

## **Article I OVERVIEW**

**Section 1: Purpose of the Manual** – The purpose of this FOI Manual is to provide a guide to assist the public in filing Freedom of Information (FOI) requests under Executive Order (E.O.) No. 2, s. 2016 (**Annex A**).

**Section 2: Structure of the Manual** –

- (a) This Manual sets out the rules and procedures to be followed by the public in filing FOI requests and by the Southern Leyte State University (SLSU) in receiving and in acting of the same. The University President is responsible for all actions carried out under this Manual and may delegate this responsibility to the respective Campus Deans. The University President may delegate a specific officer to act as an Initial Decision Maker (IDM), who shall have overall responsibility for the initial decision on FOI request.
- (b) Any action taken by the IDM on any request for information shall be subject to the review and approval of the University President. No information shall be released without the approval of the University President or, by the respective Campus Deans acting as Officer-in-Charge.

**Section 3: Coverage of the Manual** – This Manual shall cover all requests for information, public records, official records, or any documents and papers pertaining to official acts and transactions as mandated in Sec. 3 of E.O. No. 2, s. 2016.

**Section 4: Freedom of Information Receiving Officer** –

- (a) There shall be an FOI Receiving Officer (FRO) designated by the University President, or by the respective Campus Deans in each campus. The FRO shall preferably come from the Records Office of the respective Campuses. The FRO shall hold office at the Records Section of the respective Campuses. An office order designating the FRO of the respective Campuses shall be issued for the purpose.
- (b) The functions of the FRO shall include:
  - 1. Receiving on behalf of the SLSU all requests for information,
  - 2. Providing reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs such as PWDs and Senior Citizens to comply with the request requirements,
  - 3. Providing assistance to the IDM to facilitate the processing and release of the requested information,
  - 4. Notifying the PP who has custody or control of the information, public record or official record being requested,
  - 5. Monitoring all FOI requests, appeals and the corresponding actions taken thereon,
  - 6. Informing the requesting parties of the decision on the request, and
  - 7. Compiling statistical information as required under Sec. 14 of E.O. No. 2, s. 2016.

- (c) The FRO shall maintain a logbook of all requests chronologically received for accountability purposes.
- (d) The FRO before forwarding an FOI request to the Point Person (PP) shall conduct an initial evaluation on the request and advise the requesting party whether the request will be forwarded to the PP for further evaluation, or may be denied based on the following grounds:
  - 1. The request form is incomplete;
  - 2. The requesting party refuses to sign the undertaking stated in the FOI request form; or
  - 3. The information is already disclosed on the SLSU's Bulletin/Information Boards and Official Website ([www.slsuonline.edu.ph](http://www.slsuonline.edu.ph)), [data.gov.ph](http://data.gov.ph) and [eFOI.gov.ph](http://eFOI.gov.ph)

**Section 5: Point Person** – All heads of the different units/offices shall be Point Persons (PPs) insofar as FOI requests pertaining to information found in the custody of the PP. The request may be denied based on the following grounds:

- (a) The SLSU does not have the information requested;
- (b) The information requested contains sensitive personal information protected by Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012;
- (c) The information requested falls under the list of exceptions to right of access to information (**Annex B**); or
- (d) The request is identical or substantially similar to a request by the same requesting party whose request has already been previously granted or denied by the University President.

**Section 6: Initial Decision Maker and University President** – The IDM shall review the recommendation of the PP and shall either approve, deny or return the recommendation to the PP for revision. In all cases, the University President shall approve or deny all FOI requests after initial action of the IDM.

**Section 7: University FOI Appeals and Review Council** – There shall be a University FOI Appeals and Review Council composed of the Chief of the Legal Office acting as Chairperson, and four (4) University officials with a rank not lower than the Office/Unit Head, designated by the University President to review and analyze the grant or denial of request for information. The Council shall also provide expert advice to the University President on the denial of such request.

## **Article II**

### **DEFINITION OF TERMS**

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

**eFOI.gov.ph** – The website that serves as the government’s comprehensive website. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. It 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.

**slsruonline.edu.ph**– The official website that provides information of the Southern Leyte State University and its work and links stakeholders to its respective program portals.

**Information** – It shall mean any records, documents, papers, reports, letters, contracts, minutes and transcript 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.

**Official Record/s** – It 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** – It refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

**Public Records** – It 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** – It 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** – It 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, it shall refer to personal information:

- (a) About an individual’s race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (b) About an individual’s health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have been 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.

### **Article III**

#### **GLOSSARY OF TERMS**

**Administrative FOI Appeal** – An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to 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 contain detailed statistics on the number of FOI requests received, processed, and pending at each government office.

**Consultation** – It is a process where 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.

**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, s. 2016. 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. *(An official e-mail address where requests for information coursed through e-mail should be created and handled by the FRO's designated by the University President, or by the respective Campus Administrators.)*

**FOI Request** – A written request submitted to a government office personally or by email by any Filipino asking for information, public records, official records, and documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development. 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 during government office hours.

**Frequently Requested Information** – Information released in response to a FOI request that the University determines have become or are likely to become the subject of subsequent requests for substantially the same records.

**Full Denial** – When the University cannot release any records in response to a FOI request, because 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.

**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 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.

**Proactive Disclosure** – Information made publicly available by government agencies without waiting for 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** – An FOI request or administrative appeal where the University has completed its work and sent a final response to the requester.

