

18. Classification Authority. – Any officer is authorized to assign CONFIDENTIAL classification to any matter in the performance of his duties.

19. Reproduction. – The copying, extracting from or reproduction of CONFIDENTIAL matter is authorized except when the originator or higher authority has specifically denied this authority.

20. Transmission. – Same as for SECRET matter.

21. Storage. – Same as for SECRET matter.

22. Destruction. – Same as for SECRET matter except that the presence of a witnessing officer and records of destruction are not required.

Section V

RESTRICTED MATTER

23. Definition. – Information and material (matter) which requires special protection other than that determined to be TOP SECRET, SECRET or CONFIDENTIAL.

Examples:

a. Departmental books of instruction and training and technical documents intended for official use only or not intended for release to the public.

b. Routine information relating to the supply and procurement of military stores.

c. Minor modifications and routine tests of equipment.

d. Certain compilations of data or items which individually may be unclassified but which in the aggregate warrant a classification.

24. Authority to Classify, Reproduction, Dissemination, and Destruction. – Authority to classify shall be the same as for CONFIDENTIAL matter. Reproduction is authorized. Transmission shall be through the normal dissemination system. Destruction shall be the same as for that of CONFIDENTIAL matter.
Section VI

CLASSIFYING AND MARKING

25. General. – The originators of classified matter shall be responsible for its proper classification. Overclassification should be avoided because it prejudices the integrity of the classification system, depreciates the importance of correctly classified matter and creates unnecessary delay expense and administrative burden.

26. Rules for classification. –

a. Documents shall be classified according to their content.

b. The overall classification of a file of a group of physically connected documents shall be at least as high as that of the highest classified document therein. Pages, paragraphs, sections or components thereof may bear different classifications. Documents separated from the file or group shall be handled in accordance with their individual classifications.

c. Transmittal documents or indorsements which do not contain classified information or which contain information classified lower than that of the preceding element or inclosure shall include a notation for automatic downgrading.

d. Correspondence, indices, receipts, reports of possession, transfer or destruction, catalogs or accession lists shall not be classified if any reference to classified matter does not disclose classified information.

e. Classified matter obtained from other Departments shall retain the same original classification.

f. Classified matter furnished to the Philippine Government by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to that required by the government or international organization which furnished the classified matter. In addition, any special handling instruction shall be complied with.

27. Classification marking. – Classified matter shall be marked as follows:

a. Unbound documents. – The assigned classification for unbound documents, such as letters, memoranda, reports, telegrams and similar documents, the pages of which are not permanently and securely fastened together, shall be marked or stamped (not typed) conspicuously at the top and bottom of all pages which contain classified information. In marking, stamping, or printing the classification categories, the letters shall be larger than the normal lettering of the rest of the document. Front and back covers, and title pages, when used; first pages; and any routing instructions or other papers of any size which conceal or partially conceal the cover, the title or first page shall bear the marking of the overall classification of the document. Other pages, except pages of messages to be transmitted electrically, shall be marked according to the classification of their own content. A cover shall be marked on its outer surface.
b. **Permanently bound documents.** – A permanently bound document is defined as one from which the pages cannot be removed without damage or mutilation. The classification of permanently bound documents, such as books or pamphlets shall be conspicuously marked, stamped or printed in letters larger than the normal lettering of the rest of the cover or page, at the top and bottom, on the first and back pages, and on the outside of the back cover.

c. **Paragraphs, chapters, or sections.** – The classification of a paragraph, chapter or section, shall be indicated by including the initial of the appropriate classification in parenthesis at the end of such paragraph, chapter or section. Unclassified parts of classified documents will be marked “U”.

d. **Reproduction.** – All copies or reproduction of classified matter shall be marked in the same manner as the original.

e. **Photographs, films, and recordings.** –

   (1) **Photographs.** – Negatives shall be marked with the appropriate classification markings and kept in containers bearing conspicuous classification markings. Roll negatives shall be marked at the beginning and end of each strip. Single negatives shall be marked with the appropriate classification. The top and bottom of each photographic print and the center of the reverse side shall be marked with the appropriate classification.

   (2) **Motion picture films.** – Classified motion picture films shall be marked at the beginning and end of each roll and in the title of each film, and shall be kept in containers bearing conspicuous classification markings.

