

SECRETARY'S CERTIFICATE

This is to certify that during the 16th Special Board Meeting of the Philippine Postal Corporation held on October 12, 2017, the Board of Directors adopted the following resolution, to wit:

Board Resolution No. 2017 – 150

“APPROVING THE FREEDOM OF INFORMATION (FOI) MANUAL OF THE PHILIPPINE POSTAL CORPORATION (PHLPOST).”

RESOLVED, as it hereby resolves to approve the Freedom of Information (FOI) Manual of the Philippine Postal Corporation (PHLPost). A copy of which is hereto attached and made integral part of this resolution.

RESOLVED FINALLY, that Management is hereby authorized to furnish the Governance Commission on GOCCs (GCG) a copy of the said FOI Manual and to facilitate the uploading of the same in the official website of the Corporation.

Issued this 24th day of November 2017 at the City of Manila, Philippines.


ATTY. RACHELLE T. SY, CPA
Corporate Secretary

Freedom of Information Agency Manual

(Philippine Postal Corporation)

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SECTION I - OVERVIEW

1. **Purpose of FOI Manual:** The purpose of this Freedom of Information (FOI) Manual is to provide the processes to guide and assist all designated Officers/employees of the Philippine Postal Corporation (PHLPost) in dealing with requests of information received under Executive Order No.2 series of 2016 entitled *“Operationalizing in the Executive Branch of the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines therefor”*. (**Annex “A”**)
2. **Structure of FOI Manual:** This FOI Manual shall set forth the guidelines/procedures to be followed by PHLPost Officers/employees in all Central/Area Offices, including all Offices of Exchange, when a request for access to information is received.

The Postmaster General and CEO is responsible for all actions carried out under this FOI Manual and may delegate this responsibility to any Executive/Senior Officers of the Corporation. The FOI Decision Maker shall have overall responsibility for the final decision on all FOI requests, i.e. to decide whether to release all the records, partially release the records or deny access to the requesting party.

3. **Coverage of the FOI Manual:** This FOI Manual shall cover all requests for information directed to PHLPost and at the Central/Area Offices, including all Offices of Exchange and local post offices.
4. **FOI Receiving Officer:** For the purpose of this FOI Manual, the following Officers/staff are hereby designated as FOI Receiving Officer / Area FOI Receiving Officers (FRO/Area FROs):

For the Central Office : designated Data Protection Officer of PHLPost

The functions of the FRO at the Central Office shall include the following:

- a. Receive, in behalf of the Corporation, all requests for information;
- b. Access the eFOI platform (www.foi.gov.ph) of the Presidential Communications Operations Office (PCOO) to retrieve all incoming FOI requests for PHLPost and provide initial evaluation of the requests received;
- c. Ensure the completeness of details/information in the FOI Request Form (**Annex “B”**), including the attached proof of identification;
- d. Conduct initial screening of the request for information and provide initial decision on whether to grant the request or deny it based on the following grounds:
 - Incomplete information on the FOI request form / for clarification;
 - Information requested is already available online (FRO to provide link);
 - PHLPost does not have the information requested (wrong agency);
 - FOI request has already been addressed.
- e. Forward requests to the appropriate office who has custody of the records being requested;
- f. Monitor all FOI requests and appeals;
- g. Provide assistance and support to the public and the FOI Decision Maker;
- h. Provide assistance and support to the public and staff with regards to FOI; and
- i. Consolidate all FOI requests received, including periodic reports received from all Postal Areas, for submission of quarterly report to the PCOO.

For the Area Offices : Area Customer Service Officer or Personnel
In-Charge of Customer Help Desk

For all Area Offices, the Area FRO shall perform the following:

- a. Receive, in behalf of their Area Office or the Corporation, all requests for information;
- b. Ensure the completeness of details/information in the FOI Request Form, including the attached proof of identification;
- c. Forward requests to the FRO at the Central Office all requests pertaining to the Corporation;
- d. Conduct initial screening of the request for information and provide initial decision on whether to grant the request or deny it based on the following grounds:
 - Incomplete information on the FOI request form / for clarification;
 - Information requested is already available online (Area FRO to provide link);
 - PHLPost does not have the information requested (wrong agency);
 - FOI request has already been addressed.
- e. Act on requests relating to information within their respective Area Offices;
- f. Monitor all FOI requests and appeals for their respective Area Offices;
- g. Provide assistance and support to the public and the Area FOI Decision Maker; and
- h. Compile all requests received in their respective Area Offices for statistical information and submit it to the Central Office, as required.

