



BAGUIO WATER DISTRICT



BAGONG PILIPINAS

PEOPLE'S FREEDOM OF INFORMATION (FOI) MANUAL

Revision 03

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Freedom of Information Manual

BAGUIO WATER DISTRICT

Updated as of July 2024

Pursuant to Executive Order No. 2, s. 2016, *“Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies to Full Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”*

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SECTION 1. OVERVIEW

1. PURPOSE:

The purpose of this FOI People's Manual (hereinafter referred to as Manual) is to provide the guidelines and assist **BAGUIO WATER DISTRICT** and all its officers in dealing with requests for information received under Executive Order (E.O.) No. 2, Series of 2016 ¹ (**Annex B**) on the Freedom of Information (FOI).

2. STRUCTURE OF THE MANUAL:

This Manual shall define the rules and procedures to be followed by the **BAGUIO WATER DISTRICT** (BWD) when a request for access to information is received. The General Manager (GM) is responsible for all actions carried out under this Manual and may likewise delegate specific officers to act as the Decision Makers (DMs), who shall have overall responsibility for the initial decision on FOI requests and/or to recommend whether to release all records relative to the request, partially release any records, or deny access.

3. COVERAGE OF THE MANUAL:

The Manual shall cover all requests for information directed to **BAGUIO WATER DISTRICT** including all its Divisions and Sections in operation herewith.

4. FOI RECEIVING OFFICER:

There shall be an FOI Receiving Officer/s (FROs) designated by the General Manager (**Annex C**).

The functions of the FRO shall include: (1) receive, on behalf of the BWD, all requests for information and forward the same to the appropriate office who has custody of the records; (2) monitor all FOI requests and/or appeals and compile statistical data as required; (3) provide assistance to the FOI Decision Maker; (4) provide assistance to the public and the staff with regard to the FOI; and (5) conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on the following grounds:

- a. The FOI request form is incompletely or improperly accomplished; or
- b. The information is already disclosed in **BAGUIO WATER DISTRICT** Official Website (baguiowaterdistrict.gov.ph) or any other official communication tool of the BWD.

5. DATA CUSTODIAN:

The office who has custody of the records requested shall process the FOI request and forward the requested records to the FOI Decision Maker with appropriate recommendation for approval, partial approval or denial of the request. Data Custodians may be the Division Chiefs, Supervisors, or their appointed officers who can also act as a recommendatory body to FOI Decision Maker/s.

6. FOI DECISION MAKER:

There shall be FOI Decision Makers (FDMs/DMs – Annex C) designated by the General Manager who shall conduct evaluation of the request for information and shall recommend to the General Manager the approval of the request or its denial based on the following:

- a. The **BAGUIO WATER DISTRICT** does not have the information requested;
- b. The information requested falls under the list of exemptions to FOI;
- c. The information requested contains sensitive personal information protected by Section 3.t of the Data Privacy Act of 2012, which refers to personal information:
 - i. about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations;
 - ii. 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 individual, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - iii. issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.
- d. The request for information is contrary to the existing resolutions and/or policies of the **BAGUIO WATER DISTRICT**; and
- e. The request is identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the **BAGUIO WATER DISTRICT**.

7. FOI APPEALS AND REVIEW COMMITTEE:

There shall be an FOI Appeals and Review Committee (Annex C) composed of at least three (3) personnel with a rank not lower than Division Manager to review and analyze all appeals made by the requesting party on the grant or denial of request for information and recommend to the General Manager the approval or denial of such appeal.

8. APPROVAL AND DENIAL OF REQUEST TO INFORMATION:

The FOI Decision Maker (FDM) shall recommend to the General Manager the approval or denial of request of information. In cases where the FDM is on official leave, the General Manager may delegate such authority to a designated Officer-in-Charge of the unit.

SECTION 2. DEFINITION OF TERMS

- a. **CONSULTATION.** Is a process where a government office locates a record that contains information of interest to another office or another person, it will ask for the views of that other agency on the disclosability of the record/s before any final determination is made.
- b. **eFOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.
- c. **EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence (**ANNEX D**).
- d. **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.
- e. **FOI CONTACT.** The name, address and phone number/s at each government office where you can make a FOI request
- f. **FOI REQUEST.** A written request submitted to a government office personally or by email inquiring for records on identified subjects. A FOI request can generally be made by any Filipino to any government office.
- g. **FOI RECEIVING OFFICER.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.
- h. **FREQUENTLY REQUESTED INFORMATION.** Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.
- i. **FULL DENIAL.** When the **BWD** 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.

- j. **FULL GRANT.** When the **BWD** is able to disclose all records in full in response to a FOI request.
- k. **INFORMATION.** Shall mean any record, document, paper, report, letter, contract, minutes and transcript of official meetings, map, book, photograph, data, research material, film, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other similar data or material 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.
- l. **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, certain types of information can already be posted to the BWD website without need for written requests from the public.
- m. **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 acceleration processing are placed in yet another course. Requests in each course are processed on a first in/first out basis.
- n. **OFFICIAL RECORD/S.** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- o. **OPEN DATA.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- p. **PARTIAL GRANT/PARTIAL DENIAL.** When a government office is able to disclose portions of the records in response to a FOI request but deny other portions of the request.
- q. **PENDING REQUEST OR PENDING APPEAL.** A 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.
- r. **PERFECTED REQUEST.** A FOI request, which reasonably describes the records sought and is made in accordance with the government office's regulations.