**Received Request or Received Appeal** – An FOI request or administrative appeal that the University has received within a fiscal year.

**Endorsement/Referral** – It is a process 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.

**Simple Request** – A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

**Undertaking** – A statement provided in the FOI request that the information obtained by the requesting party shall not be used for a purpose other than that stated in the request, and that the requesting party shall pay the reasonable expenses incurred in producing the information.

## **Article IV PROMOTION OF OPENNESS IN GOVERNMENT**

**Section 8: 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, otherwise known as 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 process;
- (b) A description of frontline services it delivers and the procedure and length of time by which they may be availed of;

- (c) The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- (d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (e) Important rules and regulations, orders or decisions;
- (f) Current and important database and statistics that it generates;
- (g) Bidding processes and requirements; and
- (h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

**Section 9: Accessibility of Language and Form** – The University shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

**Section 10: Keeping of Records** – The University shall, subject to existing rules and regulations, 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.

## **Article V**

### **PROTECTION OF PRIVACY**

**Section 11** – 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; and
- (c) The FRO, PP, IDM, the University President or any of the respective Campus Dean 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.

**Article VI**  
**STANDARD PROCEDURE**  
**(Annex C: Flowchart)**

**Section 12: Filing an FOI Request –**

- (a) Any citizen of the Republic of the Philippines may file an FOI request pertaining to any information relating to the functions and duties of the University.
- (b) Any citizen desiring to file an FOI request shall fill up an FOI request form and file it to the Office of the FOI Receiving Officer and must be:
- In writing, stating the name and contact information of the requesting party, as well as provide valid proof of identification (*such as government issued ID with photo*) or, in case of a representative, the duly notarized authorization of the requesting party, and signature of the requesting party;
  - The request shall reasonably describe the information requested and the reason for, or purpose of, the FOI request (**Annex D**); and
  - The requesting party shall sign an undertaking stating that the information shall not be used for any purpose other than the reason stated in the request, and that the information shall not be released unless a reasonable fee is paid to defray the necessary expenses, if any, incurred in producing the information which shall include photocopying, printing, and expenses for office resources and transmitting the information.
- (c) The request can be made through e-mail, *provided* that the requesting party shall attach in the e-mail a scanned copy of the signed FOI request, and a copy of a duly recognized government issued identification card with photo. The FOI request shall acknowledge by the FRO through e-mail within twenty-four (24) hours from the time the request is received, except when the request is sent on a Saturday, Sunday, a day which is declared a national public holiday in the Philippines or local holiday in the province and municipality concerned, in which case the e-mail shall be acknowledged on the next working day. The FRO shall also provide notice of the undertaking mentioned above which should be acknowledged by the requesting party. An FOI request can be made through the eFOI platform (*foi.gov.ph*).
- (d) If the requesting party is unable to make a written request, because of illiteracy or disability, the FRO shall assist him/her in making a request which must be authenticated by the requesting party by signing it or by affixing the requesting party's thumb mark on the space above his/her name and on the undertaking.
- (e) After the request has been completed, the request shall be stamped received and signed by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the FRO. A copy of the request shall be furnished to the requesting party. In case of e-mail request, the e-mail request and



accompanying undertaking, processed following the procedure mentioned above, and acknowledge by a reply e-mail.

- (f) The University must respond to the FOI request not later than 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 or a local holiday in the province and municipality concerned. In computing the period, Art. 13 of the New Civil Code of the Philippines shall be observed. The date of receipt of the request will be either:
- The day on which the request is physically or electronically delivered to the University, or directly into the e-mail inbox of the FRO; or
  - If the University has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- (g) An exception to this will be where the request has been e-mailed to an absent FRO, and an e-mail generated “out-of-office” message with instructions on how to re-direct the message to another contact is sent. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.
- (h) Should the requested information need further details to be identified or located, the FRO may clarify the details from the requesting party and the fifteen (15) working days shall be stop and will start a new working day on the day after the FRO receives the required clarification. Failure of the requesting party to provide the information requested within sixty (60) days from the time he/she is informed of the request for additional information, the request shall be deemed abandoned.
- (i) The requesting party may follow-up on the FOI request at the Office of the FOI Receiving Officer, where the request is filed from Monday to Friday, unless it is declared as a national public holiday or a holiday in the province and municipality concerned, any day within the work week and during the official hours of the University.

**Section 13: Initial Evaluation** – After receipt of an FOI request or e-FOI request, the FRO shall evaluate the request and forward the same to the PP within twenty-four (24) hours from the time the request is received.

- (a) **Requests exempted from coverage:** If the request is exempted from coverage, the FRO shall recommend the denial of the request for information to the IDM. The IDM shall evaluate the recommendation of the FRO and shall notify the requesting party of the decision the request.
- (b) **Request relating to more than one office under the University:** If a request for information is received which requires to be complied with, of different campuses of the University, the FRO shall forward such request to the said campus concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear

with the respective FROs of such campuses that they will be only provided the specific information that relates to their campuses.

