




Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ayala Boulevard, Ermita Manila
www.tup.edu.ph




FREEDOM of **INFORMATION** Manual



**EXECUTIVE ORDER NO. 02
SERIES OF 2016**

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





FREEDOM
of
INFORMATION
Manual

APPROVED AS PER BOARD OF REGENTS (BOR)

RESOLUTION NO. 66 SERIES OF 2017

DATED DECEMBER 27, 2017

 Ayala Blvd., Ermita,
Manila, 1000, Philippines

 +632-301-3001

 tup@tup.edu.ph

 www.tup.edu.ph

Table of Contents

Foreword	01
Acknowledgement	02
Overview	03
1. Purpose of the Manual	
2. Structure of the Manual	
3. Coverage of the Manual	
4. FOI Receiving Officers and Decision Makers	
5. The Functions of the FRO	
6. The Functions of the Decision Maker	
7. Approval and Denial of Request to Information	
8. Central Appeals and Review Committee	
Definition of Terms & Acronyms Used	06
Promotion of Openness in Government	10
Protection of Privacy	10
Standard Procedure	12
1. Receipt of Request for Information	
2. Initial Evaluation	
a. Request relating to more than one office under the University	
b. Information is not in the custody of the University	
c. Requested information already posted and available on-line	
d. Similar identical request for information	
3. Transmittal of the Request from FRO to Decision Maker	
4. Role of the Decision Maker in processing the Freedom of Information Request	
5. Role of the FRO to transmit the Information	
6. Extension of Time	

7. Notice to the Requesting Party of the Approval/Denial of the Request	
8. Approval of Request	
9. Denial of Request	
Remedies in Case of Denial of Request	16
Request Tracking System	16
Fees	17
Administrative Liability	17
Annexes	
A Executive Order No. 2	18
B FOI Receiving Officers & Decision Makers	26
Central Appeals & Review Committee	26
C-1 FOI Request Flow Chart	27
C-2 Detailed FOI Request Process	28
C-3 FOI Request Process in Days	29
D FOI Request Form	30
E-1 FOI Response Template – Document Enclosed	31
E-2 FOI Response Template – Answer	32
E-3 FOI Response Template – Document	33
Available on-line	
E-4 FOI Response Template – Document	34
Not Available	
E-5 FOI Response Template – Under Exceptions	35



FOREWORD



Information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. But information is not just a necessity for people – it is an essential part of good government. (Article XIX, The Public's Right to Know Principles on FOI Legislation, International Standards Series).



On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, also known as Freedom of Information Executive Order. This is an integral part of the current administration's Good Governance Plan relevant to reforms and initiatives that pursue greater transparency, accountability and citizen participation in governance. This complements the existing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.



The Executive Order covers all government offices under the Executive Branch, including government-owned or controlled corporations (GOCCs) and state universities and colleges (SUCs). It requires all executive agencies, bureaus and offices to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.



In full support of the government's initiatives on good governance, the Technological University of the Philippines shall utilize its available resources for the full implementation of this Executive Order. To facilitate smooth implementation, this FOI Manual was crafted. It provides guidance to both clients and the FOI officers in the University on the process of requesting information and dealing with requests for information. The contents therein have been subjected to deliberations by sector heads of the University and public forums in all campuses. The TUP Administrative Council then endorsed the finalized document to the BOR for approval and was approved by virtue of Resolution No. 66 series of 2017.



ACKNOWLEDGEMENT

The TUP FOI Manual is an output of the Planning and Development Office through the guidance of the Vice-President for Planning, Development and Information System.

Special acknowledgement to the Presidential Communications Operations Office particularly to Assistant Secretary Kristian R. Ablan for providing us with the needed technical assistance in crafting this document.

Special thanks is also extended to all the TUP Vice-Presidents, Deans and Campus Directors whose suggestions and comments valuably contributed to the completion of this Manual.

Grateful acknowledgement is specially extended to the TUP President, Dr. Adora S. Pili who readily shared her time and ideas in giving useful inputs for the improvement of this Manual and for her valuable endorsement of this document to the Board of Regents.