A separate office order shall be issued designating Central/Area Officers and/or staff as FOI Receiving Officer/Area FOI Receiving Officers for the information and guidance of all concerned. The Postal Areas shall be given ten (10) days after the issuance of this FOI Manual to submit the names of their respective Area FRO, including his/her substitute, prior to the issuance of an office order by the Central Office.

5. **FOI Decision Maker:** For the purpose of this FOI Manual, the following Officers are hereby designated as FOI Decision Makers/Area FOI Decision Makers (FDM/Area FDMs):

For the Central Office : Officer at the Office of the Postmaster General with
a salary grade of SG-24 and above

For the Area Offices : Area Director

Like the FRO, the FDM shall have access to the eFOI platform of the PCOO in order to monitor and take action on the FOI requests received for PHLPost. Additionally, The FDM/Area FDM shall have the authority to grant the request or deny it based on the initial evaluation and recommendation of the FRO/Area FRO and of the following considerations:

- PHLPost does not have the information requested;
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- The information requested falls under the Inventory of Exceptions to EO No. 02 series of 2016 (*Annex "C"*); or
- The request is an unreasonable, subsequent, identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by PHLPost.

A separate office order shall be issued designating Central/Area Officers as FOI Decision Maker/Area FOI Decision Makers. In cases where the FDM/Area FDMs is on leave or on

official travel, his/her designated Officer In-Charge shall act as the substitute FDM/Area FDM respectively.

6. **Creation of a Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee composed of a Committee Chairperson and two (2) Members. The Postmaster General shall serve as its Head and the Assistant Postmaster General for Administration and Finance and the Corporate Compliance Officer as Members.

The Committee, to be formally organized thru a separate issuance, shall primarily review and analyze the denial of request of information. The Committee shall also provide an expert advice to the FDM/Area FDM on the denial of such request. All requests/appeals received from the Central/Area Offices shall be forwarded to the said Committee for their appropriate action.

7. **Approval/Denial of Request for Information:** The FOI Decision Maker shall have the authority to approve or deny all requests for information. In case where the FOI Decision Maker is on official leave, such authority shall be delegated accordingly.

For Area Offices, the Area FOI Decision Makers are hereby authorized to approve or deny all requests for information with regards to data/documents or records that are within their respective offices/jurisdiction. In case where the Area FOI Decision Maker is on official leave, such authority shall be delegated accordingly.

SECTION II - DEFINITION OF TERMS

CONFIDENTIAL INFORMATION: Information which could potentially undermine public interest and the privacy and integrity of personal information.

All information that falls under the list of exceptions issued by the Office of the President thru a Memorandum by the Executive Secretary dated November 24, 2016 shall be considered confidential information. These are the following:

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.

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.

foi.gov.ph: Serves as the government's comprehensive website for all information on the FOI. Among many other features, the foi.gov.ph site 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. The foi.gov.ph site also promotes Agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports.

FOI REQUEST: A written request submitted to PHLPost 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 office at PHLPost where the requesting party can call and ask questions about the FOI process or the pending FOI request.

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

FULL DENIAL: When PHLPost cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT: When PHLPost is able to disclose all records in full in response to an FOI request.

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

INFORMATION FOR DISCLOSURE: Information promoting the awareness and understanding of policies, programs, activities, rule or revelation affecting the public government agencies and the community and economy. It also includes information encouraging familiarity with the general thrusts and programs of the government. In line with the concept of productive disclosure, this type of information can already be posted to government websites without need for written requests from the public.

OFFICIAL RECORDS: Refer to information produced or received by an officer or employee of PHLPost in an official capacity or pursuant to a public function or duty.

OPEN DATA: Refers to data that are publicly and readily available for the public and/or end user.

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

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

PUBLIC RECORDS: Include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by PHLPost.

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

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

SECTION III - PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Establish Information.** PHLPost shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its key officials, 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 and 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.** PHLPost shall endeavour to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** PHLPost shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or files with them and the data generated or collected.

The Chief of the Records Division, LPMD shall be primarily responsible for records kept at the Central Office while records at postal areas shall be the primary responsibility of their respective Area Records Officer.

