

**Department of Transportation**  
**OFFICE FOR TRANSPORTATION SECURITY**



**FREEDOM OF INFORMATION**  
**Agency Manual**

## **TABLE OF CONTENTS**

### **I. Overview**

- a) Title
- b) Purpose of the Manual
- c) Structure of the Manual
- d) Coverage of the Manual

### **II. Definition of Terms**

### **III. Scope, Limitations, and Proactive Disclosure**

### **IV. Standard Procedure**

- a) Making a Request
- b) Receipt of Request
- c) Processing of Request
- d) Granting of Request

### **V. Denial of Request**

- a) Grounds for Denial
- b) Remedies for Denial
- c) Issuance of Denial

### **VII. Keeping of Records**

### **VIII. Annexes**

- a) Executive Order No. 2
- b) List of Exceptions
- c) FOI Response Template (Approved)
- d) FOI Response Template (Denied)
- e) Procedure Flow Chart
- f) FAQs

## SECTION I: OVERVIEW

### i. TITLE

Office for Transportation Security (OTS) Freedom of Information (FOI) Manual

### ii. PURPOSE

The purpose of this FOI Manual is to guide this Office in dealing with requests for information from the public.

### iii. STRUCTURE

This Manual shall set out the rules and procedures of the OTS for requests received under Executive Order (E.O.) No. 2 (**Annex “A”**). The OTS Administrator / Officer-In-Charge is responsible for all actions carried out under this Manual and may delegate this responsibility to the Chief, Public Affairs Division (PAD) of OTS. The C, PAD who shall have overall responsibility for the initial decision on FOI requests.

### iv. COVERAGE

The Manual shall cover all requests for information directed to the OTS subject to reasonable conditions prescribed by law.

## SECTION II: DEFINITION OF TERMS

***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.

***ots.gov.ph*** – The official website of the OTS, where people can download the FOI Request Form and other information, materials, and data on transparency.

***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.

***OTS FOI Committee*** - There shall be a FOI Committee for appeals and review composed of six (6) officials with a rank not lower than a Director or its equivalent headed by the Deputy Administrator of the OTS, to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Administrator / Officer-In-Charge on the denial of such request.

**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.

**FOI Champion** - The FOI Champion is in charge of promotion and overseeing the Department's compliance with Executive Order No. 2.

**FOI Request** – a written request submitted to a government office personally or by email asking for records. An FOI request can generally be made by any Filipino to any government office.

**FOI Decision Maker** - There shall be an FOI Decision Maker (FDM), designated by the Administrator / Officer-In-Charge, with a rank not lower than a Division Chief or its equivalent. The FDM shall conduct an evaluation of the request and has the authority to grant or deny the request.

**FOI Receiving Officer** - The OTS shall designate an FOI Receiving Officer (FRO) preferably coming from the Records Section. The FRO receives the request, evaluates the form, recommend action to the FDM, and notify the requesting party of any action on the request whenever available. The FRO also checks if the information is already disclosed in the Department's Official website, [foi.gov.ph](http://foi.gov.ph) or at [data.gov.ph](http://data.gov.ph). The FRO monitors and tracks all requests and compiles statistical information as necessary.

**Full Denial** - when the Agency or any of its offices or services cannot release any records in response to a FOI request, because, for example, the requested information is exempted from disclosures in its entirety or no records responsive to the request could be located.

**Full Grant** - when a government office is able to disclose all records in full response to a FOI request.

**Information** – records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of 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.

**Official Record/s** – information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty

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

**Partial Grant/ Partial Denial** - when a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

**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.

**Public Record/s** – includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office

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

**Requesting Party** – shall refer to the person/organization who makes an official request for access to information

### **SECTION III: SCOPE, LIMITATIONS, AND PROACTIVE DISCLOSURE**

#### **SCOPE OF APPLICATION**

This manual shall govern all requests for information from the OTS – Central Office. All Offices/ Services under the OTS namely:

- (1) Administrative and Finance Service
- (2) Legal Service
- (3) Transport Security Risk Management Service
- (4) Transport Security Oversight and Compliance Service
- (5) Transport Security Policy and Program Service
- (6) Transport Security Accreditation and Training Management Service

The Public Affairs Division is under the Office of the Administrator, thus PAD is the OPR covered by this Manual.

#### **LIMITATIONS**

##### **i. Sensitive Personal Information**

Requests for information that would constitute an unwarranted invasion to a person’s privacy will be denied. However, the requesting party can be provided access to such personal information if the official/personnel has consented, in writing, to the disclosure of information.