Above all, praise be to God the Almighty for the wisdom and guidance He provided us that perfected this accomplishment to enable the University to fully support the government's initiatives to pursue greater transparency, accountability and citizen participation in governance.

The TUP FOI Manual Production Team

Dr. Edgar I Gay-ya

Prof. Alicia M. Advincola

Prof. Jerson A. Monsad

Ms. Rhacelle Jane N. Mendoza



SECTION 1: OVERVIEW

1. Purpose:

The purpose of this FOI Manual is to provide the process that will guide and assist the University 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 University when a request for access to information is received. The University President is responsible for all actions carried out under this Manual and may delegate this responsibility to the Vice President for Planning, Development and Information System (VPPDIS).

3. Coverage of the Manual:

The Manual shall cover all requests for information directed to the campuses of the University as follows:

- a. TUP Manila
- b. TUP Cavite
- c. TUP Taguig
- d. TUP Visayas

4. Designation of FOI Receiving Officers and Decision Makers

Each campus shall have an FOI receiving Officer (FRO) and a Decision Maker (DM) designated by the respective campus directors. For TUP Manila, the VPPDIS shall designate these officers. The FRO shall preferably come from the Information Office or its equivalent and the DM shall be at least the rank of a service director or campus assistant director.

5. The Functions of the FRO:

The functions of the FRO shall include the following:

- a. receiving on behalf of the University all requests for information and forward the same to the appropriate office who has custody of the records;
- b. monitor all FOI requests and appeals;
- c. provide assistance to the FOI Decision Maker;
- d. provide assistance and support to the public and staff with regard to FOI;
- e. compile statistical information as required; and
- f. conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request.

6. The Function of the Decision Maker:

The Decision Maker (DM) 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). He shall conduct evaluation of the request and has the authority to grant the request, or deny it based on the following:

- a. the University 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 University.

7. Records/Information Exempted from the Coverage of This Manual:

Exceptions	Reason for Exemption (based on CHED Inventory of Exemptions)
a. Judicial affidavits filed in all cases involving the University	The request will be made to the court
b. All pending cases involving the University and its employees	
c. 201 Files of all employees	Covered by RA 10173 -Data Privacy Law
d. Statement of assets, liabilities and net worth	
e. OPCR and IPCRs	

Exceptions	Reason for Exemption (based on CHED Inventory of Exemptions)
f. Pay Slips	Covered by RA 10173 -Data Privacy Law
g. Student Records	
h. Results of medical and psychological examinations	
i. BAC Minutes of Meetings	Usually confidential until an award has been finalized or during bid evaluation as provided in RA 9184
j. Accomplished eligibility and evaluation forms for project proposals	
k. Abstract of Bids	
l. Financial reports and financial documents not yet audited by the Commission on Audit	A draft or any report not in the final form is not considered a public document unless it becomes basis of an official act already
m. TWG Recommendations	
n. Documents of the University Personnel Selection Board	
o. All reports not in the final form	
p. Inter-office and inter-agency memoranda/ correspondences	Generally confidential. The grant of the request for information whether partially or wholly shall be subject to the evaluation of the Central Appeals and Review Committee.
q. Minutes of Academic, Administrative and Research and Extension Council Meetings	
r. QMS related internal and external reports	

The University upon prior determination and approval of its Board of Regents, Academic Council and Administrative Council, may provide other information or documents which may be exempted from the coverage of this manual in addition to the foregoing enumeration.

8. Approval and Denial of Request to Information:

The Decision Maker shall approve or deny all requests of information. In case where the Decision Maker is on official leave, the VPPDIS or the Campus Director may delegate such authority to any Officer not below the rank of a service director or unit head.

9. Central Appeals and Review Committee:

In case of appeals for denied requests, there shall be a central appeals and review committee designated by the President to review and analyze the grant or denial of said request of information. The Committee shall provide expert advice to the President on the denial of such request.