- s. **PERSONAL INFORMATION.** Shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
- t. **PROACTIVE DISCLOSURE.** Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies may post on their websites a vast amount of material concerning their functions and mission.
- u. **PROCESSED REQUEST OR PROCESSED APPEAL.** The number of requests or appeals where the agency has completed its work and sent a final response to the requesting party.
- v. **PUBLIC RECORDS.** Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
- w. **RECEIVED REQUEST OR RECEIVED APPEAL.** A FOI request or administrative appeal that an agency has received within a fiscal year.
- x. **REFERRAL.** Is a process when a government office locates a record that originated with, or is of otherwise primary interest to another (external) agency, it will forward that record to the other agency to process the request and to provide the final determination directly to the requesting party.
- y. **SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information, as follows:
 - i. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations;
 - ii. 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 committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
 - iii. 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
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.
- z. **SIMPLE REQUEST.** A FOI request that an agency anticipates which involves a small volume of material which can be processed relatively quick.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

1. DUTY TO PUBLISH INFORMATION.

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

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

2. ACCESSIBILITY OF LANGUAGE AND FORM.

The **BAGUIO WATER DISTRICT** shall exert efforts to translate key information into major Filipino language or local dialect and present them in popular forms and means.

3. KEEPING OF RECORDS.

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

SECTION 4. PROTECTION OF PRIVACY

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

- a) The **BAGUIO WATER DISTRICT** 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 **BAGUIO WATER DISTRICT** 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, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the **BAGUIO WATER DISTRICT**, shall not disclose that information except as authorized by existing laws.

SECTION 5. STANDARD PROCEDURES

(See **ANNEX E** for flowchart)

1. RECEIPT OF REQUEST FOR INFORMATION.

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

- The request must be in writing;
- The request was made using the prescribed form (See **ANNEX F**);
- The request contains the name and contact information of the requesting party, as well as the valid proof of identification or authorization;
- The request describes the information requested, and the reason for, or purpose of, the request for information; and
- The request can be made through email after the same shall have been authenticated/validated by the FROs and that the requesting party shall attach in the email a filled-out scanned or downloaded copy of the FOI application request, and a copy of a duly recognized government ID with photo.

1.2 In case the requesting party is unable to make a written request because of illiteracy or due to disability, he/she may make an oral request, and the FRO shall reduce it in writing. The requesting party shall be required to affix his/her thumbmark to the written request upon reading the same to him/her.

1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, and position of the public officer who actually received it, with a corresponding signature and a copy furnished to the requesting party.

In case of emailed requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.4 The **BAGUIO WATER DISTRICT** must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

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

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

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

2. INITIAL EVALUATION.

Upon receipt of the FOI request, the FRO shall evaluate the contents of the request as to its compliance.

2.1 Request relating to more than one office under the BAGUIO WATER DISTRICT:

If a request for information is received which requires to be complied with by different divisions or units, the FRO shall forward such request to the office concerned and ensure that it is well coordinated and compliance is monitored. The FRO shall also clear with the respective FROs of such divisions that they will only provide the specific information that relates to their respective offices.

2.2 Requested information is not in the custody of the BAGUIO WATER DISTRICT:

If the requested information is not in the custody of the **BAGUIO WATER DISTRICT** or any of its offices, the FRO shall undertake the following steps in accordance with Freedom of Information Memorandum Circular No. 21-05 dated 27 August 2021, entitled, "*Guidelines on the Referral of Requested Information, Official Record/s and Public Record/s to the Appropriate Government Agency*" otherwise known as the "No Wrong Door Policy for FOI" (**ANNEX G**):

- 2.2.1. When the requested information is not in the possession of Baguio Water District, but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by BWD to GA2 through the most expeditious manner but not

exceeding three (3) working days from the receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply.

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

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

2.2.4. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in item 2.2.1. This shall be considered as the "Second Referral" and another fresh period shall apply.

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

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

2.2.7. A request that is referred to the appropriate government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor.

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

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

Refer to **ANNEX H** of this Manual for the *No Wrong Door Policy* Flowchart.

- 2.3 **Requested information is already posted and available on-line:** Should the information requested is already posted and publicly available in the **BWD** website (<http://www.baguiowaterdistrict.gov.ph>) or data.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

- 2.4 **Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requester, the request may be denied however, the FRO shall inform the applicant of the reason of such denial.

3. **TRANSMITTAL OF REQUEST BY THE FRO TO THE FDM:**

After receipt of the request for information, the FRO shall evaluate the information being requested, classify the request as either (1) technical- or (2) non-technical-related request; or (1) projects/programs-related requests or (2) administrative, legal or finance-related requests, and notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date, time, and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. **ROLE OF FDM/S IN PROCESSING THE REQUEST:**

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request, if necessary. He/She shall make all necessary steps to locate and retrieve the information requested.

The FDM shall ensure that the complete information requested be submitted to the FRO within ten (10) days upon receipt of such request.

The FOI Decision Maker must first consider the following during the assessment:

- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012, as follows;
 - i. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - ii. About an individual's health, education, genetic or sexual life or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of proceedings or the sentence of any court in such proceedings;
 - iii. Issued by government agencies peculiar to an individual or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - iv. Specifically established by an EO or an act of Congress to be kept classified.
- The information requested falls under the list of exceptions which contains the Details of the Inventory of Exceptions to Executive Order No. 2;
- The purpose for the request is contrary to existing laws and/or policies.

If any of the above three instances are present, the FOI Decision Maker will immediately deny the request with notice to the requesting party of the grounds of such denial.

If the request is valid in form and substance, the FDM may proceed in retrieving the information requested. He/she shall then forward the request to the appropriate office to make all necessary steps to locate and retrieve the information requested.