   (3) **Sound recordings.** – Classified sound recordings shall be marked on readily observable portions with the appropriate markings, preferably at the beginning and at the end; when stored, the container shall display similar markings. When possible the classification shall be announced at the beginning and end of recordings.

f. **Charts, maps, and drawings.** – Classified charts, maps and drawings shall carry the classification marking under the legend, title block, or scale in such a manner that it can be reproduced on all copies made therefrom. Such classification shall also be prominently marked at the top and bottom in each instance and, if the document is rolled or folded, on the back in a clearly visible place.

g. **Products or substances.** – The assigned classification shall be conspicuously marked on classified products or substances and on their containers, if possible. If the article or container cannot be marked or if it is necessary to conceal the classified nature of the material, written notification of the classification shall be furnished the recipients of such products or substances.

h. **Unclassified material.** – Unclassified material should not be marked UNCLASSIFIED, unless it is essential to convey to a recipient of such material that it has been examined specifically with the view of imposing a classification and that it has been determined to be unclassified.

i. **Material disseminated outside the Department.** – When classified information is furnished to authorized persons outside the Department, the following notation, in addition to the
assigned classification markings, shall be placed on the document, on the material, on its container, or, when as indicated, in sub-paragraph g above, marking is impracticable, on the written notification of its assigned classifications:

“This material contains information affecting the national security of the Philippines, the transmission or revelation of which in any manner to unauthorized persons is punishable under the Revised Penal Code and the Espionage Act (CA Nr. 616).”

28. Additional Markings. –

a. All pages of unbound TOP SECRET and SECRET documents shall be marked with the following: (COPY _______ OF ________ COPIES) (PAGE _______ OF ________ PAGES)

b. All bound TOP SECRET and SECRET matter shall be marked on the front cover as follows: (COPY _________ OF _______ COPIES)

Section VII

CONTROL OF CLASSIFIED MATTER

29. Custody and accounting of classified matter. – Heads of Departments handling classified matter shall issue orders designating their respective custodians of classified matter. Custodians shall –

a. Store all classified matter.

b. Maintain a registry of classified matter showing all classified matter received and to whom transmitted.

c. Maintain a current roster of persons authorized access to classified matter for each classification in the office.

d. Insure physical security for classified matter.

e. Conduct an inventory of all TOP SECRET matter as specified in paragraph 7.

f. Upon his relief, account for all TOP SECRET and SECRET matter by inventory and transmit the same to his successor.

30. Unauthorized keeping of private records. – All government personnel are prohibited from keeping private records, diaries, or papers containing statements of facts or opinions, either official or personal, concerning matters which are related to or which affect national interest or security. Also prohibited are the collection of souvenirs or obtaining for personal use whatsoever any matter classified in the interest of national security.

31. Dissemination. – Dissemination of classified matter shall be restricted to properly cleared persons whose official duties require knowledge or possession thereof. Responsibility for the determination of “need-to-know” rests upon both each individual, who has possession, knowledge or command control of the information involved, and the recipient.
32. Discussion involving classified matter. –

a. Indiscreet discussions or conversation involving classified matter shall not be engaged in within the presence of or with unauthorized persons.

b. When a lecture, address or informal talk to a group includes classified matter, the speaker shall announce the classification at the beginning and end of the period.

c. All personnel leaving the Government Service shall be warned against unlawful disclosures of classified matter.

33. Disclosure to other Departments of classified information originating from another Department. – Classified matter originating from another Department shall not be disseminated to other Departments without the consent of the originating Department.

34. Release of classified matter outside a Department. –

a. General Policy. – No person in the Government shall convey orally, visually or by written communication any classified matter outside his own Department unless such disclosure has been processed and cleared by the Department Head or his authorized representative.

b. Release of classified matter to Congress. –

(1) Government personnel, when giving oral testimony before Congressional Committees involving classified matter, shall advise the committee of the classification thereof. Government personnel called upon to testify shall obtain necessary and prior instruction from his Department Head concerning disclosure.

(2) When Congressional members visit Government offices, Department Heads are authorized to release classified matter which is deemed an adequate response to an inquiry provided that it is required in the performance of official functions.

c. Disclosure to foreign governments or nationals. – Classified matter may be released to foreign governments or nationals of countries having defense obligations with the Philippines, in accordance with sub-paragraph 34a above. The release shall be made only after assurance by the requesting foreign agency or national that:

(1) Its use shall be solely for the purpose for which the classified matter is requested.

(2) It shall be treated or handled in accordance with the classification categories of the originating office.

(3) Handling shall be made by security-cleared personnel.

(4) Reproduction and dissemination shall not be made without the consent of the Department Head.

d. Disclosure of classified matter for publication. – Classified matter shall be released for public consumption only upon the consent of the Department Head or his authorized representative. However, in instances where there is a demand or need for releasing classified
information, extreme care and caution must be exercised to analyze in detail the contents of
the classified matter before release. Normally, all information are released through Public
Information Officers. Public Information Officers should be assisted in the analysis of
classified information by the Security Officer.

e.Disclosure through conferences and meetings.–

(1)Disclosure of classified matter in conferences and other gatherings which include
personnel outside the Department shall be in accordance with sub-paragraph 34a above. In
conducting conferences involving classified information, the following data should be
requested from each participant:

(a) Name and designation or position of participant.