Additionally, all concerned Officials are directed to identify all their respective documents/data that will be added in the Agency Information Registry of publicly-accessible information to be issued by the Corporation for the information and guidance of all concerned. Said inventory will also be furnished to the Presidential Communications Operations Office (PCOO).

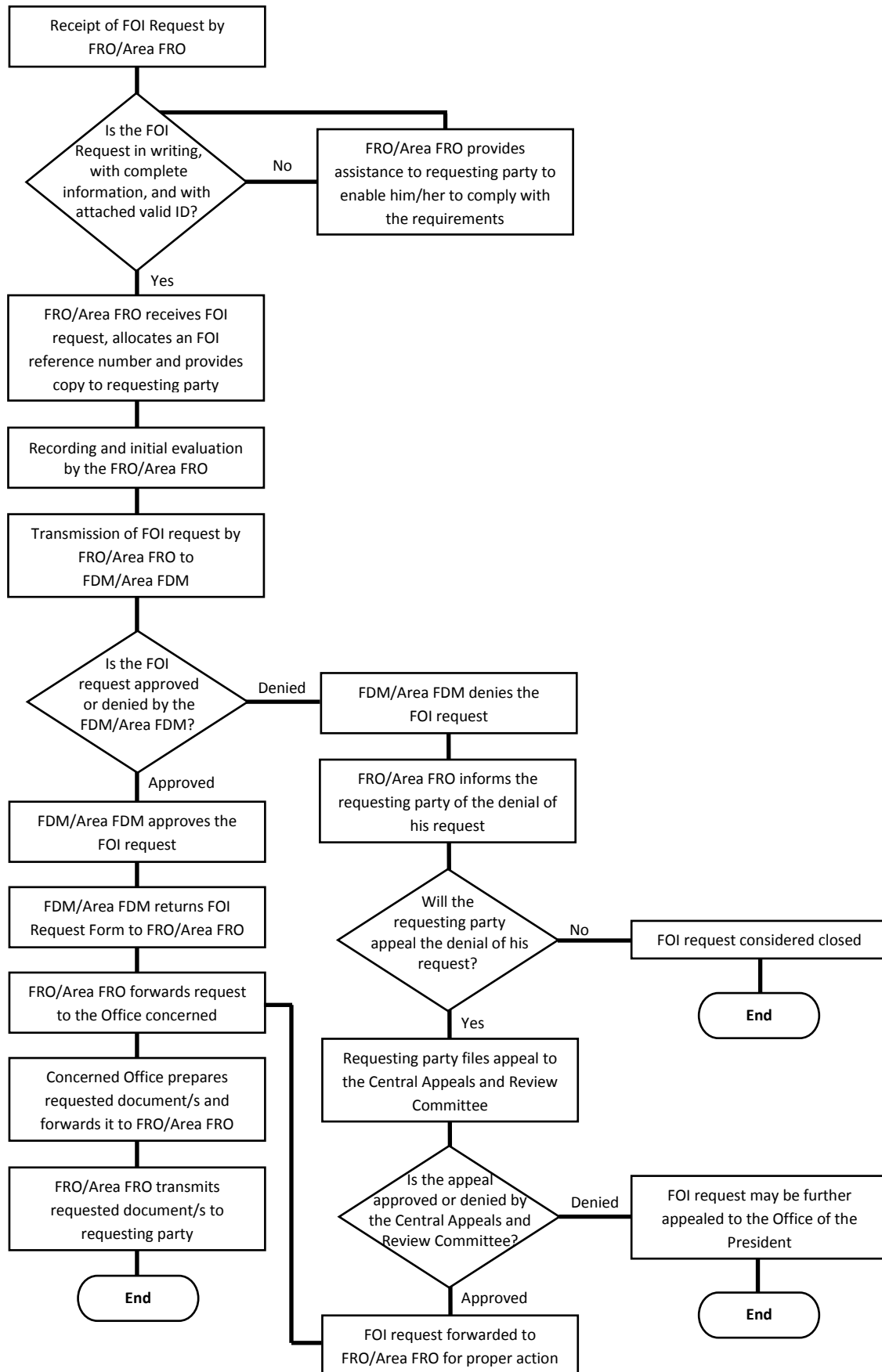
SECTION IV PROTECTION OF PRIVACY

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

1. PHLPost shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. PHLPost shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
3. The FOI Receiving Officers, FOI Decision Makers, or any Officer/employee who has access, whether authorized or unauthorized, to personal information in the custody of the Corporation, shall not disclose that information except as authorized by existing laws.