- (c) **Requested information is not in the custody of the University or any of its Campuses:** If the requested information is not in the custody of the University or any of its Campuses, upon referral and discussions with the IDM, the FRO shall undertake the following steps:
1. If the records requested refer to another department or agency of the Executive Branch, the requested will be immediately transferred to such appropriate department or agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the fifteen (15) working day limit. The fifteen (15) working day requirement for the receiving office commences the day after it receives the request.
  2. 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.
- (d) **Requested information is already posted and available online:** If the information being requested is already posted and publicly available in the SLSU official website, data.gov.ph or foi.gov.ph, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.
- (e) **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.

**Section 14: Transmittal of the FOI request by the FRO to the PP** – After evaluating the FOI request or e-FOI request, the FRO shall, and notify the PP having the custody of the information and forward the request to the PP within twenty-four (24) hours from the receipt of the FOI request.

**Section 15: Role of the Point Person (PP) in processing the FOI request** –

- (a) The PP shall act immediately, within four (4) working days, on FOI requests upon receipt and determine, through best efforts, whether the information requested is covered by the right to information or whether the request falls within the coverage of Section 5, Article I of this Manual.
- (b) If the PP needs further details to identify or locate the information, he/she shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the fifteen (15) working day period and will start a new working day the day after receipt of the required clarification from the requesting party.

**Section 16: Extension of Time for Acting on FOI Requests** – The PP, through the FRO, shall notify the requesting party of the need to extend the period to act on the FOI request considering

that it requires extensive search of the government's office records, facilities, or examination of voluminous records, or is affected by the occurrence of fortuitous events, other analogous cases or complex requests, which shall not exceed twenty (20) working days on top of the mandated fifteen (15) working days, unless exceptional circumstances warrant a longer period.

**Section 17: Role of the Initial Decision Maker (IDM)** – All recommendations made by the PP on the FOI request, shall be reviewed by the IDM. The IDM shall act on the recommendation of the PP within two (2) working days from the time the same is submitted to him/her for review.

**Section 18: Role of the University President** – The University President shall act on the recommendation of the IDM within three (3) working days from the time the recommendation of the IDM is submitted to him/her for review.

**Section 19: Notice to the Requesting Party of the Approval or Denial of the FOI Request** – After the University President approves or denies the request, the FRO shall be immediately notified and shall prepare the response to the requesting party either in writing or by e-mail. For e-FOI requests, the FRO shall update the status of the request in the FRO Dashboard to notify the requesting party of the progress of the request.

**Section 20: Approval of Request** – The requesting party shall inform by the FRO of the period when the requesting party may get the information or record requested within five (5) working days from approval. Before the information is released, the FRO should require the requesting party to present the identification card presented when the request was made and direct the requesting party to pay the applicable fees, if any.

**Section 21: Role of the FRO in Transmitting the Information to the Requesting Party** –

- (a) Upon the approval of the request, whether in whole or in part, the FRO shall inform the requesting party within five (5) working days and ensure that all information forwarded by the PP is complete. However, the PP, through the FRO, prior to the expiration of the original fifteen (15) working day period, inform the requesting party of the need for an extension of time to prepare the information, which shall not exceed twenty (20) working days on top of the fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.
- (b) It shall be the duty of the requesting party to claim the information requested within fifteen (15) working days from the time he/she is notified that the requested information is ready and available for pick-up. Failure of the requesting party to claim the information or record requested within fifteen (15) working days of the release date shall result in the appropriate disposal of the request.

**Section 22: Denial of Request –**

- (a) In case of denial of the FOI request, whether in whole or in part, the requesting party shall be notified in writing or e-mail by the FRO within five (5) working days. The notice shall clearly set forth the ground(s) for the denial, and the reasons thereof. 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 for information.
- (b) For e-FOI request, in addition to the requirements above, the PP shall update the status of the request in the PP Dashboard and state therein the reason for the denial of the request, whether in whole or in part, within five (5) days from the approval of the report denying the request.

**Article VII**

**REMEDIES IN CASE OF DENIAL**

**Section 23 –** A requesting party who is not satisfied with the decision on his/her FOI request may avail himself/herself of the following remedies:

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

**Article VIII**

**REQUEST TRACKING SYSTEM**

**Section 24 –** The University through the Office of Management Information System (MIS) in coordination with the Records Office 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.

## **Article IX FEES**

**Section 25: No Request Fee** – The University shall not charge any fee for accepting requests for access to information.

**Section 26: Reasonable Cost of Reproduction and Copying of the Information** – The requesting party may be required to pay a fee for reproduction or copying which is necessary to produce the information. Such fee shall be limited to the actual amount spent by the University in producing the information to the requesting party.

**Section 27: Undertaking to Pay Costs of Reproduction and Copying of the Information** – Before the requested information is released, the requesting party should pay the reasonable cost of producing, copying, printing and other expenses borne by the University in producing the information pursuant to the undertaking in the FOI request form.

**Section 28: Exemption from Fees** – The University President may, upon request, exempt any requesting party from payment of fees, on the ground that the requesting party is indigent. A requesting party seeking to be exempted from payment of fees must execute a duly notarized Affidavit of Indigency.

## **Article X Administrative Liability**

**Section 29: Non-compliance with FOI** – Upon a valid complaint of a requesting party, failure to comply by the FRO or PP 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.

**Section 30: Procedure** – The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of administrative cases for failure to comply with the provisions of this Manual.

**Section 31: Provisions for More Stringent Laws, Rules and Regulations** – Nothing in this Manual shall be construed to derogate from any law, rule, or regulation prescribed by any body or agency, which provides for more stringent penalties.



MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, 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.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as

the need to do so arises, for circularization as hereinabove stated.

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

**SECTION 6. Application and Interpretation.** There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

**SECTION 8. People's Freedom of 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 information:

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

**SECTION 9. Procedure.** The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

**SECTION 13. Remedies in Case of Denial of Request for Access to Information.** A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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 and 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 23<sup>rd</sup> day of July in the year of our Lord Two Thousand and Sixteen.

By the President:

  
SALVADOR C. MEDIALDEA  
Executive Secretary





**Office of the President  
of the Philippines  
Malacañang**

**MEMORANDUM FROM THE EXECUTIVE SECRETARY**

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

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

**DATE:** 24 November 2016

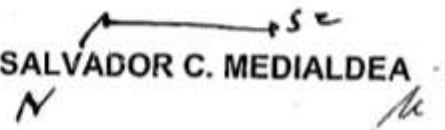
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Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered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

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

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

For your information and guidance.

  
SALVADOR C. MEDIALDEA

## Exceptions to Right of Access to Information

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

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

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

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>2</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>5</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and

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<sup>2</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

<sup>3</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

<sup>4</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

<sup>5</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

<sup>6</sup> *Akbayan v. Aquino*, *supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

- c. Patent applications, the publication of which would prejudice national security and interests;<sup>7</sup>
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;<sup>8</sup>
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>9</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
  - d. Any information given by informants leading to the recovery of carjacked vehicles and apprehension of the persons charged with carjacking;<sup>11</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

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<sup>7</sup> The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

<sup>8</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

<sup>9</sup> *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>11</sup> Section 19, *New Anti Carjacking Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>12</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>13</sup> personal information or records,<sup>14</sup> including sensitive personal information, birth records,<sup>15</sup> school records,<sup>16</sup> or medical or health records;<sup>17</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>18</sup>

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual<sup>19</sup> and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>20</sup>

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of

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<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers 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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

<sup>15</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

<sup>16</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

<sup>17</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (*Privacy Guidelines for the Implementation of the Philippine Health Information Exchange*).

<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>19</sup> Article 26(2), *Civil Code*.

<sup>20</sup> Section 11, *Data Privacy Act of 2012*.



the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
  - (1) records of child and family cases;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>25</sup>
  - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>26</sup>
  - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;<sup>27</sup>
  - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>28</sup>
  - (7) names of victims of child abuse, exploitation or discrimination;<sup>29</sup>

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<sup>21</sup> Section 4, *Data Privacy Act of 2012*.

<sup>22</sup> *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

<sup>23</sup> Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

<sup>24</sup> Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

<sup>25</sup> Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

<sup>26</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

<sup>27</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

<sup>28</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

<sup>29</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;<sup>30</sup>
  - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>31</sup>
  - (10) names of students who committed acts of bullying or retaliation;<sup>32</sup>
  - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and<sup>33</sup>
  - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;<sup>34</sup>
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, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>35</sup>

<sup>30</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

<sup>31</sup> Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

<sup>32</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>33</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

<sup>34</sup> Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>35</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);<sup>36</sup>
- c. Records and reports submitted to the Social Security System by the employer or member;<sup>37</sup>
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;<sup>38</sup>
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;<sup>39</sup>
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>40</sup>
- g. Documents submitted through the Government Electronic Procurement System;<sup>41</sup>
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;<sup>42</sup>
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;<sup>43</sup>
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;<sup>44</sup>

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<sup>36</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*, May be invoked only by the PSA.

<sup>37</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

<sup>38</sup> Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>39</sup> Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

<sup>40</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>41</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

<sup>42</sup> Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

<sup>43</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

<sup>44</sup> Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;<sup>45</sup>
  - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>46</sup>
  - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;<sup>47</sup>
  - n. Information on registered cultural properties owned by private individuals;<sup>48</sup>
  - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>49</sup> and
  - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>50</sup>
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
  - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>51</sup>
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

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<sup>45</sup> Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

<sup>46</sup> Section 10, *Safeguard Measures Act*.

<sup>47</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

<sup>48</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

<sup>49</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

<sup>50</sup> Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

<sup>51</sup> Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;<sup>52</sup>
- b. Matters involved in an Investor-State mediation;<sup>53</sup>
- c. Information and statements made at conciliation proceedings under the *Labor Code*;<sup>54</sup>
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>55</sup>
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;<sup>56</sup>
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;<sup>57</sup>
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;<sup>58</sup>
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;<sup>59</sup>
- i. Investigation report and the supervision history of a probationer;<sup>60</sup>
- j. Those matters classified as confidential under the *Human Security Act of 2007*;<sup>61</sup>

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<sup>52</sup> Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

<sup>53</sup> Article 10, International Bar Association Rules for Investor-State Mediation.

<sup>54</sup> Article 237, *Labor Code*.

<sup>55</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

<sup>56</sup> Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

<sup>57</sup> Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

<sup>58</sup> Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

<sup>59</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

<sup>60</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

<sup>61</sup> Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>62</sup> and
  - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;<sup>63</sup>
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
  - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
  - c. RA No. 8791 (*The General Banking Law of 2000*);
  - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
  - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
    - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;<sup>64</sup>
    - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);<sup>65</sup> and
    - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);

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<sup>62</sup> Section 14, Civil Service Commission Resolution No. 01-0940.