(b) Address of participant.

(c) Signature of participant.

(2)Physical security of the conference room should be assured. Sponsoring agencies shall
observe, among other things, the following:

(a) Arrangements for admission of those persons authorized to attend. All individuals must
produce positive identification.

(b) Arrangements for protection of classified matter handled during the meeting.

(c) Control of signal equipment, notes and memoranda.

(d) Provision of adequate guards.

35. Removal of classified matter from offices for official use.–

a. Classified matter shall not be removed from offices for the purpose of working on such
matter at night or for other purposes involving personal convenience. When necessity
requires such removal, Department Heads through the Security Officer shall insure that
adequate controls are established as follows:

(1) An appropriate authority specifically designated by the Department Head shall authorize
each removal only after insuring that adequate security for the material can be provided.

(2) Storage safeguards shall strictly observed.

b. Department Heads shall maintain a temporary record in whatever appropriate form of all
classified matter removed from their facilities or installations to insure that they are
accounted for.

36. Compromise or loss of classified matter.–
a. Any person who becomes aware of the disclosure, or the possibility of disclosure, of classified matter to any unauthorized person, or the loss of a classified document, shall immediately notify by the fastest means available the:

(1) Security Officer of the Department having primary interest (normally the originator), and the

(2) Department Head of the individual having custody.

b. The Department Head of the individual having custody shall cause an investigation to be made. This investigation will fix individual responsibility for the compromise or possible compromise of TOP SECRET and SECRET matter and, when it cannot be established, will fix responsibility on the appropriate officer who allowed the existence of inadequate or insecure conditions, which led to the compromise or possible compromise. In every case the Head of the Department concerned shall take positive action to correct deficiencies and prevent recurrences, including appropriate disciplinary action and/or criminal prosecution against responsible individuals.

Section VIII

REGRADED AND DECLASSIFICATION

37. Responsibility for regrading. –

a. Each Department Head shall keep under continuing review all classified information in his custody, or of primary interest to him, and will initiate downgrading or declassifying action as soon as conditions warrant.

b. In obvious cases of overclassification or underclassification, higher authority may adjust the classification without referral to the originator, except to notify the originator of the change of classification. The originator will then take the action specified in paragraph 40.

38. Downgrading or declassification. –

a. Originators or letters of transmittal or other covering documents, classified solely or partially because of classified inclosures, shall place on such documents a notation substantially as follows:

“REGRADED UNCLASSIFIED (or appropriate classification) WHEN SEPARATED FROM CLASSIFIED INCLOSURES.”

b. For classification purposes, indorsements and numbered comments or routing slips will be handled as separate documents.

c. Holders of classified matter may downgrade or declassify them when circumstances do not warrant retention in the original classification, provided the consent of the appropriate classification authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents also require the consent of the appropriate classification authority. Material which has been classified by a friendly foreign nation or
international organization or another Department of the Philippine Government will be downgraded or declassified only with the consent of the originator.

39. **Regrading.** – If the recipient of classified matter believes that it has been classified too highly, he may request the originator for its downgrading or declassification. If the recipient of unclassified material believes that it should be classified or if the recipient of classified material believes that its classification is not sufficiently protective, the recipient may request the originator to classify the material or upgrade it.

40. **Notification of change of classification.** –

   a. The official taking action to declassify, downgrade or upgrade classified material shall notify all addresses to whom the material was originally transmitted. Officials providing additional distribution (other than initial) of classified material should notify all recipients to whom the additional distribution was furnished of the regrading action required.

   b. When downgrading a document in part, the originating Department shall notify recipients as to the new classification of separate chapters, sections, paragraphs or other appropriate subdivisions.

41. **Marking of regraded documents.** –

   a. **Authority annotation.** – Whenever classified matter is declassified, downgraded or upgraded, each copy of the material shall be marked or stamped on the front cover or on the first page, if the document has no cover, with a notice in the following manner:

   (1) REGRADED ___________ (enter new classification), BY AUTHORITY OF _________________ (enter title or position of official authorized to make the change), BY _________________ (enter name, grade and organization of the official making the change), ON _______________ (enter the date on which the change was made).

   b. **Classification markings.** – Regraded documents and material shall be re-stamped or re-marked (not type) as prescribed in paragraph 27 above and the old classification markings lined through. If the document is declassified, the classification markings on the outside of the front and back covers, title page and first and back pages of the text should be lined through. Prints of motion picture films shall show regrading or declassification action on leaders attached between the plain leader and first title frame.

   c. **Documents on file.** – When classified documents on file can not immediately regraded for obvious reasons, such as the inability to screen a large volume of files to locate the document, the Department Head concerned may establish a system in which individual documents are regarded when charged out of the file for use or screened for regrading purposes, whichever occurs first. In cases requiring upgrading, material shall be given storage safeguards required by the new classification.