The Data Custodian shall ensure that the complete information requested be submitted to the FDM within five (5) working days upon receipt of such request. The FDM shall then ensure that the information requested is approved and submitted back to the FRO for release within five (5) working days.

The FRO shall note the date and time of receipt of the information from the FDM and report to the General Manager or the designated officer, in case the submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15-working day period and will commence the day after it receives the required clarification from the requesting party.

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

5. ROLE OF FRO TO TRANSMIT THE INFORMATION TO THE REQUESTING PARTY:

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the General Manager or the designated officer and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

6. FINAL APPROVAL BY THE GENERAL MANAGER: All actions on FOI requests, standard and eFOI, whether approval or denial, shall pass through the General Manager or the designated officer for final approval.

7. REQUEST FOR AN EXTENSION OF TIME:

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

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

8. NOTICE TO THE REQUESTING PARTY OF THE APPROVAL/DENIAL OF THE REQUEST:

Once the Decision Maker approved or denied the request, he/she shall immediately notify the FRO who shall then prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the Office of the General Manager or his designated officer for clearance and final approval.

9. DENIAL OF REQUEST:

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing (See **ANNEX I**). 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 information. All denials on FOI requests shall pass through the Office of the General Manager or to the designated officer.

10. GROUNDS FOR DENIAL DURING INITIAL EVALUATION

During the initial evaluation by the FOI Receiving Officer, the request may be denied on the following grounds:

- a. Non-compliant FOI request. The FRO shall only accept a fully compliant FOI request.
- b. Requested information has already been publicly disclosed or publicly available in the BWD website;
- c. Requested information is substantially similar or identical to the previous request granted by the BWD, unless requesting party can provide justification for the subsequent request;
- d. Covered by Data Privacy (EO 2, series 2016, section 7); and
- e. Other reasons (EO 2, series 2016, section 6).

11. APPROVAL OF REQUEST:

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

List of Exceptions:

1. Information covered by Executive Privilege
 - a. Presidential conversations (may only be invoked by the President and his close advisor)
 - b. Deliberate process such as advisory opinions, recommendations, draft decisions
2. National Security, Defense, or International Relations
 - a. Information that must be kept in the interest of national defense or security
 - b. Diplomatic negotiations (DFA)
3. Law Enforcement and Protection of Public and Personal Safety

- a. Witness Protection, Security and Benefit Act
 - b. Any information that would deprive a person of the right to a fair trial or an impartial adjudication
4. Confidential Information for the Protection of Privacy of Persons
 - a. Sensitive personal information covered by the Data Privacy Act of 2012
 - b. Source of news reports
 - c. Records of proceedings especially minor victims
5. Confidential Information by reason of official capacity
 - a. Trade secrets, intellectual property, business, commercial, financial, and other proprietary information
6. Prejudicial Premature Disclosure
7. Records of Proceedings
 - a. Domestic or international arbitration proceedings pursuant to the Alternative Dispute Resolution Act
 - b. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies
8. Confidential Information under banking and finance laws; and
 - a. Law on Secrecy of Bank Deposits
 - b. Anti-Money Laundering Act
9. Other exceptions under laws, jurisprudence, and IRR.
 - a. Attorney-client privileges between government lawyers and clients

SECTION 6. REMEDIES IN CASE OF DENIAL

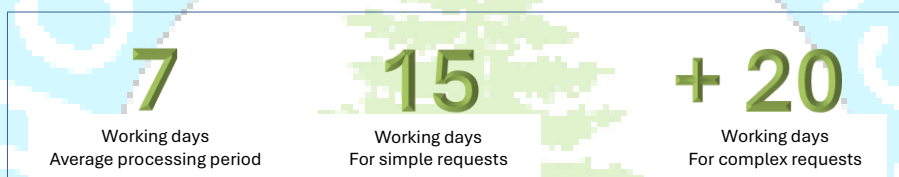
A person whose request for access to information has been denied may avail himself of the remedies set forth below:

1. **Administrative Appeal to the FOI Central Appeals and Review Committee:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be verified with a non-forum shopping certificate to prevent false testimony and avoid multiple appeals of the same facts, issues, and parties.
 - a. The written appeal must be addressed to the BWD General Manager.
 - b. The General Manager shall endorse the appeal to the FOI Central Appeals and Review Committee who shall convene within three (3) working days upon receipt of the appeal.
 - c. The FOI Central Appeals and Review Committee shall decide on the appeal within five (5) to ten (10) working days upon receipt of the endorsement/instruction from the BWD General Manager.
 - d. The decision of the Central Appeals and Review Committee (CARC) shall be forwarded to the General Manager within three (3) to five (5) working days upon determination of decision. The General Manager may either approve or disapprove the decision of the ARC.

- e. The appeal shall be decided by the General Manager within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
 - f. Denial of appeal by the BWD FOI CARC shall be considered final.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. PERIOD OF ACTION

The average processing period for any FOI requests, either electronic or standard, is within **seven (7) working days** from receipt of request. For simple requests, the average processing time is within **fifteen (15) working days**; while complex requests will have an additional **twenty-day** processing time.



The FRO should inform the requesting party of the extension of accomplishing the request through formal communication within fifteen (15) working days following the receipt of the request.

For requests requiring additional details, the FRO should inform the requesting party of the additional details needed and the period of extension within fifteen (15) working days following the date of receipt of the request. Once the FRO has notified the requesting party, the counting of the fifteen (15) working days will be temporarily halted and will commence only once the requested additional details have been received.