SECTION V: STANDARD OPERATING PROCEDURES

The following flow chart summarizes the standard procedures described in this section:



1. **Receipt of Request for Information:** The FRO/Area FRO shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing and made in the FOI Request Form;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification and/or authorization; and
- The request shall reasonably describe the information requested, and the purpose of the request for information.

Valid identification documents shall include, but not limited to, photo- and signature-bearing government-issued IDs such as PHLPost Postal ID, SSS/GSIS UMID, Passport, Driver's License, PRC License, COMELEC Voter's ID.

In case the request is not compliant with the requirements, the FRO/Area FRO shall provide reasonable assistance to enable the requesting party to comply.

In case the requesting party is unable to make a written request, because of illiteracy or disability, he or she may make an oral request, and the FRO/Area FRO shall reduce it in writing.

- a. **FOI Request received thru mails.** The following procedures shall be followed with regards to the receipt of FOI request thru mails:

- Upon receipt of the said request, it shall be allocated an FOI reference number and stamped "Received" by the FRO/Area FRO, including the data and time at the receipt of the written request, and the designation/position of the PHLPost Officer/employee who actually received it; and
- A copy of the received request shall be furnished to the requesting party to enable him to compute if the period of reply is within fifteen (15) working days as prescribed in paragraph (a) Section 5 (Duties of Public Officials and Employees) of Republic Act No. 6713 or *An Act Establishing a Code of Conduct and Ethical Standards For Public Officials And Employees, To Uphold The Time-Honored Principle Of Public Office Being A Public Trust, Granting Incentives And Rewards For Exemplary Service, Enumerating Prohibited Acts And Transactions And Providing Penalties For Violations Thereof And For Other Purposes*.

- b. **FOI Request received thru e-mails.** The following procedures shall be followed with regards to the receipt of FOI requests thru e-mail:

- FOI request can be made through email, provided that the requesting party shall attach in the e-mail a scanned copy of the FOI request form, and a copy of a valid photo- and signature-bearing government-issued ID;
- The email shall be printed out and shall follow the same procedures for receipt of FOI request received thru mails; and
- The email shall also be acknowledged by electronic mail by the FRO/Area FRO concerned upon receipt of the said request.

A list of official email addresses of all designated FRO/Area FRO and FDM/Area FDM shall be furnished to all Officers and employees concerned, and published for the information and guidance of the mailing public.

- c. **FOI Request received thru the eFOI Platform.** The following procedures shall be followed with regards to the receipt of FOI requests thru the PCOO eFOI Platform:
- The FRO shall periodically log-in to the eFOI platform using the e-mail address and password supplied upon signing-up with the said platform;
 - FOI requests are also forwarded by the eFOI platform to the official e-mail address of the FRO;
 - The FRO shall proceed to the monitoring dashboard and check the requests that are in their queue;
 - The FRO may accept or deny the said request using the parameters mentioned earlier in this manual; and
 - The FRO shall print the request and/or conversation with the requesting party and file them for records purposes.
- d. **Standard Period of Reply to FOI Request.** The Corporation shall respond to requests promptly, within the fifteenth (15th) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines.

The date of receipt of the request will be either:

- 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
- 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 FRO/Area FRO who is absent/on-leave/official travel and this has generated an 'out of office' message with instructions on how to re-direct the message to the substitute FRO/Area FRO. Where this is the case, the date of receipt will be the day the request arrives in the inbox of said substitute personnel.

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

- e. **Standard Action/Reply Timeline (in days).** Concerned Officers/employees shall follow the standards below to enable the Corporation to reply within the fifteenth (15th) working day upon receipt of the FOI request:

Activities	Day/s	Cumulative Days
Acceptance of FOI Request by FRO/Area FRO		Day 0
Initial evaluation by the FRO/Area FRO	1-2 days	Day 1 to Day 2
Forwarding of request to FDM/Area FDM by FRO/Area FRO	1 day	Day 2 to Day 3
Approval/Denial of request by FDM/Area FDM	1-2 day	Day 3 to Day 5
Forwarding of approved request to FRO/Area FRO	1 day	Day 4 to Day 6

Forwarding of request to concerned department/office	1 day	Day 5 to Day 7
Processing of request by concerned department/office (depending on the scope of the data/documents requested)	3-7 days	Day 8 to Day 14
Forwarding of document to requesting party	1 day	Day 9 to Day 15