**Section IX**

**TRANSMISSION OF CLASSIFIED MATTER**

42. **Classified document receipts.** –
a. Transmission of TOP SECRET and SECRET documents shall be covered by a receipt system (ANNEX B). Transmission of CONFIDENTIAL documents may be covered by a receipt system when required by the sender.

b. The receipt form will identify the addressor, addressees and the document, but should not contain classified information. It shall be signed by the recipient and returned to the sender. The name of the recipient shall be printed, stamped or typed on the form.

43. Cover Sheets. – Classified documents shall be covered with cover sheets as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOP SECRET</td>
<td>8″ x 13″ white paper lined with ½” green border.</td>
</tr>
<tr>
<td>SECRET</td>
<td>8″ x 13″ white paper lined with ½” red border.</td>
</tr>
<tr>
<td>CONFIDENTIAL</td>
<td>8″ x 13″ white paper lined with ½” blue border.</td>
</tr>
</tbody>
</table>

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

a. All classified documents (CONFIDENTIAL and up), from the moment they are initiated, shall be covered by appropriate cover sheets, which shall stay with such documents until both are authorized for destruction.

b. When a TOP SECRET or SECRET document is reproduced, the reproduced copies shall be provided with new cover sheets and the “Record of Transmission” on the back page shall record only those personnel who handled each copy from the moment of its reproduction.

c. Cover sheets prescribed by this Executive Order shall be used only for classified documents transmitted among the various Departments of the National Government.

44. Preparation of classified matter for transmission outside a Department. –

a. Classified documents for transmission by Philippine registered mail or diplomatic pouch shall be prepared as follows:

(1) The Documents shall be inclosed in two opaque envelopes or covers.

(2) A receipt shall be inclosed with the document as appropriate.

(3) The inner envelope or cover shall be addressed and sealed with sealing wax. The return address should likewise be written in the inner envelope.

(4) The classification on the front and back of the inner envelope shall be marked in such a way that the markings will be easily seen when the outer cover is removed. Special markings required shall be placed on the front of the inner envelope.

(5) The inner envelope shall be inclosed in the opaque outer envelope or cover. The classification marking of the inner envelope must not be detectable through the outer envelope.
(6) The outer envelope with the inner envelope will then be forwarded. Classification or other special markings shall not appear on the outer envelope.

b. Classified documents for transmission through specifically authorized couriers shall be prepared as follows:

(1) The documents shall be inclosed in an opaque sealed envelope.

(2) The document shall be covered by a receipt as appropriate.

(3) The envelope shall be addressed and provided with a return address. No classification or other markings shall appear on the envelope.

45. Transmission within a Department. – Preparation of classified matter for transmission within a Department shall be governed by regulations issued by the Head of the Department.

Section X

SECURITY OF CONTAINERS

46. Unlocked containers. –

a. Any person finding a container of classified matter unlocked and unattended shall:

(1) Report such fact immediately to the Head of the Department concerned, or to the Security Officer.

(2) Notify the person responsible for the container and its contents.

(3) Lock the container.

b. When notified that a container of classified matter has been found unlocked and unattended, the individual responsible for the container shall check the contents for visible indications of tampering.

c. Persons who find classified matter out of safes and unattended shall immediately report such fact to the Head of the Department or to the Security Officer.

47. Record of locking and unlocking containers. – Officers responsible for TOP SECRET and SECRET matters shall maintain a record of the time and date the container is locked and unlocked.

48. Changing, recording and disseminating container combinations. –

a. Combinations shall be changed at least once every six (6) months and at such other times as deemed appropriate, and at the earliest practicable time following:

(1) The loss or possible compromise of the safe combination.
(2) The discharge, suspension or reassignment of any person having knowledge of the combination.

(3) The receipt of a container.

b. Identification numbers must be obliterated from combination padlocks prior to their use. Three-position dial-type combination padlocks, the combinations of which can be changed in the manner as those of locks built into safes, need not have the manufacturer’s identification number obliterated.

