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**Philippine Sports Commission**



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Republic of the Philippines  
Office of the President



## Philippine Sports Commission

**FREEDOM OF INFORMATION  
MODEL MANUAL**

**IMPLEMENTING DETAILS**

  
**HON. RICHARD E. BACHMANN**  
*Chairman*

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## SECTION 1: OVERVIEW

1. **Purpose of the Manual:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the PSC in dealing with requests of information received under Executive Order (E.O.) No.2 on Freedom of Information.
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the PSC, when a request for access to information is received. The Chairman is responsible for all actions carried out under this Manual and may delegate this responsibility to the Executive Director or the respective Bureau Heads of the attached offices. The Chairman, the Executive Director, or the respective Bureau Heads, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility on the initial decision for the FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all the requests for information directed to the PSC and all its attached offices.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the PSC. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent of the PSC. The FRO shall hold office at the Records' Office of the PSC located at the Ground Floor of the PSC Admin Building, Rizal Memorial Sports Complex, Pablo Ocampo Sr. St., Manila.

The functions of the FRO shall include receiving on behalf of the PSC all requests for information and forward the same to the appropriate office that has custody of the records; monitor all FOI request and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to the FOI; compile statistical information as required; and, 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 based on the following grounds:

- a. That the form is incomplete;
  - b. That the information is already disclosed at the PSC's official website which is <http://www.web.psc.gov.ph/or data.gov.ph>.
5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the Chairman, with a rank of not lower than a division head or its equivalent. The FDM shall be the division head who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following grounds:
- a. That the PSC does not have the information requested;
  - b. That the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
  - c. That the information requested falls under the 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 PSC.
6. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Commissioner to review and analyze the grant or denial of the request of information. The Committee shall also provide expert advice to the Chairman on the denial of such request.
7. **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 Chairman may delegate such authority to any officer not below the rank of a Director.

## SECTION 2: DEFINITION OF TERMS

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

**eFOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and 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 over time.

**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 <http://www.web.psc.gov.ph/> or [data.gov.ph](http://data.gov.ph) without need for written requests from the public.

**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.

**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.

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

**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 reasonable and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

**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 members, previous or 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.

### **SECTION 3. GLOSSARY OF TERMS**

**ADMINISTRATIVE FOI APPEAL.** An independent review of the initial determination made in request to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office with the agency, which will then conduct an independent review.

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

**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".

**EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitutions, 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 PSC office where you can make a FOI request.

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

**FOI RECEIVING OFFICE.** The primary contact at each PSC office 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 an FOI request that the PSC determines have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the PSC cannot release any records in response to an 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 an FOI request.

**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.

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

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

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

**PROACTIVE DISCLOSURE.** Information made publicly available by the PSC 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.

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

**REFERRAL.** When the PSC locates a record that originated with, or is otherwise of 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".

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

#### **SECTION 4. PROMOTION OF OPENNESS IN GOVERNMENT**

**1. Duty to Publish Information.** The PSC 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, but not limited to:

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

- d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures.
  - e) Important rules and regulations, orders or decisions;
  - f) Current and important database and statistics that it generates;
  - g) Bidding processes and requirements;
  - 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 PSC shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** The PSC shall create and/or maintain in appropriate formats, accurately 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 5. PROTECTION OF PRIVACY**

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

- a) The PSC shall ensure that personal information, particularly sensitive information, in its custody or under its control is disclosed only as permitted by existing laws;
- b) The PSC 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 PSC, shall not disclose that information except as authorized by existing laws.

#### **SECTION 6. STANDARD PROCEDURE**

##### **1. Receipt of request for information**

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

- The request must be in writing;
- The request shall state the name and contact information of the requesting 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.

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 form and a copy of a duly recognized government ID with photo.

- 1.2 In case the requesting party is unable to make a written request, 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.
- 1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who 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.

- 1.4 The PSC must respond to requests promptly, within fifteen (15) working days 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 or local public holiday in the Philippines. In computing for the period, Art. 13 of the Civil Code shall be observed.