If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed. If the 15th working day or last day is a legal holiday, the deadline will be moved to the next working day.

SECTION 8. REQUEST TRACKING SYSTEM

The **BAGUIO WATER DISTRICT** 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.

All FOI requests received by the **BAGUIO WATER DISTRICT** shall be encoded in the Request Tracking System.

The FRO shall submit an accomplished quarterly FOI Registry for monitoring and evaluation of the FOI implementation.

SECTION 9. FEES

1. NO REQUEST FEE.

The **BAGUIO WATER DISTRICT** shall not charge any fee for accepting requests for access to information.

2. REASONABLE COST OF REPRODUCTION AND COPYING OF THE INFORMATION:

The FRO shall immediately notify in writing the requesting party in case there shall be a reproduction and copying fees in order to provide the information. Such fee shall be the actual amount spent by the **BAGUIO WATER DISTRICT** in providing the information to the requesting party. An official receipt (OR) shall be issued to the requesting party upon payment of fees which shall be presented during the release of the document/s.

The schedule of fees shall be posted by the **BAGUIO WATER DISTRICT**.

3. EXEMPTION FROM FEES:

The **BAGUIO WATER DISTRICT** may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 10. ADMINISTRATIVE LIABILITY

1. NON-COMPLIANCE WITH FOI.

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense - Reprimand;
- b. 2nd Offense - Suspension of thirty (30) days; and
- c. 3rd Offense - Dismissal from the service.

2. PROCEDURE.

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. PROVISIONS FOR MORE STRINGENT LAWS, RULES AND REGULATIONS.

Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

(Sgd.) **ENGR. SALVADOR M. ROYECA**

General Manager

Date approved: March 1, 2018

ANNEX A

FOI FREQUENTLY ASKED QUESTION

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order No. 2 enables order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations (PCO) oversees the operation of the FOI program. PCO serves as the coordinator of all government institutions and its line agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make a request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

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.

6. What agencies can a requesting party ask information from?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including national government agencies, government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

- a. The requesting party shall fill up the request form and submit the same to the agency's designated Receiving Officer who shall validate the request and log it accordingly on the FOI tracker. If deemed necessary, the FRO may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requesting Party.
- b. The request is forwarded to the FOI Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- c. The request shall be forwarded to the officials involved to locate the requested information.
- d. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- e. The General Manager shall provide clearance to the response.
- f. Within the designated period, the **BAGUIO WATER DISTRICT** acts on the request and inform the Requesting Party of such action using the Requesting Party's preferred mode of communication.

8. What will I receive in response to an FOI request?

The requesting party shall receive a response whether the request is granted or denied.

If the request is granted, the information requested will be attached, using a specified format otherwise, the agency shall explain why the request was denied.

9. How much does it cost to make an FOI request?

There are no fees for the request. but the **BAGUIO WATER DISTRICT** may charge a reasonable fee for necessary costs, such as printing, reproduction and/or photocopying.

10. How long will it take before a requesting party get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency shall send a response, informing the requesting party of an extension of processing period no longer than twenty (20) working days, on top of the initial 15-day period, should the need arise.

11. What if my request never gets a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requesting Party may write an appeal letter to the FOI Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the said Committee.

If all administrative remedies are exhausted and no resolution is provided, the Requesting Party may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requesting Party may write an appeal letter to the FOI Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

ANNEX B

**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 TO 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 recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any

government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The 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 provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- b) The person or office responsible for receiving requests for information;
- c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order;
- d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- e) The process for the disposition of requests;
- f) The procedure for the administrative appeal of any denial for access to information; and
- g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

- a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party 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, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

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

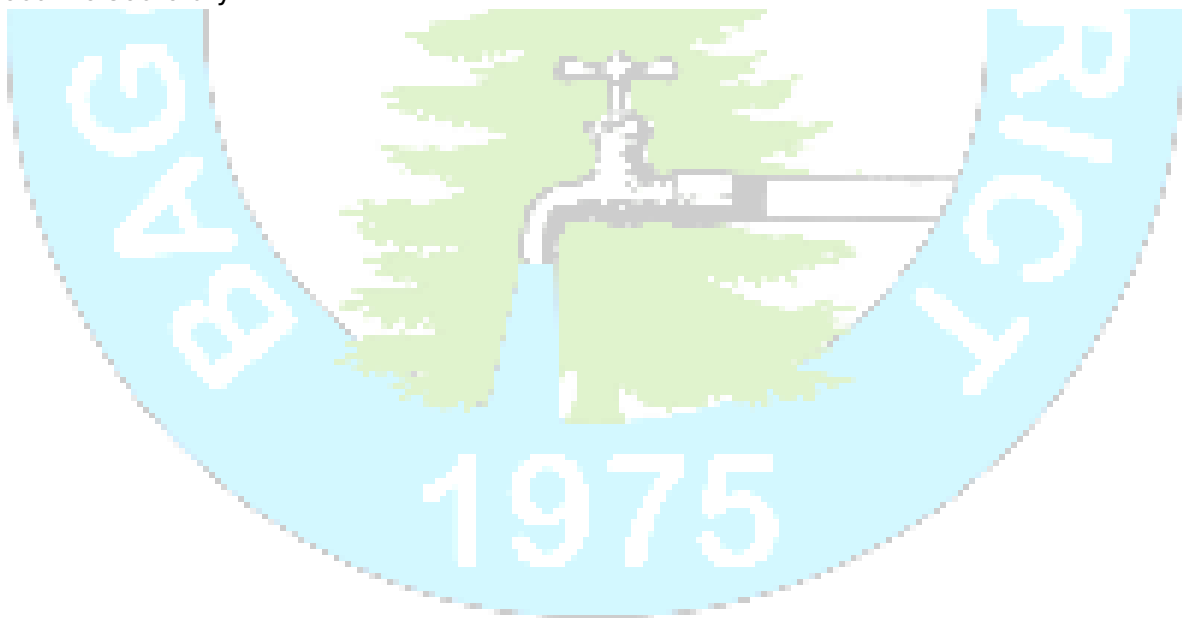
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary



ANNEX C

FOI DESIGNATED PERSONNEL

Designation	Person Responsible	Contact Information
FOI Receiving Officers	MARIA VIDA C. RAGMA Technical Assistant A Office of the General Manager (074) – 442-3456	mariavidaragma@gmail.com
	MARK VICTOR S. PASAGOY Press Relations Officer Office of the General Manager (074) – 442-3456	victorpasagoy@gmail.com
FOI Decision Maker for Administrative Services	ATTY. CHANELL DOLOR D. DE GUZMAN Administrative Division Manager Admin Division (074) – 444-7245	deguzmanchanelldolor@gmail.com
FOI Decision Maker for Operations	ENGR. FERNANDO A. PERIA Non-Revenue Water Management Division Manager (074) – 442 – 4228	nrwmdiv.bwd@gmail.com
FOI Appeals and Review Committee Members	ENGR. EDMUNDO Q. LLANES Engineering Division Manager (074) – 442-4228	enggddiv.bwd2014@gmail.com
	LUZVIMIN G. RAMOS Internal Audit Division Manager (074) – 444 - 5364	audit.bwd2014@gmail.com
	GEOVANI L. PIZA ICT Division Manager (074) – 444 – 7246	ictdiv.bwd@gmail.com

ANNEX D

INVENTORY OF EXCEPTIONS TO EO NO. 2, s. 2016

**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

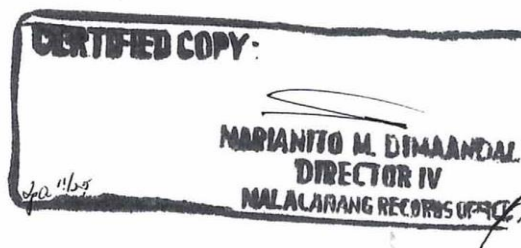
Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

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



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 carnapped vehicles and apprehension of the persons charged with carnapping;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 Carnapping 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).

- 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.

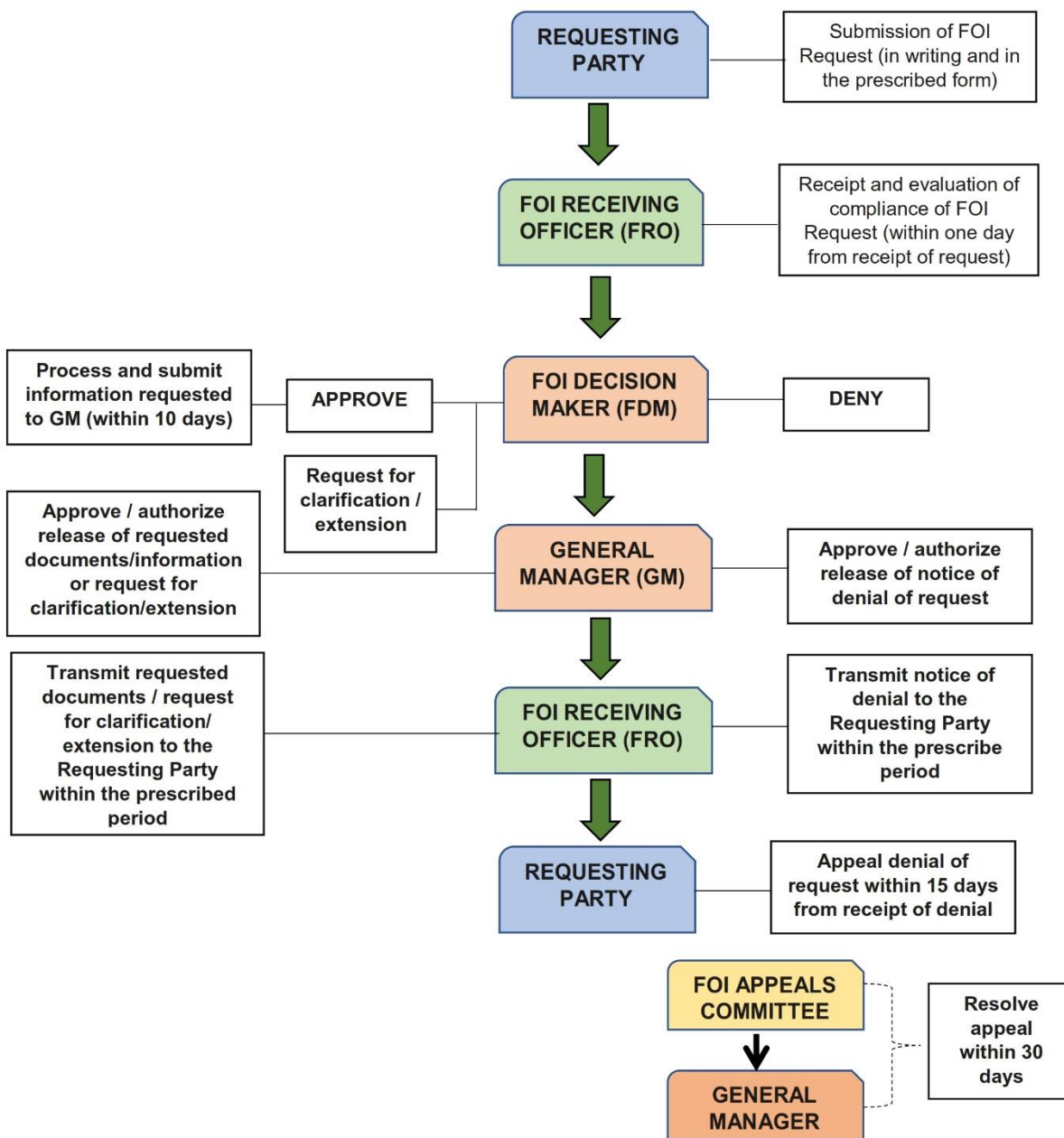
⁶⁹ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending 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.*





