



FREEDOM *of* INFORMATION MANUAL

Pursuant to Executive Order No. 02 series of 2016 operationalizing in the executive branch the peoples constitutional right to information and the state policies to full public disclosure and transparency in the public service and providing guidelines therefore.

Vision

A globally competitive State University imbued with positive values and contributory to sustainable development and progress.

Mission

To generate world-class graduates adequately equipped with quality education, professional training and relevant skills in maritime education, engineering, arts and sciences and health related programs, tourism, education, ICT, business and entrepreneurship, agriculture, fishery and forestry through instruction, research, extension and production services.

Motto

Nobility. Solidarity. Unity

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FOREWORD

This manual was conceived pursuant to Executive Order No. 2, s. 2016 signed by President Rodrigo R. Duarte on July 23, 2016 entitled “Operationalizing in the Executive Branch of the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”.

The Freedom of Information Manual of Naval State University contains the information on the mechanisms for the provision of the information and the processes, timeliness and accountability. It details the internal operations of the University particularly on the roles and responsibilities of personnel designated to handle the FOI requests.

The manual also includes among others the location and contact information of all University key officials; the person or the office responsible for receiving requests for information; the procedure for the filing and processing of the request; the standard request form; the process for requisition, submission and proper acknowledgement of the requests; the procedure for the administrative appeal of any denial for access to information; feedback forms and the schedule of applicable fees.

Together with the NSU family, we are enjoining the full implementation of this manual for the smooth operation of the University.



VICTOR C. CAÑEZO, JR., Ed. D.

OIC University President

I. OVERVIEW

A. Purpose

The purpose of this People's FOI Manual is to provide the process to guide and assist Filipino Citizens in requesting for information under Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI).

B. Structure of the Manual

This Manual shall set out the rules and procedures to be followed by the Naval State University Main and Biliran Campuses when a request for access to information is received. The University President is responsible for all actions carried out under this Manual and may delegate this responsibility to the Vice President for Academic and External Affairs of the Naval State University. The University President shall delegate the Director of University Media and Information Officer as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

C. Coverage of the Manual

The Manual shall cover all requests for information directed to the Naval State University both for the main and external campuses.

D. Protection of Privacy

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

- a. The University shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the University, shall not disclose that information except as authorized by existing laws.

II. DEFINITION OF TERMS

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”

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

FOI.gov.ph. The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, FOI.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. FOI.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.

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.

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

FOI CONTACT. The name, address and phone number at each government office where you can make a FOI request

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

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

UNIVERSITY MEDIA AND INFORMATION OFFICE. This is the FOI Receiving Office of the University.

FREQUENTLY REQUESTED INFORMATION. Info 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.

FULL DENIAL. When the AGENCY or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When a government office is able to disclose all records in full in response to a FOI request.

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

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

OPEN DATA. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

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

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

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

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

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.

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

REFERRAL. When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

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

- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security 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.

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

III. FUNCTIONS OF FOI OFFICES, OFFICIALS AND EMPLOYEES

A. FOI Receiving Office (FRO)

A.1. All the FOI request pertaining to the University shall be filed with and/or submitted to the FRO which is the **University Media and Information Office**.

A.2. The public may request information on all FOI related concerns in the University, including copy of this manual, with the FRO.

A.3. The Head of the FRO, which is the **Director of the University Media and Information Office (UMIO)**, shall designate an **FRO Officer (FROO)** from among his/her subordinates to assist in the proper discharge of the functions of the FRO.

A.4. The functions of the FRO shall include the following:

A.4.1. Serve as the initial point of contact to the public on FOI requests;

A.4.2. Receive all FOI requests on behalf of the offices in the University;

A.4.3. Conduct initial evaluation of the FOI requests and make determination whether these are fully compliant FOI requests;

A.4.4. Deny or refuse to accept requests based on the results of its initial evaluation;

A.4.5. Undertake preliminary determination of the appropriate office that has custody of the requested information and forward the fully compliant request to such office;

A.4.6. Monitor all FOI requests and appeals;

A.4.7. Compile statistical information on FOI requests and actions taken thereon; and

A.4.8. Provide other assistance to the FOI Decision Maker (FDM) and FOI Evaluating Office (FEO).

A.5. The name and official contact information of the office personnel shall be conspicuously displayed outside of the office and in the University website for public's viewing. Any change of information shall likewise be posted in the same manner.

B. FOI Evaluating Office (FEO)

B.1. The office that has possession of custody of the requested document shall be the FEO for the particular request.

B.2. The FEO shall have following functions:

B.2.1. Review the merits of the requests;

B.2.2. Determine whether it has possession of the requested information;

B.2.3. Evaluate whether the requested information falls under any of the Exceptions to FOI;

B.2.4. Determine whether grounds for denial of the request exist;

B.2.5. Coordinate with different offices prior to taking action on the request; and

B.2.6. Prepare necessary recommendation on the request to the FDM, such as grant, denial, partial grant or denial, redacting certain information, referral to other office, or such other actions as may be appropriate.

B.3. The Head of the FEO shall designate an **FEO Officer (FEOO)** from among his subordinates to perform the functions of the FEO.

C. FOI Decision Maker

C.1. The Head of Office of the FEO shall be the **FOI Decision Maker (FDM)**.

C.2. He/she shall:

C.2.1. Have the primary function of evaluating the recommendations of the FEO on any request and taking action thereon;

C.2.2. He/she may grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate;

C.2.3. As a general rule, the FDM shall grant an FOI request, unless there exist ground to deny the same.