49. Control of keys. – Keys shall be safeguarded as follows:

a. All keys shall be recorded in a control register and checked periodically.

b. All keys for containers of classified matter when not in use shall be placed in a locked box in the office under the care of a responsible officer.

c. Duplicate keys should be placed in a sealed container and kept in a combination safe.

d. The loss of a key must be reported to the Head of the Department or to the Security Officer.

e. Department Heads shall institute additional measures to safeguard keys appropriate to their respective offices.

Section XI

MISCELLANEOUS

50. Special procedures for safeguarding certain documents from foreign nationals. –

a. Classified information which should be withheld from foreign nationals shall be stamped or marked with a special handling notice as follows:

SPECIAL HANDLING REQUIRED. RELEASE TO FOREIGN NATIONALS NOT AUTHORIZED EXCEPT ______________ (enter “None” or names of representatives of foreign nations specifically authorized to have access to the document) BY AUTHORITY OF ____________ (enter title or position of official authorized to determine which foreign nationals may have access to the document) DATE ________________ (enter date).

51. Classified matter in the possession of individuals on travel orders. –

a. An individual on travel orders who is authorized to have in his possession classified matter shall safeguard such matter by one of the following methods:

(1) By contacting and availing of the storage facilities of the nearest respective field or branch office, or Armed Forces installation; or

(2) By keeping the matter under personal physical control at all times.
b. Personnel on travel status shall not carry classified matter across international borders where the classified matter may be liable to scrutiny by customs inspectors or other unauthorized individuals. Such matter should be sent in advance by diplomatic pouch or diplomatic courier only.

52. **Emergency destruction.** –

a. **Plans.** – Department Heads shall provide for emergency destruction or safe removal of all classified matter under their jurisdiction should civil disturbances, disaster or enemy action require such action.

b. **Aboard airplane or ship.** – If a craft carrying classified matter is forced down, stranded or shipwrecked on unfriendly territory or on neutral territory where capture appears imminent or, under any other circumstances where it appears unlikely that the classified matter can properly be protected, such matter shall be destroyed in any manner that will render recognition impossible, preferably by burning.

53. **Security of typewriter ribbons.** – Cotton, rayon, paper and silk typewriter ribbons are insecure until typed through at least twice. Insecure ribbons shall be appropriately safeguarded if used to type classified information. Nylon ribbons are secure at all times.

54. **Classified waste.** – Waste, such as preliminary drafts, notes, dictaphone- or other-type recordings, typewriter ribbons, carbon paper, stencils, stenographic notes, carbon plates, exposed film (developed or undeveloped) and similar items containing classified information shall be disposed of in a manner prescribed for similarly classified matter. Certificate of destruction is not required.

55. **Supplementary security regulations.** – Department Heads shall publish regulations to supplement this Executive Order to include measures appropriate to their respective Departments as indicated herein and to cover the following general subjects or circumstances.

a. **Movement control of organic personnel and visitors within their respective jurisdictions.**

b. **Security arrangements in dealing with government contractors engaged in projects concerning classified matter.**

c. **Security measures to safeguard classified information transmitted through electronic communication facilities.**

Department Head shall seek the assistance of the Director, National Intelligence Coordinating Agency or of the Secretary of National Defense in preparing the above supplemental regulations.

56. **Security Clearance.** – The Head of the Department shall be responsible for the issuance of security clearances in his Department. In this regard he may coordinate directly with the National Intelligence Coordinating Agency or the Department of National Defense.
Section XII

ADMINISTRATIVE LIABILITY

57. Any violation of the provisions of these regulations shall be dealt with administratively by proper authorities. Said administrative proceeding shall be without prejudice to any criminal prosecution if the violation constitutes an offense under the provisions of the Revised Penal Code or any other penal law. The unauthorized publication of any classified information shall be deemed a violation of these regulations by the parties responsible therefor.

All executive orders, proclamations or circulars inconsistent herewith are hereby revoked.

By authority of the President:

(Sgd.) CALIXTO O. SALDIVAR
Acting Executive Secretary

Manila, August 14, 1964
OFFICE OF THE PRESIDENT
OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO. 196

AMENDING MEMORANDUM CIRCULAR 78 DATED AUGUST 14, 1964, ENTITLED “PROMULGATING RULES GOVERNING SECURITY OF CLASSIFIED MATTER IN GOVERNMENT OFFICES.”