SECTION 2: DEFINITION OF TERMS & ACRONYMS USED

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”

tup.edu.ph. The website that serves as the TUP’s comprehensive portal for all data that is searchable, understandable, and accessible

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FOI – Freedom of Information
FRO – FOI Receiving Officer
FDM – FOI Decision Maker
PCOO – Presidential Communications Operations Office
EO –Executive Order
TUP – Technological University of the Philippines
VPPDIS – Vice-President for Planning, Development and Information System
VPAF – Vice-President for Administration and Finance
VPRE – Vice President for Research and Extension
VPAA – Vice President for Academic affairs
UITC – University Information Technology Center
ADAA – Assistant Director for Academic Affairs
ADAF –Assistant Director for Administration and Finance
ADRE – Assistant Director for Research and Extension
CD - Campus Director
BOR—Board of Regents



SECTION 3: PROMOTION OF OPENNESS IN GOVERNMENT

I. Duty to Publish Information.

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

- a. A description of its mandate, structure, 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, functions and responsibilities, and their profiles;
- d. Important rules and regulations, orders or decisions;
- e. Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue, allotments and expenditures;

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

3. Keeping of Records.

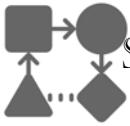
The University shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data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



SECTION 4: PROTECTION OF PRIVACY

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

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



SECTION 5: STANDARD PROCEDURE

I. Receipt of Request for Information.

- I.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 party, as well as provide valid proof of identification or authorization; and
 - The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex “D”)
 - The request can be made through email, 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.
- I.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- I.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 actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- I.4 The University 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, local and special public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- c. If the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

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

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 University:

If a request for information received requires to be complied with by other campuses, the FRO shall forward such request to the campuses concerned and ensure that it is well coordinated and its compliance monitored. The FRO shall also clear with respective FROs in the campuses that they will only provide the specific information that relates to their campus.

2.2 Requested information is not in the custody of the University or any of its offices:

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

- If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.

- 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 University website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

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 of such denial.

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

After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM 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 FDM in processing the request:

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

The FRO shall note the date and time of receipt of the information from the FDM and report to the VPPDIS/Campus Director, in case the submission is beyond the 10-day period. If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.

5. Role of FRO to transmit the information to the requesting party:

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the VPPDIS/Campus Director and ensure the transmittal of such to the requesting party 15 working days upon receipt of the request for information.

6. Request for an Extension of Time

If the information requested requires extensive search of the University's office records, facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the Requesting Party of the Approval/Denial of the Request

Once the 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 VPPDIS/Campus Director.

8. Approval of Request:

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

9. Denial of Request:

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground 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 OVPPDIS/Campus Director.



SECTION 6: REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the University Central Appeals and Review Committee. Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the University 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 University President upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.



SECTION 7: REQUEST TRACKING SYSTEM

The University 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.



SECTION 8: FEES

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



SECTION 9: ADMINISTRATIVE LIABILITY SYSTEM

- 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"



MALACAÑANG PALACE MANILA

BY THE PRESIDENT OF THE PHILIPPINES EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC 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 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”



FOI Receiving Officers & Decision Makers And Central Appeals & Review Committee of Technological University of the Philippines

Campus	Location of FOI Office & Contact Details	Assigned FOI Receiving Officer	Assigned FOI Decision Maker
TUP Manila	Office of the Director, University Information and Technology Center, 3 rd Floor Administration Bldg, TUP, Ayala Blvd., Ermita, Manila (+63 2) 301.3001 loc. 101 foi_manila@tup.edu.ph	Prof. Julius A. Sareno <i>Director, University Information & Technology Center</i>	Dr. Gina L. Basa <i>Director, Institutional/ International Linkage & External Affairs</i>
TUP Visayas	Office of the Planning Coordinator, TUP Visayas, Talisay City, Negros Occidental 495-4822 loc 128 foi_visayas@tup.edu.ph	Mrs. Lainie Mae L. Bala-an <i>Planning Coordinator</i>	Ms. Nelda D. Aspero <i>Assistant Director, Administration & Finance</i>
TUP Cavite	Office of the Planning Head, TUP Cavite, Salawag, Dasmariñas, Cavite (46) 416-4920 foi_cavite@tup.edu.ph	Prof. Darius L. Fajardo <i>Head, Planning Office</i>	Prof. Fe P. Legaspi <i>Assistant Director, Academic Affairs</i>
TUP Taguig	Office of the Planing Head, TUP Taguig, KM 14 East Ser- vice Road, SS Highway, Taguig City (+632) 823-2457 / 838-9889 foi_taguig@tup.edu.ph	Mrs. Ma. Delia A. Amparado <i>Planning Officer</i>	Dr. Laarnie D. Macapagal <i>Assistant Director, Research & Extension</i>