ANNEX E

FOI REQUEST FLOWCHART



ANNEX F FOI REQUEST FORM

This document may be reproduced and is NOT FOR SALE

  		BAGUIO WATER DISTRICT FREEDOM OF INFORMATION REQUEST FORM (Pursuant to Executive Order No. 2, series 2016)		
PLEASE READ THE FOLLOWING INFORMATION CAREFULLY BEFORE PROCEEDING WITH YOUR APPLICATIONS. USE BLUE OR BLACK INK ONLY. WRITE LIBRILY AND NEATLY IN BLOCK LETTERS. IMPROPER OR INCORRECTLY FILLED-OUT FORMS WILL NOT BE ACTED UPON. TICK OR MARK BOXES WHERE NECESSARY. WRITE N/A IF NOT APPLICABLE. FIELDS MARKED WITH * ► DENOTES A MANDATORY FIELD.				
FOI TRACKING NUMBER: <input type="text"/>				
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 a manner you prefer.				
NAME OF REQUESTING PARTY (Last Name, First Name, Middle Initial) ►		MOBILE NUMBER ►	LANDLINE ►	
COMPLETE ADDRESS ►		EMAIL ADDRESS ►		
► PREFERRED MODE OF REPLY (if your request is successful, we will be sending the document to you in this manner) <input type="checkbox"/> pick-up <input type="checkbox"/> registered mail <input type="checkbox"/> email* <input type="checkbox"/> mobile		► TYPE OF ID GIVEN (please ensure that your ID bears your photo and signature) <input type="checkbox"/> passport <input type="checkbox"/> driver's license <input type="checkbox"/> SSS ID <input type="checkbox"/> UMID <input type="checkbox"/> postal ID <input type="checkbox"/> school ID <input type="checkbox"/> company ID <input type="checkbox"/> SC ID <input type="checkbox"/> others, pls. specify _____		
B. REQUESTED INFORMATION				
TITLE OF DOCUMENT/RECORD/INFORMATION REQUESTED (please indicate details) ►				
DATE OR PERIOD COVERED: ►		PURPOSE: ►		
OTHER RELEVANT INFORMATION ►				
C. DECLARATION				
PRIVACY NOTICE: Once deemed valid, your information from your application will be used by the BAGUIO WATER DISTRICT to deal with your application as set out in the Freedom of Information Executive No. 2. If BAGUIO WATER DISTRICT gives you access to document, and if the document contains no personal information about you, the document will be published online in the disclosure log of BAGUIO WATER DISTRICT, 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: <ul style="list-style-type: none">• The information provided in the form is complete and correct;• I have read the Privacy Notice; and• 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 OF REQUESTING PARTY ►			DATE: ►	
— DO NOT FILL-UP BEYOND THIS POINT —				
D. FOI RECEIVING OFFICER (FOR INTERNAL USE ONLY)				
NAME (print name) ►		DATE/TIME RECEIVED: ►		
Date entered on eFOI (if applicable), otherwise N/A: ►				
Proof of identity presents (photocopies of original should be attached) THE REQUEST IS RECOMMENDED TO BE: <i>If denied, please tick the reason for the Denial</i> SECOND RECEIVING OFFICER ASSIGNED (print name) ►		<input type="checkbox"/> passport <input type="checkbox"/> driver's license <input type="checkbox"/> SSS ID <input type="checkbox"/> UMID <input type="checkbox"/> postal ID <input type="checkbox"/> school ID <input type="checkbox"/> company ID <input type="checkbox"/> SC ID <input type="checkbox"/> others, pls. specify _____ <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> Invalid request <input type="checkbox"/> Incomplete <input type="checkbox"/> Data already available online ►		
DECISION MAKER ASSIGNED TO APPLICATION (print name) ►				
DECISION ON APPLICATION: <input type="checkbox"/> SUCCESSFUL <input type="checkbox"/> PARTIALLY SUCCESSFUL <input type="checkbox"/> DENIED <i>If denied, please tick reason for Denial:</i> <input type="checkbox"/> Invalid request <input type="checkbox"/> Incomplete <input type="checkbox"/> Data already available online		DATE REQUEST FINISHED (mm/dd/yy) ► Amount paid, if any: Php _____ FOI REGISTRY ACCOMPLISHED? <input type="checkbox"/> YES <input type="checkbox"/> NO		
RECEIVING OFFICER SIGNATURE ►			DATE ►	
FINAL ACTION TAKEN BY APPROVING AUTHORITY <input type="checkbox"/> Requested information approved <input type="checkbox"/> Requested information denied as recommended				
ENGR. SALVADOR M. ROYECA General Manager Date: _____				