<sup>63</sup> Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

<sup>64</sup> Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

<sup>65</sup> Article 7, UNCITRAL Transparency Rules.

- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>66</sup>
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
  - (1) any purpose contrary to morals or public policy; or
  - (2) any commercial purpose other than by news and communications media for dissemination to the general public;<sup>67</sup>
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>68</sup>
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;<sup>69</sup>
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>70</sup> and
- g. Attorney-client privilege existing between government lawyers and their client.<sup>71</sup>

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<sup>66</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.*

<sup>67</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

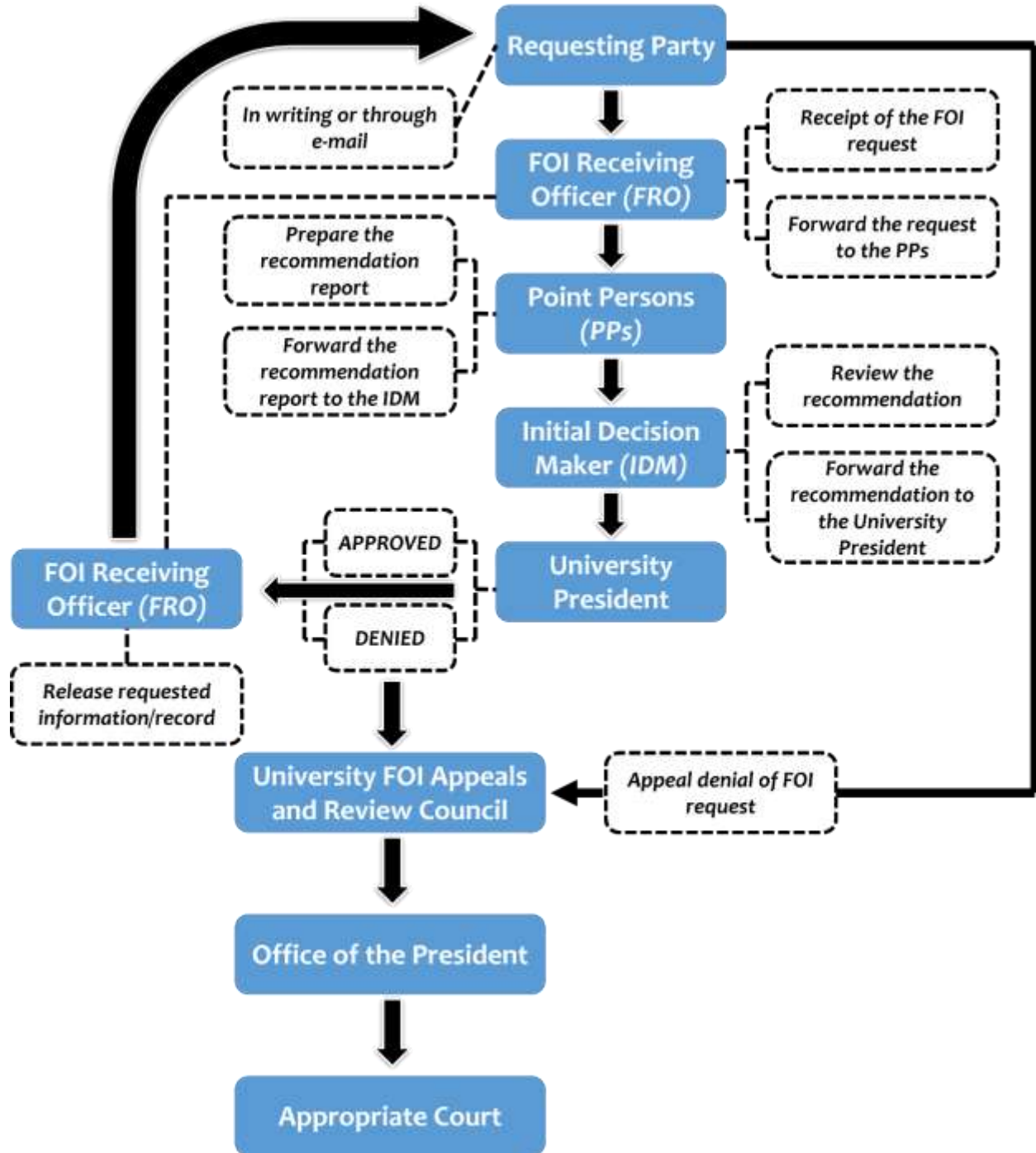
<sup>68</sup> *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