The date of receipt of the request will be either:

- a) The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b) If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

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

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

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 PSC:** If a request for information is received which requires to be complied with by the different offices concerned and ensure that it is well coordinated and monitor compliance. The FRO shall also clear with the respective FROs of such offices that they will only provide the specific information that relates to their offices.

- 2.2 **Request information is not in the custody of the PSC:** If the requested information is not in the custody of the PSC, following referral and discussions with the FDM, the FRO shall undertake the following steps:

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

- 2.3 **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the PSC website, [www.psc.gov.ph](http://www.psc.gov.ph), [data.gov.ph](http://data.gov.ph) or [foi.gov.ph](http://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 from 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 acknowledgment of receipt of the request.

**4. Role of the FDM in processing the Freedom of Information 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 be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of the receipt of the information from the FDM and report to the Chairman or the designated Commissioner-in-Charge, 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.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

**5. Role of the FRO to transmit the information:** 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 Chairman or the Commissioner-in-Charge and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

**6. Request for an Extension of Time:** If the information requested requires extensive research of the government'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 before the expiration of Fifteen (15) Day period, 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. Notifying the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the Chairman or the Commissioner-in-Charge as the case may be, for final approval.

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

**9. Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground 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 Office of the Chairman or the Commissioner-in-Charge.

**10. Referral Process -** When the requested information is not in the possession of our office but is available in another government agency under Executive Branch, the request shall be immediately referred by our office to the other government agency through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply.

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

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

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

The Government agency to whom the request was referred under the First Referral may subsequently refer the request to another government agency under the procedure set forth in the first paragraph. This shall be considered as the "second Referral" and another fresh period shall apply.

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

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

#### **VII. Remedies in case of denial of request**

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 PSC 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 Appeal by the Heads of the PSC offices may be appealed by filing a written appeal to the PSC Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond the request.
  - b) The Appeal shall be decided by the Chairman 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.
  - c) The denial of the Appeal by the Chairman or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file at the appropriate judicial action in accordance with the Rules of Court.

#### **VIII. REQUEST TRACKING SYSTEM**

The PSC 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.

#### **IX. FEES**

1. **No Request Fee.** The PSC 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 to the requesting party. The schedule of reproduction fees shall be posted by the PSC.
3. **Exemption from Fees.** The PSC may exempt any requesting party from payment of fees, upon request stating valid reason why such requesting party shall not pay the fee.

#### **X. Administrative Liability**

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
  - a) 1<sup>st</sup> Offense - Reprimand;
  - 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and
  - c) 3<sup>rd</sup> 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 any agency, which provides for more stringent penalties.

**ANNEX "A"**

**FOI Receiving Officers of the PSC**

<b>Name of Office</b>	<b>Location of FOI Receiving Office</b>	<b>Contact Details</b>	<b>Assigned FOI Receiving Officer</b>
<b>Records Office</b>	<b>Ground Floor, Admin Bldg. Rizal Memorial Sports Complex, Pablo Ocampo Sr. St., Malate, Manila</b>	<b>Records.psc.gov.ph  525-0808 local 159</b>	<b>Ms. Caroline S. Tobias</b>