ANNEX G

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR NO. 21-05



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21-05

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

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

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

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

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

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

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

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

7th Floor Times Plaza Building, United Nations Ave., Ermita, City of Manila, Philippines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

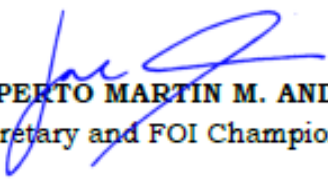
To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

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

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

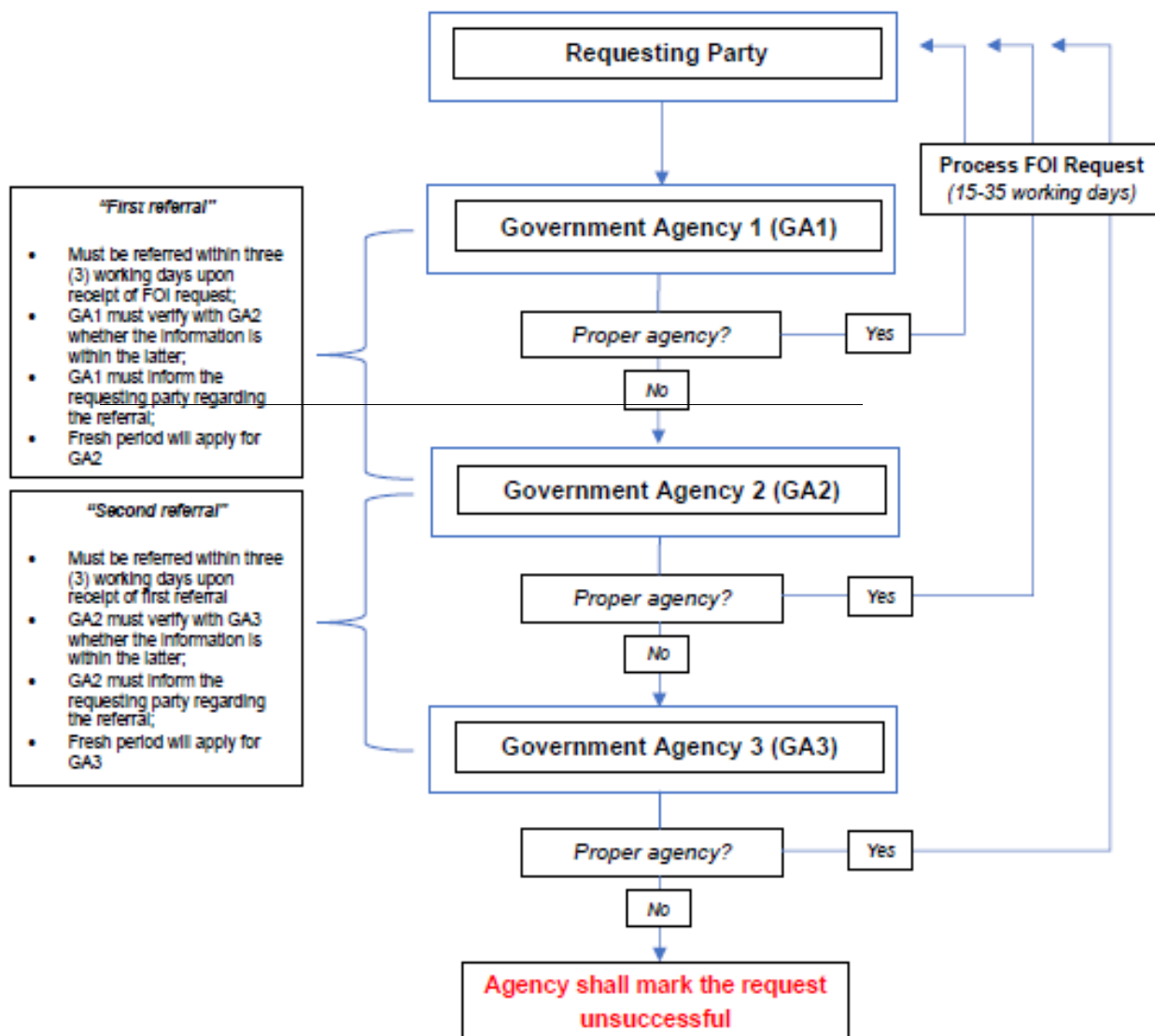
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

ANNEX H

NO WRONG DOOR POLICY FLOWCHART



NOTE:

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

ANNEX I

DENIAL OF REQUEST TEMPLATE

(to be printed in Official Letterhead of the agency)

Dear _____:

This has reference to your request for information with FOI Request No. _____ dated _____.

After careful evaluation, this office determined that your requested document/s is/are exempt from disclosure thus, cannot be favorably granted due to the following reason/s:

- ☐ Requested information is already available and accessible in our website;
- ☐ Falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence
- ☐ Requested information contains sensitive personal information protected by the Data Privacy Act
- ☐ Identical or substantially similar request has been previously granted or denied by this office

“The government office shall not be required to act upon an unreasonable subsequent identical of substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office”.

Thank you.

Very truly yours,

General Manager

ANNEX J

COVER LETTER – REQUESTED INFORMATION IS ENCLOSED

(to be printed in Official Letterhead of the agency)

Date

Dear _____:

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

We are pleased to inform you that your request dated [*date of request*] for [*indicate requested information/record here*] has been approved.

Enclosed is/are copy/ies of the requested information released for whatever legal purpose it may serve.

Thank you.

Very truly yours,

General Manager

ANNEX K

FOI RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE

(to be printed in Official Letterhead of the agency)

Date

Dear _____:

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

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>*.