1. A new section, to be known as Section XII, is hereby inserted between Sections XI and XII of Memorandum Circular No. 78 dated August 14, 1964, providing security of classified matter in government offices, which reads as follows:

“SECTION XII

“COMMUNICATION SECURITY

“57. Communication Security

a. Definition – Communication Security is the protection resulting from the application of various measures which prevent or delay the enemy or unauthorized persons in gaining information through our communications. It includes Transmission, Cryptographic and Physical security.

b. Rules governing Communication Security do not in themselves guarantee security, and they do not attempt to meet every conceivable situation. Communication Security rules are a means, not an end in themselves.

c. Department Heads are responsible for the maintenance of communication security and for the promulgation of additional directive a may be necessary to insure proper communication security control within their jurisdiction.

d. All communication personnel should have an appreciation of the basic principles of communication security since the neglect of a single aspect of communication security may result in compromise.

“58. Communication Security Officer:

a. A properly trained and cleared Communication Security Officer shall be appointed in every Department of the Government handling cryptographic communication.

“59 Responsibilities/Duties of the Communication Security Officer:

a. Responsible for the selection and training of cleared communication personnel to perform crypto duties.

b. Responsible for the operations and maintenance of the cryptocenter.
c. Conduct periodic inspection of the cryptocenter to ascertain that crypto materials are properly handled and accounted for and that all directives concerning crypto-operations are strictly observed.

d. Designate a custodian for crypto-materials,

e. Publish an emergency destruction plan for classified materials.

f. Recommend measures to improve transmission, cryptographic and physical security.

g. Conduct investigation in case of loss or compromise of crypto-materials in accordance with paragraph 36 above.

“60. Transmission Security:

a. Definition – Transmission Security is that component of communication security which results from all measures designed to protect transmission from interception, traffic analysis and imitative deception.

b. Communication personnel shall select the means most appropriate to accomplish the delivery of message in accordance with the specified precedence and security requirements.

c. All classified messages within the Government service which are transmitted electrically should be encoded, enciphered and/or encrypted.

d. All classified messages sent by commercial means shall be encoded, enciphered and/or encrypted.

e. No classified message shall be transmitted over a telephone system not equipped with security device.

f. The transmission by visual means of a classified message in plain language shall be authorized only after careful consideration has been given to the necessity for sending in plain language and to the possibility of interception by unauthorized persons.

g. Radio Operations shall adhere to the use of correct procedures, circuit discipline and authentication system as a security measures against traffic analysis, imitative deception and radio direction finding.

“61. Cryptographic Security:

a. Definition – Cryptographic Security is that component of communication security which results from the provisions of technically sound cryptosystem and their proper use.

b. Message should scrutinized prior to encryption giving particular attention to the security classification, precedence, and to any special handling or routing precautions that may be necessary.
c. Messages should be completely checked before transmission to insure that the operating instructions pertaining to the system used have been followed and that the encrypted text is decryptable.

“62. Physical Security:

a. Definition – Physical Security is that component of communication security which results from measures necessary to safeguard classified communication equipment and material from access thereto by unauthorized persons.

b. Physical security measures include handling of classifies materials, i.e., storage, accounting and destruction.”

2. Section XII of the same circular shall hereafter be known as Section XIII, and Item 57 as Item 63.

By authority of the President:
(SGD.) RAFAEL M. SALAS
Executive Secretary

Manila, July 19, 1968.

Source: Presidential Management Staff
OFFICE ORDER
NUMBER  283

DESIGNATION OF FREEDOM OF INFORMATION (FOI) OFFICE / S OF PRIMARY RESPONSIBILITY (OPR) AND CONSTITUTION OF THE FOI APPEALS AND REVIEW COMMITTEE FOR GA

Pursuant to Executive Order No. 02 which operationalizes 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, the following Government Arsenal (GA) Executives / Offices are hereby designated the FOI Offices /s of Primary Responsibility / members of the GA FOI Appeals and Review Committee:

<table>
<thead>
<tr>
<th>ROLE</th>
<th>SPECIFIC TASKS</th>
<th>OPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOI Receiving Officer</td>
<td>Receives FOI requests, endorses the requests to the Processing Officer; monitors all FOI requests and appeals; provides assistance and support to the FOI Processing Officer and / or Decision Maker with regard to FOI; compiles statistical information as required; conducts initial evaluation on the completeness and nature of the requests; and provides feedback to the requesting party.</td>
<td>Chief, Management and Information System Office</td>
</tr>
<tr>
<td>FOI Processing Officer</td>
<td>Processes FOI requests from the FRO; coordinates with the office / division / unit which has the information requested; conducts evaluation of the request for information; and recommends approval or denial of the FOI request.</td>
<td>Chief, Industrial Relations Section, Administrative Division</td>
</tr>
<tr>
<td>FOI Decision Maker</td>
<td>Review the recommendation of the PO whether to approve or disapprove for the GA the appropriate course of action; and promulgate policies regarding FOI implementation in the GA.</td>
<td>Director, Arsenal</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
</tbody>
</table>
| FOI Central Appeals and Review Committee | Review and consider declined FOI requests in cases of appeals filed by the requesting party. | Chairperson: Assistant Director, Arsenal  
Vice Chairperson: Superintendent, Administrative Division  
Members:  
Superintendent, Planning & Logistics Division  
Superintendent, Finance and Management Division  
Arsenal Legal Officer  
Member/Secretariat: TCDS |