<sup>69</sup> Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

<sup>70</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

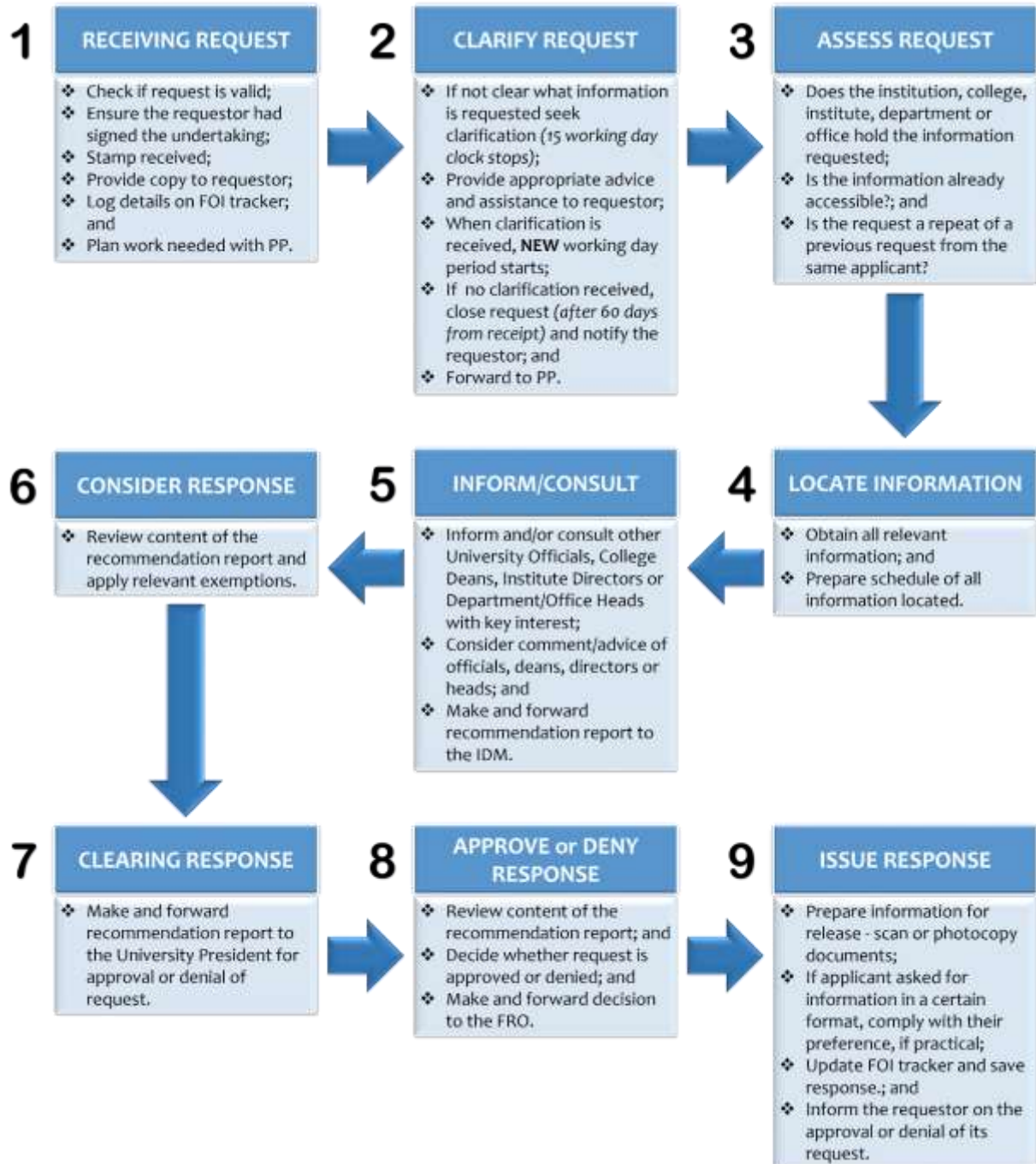
<sup>71</sup> Canon 21 of the *Code of Professional Responsibility.*