CENTRAL APPEALS & REVIEW COMMITTEE

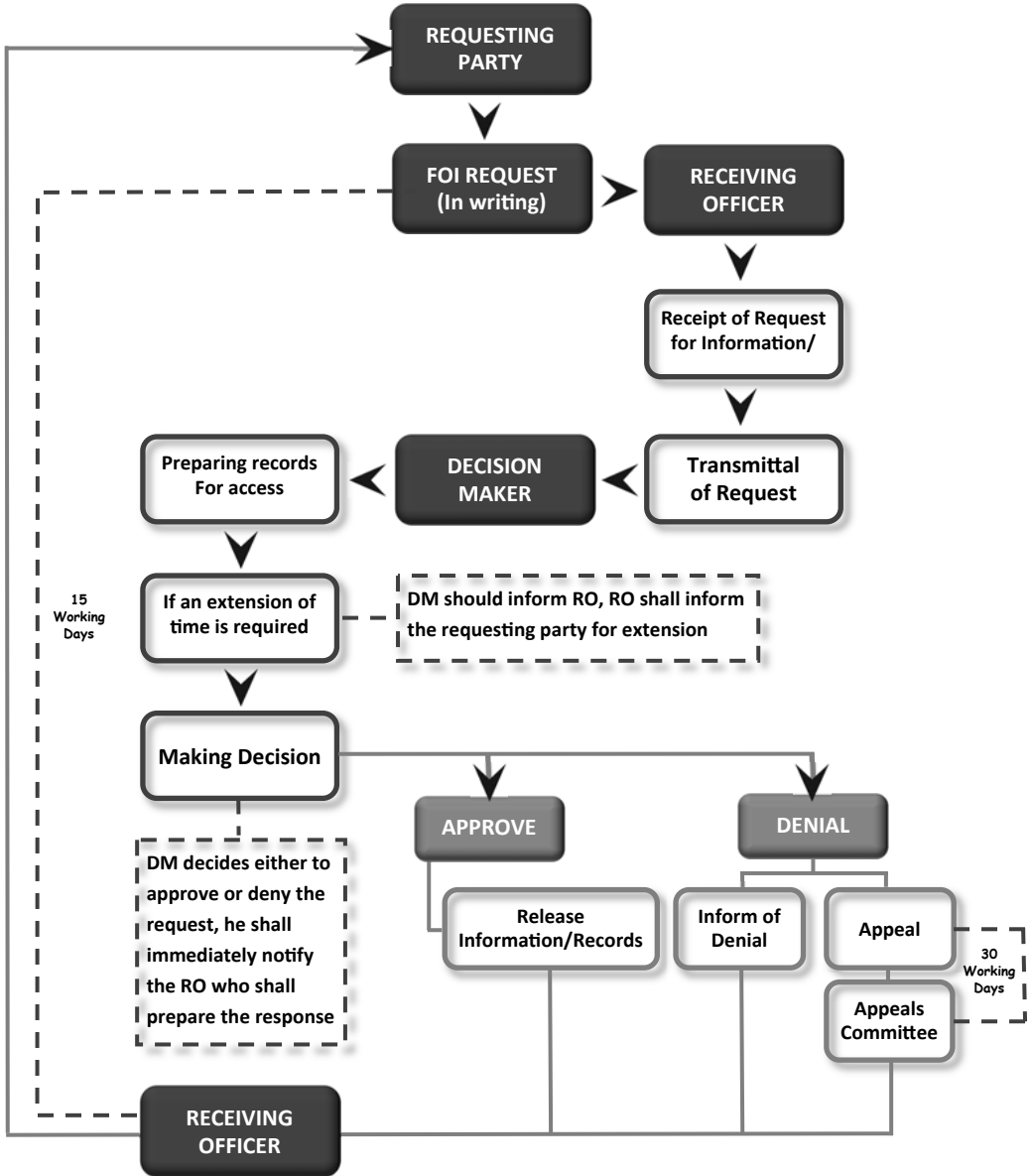
TUP President —Chairperson

Members:

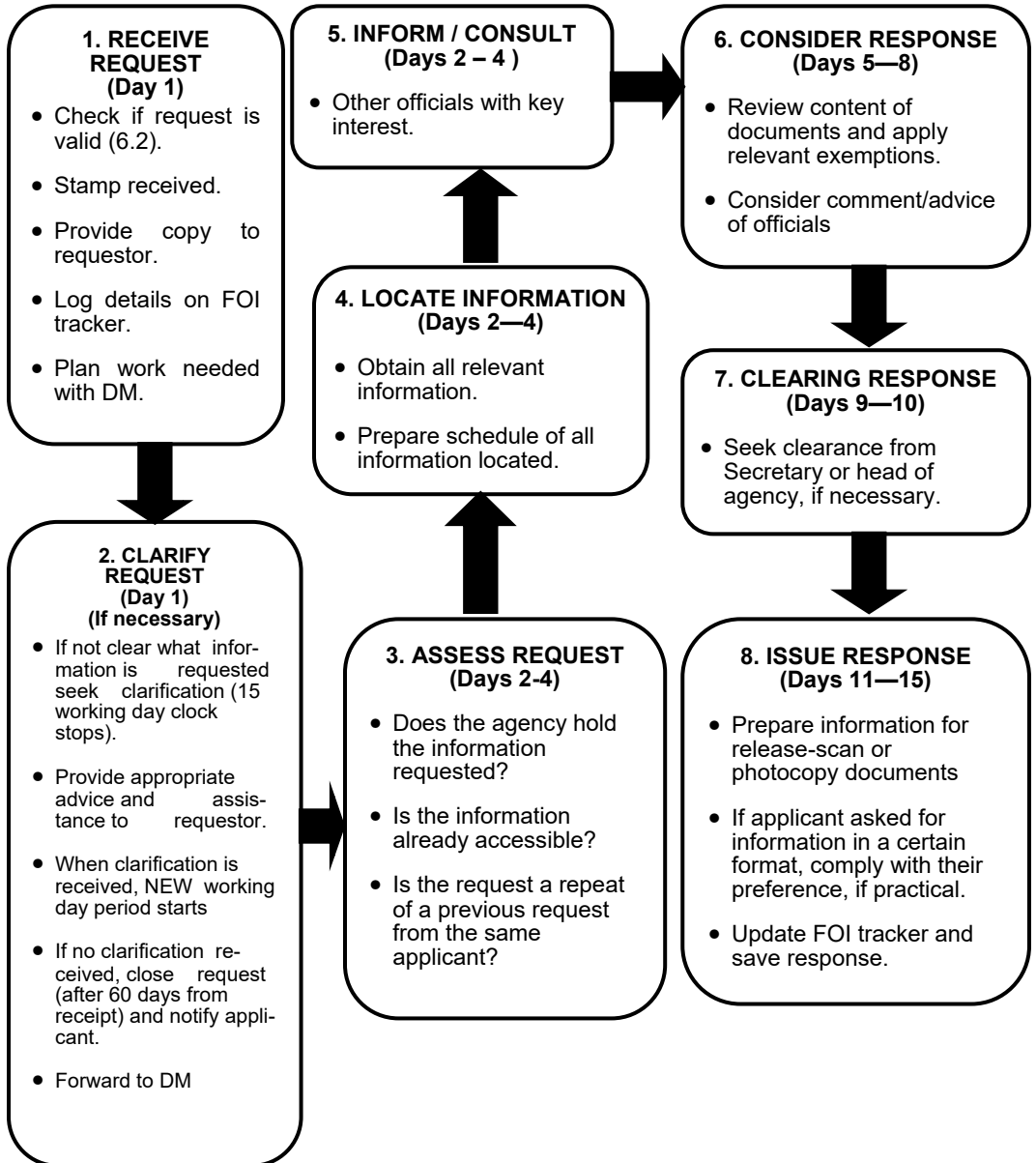
1. Vice President For Academic Affairs
2. Vice President for Administration and Finance
3. Vice President for Research and Extension
4. Vice President for Planning, Development and Information System
5. Campus Directors of TUP-Visayas, TUP-Taguig and TUP-Cavite.