As defined in the Data Privacy Act of 2012, sensitive personal information shall refer to personal information:

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

## **ii. Restricted Documents**

Information classified or marked as restricted documents in a legal proceeding (e.g. appealed cases, orders and resolutions pertaining to employees and officials of the Department)

## **iii. Confidential Documents**

The information is classified or marked as confidential documents (e.g. investigation reports against officials or employees)

## **iv. List of Exceptions**

Type of information requested is listed under the List of Exceptions (**Annex “B”**) as specified under Executive Order No. 2. The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

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

- (8) Matters considered confidential under banking and finance laws, and their amendatory laws; and
- (9) Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

#### **v. Files of employees**

Files that reveal personal information such as address and contact details

### **PROACTIVE DISCLOSURE**

Information made publicly available by government agencies without waiting for a specific FOI request. The OTS posts on its website and other online platforms at various information such as:

#### (1) Budgetary and Financial Records

- Approved Budget under General Appropriations
- Financial Statements
- Financial Reports

#### (2) Administrative Records

- OTS Organizational Chart and Structure
- Mandate, Mission, and Vision
- Office Directory
- Citizen's Charter
- Job Vacancies
- Memorandum Circular
- Office and Department Orders

#### (3) Public Bidding Documents

#### (4) Programs and Projects

- List of Projects
- Accomplishment and Technical Reports
- Status of Projects

### **SECTION IV: STANDARD PROCEDURE**

Upon the establishment of an FOI system, the OTS must accomplish the request within fifteen working days (15) following the date of receipt of the request. If the information requested requires an extensive search of the government office records, facilities,

examination of voluminous records, or the occurrence of fortuitous events, the FDM may extend the accomplishment of the request for another twenty (20) working days.

### **i. Making a Request**

A written request must be submitted by the Requesting Party by filling out a Request Form (**Annex “C”**), which may be downloaded from [www.dotc.gov.ph](http://www.dotc.gov.ph). The form may be accomplished manually (walk-ins) or electronically ([eFOI.gov.ph](http://eFOI.gov.ph)). In case of e-mail, the Requesting Party must send a scanned accomplished copy of the OTS Request Form.

- A. The request shall contain/state the following information:
  - Date of Request
  - Name of the Requesting Party
  - Mailing Address
  - Contact Number (landline and cellphone)
  - Email address, if any
  - Type of information requested
  - Purpose of Request
  - Signature of the Requesting Party
  
- B. The Requesting Party shall present at least one (1) government-issued ID with picture and signature of bearer.
  - GSIS/SSS ID
  - Voter’s ID
  - Passport
  - Driver’s License
  - PRC ID
  - Senior Citizen’s ID
  - Postal ID
  - Philhealth ID
  
- C. If the Requesting Party is asking for public information on behalf of someone else, he/she must submit an authorization letter or Special Power of Attorney.
  
- D. Students shall be required to present a Student ID or Registration Form for the current Academic Year with an endorsement letter from Dean, Professor, or Adviser.
  
- E. All requests must be in writing. If the Requesting Party is illiterate, has a disability, or a senior citizen who is unable to complete a written request, the FRO shall assist him or her in accomplishing the request form.



## ii. Receipt of Request

**A. Walk-in** - The request shall be stamped “RECEIVED” by the FRO, indicating the date and time of the receipt of the request, and the name and position of the public officer who received it with corresponding signature. After which, a stamped copy shall be furnished to the Requesting Party. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

**B. Electronic** – An acknowledgement electronic mail shall be sent to the Requesting Party. Day 1 of processing shall commence upon acknowledgment of the request.

## iv. Processing of Request

The processing of a request shall not exceed fifteen (15) working days from receipt of a request. Processing shall commence upon acknowledgment of the request by the FRO. If the request was emailed to an FRO or FDM on leave, an ‘out of office’ message with instructions on how to re-direct the message to another contact is required.

If the information is already available on the agency website, e-FOI portal, or Open Data portal, the FRO shall immediately inform the Requesting Party that the information requested may be accessed online.

- A. The processing period may be **extended** beyond 15 days if:
- There is a need for extensive search in the OTS records facilities or examination of voluminous records;
  - There are fortuitous events (e.g. typhoon, suspension from office) or other similar circumstances
  - 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.
  - The information requested is related to records that are part of a court proceeding

In such cases, the FRO shall notify the Requesting Party of a need for extension.