## ANNEX "B"

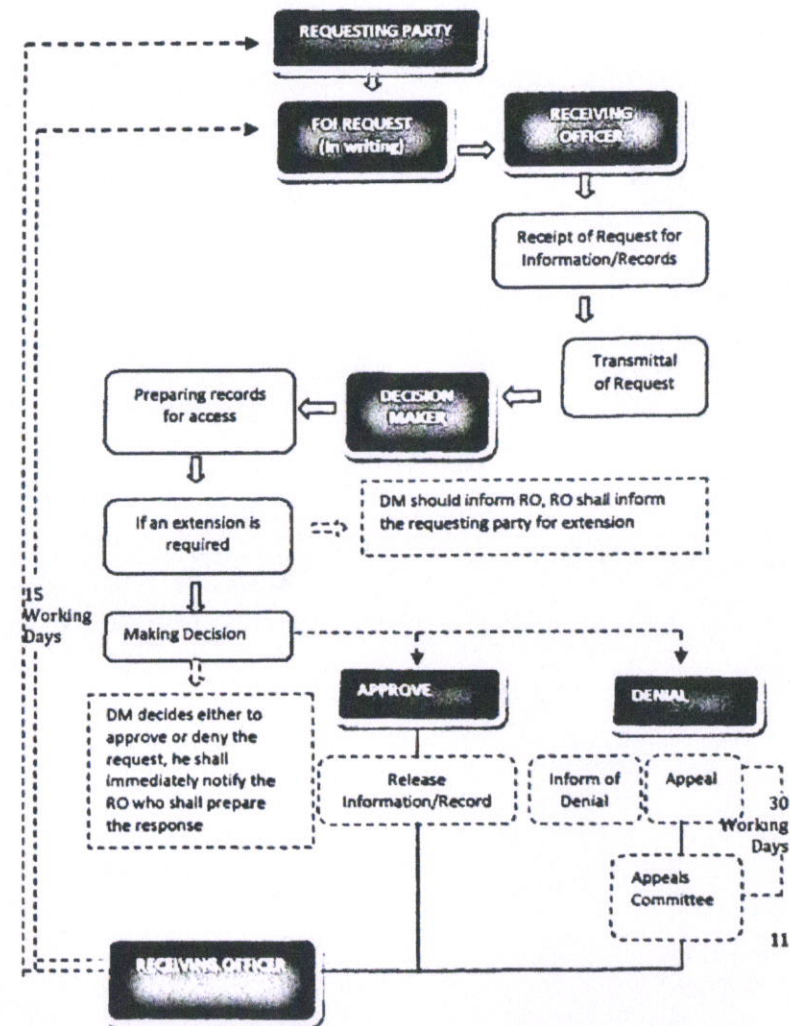
### EXCEPTIONS TO RIGHT OF ACCESS TO INFORMATION

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 regulation.

## ANNEX "C"

### FOI Request Flow Chart





## ANNEX "D"

## FOI Request Form

<b>PHILIPPINE SPORTS COMMISSION</b> <b>Rizal Memorial Sports Complex,</b> <b>Pablo Ocampo Sr. St., Malate, Metro Manila, Philippines</b>	
<b>PORMULARYO NG KAHILINGAN (FOI)</b> <i>FOI Request Form</i>	
TITULO NG DOKUMENTO (Title of Document): _____ MGA TAON/PANAHONG SAKLAW (Year): _____ LAYUNIN (Purpose): _____	
PANGALAN (Name) _____ LAGDA (Signature) _____ TIRAHAN (Address) _____ PARAAN NG PAGTANGGAP NG IMPORMASYON (How would you like to receive the information?)	CONTACT Nos. _____ PETA (Date) _____ KATIBAYAN NG PAGKAKAXILAN (Proof of Identity): Passport No. _____ Driver's License _____ Email _____ Fax _____ Postal Address _____ Pick-up (Office Hours) _____ Tin _____
Gawaing itinilaga kay _____ (Submitted to) (Lumagda sa ibaba ng pangalang nakalimbag) Peta/Oras ng Pagtatalaga: _____ (Date/Time of Submission) Taong Nagpapatunay ng Gawaing Natapos: _____ (Certified by) (Lumagda sa ibaba ng pangalang nakalimbag)	
Uri ng isinagawang aksiyon: _____ (Type of Action Conducted)	
Remarks: _____	Iniskedyul ni (Received by) _____ FOI Receiving Officer

## ANNEX "E - 1"

## FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED

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 "E - 2"**

**FOI RESPONSE TEMPLATE - ANSWER**

DATE

Dear \_\_\_\_\_,

Greetings!

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

**Your request**

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

**Response to your request**

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

\_\_\_\_\_  
**FOI Receiving Officer**

**ANNEX "E - 3"**

**FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE**

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. www.psc.gov.ph, 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 Hon. William I. Ramirez, PSC Chairman. 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 when we receive your review request.