The Chief, Management Information Service Office (MISO), Administrative Division, who is the FOI Receiving Officer, shall provide the necessary technical services and ICT assistance to create the GA e-FOI portal in the GA website, facilitate the linkage thereof to the government e-FOI portal, and design a system for the smooth management of all e-FOI queries and requests.

Also, the above-designated FOI officers are authorized to call upon the GA office / personnel for assistance in connection with the fulfillment of their responsibilities and the performance of their functions.

DANIEL R CASABAR JR  
Director
LIST OF EXCEPTIONS

- Information covered by Executive privilege;

- Privileged information relating to national security, defense or international relations;

- Information concerning law enforcement and protection of public and personal safety;

- Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims or crimes, or the accused;

- 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;

- Prejudicial premature disclosure;

- Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;

- Matters considered confidential under banking and finance laws, and their amendatory laws; and

- Other exceptions to the right to information under laws, jurisprudence, rules and regulations.
ANNEX “D”
FOI Request Flowchart

REQUESTING PARTY

FOI REQUEST (in writing)

RECEIVING OFFICER

Receipt of request for Information / Records

TRANSMITTAL OF REQUEST

PROCESSING OFFICER

Preparing records for access

If an extension of time is required

Processing Officer should inform RO; RO shall inform the requesting party for extension.

DECISION MAKER

APPROVED

Release Information / Record

RECEIVING OFFICER

DENIED

Inform of Denial

Appeal

Appeals Committee

Processing Officer endorses request to DM either for approval / disapproval

If an extension of time is required

Processing Officer should inform RO; RO shall inform the requesting party for extension.

15 Working Days

30 Working Days
# ANNEX “D-2”
## Detailed FOI Request Process

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Days 2 - 4</th>
<th>Days 5 - 8</th>
<th>Days 9 - 10</th>
<th>Days 11 - 15</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RECEIVE REQUEST</strong></td>
<td><strong>ASSESS REQUEST</strong></td>
<td><strong>CONSIDER RESPONSE</strong></td>
<td><strong>CLEARING RESPONSE</strong></td>
<td><strong>ISSUE RESPONSE</strong></td>
</tr>
<tr>
<td>• MISO checks if the request is valid.</td>
<td>• Does the GA hold the information requested</td>
<td>• Decision Maker (DM) reviews the content of documents and apply relevant exemptions</td>
<td>• DM clears the response.</td>
<td>• Upon receipt of response from the DA (DM), the C, MSO (RO) prepares information for release – scan or photocopy documents.</td>
</tr>
<tr>
<td>• Stamps received.</td>
<td>• Is the information already accessible?</td>
<td>• Considers comment / advice of officials</td>
<td></td>
<td>• If applicant asked for information in a certain format, comply with their preference, if practical.</td>
</tr>
<tr>
<td>• Provides copy to requestor.</td>
<td>• Is the request a repeat of the previous request from the same applicant?</td>
<td></td>
<td></td>
<td>• RO updates FOI tracker and saves response.</td>
</tr>
<tr>
<td>• Logs details on FOI tracker.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Plans work needed with the IRS, AD, the Processing Office</td>
<td><strong>LOCATE INFORMATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CLARIFY REQUEST (if necessary)</strong></td>
<td>• Obtains all relevant information.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• If not clear what information is requested, RO seeks clarification (within 15 working day)</td>
<td>• Prepares schedule of all information located.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Provides appropriate advice and assistance to requestor.</td>
<td><strong>INFORM / CONSULT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• When clarification is received, NEW working day period starts.</td>
<td>• Other officials with key interest.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• If no clarification received, closes request (after 60 days from receipt) and notify applicant.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Forwards to Processing Officer.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Detailed FOI Request Process Timetable

1. RECEIVES REQUEST (Day 1)
   - MISO (RO) checks if the request is valid (6.2).
   - Provides copy to requestor.
   - Logs details on FOI tracker.
   - Plans work needed with PO

2. CLARIFIES REQUEST (Day 1) (if, necessary)
   - If not clear what information is requested, RO seeks clarification (within 15 working day
   - Provides appropriate advice and assistance to requestor.
   - When clarification is received, NEW working day period starts.
   - If no clarification received, closes request (after 60 days from receipt) and notify applicant.
   - Forwards to Processing Officer.

