

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF SCIENCE AND TECHNOLOGY
MIMAROPA REGION
4th Floor, PTRI Bldg.
General Santos Avenue, Bicutan, Taguig City

FREEDOM OF INFORMATION
IMPLEMENTING DETAILS

SECTION 1: OVERVIEW

- 1. Purpose:** The purpose of the FOI Manual is to provide the process to guide and assist the DEPARTMENT OF SCIENCE & TECHNOLOGY – MIMAROPA REGION (DOST-MIMAROPA) including its Provincial Science and Technology Centers (PSTCs), in dealing with requests of information received under Executive Order (EO) 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 DOST-MIMAROPA, and its PSTCs, when a request for access to information is received. The DOST-MIMAROPA Regional Director is responsible for all actions carried out under this Manual and may delegate this responsibility to the respective Provincial Science and Technology Directors (PSTDs) of the PSTCs. The Regional Director, or the PSTDs shall act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (*i.e.*, to decide whether to release all the records, partially release the records, or deny access).
- 3. Coverage of the Manual:** The Manual shall cover all requests for information directed to DOST-MIMAROPA and its PSTCs, as follows:
 - a) PSTC – Occidental Mindoro
 - b) PSTC – Oriental Mindoro
 - c) PSTC – Marinduque
 - d) PSTC – Romblon
 - e) PSTC – Palawan
- 4. FOR Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the DOST-MIMAROPA Regional Office. The FRO shall preferably come from the Science & Technology Promotions Unit of DOST-MIMAROPA and shall hold office at the Technical Services Division, DOST-MIMAROPA, 4th Floor, PTRI Bldg., Gen. Santos Ave., Bicutan, Taguig City.

The functions of the FRO shall include receiving on behalf of DOST-MIMAROPA or any of its PSTCs, all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to 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:

- a) That the form is incomplete; or
- b) That the information is already disclosed in the DEPARTMENT's Official Website or at data.gov.ph.

The FRO of the PSTCs shall preferably be the Science Research Specialist II (Annex B). The FRO of the PSTCs shall hold office at the following:

- a) PSTC-Occ. Mindoro – San Jose, Occ. Mindoro
- b) PSTC-Or. Mindoro – Calapan City, Or. Mindoro
- c) PSTC-Marinduque – Borac, Marinduque
- d) PSTC-Romblon – Odiongan, Romblon
- e) PSTC-Palawan – Puerto Princesa City, Palawan

SECTION 2: DEFINITION OF TERMS

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

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, 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 and 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, or 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 OF 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.

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 useable 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 reasonably 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, the following shall refer to sensitive personal information:

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

SECTION 3. GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to an 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 within 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 shall contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

CONSULTATION. A process wherein a government office discusses the disclosability of a record that contains information of interest to another office between the agency involved before any final determination is made.

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. 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 an FOI request.

FOI REQUEST. A written request submitted to a government office 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 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 an FOI request that the agency determines that have become or are likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When DOST-MIMAROPA or any of its PSTCs cannot release any records in response to an FOI request. For instance, the requested information is exempted 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 for 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 a government office 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 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. An FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

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 issued 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. The process of forwarding a record located by a government office that formerly originated, or is of otherwise primary interest to another agency, to the said agency. The said agency shall provide the final determination directly to the requester.

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

SECTION 4. PROMOTION OF OPENNESS IN GOVERNMENT

- 1. Duty to Publish Information.** DOST-MIMAROPA shall regularly publish, print and disseminate, at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and through their website (*region4b.dost.gov.ph*) timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, organizational structure, and its procedures and decision-making processes;
 - b. A description of its frontline services, the procedures for the availing of those services, and length of time with which those services should be delivered;
 - c. The names of its key officials, their functions and duties 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 generated;
 - 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.** DOST-MIMAROPA shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
- 3. Keeping of Records.** DOST-MIMAROPA 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, generated, or collected and filed with them.

SECTION 5. PROTECTION OF PRIVACY

While providing access to information, DOST-MIMAROPA shall afford full protection to a person's right to privacy, as follows:

- a. DOST-MIMAROPA 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. DOST-MIMAROPA 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 DOST-MIMAROPA, shall not disclose that information except as authorized by existing laws.

SECTION 6. STANDARD PROCEDURE

(See **Annex "D"** for flowchart)

1. Receipt of Request for Information.

- a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:
 - i. The request must be written using the prescribed form;
 - ii. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - iii. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (see **Annex "E"**)

The request can be made through email, 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.

- b. 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.
- c. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, as well as 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.

- d. DOST-MIMAROPA or any of its PSTCs must respond to the 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 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:

- i. 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
- ii. 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.
 - a. **Request relating to more than one office under DOST-MIMAROPA:** If the request for information received requires it to be complied with by the PSTCs, the FRO shall forward such request to the said PSTC concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such PSTCs that they will only provide the specific information that relates to their PSTCs.
 - b. **Requested information is not in the custody of DOST-MIMAROPA or any of its PSTCs:** If the requested information is not in the custody of the DOST-MIMAROPA Regional Office or any of its PSTCs, following referral and discussions with the FDM, the FRO shall undertake the following steps:
 - i. If the records requested refer to another department, the request shall 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 offices commences the day after it receives the request.

- ii. 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.
- c. **Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the DOST-MIMAROPA website (*region4b.dost.gov.ph*), *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.
- d. **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.
- e. **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.
- f. **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 as necessary. The FDM will then delegate to the corresponding process owner the responsibility of making all the necessary steps to locate and retrieve the information requested. The process owner tasked with the retrieval and preparation of the requested information shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note of the date and time of receipt of the information from the process owner involved, after which the FRO shall report and present the information to the FDM for approval.

In case the submission is beyond the 10-day period, the FRO shall report to the FDM (which are the DOST-MIMAROPA Regional Director or PSTDs of PSTCs).

If the FDM needs further details to identify or locate the information, s/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 task the FRO to consult with the agency

concerned on the disclosability of the records before making any final determination.

- g. **Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the process owner, the FRO shall collate and ensure that the information is complete. S/he shall attach a cover/transmittal letter signed by the DOST-MIMAROPA Regional Director or PSTDs of PSTCs concerned, and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
- h. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the process owner assigned to retrieve and prepare the requested information should inform the FRO. The FRO shall then inform the FDM for approval.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall 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.

- i. **Notice of the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, the FRO 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 DOST Regional Director.
- j. **Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered are 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.
- k. **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 DOST-MIMAROPA Regional Director.

SECTION 7. 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 DOST Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the Heads of DOST-MIMAROPA and PSTCs may be appealed by filing a written appeal to the DOST Central Appeals and Review Committee within (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 DOST Secretary 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 DOST Secretary 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 the appropriate case in accordance with the Rules of Court.

SECTION 8. REQUEST TRACKING SYSTEM

DOST-MIMAROPA 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 9. FEES

1. **No request fee.** DOST-MIMAROPA 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 DOST-MIMAROPA in providing the information to the requesting party. The schedule of fees shall be posted by DOST-MIMAROPA.
3. **Exemption from fees.** DOST-MIMAROPA 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 10. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be grounded 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, rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.