ANNEX C  
FOI Request Flowchart

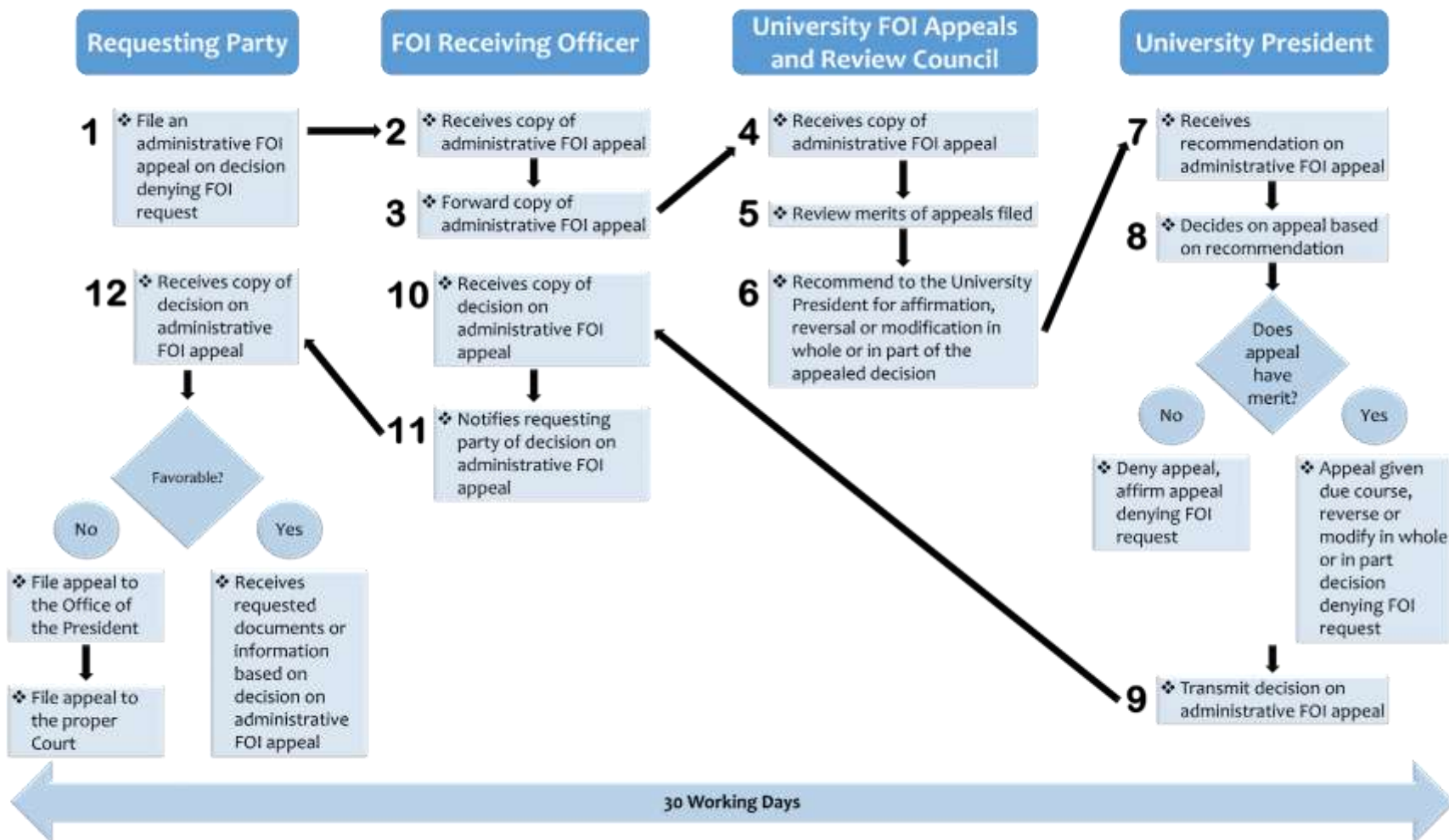




**ANNEX C.1**  
Detailed FOI Request Process



Day 1	Days 2-5	Days 6-7	Days 8-10	Days 11-15
<p><b>Receiving Request:</b></p> <ul style="list-style-type: none"> <li>❖ Check if request is valid;</li> <li>❖ Ensure the requestor had signed the undertaking;</li> <li>❖ Stamp received;</li> <li>❖ Provide copy to requestor;</li> <li>❖ Log details on FOI tracker; and</li> <li>❖ Plan work needed with PP.</li> </ul> <p><b>Clarify Request:</b></p> <ul style="list-style-type: none"> <li>❖ If not clear what information is requested seek clarification (15 working day clock stops);</li> <li>❖ Provide appropriate advice and assistance to requestor;</li> <li>❖ When clarification is received, <b>NEW</b> working day period starts;</li> <li>❖ If no clarification received, close request (after 60 days from receipt) and notify the requestor; and</li> <li>❖ Forward to PP.</li> </ul>	<p><b>Assess Request:</b></p> <ul style="list-style-type: none"> <li>❖ Does the institution, college, institute, department or office hold the information requested;</li> <li>❖ Is the information already accessible?; and</li> <li>❖ Is the request a repeat of a previous request from the same applicant?</li> </ul> <p><b>Locate Information:</b></p> <ul style="list-style-type: none"> <li>❖ Obtain all relevant information; and</li> <li>❖ Prepare schedule of all information located.</li> </ul> <p><b>Inform/Consult:</b></p> <ul style="list-style-type: none"> <li>❖ Inform and/or consult other University Officials, College Deans, Institute Directors or Department/Office Heads with key interest;</li> <li>❖ Consider comment/advice of officials, deans, directors or heads; and</li> <li>❖ Make and forward recommendation report to the IDM.</li> </ul>	<p><b>Consider Response:</b></p> <ul style="list-style-type: none"> <li>❖ Review content of the recommendation report and apply relevant exemptions.</li> </ul> <p><b>Clearing Response:</b></p> <ul style="list-style-type: none"> <li>❖ Make and forward recommendation report to the University President for approval or denial of request.</li> </ul>	<p><b>Approve or Deny Response:</b></p> <ul style="list-style-type: none"> <li>❖ Review content of the recommendation report; and</li> <li>❖ Decide whether request is approved or denied; and</li> <li>❖ Make and forward decision to the FRO.</li> </ul>	<p><b>Issue Response:</b></p> <ul style="list-style-type: none"> <li>❖ Prepare information for release - scan or photocopy documents;</li> <li>❖ If applicant asked for information in a certain format, comply with their preference, if practical;</li> <li>❖ Update FOI tracker and save response.; and</li> <li>❖ Inform the requestor on the approval or denial of its request.</li> </ul>



ANNEX E  
FOI Request Form



Republic of the Philippines  
**SOUTHERN LEYTE STATE UNIVERSITY**  
Sogod, Southern Leyte  
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Email: [slsumaincampus@gmail.com](mailto:slsumaincampus@gmail.com)/  
[op@slsuonline.edu.ph](mailto:op@slsuonline.edu.ph)  
Telefax: (053) 382-3294

**PORMULARYO NG KAHILINGAN NG FOI**  
FOI Request Form

**Titulo ng Dokumento** (Title of the Document): \_\_\_\_\_

**Mga Taon/Panahong Saklaw** (Year Covered): \_\_\_\_\_

**Layunin** (Purpose):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Pangalan** (Name): \_\_\_\_\_ **Contact No.:** \_\_\_\_\_

**Lagda** (Signature): \_\_\_\_\_ **Petsa** (Date): \_\_\_\_\_

**Tirahan** (Address): \_\_\_\_\_ **Katibayan ng Pagkakakilanlan** (Proof of Identity):

Passport No.: \_\_\_\_\_

Driver's License: \_\_\_\_\_

Others: \_\_\_\_\_

**Paraan ng Pagtanggap ng Impormasyon:**

(How would you like to receive the information?)