- f. **FOI Reference Number.** The FRO shall allocate a reference number to all FOI request received and shall follow the format below:

For the Central Office:	Sample FOI Reference No.
FOI – CO – YYYY – MM – DD – 001 (three digit running number)	FOI–CO–2017–10–01–006
For the Area Offices:	
FOI – A1 – YYYY – MM – DD – 001 (three digit running number)	FOI–A1–2017–06–25–040
FOI – A2 – YYYY – MM – DD – 001 (three digit running number)	FOI–A2–2017–08–10–222
FOI – A3 – YYYY – MM – DD – 001 (three digit running number)	FOI–A3–2017–12–03–582
FOI – A4 – YYYY – MM – DD – 001 (three digit running number)	FOI–A4–2017–11–27–069
FOI – A5 – YYYY – MM – DD – 001 (three digit running number)	FOI–A5–2017–03–09–381
FOI – A6 – YYYY – MM – DD – 001 (three digit running number)	FOI–A6–2017–07–12–189
FOI – A7 – YYYY – MM – DD – 001 (three digit running number)	FOI–A7–2017–09–11–696
FOI – A8 – YYYY – MM – DD – 001 (three digit running number)	FOI–A8–2017–04–08–930
FOI – A9 – YYYY – MM – DD – 001 (three digit running number)	FOI–A9–2017–02–14–331

Said reference number shall revert to number 001 on the first working day of the succeeding year.

- g. **Logbook of FOI Requests Received.** All requests received shall be entered in a separate record/log book to be used solely for this purpose. The logbook will also serve as a record for the receipt of FOI requests forwarded by the FRO/Area FRO to FDM/Area FDM, respectively. The said logbook shall follow the format below:

FOI Reference No.	Name	Address / email Address	Contact No.	Document/s Requested	Remarks

2. **Initial Evaluation of FOI Request:** Requests for information shall be evaluated by the FRO/Area FRO within one (1) day upon receipt of the request and based on the following categories:

- a. **Requests relating to the Corporation, Departments at the Central Office, and Offices of Exchange:** Requests for data/documents/information relating to the Corporation as a whole, or regarding Departments at the Central Office, including the Offices of Exchange, are to be acted upon by the FRO.

- b. **Requests relating to the Area Offices, Mail Distribution Centers and Post Offices:** Requests for data/documents/information pertaining to local offices in the Areas such as the Area Offices, Mail Distribution Centers/Sub-Distribution Centers and the post offices are to be forwarded to or acted upon by the should be addressed to the Area FRO.
- c. **Requested information is already available in our Corporate Website:** Should the information being requested is already uploaded or available at the Corporate website, the FRO/Area FRO shall inform the requesting party of the said fact and give the requesting party the website link where the information is posted. This includes the following documents that are posted in the Corporate Transparency Seal:

I. INSTITUTIONAL MATTERS	
1. Legal Basis	<ul style="list-style-type: none"> • Republic Act 7354, Postal Services Act of 1992 • Executive Order No. 47, s. 2011, Retention to the Office of the President
2. PHLPost Organizational Structure	<ul style="list-style-type: none"> • Current Organizational Structure • PHLPost Rationalization Plan
3. PHLPost Board of Directors and its Officers	<ul style="list-style-type: none"> • Directory of Board of Directors and its Officers • Mandate and Functions • Board Committees • Compensation Package of Board of Directors • Board Meetings
4. PHLPost Executive and Management Team	<ul style="list-style-type: none"> • Directory of PHLPost Executive & Management Team • Compensation Package
5. Government Corporate Information Sheet	
6. List of Subsidiaries and Affiliates	
II. GOVERNANCE MATTERS	
1. PHLPost Mandate and Functions	
2. PHLPost Vision and Mission Statement	
3. PHLPost Strategy Map	
4. PHLPost Manual of Corporate Governance	
5. PHLPost Corporate Social Responsibility	<ul style="list-style-type: none"> • PHLPost CSR Statement • CSR Program
6. PHLPost Risk Management System	<ul style="list-style-type: none"> • PHLPost Risk Management Framework
7. PHLPost Performance Scorecard	