3. ASSESSES REQUEST (Days 2 – 4)
   - Does the GA hold the information requested?
   - Is the information already accessible of a previous request from the same applicant?

4. LOCATES INFORMATION (Days 2-4)
   - Obtains all relevant information.
   - Prepares schedule of all information located.

5. INFORMS / CONSULTS (Days 2-4)
   - Other officials with key interest

6. CONSIDERS RESPONSE (Days 5-8)
   - The DA (DM) reviews content of documents and applies relevant exemptions.
   - Considers comment / advice of officials

7. CLEARING RESPONSE (Days 9-10)
   - The DA (DM) clears the request.

8. ISSUES RESPONSE (Day 11-15)
   - Upon receipt of response from the DA (DM), the C, MISO (RO) prepares information for release – scan or photocopy documents.
   - If applicant asked for information in a certain format, comply with their preference, if practical.
   - RO updates FOI tracker and saves response.
FOI REQUEST FORM

TITULO NG DOKUMENTO (Title of the Document)
__________________________________________________________

MGA TAON / PANAHONG SAKLAW (Year Covered)
_____________________________________________________________

LAYUNIN (Purpose)
________________________________________________________________________________________
________________________________________________________________________________________
_____________________________________________________________________

PANGALAN (Name) ________________________________

Contract Nos. _______________________

LAGDA (Signature) ________________________________

PETSA (Date):__________________________________

TIRAHAN (Address):______________________________

KATIBAYAN NG PAGKAKAKILANLAN (Proof of identity):______________________________________

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

[ ] Email ________________

[ ] Fax ________________

[ ] Postal Address ________________

[ ] Pick-up (office hours) ________________

________________________________________________________________________________________

Gawaing Itinalaga kay: __________________________________________________________________________

(Submitted to) (Lumagda sa ibaba ng pangalang nakalimbag)

Petsa / Oras ng Pagkatalaga: ___________________________________________________________________

(Date / Time of Submission)

Taong Nagpaptunaly ng Gawaing Natapos: __________________________________________________________

(Certified by)

Uri ng Isinagawang Aksyon: ___________________________________________________________________

(Type of action taken)

Iniskedyul ni / (received by): __________________________________________________________________

FOI Receiving Officer Remarks ___________________________________________________________________

________________________________________________________________________

________________________________________________________________________
DATE

Dear __________,

Greetings!

Thank you for your request dated <insert data> 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. I enclose a copy of [some/most/all]* of the information you requested [in the format you asked for]

Thank you.

Respectfully,

_______________________

FOI Receiving Officer
DATE

Dear __________,

Greetings!

Thank you for your request dated <insert data> 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 Receiving Officer
DATE

Dear __________,

Greetings!

Thank you for your request dated <insert data> 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 or other government websites>. 

Your right to request a review

If you are not satisfied with this response, you may request for an internal review of such response, by writing to the Assistant Director who heads the Central Appeals and Review Committee. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from receipt hereof. It shall be decided by the Director upon recommendation of the Committee within 30 working days from the filing of said written appeal after which you will be notified of the result.

If you are not satisfied with 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 Receiving Officer
DATE

Dear __________,

Greetings!

Thank you for your request dated <insert data> 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 Office 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 not satisfied with this response, you may request for an internal review of such response by writing to the Assistant Director who heads the Central Appeals and Review Committee. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from receipt hereof. It shall be decided by the Director within 30 calendar days from filing of said written appeal after which you will be notified of the result.

If you are not satisfied with 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 Receiving Officer
DATE

Dear __________,

Greetings!

Thank you for your request dated <insert data> 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 an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions applies to that information>. The reasons why that exemption(s) applies are explained in the Annex to this letter.

**Your right to request a review**

If you not satisfied with this response, you may request for an internal review of such response by writing to the Assistant Director who heads the Central Appeals and Review Committee. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from receipt hereof. It shall be decided by the Director within 30 calendar days from filing of said written appeal after which you will be notified of the result.

If you are not satisfied with 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 Receiving Officer
Dear __________,

Greetings!

Thank you for your request dated <insert data> 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 the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

**Your right to request a review**

If you not satisfied with this response, you may request for an internal review of such response by writing to the Assistant Director who heads the Central Appeals and Review Committee. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from receipt hereof. It shall be decided by the Director within 30 calendar days from filing of said written appeal after which you will be notified of the result.

If you are not satisfied with 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 Receiving Officer