- B. In the event that the information requested is not under the custody of the DOTr, the FDM, upon the recommendation of the FRO, shall advise the Requesting Party or his authorized representative to file the request to the concerned agency or unit.
- C. If the information being requested is no longer available for reason of disposal or no such record is being maintained, a Certification on the non-availability of the document or record shall be provided to the Requesting Party

- D. In case of a full denial of request, the FDM should immediately instruct the FRO to notify the Requesting Party so that he/she shall have the option to file for an appeal.

#### **v. Granting of the Request**

- A. The FDM shall be responsible for granting the request to information, in close coordination with the Legal Department
- B. The FDM shall instruct the FRO to notify the Requesting Party that the request has been accomplished. A cover/transmittal letter (**Annex “E”**) signed by the Assistant Secretary shall be forwarded to the Requesting Party.
- C. A Partial Grant of Request is when a government office is able to disclose only certain portions of the records in response to a FOI request
- C. Reproduction of documents is free of charge. However, if the number of pages exceeds 50, the Requesting Party shall be charged P3.00 per page for reproduction and P2.00 for authentication. An Official Receipt shall be given to the Requesting Party.

### **SECTION V. DENIAL OF REQUEST**

The FRO, upon the instruction of the FDM, shall notify the Requesting Party of the Denial through writing, e-mail, or phone call. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

#### **i. Grounds for Denial**

The Request may be denied on these conditions:

- The OTS does not have the information requested
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- The information requested falls under the list of exceptions to FOI
- There is a similar request made by the same Requesting Party previously granted or denied by the OTS

#### **ii. Remedies for Denial**

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

- A. Administrative FOI Appeal to the OTS Central Office. Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial.
- B. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

### **iii. Issuance of Denial**

All notices of denial (**Annex “D”**) shall be issued by the FRO, upon instructions of the FDM, within fifteen (15) working days from the acknowledgement of the request. Notice may be issued personally or by e-mail.

## **SECTION VII. KEEPING OF RECORDS**

The OTS 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.

**i. Request Tracking System.** The OTS 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.

**ii. Records Keeper.** The OTS shall delegate a personnel in-charge of filing and keeping records

**iii. Records Format.** The following records are considered for the purpose of this Manual:

- **Hard copy** – public records, reports, minutes of meetings, papers, periodicals, books or other items, articles or materials
- **Soft Copy** – information in electronic form, including but not limited to documents, signatures, seals, texts, images, sounds, speeches, or data compiled, created, received, recorded, or stored by means of any recording device, process, computer or other electrical device or process in the conduct of an office’s affairs
- **Web-based** – information prepared, processed, or stored online and which can be shared to any type of computer device

## **SECTION VIII: ANNEXES**

### **ANNEX “A” EXECUTIVE ORDER NO. 02**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or *pursuant to* existing laws, rules or regulation.

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

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

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: *Provided*, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing

rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Sgd.) **RODRIGO ROA DUTERTE**  
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**  
Executive Secretary



**ANNEX “B”  
LIST OF EXCEPTIONS**

**MEMORANDUM FROM THE EXECUTIVE SECRETARY**

TO: All Heads of Departments, Bureaus and Agencies of the National/Local Governments Including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and All Others Concerned

SUBJECT: **INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)**

---

Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.

**SALVADOR C. MEDIALDEA**

### **Exceptions to Right of Access to Information**

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>1</sup>

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

---

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

**ANNEX “E”  
FOI RESPONSE TEMPLATE (APPROVED)**

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**

**ANNEX “F”  
FOI RESPONSE TEMPLATE (DENIED)**

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 are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter.