8. PHLPost Performance Evaluation System	<ul style="list-style-type: none"> • SPMS • System of Rating and Ranking
9. PHLPost Citizen's Charter	<ul style="list-style-type: none"> • Compliance on Citizen's Charter
10. IATF Good Governance Conditions	<ul style="list-style-type: none"> • PhilGEPS Posting • Compliance on Transparency Seal • SALN Certification • Report on Ageing of Cash Advances
11. Other Governance Policy	<ul style="list-style-type: none"> • No Gift Policy • No Noon Break Policy • No Smoking Policy • No Fixers Policy
III. MAJOR PROGRAMS & PROJECTS	
1. Quality Certification	<ul style="list-style-type: none"> • Quality Management Standards System Plan • Quality Manual • Quality Certificates
2. PHLPost Annual Plans, Projects & Activities	<ul style="list-style-type: none"> • PHLPost Roadmap • PPAs
IV. OPERATIONAL AND FINANCIAL MATTERS	
1. PHLPost Annual Reports	
2. COA Audit Reports	
3. PHLPost Audited Financial Statements	
4. PHLPost Trial Balance	
5. PHLPost Corporate Operating Budget	
6. Schedule of Government Subsidy	
7. PHLPost Borrowings	<ul style="list-style-type: none"> • Local & Foreign Borrowings • Borrowings Guaranteed by the National Government
8. Report on the Ageing of Cash Advances	
V. ANNUAL PROCUREMENT PLAN, CONTRACTS AWARDED AND NAME OF CONTRACTORS/ SUPPLIERS/ CONSULTANT	
1. PHLPost Annual Procurement Program	
2. List of Contracts Awarded (Above 500T)	

- d. **Requested information is not in the custody of PHLPost:** If the records requested refer to another government agency or office, the request will be immediately denied and referred to the appropriate office through the most expeditious means and the requesting party shall be notified accordingly.

3. **Transmission of Request by the FOI Receiving Officer/Area FOI Receiving Officer to the FOI Decision Maker / Area FOI Decision Maker:** After initial evaluation of the request by the FRO/Area FRO, it shall be forwarded to their respective FDM/Area FDM, within one (1) day, for his final decision on whether to grant or deny the request. The FRO/Area FRO shall record the request in the logbook and forward the same for receipt by the FDM/Area FDM.
4. **Role of FOI Decision Maker in Processing the FOI Request:** Upon receipt of the request for information from the FRO/Area FRO, the FDM/Area FDM shall make his final decision within one (1) day on whether to grant or deny such request based on the initial evaluation of the FRO/Area FRO and/or his own assessment.
 - a. Upon decision to grant the request for information, he shall note his decision on Part D of the FOI Request Form and return the same within one (1) day to the FRO/Area FRO who shall forward the request to the concerned office who has the custody or authority on the requested data/documents.
 - b. Upon decision to deny the request for information, he shall also note his decision on Part D of the FOI Request Form and return the same within one (1) day to the FRO/Area FRO who shall inform the requesting party of the denial of his request thru the preferred mode of reply stated in the aforementioned request form.
5. **Transmission of Approved/Denied Request by FOI Decision Maker to the FOI Receiving Officer:** Upon receipt of the approved/ denied request from the FDM/Area FDM, the FRO/Area FRO shall perform the following:
 - a. If approved, the FRO/Area FRO shall forward the request to the concerned Department/Office for their appropriate action. The FRO/Area FRO shall ensure that all records that have been retrieved be checked for possible exemptions, prior to its actual release to the requesting party. The FRO/Area FRO shall prepare within the prescribed period, the letter informing the requesting party that his request was granted and be directed to pay the fees, whenever applicable.
 - b. If denied, the FRO/Area FRO shall inform the requesting party of the denial of his/her request through his preferred mode of communications. The notice shall clearly state the ground/s for the denial and the circumstances on which the denial was based.
6. **Role of Head, Concerned Department/Office:** Upon receipt of the approved request from the FRO, the Head of the concerned Department/Office or his assigned personnel shall endeavor to locate the data/documents requested within three to five (3-5) days.

After the requested data/documents are located, retrieved and/or printed, the same shall be returned to the FRO/Area FRO for transmission to the requesting party through his preferred mode of reply.
7. **Role of FOI Receiving Officer in Transmitting the Requested Information to the Requesting Party:** The FRO/Area FRO shall evaluate and ensure that the data/documents provided by the concerned Department/Office is complete prior to transmittal of reply to the requesting party. The FRO/Area FRO shall also ensure that the reply to the FOI request is sent to the requesting party within 15 working days upon receipt of the request for information.