Email: \_\_\_\_\_

Fax: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Pick-up (Office Hours): \_\_\_\_\_

**Klase ng Pormat na Papalooban ng Impormasyon:**

(In what format would you like to receive the information?)

Physical Copy

Soft Copy

PDF

Others: \_\_\_\_\_

Xxx-----xxX

**Gawaing Itinatala kay:** \_\_\_\_\_

(Submitted to)

**Petsa/Oras ng Pagkatalaga:** \_\_\_\_\_

(Date/Time of Submission)

**Taong nagpapatunay ng Gawaing Natapos:** \_\_\_\_\_

(Certified by)

Signature over printed name (Lumagda sa itaas ng pangalang nakalimbag)

**Url nga Isinagawang aksiyon:** \_\_\_\_\_

(Type of action conducted)

**Inskedyul ni** (Received By):

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

**Gawain** (Undertaking):

Sa pagkuha ng dokumento o impormasyon ay may mga kinakailangang bayarin para sa kaukolang gastos sa pagpapalimbag ng mga hinihilinging dokumento o impormasyon. Kung ang humihiling sa mga dokumento o impormasyon ay hindi makapagbayad sa mga kaukulang bayarin, ang FRO ay binigyang karapatan sa pagpaliban sa pagpalabas ng mga hinilinging dokumento o impormasyon. Bukod dito, mahigpit na pinagbabawal na gamitin ang hiniling na mga dokumento o impormasyon para sa ibang layunin na naliba mula sa dahilan na nakasaad sa kahilingan. (The requesting party undertakes to pay the necessary expenses incurred in producing the information, record or document requested. Failure of the requesting party to pay the necessary expenses incurred in producing the information, record or document authorizes that FRO to withhold the release of the information. Further, the requesting party undertakes not to use the information requested for a purpose different from the reason(s) stated in the request.



Republic of the Philippines  
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Sogod, Southern Leyte  
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[op@slsuonline.edu.ph](mailto:op@slsuonline.edu.ph)  
Telefax: (053) 382-3294

{Date}

{Name}

{Address}

Dear Mr./Ms. \_\_\_\_\_,

Greetings!

Thank you for your request dated \_\_\_\_\_ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You asked for *{quote request exactly, unless it is too long/complicated}*.

Your FOI request is approved. I hereby inform you to claim the requested document within fifteen (15) working days upon your receipt of this letter and present two (2) government issued IDs for proof of identification. Failure to claim the requested documents within the given duration shall result in the appropriate disposal of the request.

Thank you.

Respectfully,

---

FOI Receiving Officer

FOI Response Template for Document Available Online



Republic of the Philippines  
**SOUTHERN LEYTE STATE UNIVERSITY**  
Sogod, Southern Leyte  
Website: [www.slsuonline.edu.ph](http://www.slsuonline.edu.ph)  
Email: [ssumaincampus@gmail.com](mailto:ssumaincampus@gmail.com)/  
[op@slsuonline.edu.ph](mailto:op@slsuonline.edu.ph)  
Telefax: (053) 382-3294

{Date}

{Name}

{Address}

Dear Mr./Ms. \_\_\_\_\_,

Greetings!

Thank you for your request dated \_\_\_\_\_ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You asked for *{quote request exactly, unless it is too long/complicated}*.

*{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}*.

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 the University FOI Appeals and Review Council. 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

FOI Response Template for Document Not Available



Republic of the Philippines  
**SOUTHERN LEYTE STATE UNIVERSITY**  
Sogod, Southern Leyte  
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Email: [ssumaincampus@gmail.com](mailto:ssumaincampus@gmail.com)/  
[op@slsuonline.edu.ph](mailto:op@slsuonline.edu.ph)  
Telefax: (053) 382-3294

{Date}

{Name}

{Address}

Dear Mr./Ms. \_\_\_\_\_,

Greetings!

Thank you for your request dated \_\_\_\_\_ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You asked for *{quote request exactly, unless it is too long/complicated}*.

While our aim is to provide information whenever possible, in this instance this Office does not have *{some/most 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.

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 the University FOI Appeals and Review Council. 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

FOI Response Template for Document under Exceptions



Republic of the Philippines  
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Email: [ssumaincampus@gmail.com](mailto:ssumaincampus@gmail.com)/  
[op@slsuonline.edu.ph](mailto:op@slsuonline.edu.ph)  
Telefax: (053) 382-3294

{Date}

{Name}

{Address}

Dear Mr./Ms. \_\_\_\_\_,

Greetings!

Thank you for your request dated \_\_\_\_\_ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You asked for *{quote request exactly, unless it is too long/complicated}*.

While our aim is to provide information whenever possible, in this instance we are unable to provide *{some/most 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.

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 the University FOI Appeals and Review Council. 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,

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FOI Receiving Officer