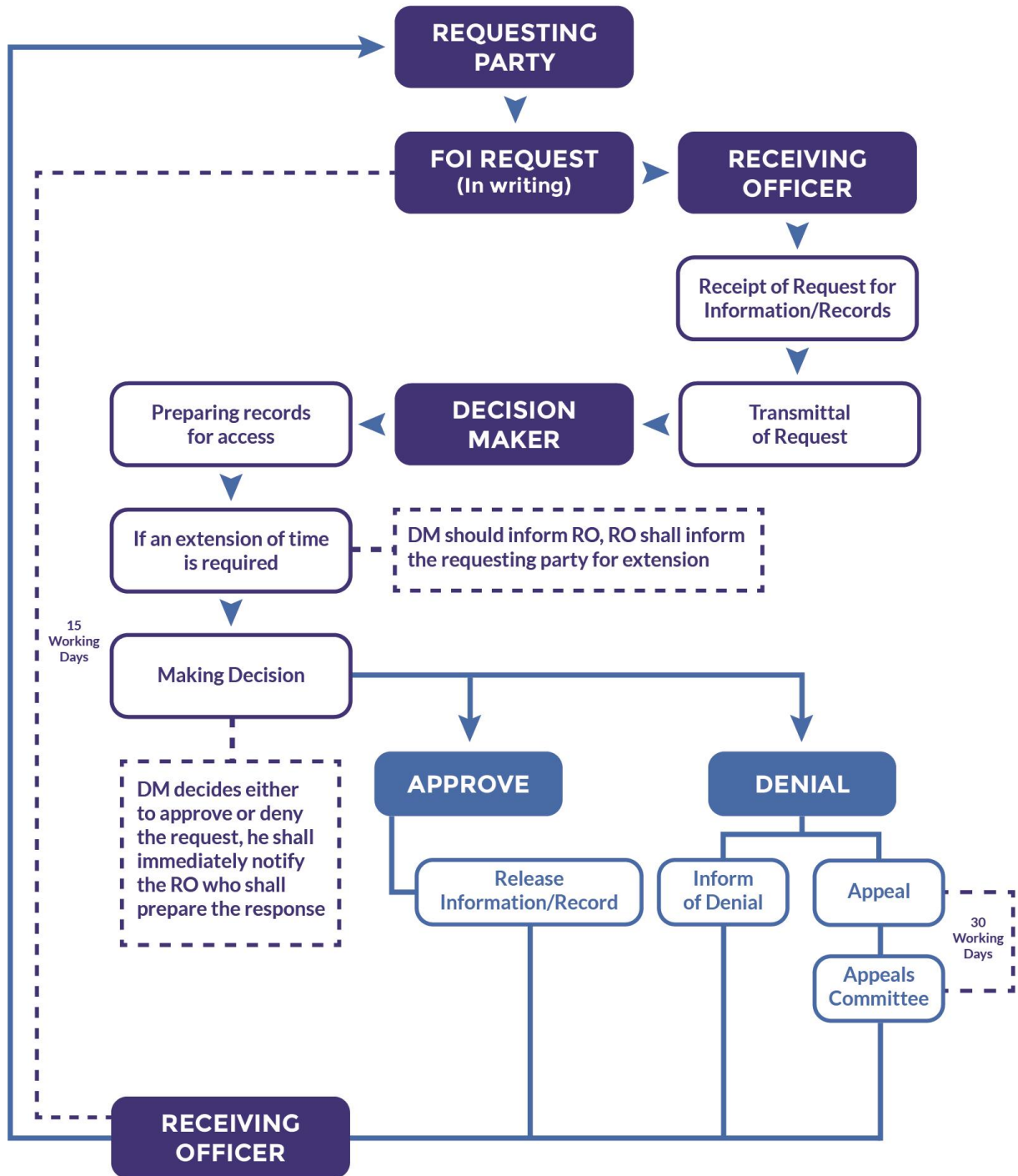
Thank you.

Respectfully,

---

**FOI Receiving Officer**

**ANNEX “G”  
FOI Request Flow Chart**



**ANNEX “H”  
FOI FREQUENTLY ASKED QUESTIONS**

**Introduction to FOI**

**1. What is FOI?**

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

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

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

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

**3. Who oversees the implementation of EO 2?**

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

**4. Who can make an FOI request?**

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

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

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development. Draft as of 11 November 2016 Presidential Communications Operations Office

**6. What agencies can we ask information?**

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

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

**7. How do I make an FOI request?**

The requesting party is to fill out a request form and submit to the agency’s Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed,

such as specifying the information requested, and providing other assistance needed by the Requestor.

### **8. How is the FOI request processed?**

- a. Upon acknowledgment of receipt of the request, the request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- b. The request shall be forwarded to the officials involved to locate the requested information.
- c. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend an appropriate response to the request.
- d. If necessary, the head of the agency shall provide clearance for the response.
- e. The agency shall prepare the information for release, based on the desired format of the Requesting Party.

### **9. How much does it cost to make an FOI request?**

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

### **10. What will I receive in response to an FOI request?**

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

### **11. How long will it take before I get a response?**

Day 1 of processing shall commence upon acknowledgement of the receipt. The processing of the request shall not exceed fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

### **12. What if I never get a response?**

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