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

Respectfully,

\_\_\_\_\_  
**FOI Receiving Officer**

**ANNEX "E - 4"**

**FOI RESPONSE TEMPLATE - DOCUMENT NOT AVAILABLE**

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 the PSC does not have 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 **Hon. William I. Ramirez, PSC Chairman**. 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 when we receive your review request.

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

Respectfully,

\_\_\_\_\_  
FOI Receiving Officer

**ANNEX "E - 5"**

**FOI RESPONSE TEMPLATE - UNDER EXCEPTIONS**

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 the PSC is unable to provide the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions that applies to that information>. The reason why that exception(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 **Hon. William I. Ramirez, PSC Chairman**. 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 when we receive your review request.

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

Respectfully,

\_\_\_\_\_  
FOI Receiving Office



**FOI-MC No. 21- 05**

**FREEDOM OF INFORMATION  
MEMORANDUM CIRCULAR**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

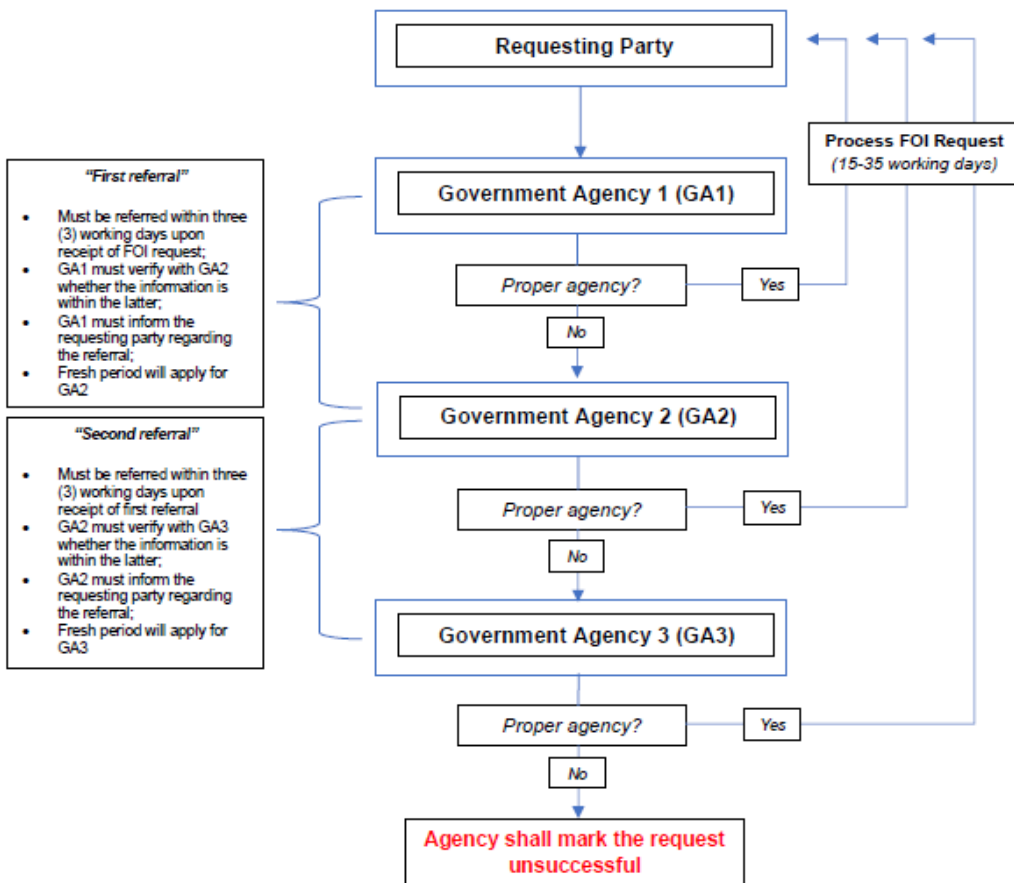
**Manila, Philippines, 27th day of August 2021.**

  
**JOSE RUPERTO MARTIN M. ANDANAR**  
Secretary and FOI Champion



# Annex A

## NO WRONG DOOR POLICY FLOWCHART



### NOTE:

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