8. **Request for an Extension of Time:** If the information requested requires an extensive search of voluminous Corporate/Area records, the FRO/Area FRO shall inform the requesting party to ask for an extension period explaining therein the reason/s for such request. In no case the extension shall be more than twenty (20) working days on top of the standard fifteen (15) working days.
9. **FOI Registry:** As mandated by the Presidential Communications Operations Office (PCOO), the Corporation shall submit a quarterly report on the list of FOI applications processed. To ensure our compliance thereto, the FRO/Area FRO shall keep a record of all FOI applications following the format supplied by PCOO.

The FOI Registry includes information on the data/document being requested, the applicant, and the succeeding action/s made by the FRO/Area FRO and FDM/Area FDM relative to the FOI request. Format of Report and deadline of submission shall be issued after approval and issuance of this Manual for the compliance of FRO/Area FRO.

SECTION VI: REMEDIES IN CASE OF FAILURE BY PHLPOST TO REPLY OR DENIAL OF REQUEST

In case of failure by PHLPost to reply within the fifteen (15) working-day period or denial of request, the requesting party may avail himself of the remedy set forth below:

1. A written appeal to the PHLPost Central Appeals and Review Committee must be filed by the same requesting party within fifteen (15) working days from the notice of denial of request or from the lapse of the period on which to respond to the request.
2. Denial of the appeal by the PHLPost Central Appeals and Review Committee may be appealed to the Office of the Board of Directors by filing a written appeal within fifteen (15) working days from the notice of denial of appeal.
3. The appeal shall be decided by the Chairman of the Board and its Members within thirty (30) working days from the filing of said written appeal.
4. The denial of appeal by Office of the Board of Directors may be further appealed to the Office of the President under Administrative Order No. 22 Series of 2011 entitled *"Prescribing Rules and Regulations Governing Appeals to the Office of the President of the Philippines"*.

SECTION VII: FEES

1. **Reasonable Cost of Reproduction of the Requested Information:** The FOI Receiving Officer or the Area FOI Receiving Officer shall immediately notify the requesting party of any fees in case there shall be a reproduction/printing of document/s in order to provide the requested information. Such fees shall be the actual costs incurred by PHLPost in providing the information to the requesting party. This shall be determined by the PHLPost Costing and Pricing Committee and the schedule of fees shall be issued upon approval of the PHLPost Board of Directors.

2. **Exemption from Fees:** PHLPost may exempt any requesting party from payment of fees upon submission of a separate request addressed to the Postmaster General and CEO stating the reason/s why such requesting party shall not pay that fee. Requests for exemption of payment of fees shall be subject to the approval of the Postmaster General and CEO.

SECTION VIII: ADMINISTRATIVE LIABILITY

Non-compliance with the FOI Manual: Failure to comply with any provision from this FOI Manual by any PHLPost Officers and employees may be a ground for Administrative and/or Disciplinary sanctions subject to existing laws and all applicable issuances of the Corporation.

The requesting party may also submit a written complaint to the Office of the Postmaster General stating the grounds and reasons for filing such complaint against the responsible Officer/personnel.



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:

THE PRESIDENT OF THE PHILIPPINES

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.

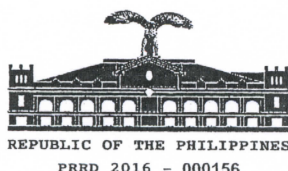
SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not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

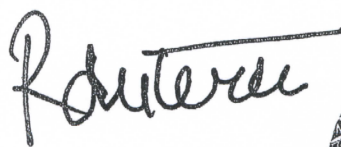
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:



SALVADOR C. MEDIALDEA
Executive Secretary







CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

FREEDOM OF INFORMATION REQUEST FORM

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr., Mrs., Miss)

2. Given Name/s (including M.I.)

3. Surname

4. Complete Address (Apt/House Number, Street, City/Municipality, Province)

5. Landline/Fax

6. Mobile

7. Email

8. Preferred Mode of Communication

☐ Landline

☐ Mobile Number

☐ Email

☐ Mail

9. Preferred Mode of Reply

☐ Email

☐ Fax

☐ Mail

☐ Pick-up at Agency

10. ID presented (Please ensure
your ID contain photo and signature)

B. Requested Information

11. Title of Document/Record Requested
(Please be as detailed as possible)

12. Date or Period (DD/MM/YYYY)

13. Purpose

14. Document Type

15. Reference Numbers (If known)

16. Any other Relevant Information

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No.2. If PHLPost gives you access to a document, and if the document contains no personal information about you, the document will be published online in PHLPost disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature

Date Accomplished (DD/MM/YYYY)

D. FOI Receiving Officer / FOI Decision Maker [FOR INTERNAL USE ONLY]

Name of Applicant (Printed Name)

Office/School/Organization

Date entered on eFOI (If applicable, otherwise N/A)

ID presented by Applicant (Please ensure if ID presented
contains photo and signature)

The request is recommended to be:

☐ Approved

☐ Denied

☐ Partially Approved/Denied

If **Denied**, please tick the Reason for the Denial

☐ Invalid Request

☐ Incomplete

☐ Data already available online

FOI Receiving Officer Assigned (Printed Name)

Decision Maker Assigned to Application (Printed Name)

Decision on Application

☐ Successful

☐ Partially Successful

☐ Denied

☐ Cost

If **Denied**, please tick the Reason for the Denial

☐ Invalid Request

☐ Incomplete

☐ Data already available online

☐ Exception

Which Exception

Date Request Finished (DD/MM/YYYY)

Date Documents Sent (DD/MM/YYYY)

FOI Registry Accomplished

☐ YES

☐ NO

FOI Receiving Officer Signature

Date Signed by Receiving Officer (DD/MM/YYYY)

**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

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:¹

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.

¹ 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;² 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;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
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;⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and

² 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.

³ *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).

⁴ 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.

⁵ *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."

⁶ *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;⁷
- 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;⁸
 - 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;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - d. Any information given by informants leading to the recovery of carjacked vehicles and apprehension of the persons charged with carjacking;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²
- 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:

⁷ 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).

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

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

¹⁰ Section 3(b), Rule IV, Rules on CCESPOE.

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

¹² 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,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

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

- (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 individual¹⁹ 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.²⁰

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

¹³ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁴ 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.

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

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

¹⁷ 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).

¹⁸ Section 3(l), *Data Privacy Act of 2012*.

¹⁹ Article 26(2), *Civil Code*.

²⁰ 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;²¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² 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;²³
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
 - (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;²⁵
 - (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;²⁶
 - (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;²⁷
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
 - (7) names of victims of child abuse, exploitation or discrimination;²⁹

²¹ Section 4, *Data Privacy Act of 2012*.

²² *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.

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

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

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

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

²⁷ 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.

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

²⁹ 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;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (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; and³³
 - (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;³⁴
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;³⁵

³⁰ 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*.

³¹ 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.

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

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

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

³⁵ 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);³⁶
- c. Records and reports submitted to the Social Security System by the employer or member;³⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
- 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;³⁹
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴⁰
- g. Documents submitted through the Government Electronic Procurement System;⁴¹
- 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*;⁴²
- 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;⁴³
- 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;⁴⁴

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

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

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

³⁹ 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.

⁴⁰ Section 81, EO No. 226 (s. 1987), as amended.

⁴¹ Section 9, *Government Procurement Reform Act* (RA No. 9184).

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

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

⁴⁴ 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;⁴⁵
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁰
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.⁵¹
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:

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

⁴⁶ Section 10, *Safeguard Measures Act*.

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

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

⁴⁹ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁰ 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).

⁵¹ 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*;⁵²
- b. Matters involved in an Investor-State mediation;⁵³
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁴
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
- 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;⁵⁶
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁵⁷
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
- 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*;⁵⁹
- i. Investigation report and the supervision history of a probationer;⁶⁰
- j. Those matters classified as confidential under the *Human Security Act of 2007*;⁶¹

⁵² 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.

⁵³ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁴ Article 237, *Labor Code*.

⁵⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

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

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

⁵⁸ 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.

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

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

⁶¹ 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;⁶² 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;⁶³
- 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;⁶⁴
 - (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);⁶⁵ 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);

⁶² Section 14, Civil Service Commission Resolution No. 01-0940.

⁶³ 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.

⁶⁴ 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.

⁶⁵ Article 7, UNCITRAL Transparency Rules.

- b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁶
- 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;⁶⁷
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁸
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁶⁹
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁰ and
- g. Attorney-client privilege existing between government lawyers and their client.⁷¹

⁶⁶ *Senate v. Neri, supra; Senate v. Ermita, supra.*

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

⁶⁸ *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.

⁶⁹ 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.

⁷⁰ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁷¹ Canon 21 of the *Code of Professional Responsibility.*