ANNEX "C-1"

FOI REQUEST FLOW CHART



ANNEX “C-2” DETAILED FOI REQUEST PROCESS



ANNEX “C-3” FOI REQUEST PROCESS IN DAYS

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

Notes:

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

ANNEX "D" FOI REQUEST FORM



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

PSAT-PCAT-TUP
Continental
1801-2001



PORMULARYO NG KAHILINGAN FOI Request Form

TITULO NG DOKUMENTO (*Title of the Document*) _____
MGA TAON/PANAHONG SAKLAW (*Year*) _____
LAYUNIN (*Purpose*) _____

PANGALAN (*Name*) _____ CONTACT No. _____
LAGDA (*Signature*) _____ PETA (*Date*) _____
TIRAHAN (*Address*) _____

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

Email _____
 Fax _____
 Postal Address _____
 Pick-up (Office Hours) _____

KATIBAYAN NG PAGKAKAKILANLAN (*Proof of Identity*)

Passport No. _____
Driver's License _____
Other _____

Gawaing Itinalaga kay: _____
(*Submitted to*) (Lumagda sa ibaba ng pangalang nakalimbag)

Petsa/Oras ng pagkatalaga _____
(*Date/Time of Submission*)

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

Uri ng isinasagawang aksiyon _____
(*Type of action being conducted*)

Tinanggap ni (*Received by*):

FOI Receiving Officer

Remarks:

ANNEX “E-1” FOI RESPONSE TEMPLATE – DOCUMENT ENCLOSED



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

PSAT-POAI-TUP
Centennial
1901-2001



DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

Your FOI request is approved. 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 “E-2” FOI RESPONSE TEMPLATE – ANSWER



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

PSAT-FOIA-TUP
Centennial
1901-2001



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 unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to _____, with email address thru vppdis@tup.edu.ph. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with 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

ANNEX “E-3”

FOI RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

PSAT-POAI-TUP
Centennial
1901-2001



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 unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to _____, with email address thru vppdis@tup.edu.ph. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with 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

**ANNEX “E-4”
FOI RESPONSE TEMPLATE – DOCUMENT
NOT AVAILABLE**



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

**PSAT-PCAT-TUP
Centennial
1901-2001**



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/all 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 _____, with email address thru vppdis@tup.edu.ph. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with 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

ANNEX "E-5" FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS



Republic of the Philippines
TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES
Ermita, Manila

PSAT-POAI-TUP
Centennial
1901-2001



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 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 _____, with email address thru vppdis@tup.edu.ph. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with 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

THE PRODUCTION TEAM



Produced by the Planning and Development Office
under the Office of the Vice President for Planning,
Development, and Information System of the
Technological University of the Philippines,
Ayala Blvd., Ermita, Manila.

OCTOBER 2017

All rights reserved.

DR. EDGAR I. GAY-YA

Vice President

Planning, Development, & Information System

PROF. ALICIA M. ADVINCULA

Director

Planning & Development Office

PROF. JERSON A. MONSAD

Technical Assistant

Planning & Development Office

MS. RHACELLE JANE N. MENDOZA

Technical Staff

Planning & Development Office

Consultant:

DR. ADORA S. PILI

TUP President



TECHNOLOGICAL UNIVERSITY OF THE PHILIPPINES

Ayala Blvd., Ermita, Manila
www.tup.edu.ph