If you are unhappy with this response to your FOI request, you may make an appeal by writing to *<insert name of Official>* at *<insert email and address>*. Your appeal should explain you are dissatisfied with this response, and should be made within 15 days from the date when you received this letter. We will complete the review and inform you of the result within thirty working days from the date the appeal is received.

Thank you.

Very truly yours,

General Manager

ANNEX L

FOI RESPONSE TEMPLATE – DOCUMENT NOT AVAILABLE

(to be printed in Official Letterhead of the agency)

Date

Dear _____:

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

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 of]* the information you have requested. However, you may wish to contact *<insert name of other authority/agency>* at *<insert contact details/agency>* who may be able to help you. The reasons why we do not have the information are explained in the Annex to this letter.

If you are unhappy with this response to your FOI request, you may make an appeal by writing to *<insert name of Official>* at *<insert email and address>*. Your appeal should explain you are dissatisfied with this response, and should be made within 15 days from the date when you received this letter. We will complete the review and inform you of the result within thirty working days from the date the appeal is received.

Thank you.

Very truly yours,

General Manager

ANNEX M

FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

(to be printed in Official Letterhead of the agency)

Date

Dear _____:

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

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 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>*.

If you are unhappy with this response to your FOI request, you may make an appeal by writing to *<insert name of Official>* at *<insert email and address>*. Your appeal should explain you are dissatisfied with this response, and should be made within 15 days from the date when you received this letter. We will complete the review and inform you of the result within thirty working days from the date the appeal is received.

Thank you.

Very truly yours,

General Manager

ANNEX N

  	BAGUIO WATER DISTRICT FREEDOM OF INFORMATION FOI REQUEST FEEDBACK SURVEY FORM	
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REQUESTING PARTY INFORMATION:

DATE : _____

NAME : _____

ADDRESS : _____

AGENCY : _____

INFORMATION REQUESTED : _____

FOI RECEIVING OFFICER : _____

Please let us know how we have served you by simply putting a check mark (✓) on the corresponding space of your choice below. Thank you.

QUESTION	Very Satisfied (5)	Satisfied (4)	Neutral (3)	Unsatisfied (2)	Very Unsatisfied (1)
1. Are you satisfied with the handling of your FOI Request?					
2. Did you receive your requested information within fifteen (15) days; or up to thirty-five (35) days, if processing was extended? a. If yes, proceed to item 2.1; b. If no, proceed to item 2.2					
2.1. For a successful request, are you satisfied with the response received?					
2.2. For an unsuccessful request, are you satisfied with the reason/ justification provided?					
3. Did you feel that we communicated with you effectively from start to finish?					
COMMENTS/SUGGESTIONS: Is there anything we can do to improve our service in the future?					

DATA PRIVACY CONSENT:

[] I hereby authorize the Baguio Water District (BWD) to collect and process my data indicated herein for the intended purpose. I understand that my personal information is protected by RA 10173 or the Data Privacy Act of 2012 and that this form will be destroyed securely after thirty (30) days from the date of accomplishment in accordance to the National Archives of the Philippines (NAP) protocol.

ANNEX O

FOI ONE-PAGE MANUAL

Freedom of Information Program

Agency: BAGUIO WATER DISTRICT

Receiving Officers: Maria Vida C. Ragma/Mark Victor S. Pasagoy

Designation: Technical Assistant/Public Relations Officer

Office: Office of the General Manager

Receiving Office: Baguio Water District, 003 Utility Road,
Brgy. Marcoville, 2600 Baguio City

Contact Nos.: (074)442-3456

Email: foi.bwd.fro@gmail.com



STANDARD REQUEST

Step 1

Download the FOI Request Form at bit.ly/BWDFOIRequestForm



Step 2

Submit a filled-out FOI request form together with a valid I.D. to the BWD FOI Receiving Officer



Step 3

BWD will evaluate the request and will notify the requesting party within 15 working days.



Step 4

If approved, the BWD Office will inform the requesting party through a formal letter together with the data or information requested.



eFOI REQUEST

Step 1

Go to www.foi.gov.ph to your browser's home address.



Step 2

Click the Sign Up button and provide all the required fields. Attach a valid ID to create an account.



Step 3

Once logged-in, you will be directed to your Dashboard. The Dashboard contains all the FOI requests of the account owner.



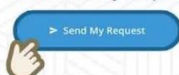
Step 4

Click the Make a Request button then select the name of the agency you wish to ask.



Step 5

You will now be directed to the Make a Request Page. Accomplish all fields then click Send My Request.



Step 6

The agency will evaluate your request and will notify you within 15 working days.



Step 7

The agency will prepare the information for release, based on your desired format. It will be sent to you depending on the receipt of preference.



FOI Appeals

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to baguiowaterdistrictgmo@gmail.com. Your review request should explain why you are dissatisfied with the 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 appeal.



**FREEDOM OF INFORMATION
PHILIPPINES**

Be **informed**. Be **engaged**. Know your government better.

Prepared by:

(Sgd.) **MARIA VIDA C. RAGMA**
FOI Receiving Officer
Technical Assistant A

(Sgd.) **MARK VICTOR S. PASAGOY**
FOI Receiving Officer
Public Relations Officer

Recommended for Approval by:

(Sgd.) **ATTY. MA. LUISA C. TENEDERO**
Assistant General Manager
ICT/Admin/Fin/Comml

Approved by:

(Sgd.) **ENGR. SALVADOR M. ROYECA**
General Manager

Date of revision: July 2024