D. Central Appeals and Review Committee

The University President, or his/her duly authorized representative, shall be the FOI Appeals Authority. It will have the power to review by appeal decisions of the FDM and take final action on any request.

IV. PROMOTION OF OPENNESS IN GOVERNMENT

A. Duty to Publish Information

The University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, 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 process;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

B. Accessibility of Language and Form

The University shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

C. Keeping of Records

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

V. STANDARD PROCEDURE

A. Receipt of Request for Information

A.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

A.1.a. The request must be in writing;

A.1.b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

A.1.c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.

A.2. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.

A.3. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party.

In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO

shall input the details of the request on the Request Tracking System and allocate a reference number.

B. Time to Respond to Request

B.1. The University must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

B.2. The date of receipt of the request will be either:

B.2.a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or

B.2.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.

B.3. An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

B.4. Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

C. Initial Evaluation

After receipt of the request for information, the FRO shall evaluate the contents of the request.

C.1. Request relating to more than one office under the University

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

C.2. Requested information is not in the custody of the University or any of its offices

If the requested information is not in the custody of the University or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

C.2.a. If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.

C.2.b. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

C.3. Requested information is already posted and available on-line

Should the information being requested is already posted and publicly available in the University website (www.nsu.edu.ph), data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

C.4. Requested information is substantially similar or identical to the previous request

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

D. Transmittal of Request by the FRO to the FDM

After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

D.1. Role of FDM in processing the request

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the University President, in case the submission is beyond the 10-day period.

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

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

D.2. 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 University President and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

E. Evaluation and Action

E.1. 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.

E.2. Notice to the Requesting Party of the Approval/Denial of the Request:

Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by

email. All actions on FOI requests, whether approval or denial, shall pass through the University President for final approval.

E.3. Approval of Request: In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

E.4. Denial of Request: In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the AGENCY Head or to his designated officer.

F. Remedies in Case of Denial of Request

F.1. A person whose request for access to information has been denied may avail himself of the remedy set forth below:

F.1.a. Administrative FOI Appeal to the University 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.

F.1.a.a. Denial of a request may be appealed by filing a written appeal to the University Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

F.1.a.b. The appeal shall be decided by the University President upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

F.2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

G. Request Tracking System

The University 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.

H. Fees

H.1. No Request Fee

The University shall not charge any fee for accepting requests for access to information.

H.2. Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information

The FRO shall immediately notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by the University in providing the information to the requesting party. The schedule of fees shall be posted by the University.

H.3. Exemption from Fees

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

I. Administrative Liabilities

I.1. Non-compliance with FOI

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

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

I.2. Procedure

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

I.3. Provisions for More Stringent Laws, Rules and Regulations

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

ANNEX “A”

FOI FREQUENTLY ASKED QUESTIONS

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 is the enabling 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 Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI 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 we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including 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 requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the 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.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. If necessary, the head of the agency shall provide clearance to the response.
- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

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

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

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

You will be receiving a response either granting or denying your request.

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

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

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

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

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

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central 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 Receiving Officers of the Naval State University

CAMPUS	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS	ASSIGNED FOI RECEIVING OFFICER
NSU-Main & Biliran Campuses	Office of the Director University Media and Information Office IT Building, Naval State University, Naval, Biliran	(053) 507-0014 ois.president@nsu.edu.ph	MR. RALPH ARVIC T. ARCENAL

ANNEX “D”

LIST OF EXCEPTIONS

A. MANAGEMENT, ADMINISTRATIVE, ACADEMIC, AND PERSONNEL RECORDS:

1. Results of the Search for Presidency of the University
2. Results of the Search for Private Sector Representatives
3. Proceedings, Minutes, and Resolutions of the Personnel Selection for both the Faculty and Non-Teaching Personnel
4. Judicial affidavit (Ombudsman, Sandiganbayan)
5. Filed cases (Court, Ombudsman and Sandiganbayan)
6. Financial Report not yet audited by COA
7. All reports not in the final form
8. Inter-office and inter-agency memorandum and correspondence
9. Office recommendation as member of inter-agency task force/ committee/body
10. Accomplished eligibility and evaluation forms for project proposals
11. Evaluation results for SUC levelling, AACUP Accreditation, ISO Certification, IQAME, and similar quality assurance evaluations processes
12. Board Committee Report/s
13. Proceedings of anti-sexual harassment cases
14. Proceedings of any issue under the grievance machinery
15. Investigation Reports by committees or bodies duly constituted by the University President and/or NSU-Board of Regents or duly constituted authority/ies
16. Individual Performance Commitment Report(IPCR)
17. 201 Files
18. Academic Rank Evaluation Documents under the National Budget Circular (NBC) No. 461 and its subsequent issuances
19. SALN
20. Live Birth Certificate
21. Document specifically indicated the birthdate and age of the person concerned
22. Medical examination results of the employees
23. Proceedings or notes during students’ consultations with their respective advisers and counselling sessions
24. General Payroll of the University
25. Pay slip
26. Medical examination results of the employees
27. NSU Quality Management System (QMS) Policy Manual
28. NSU QMS Procedure
29. Results of Internal Quality Audit
30. Results of External Quality Audit

31. Proceedings of Management Review

B. PROCUREMENT RECORDS:

1. Proceedings and Minutes of the University Bids and Awards Committee
2. Abstract of Bids
3. Technical Working Group (TWG) recommendation/s
4. Minutes of TWG Meetings

C. STUDENTS' RECORDS:

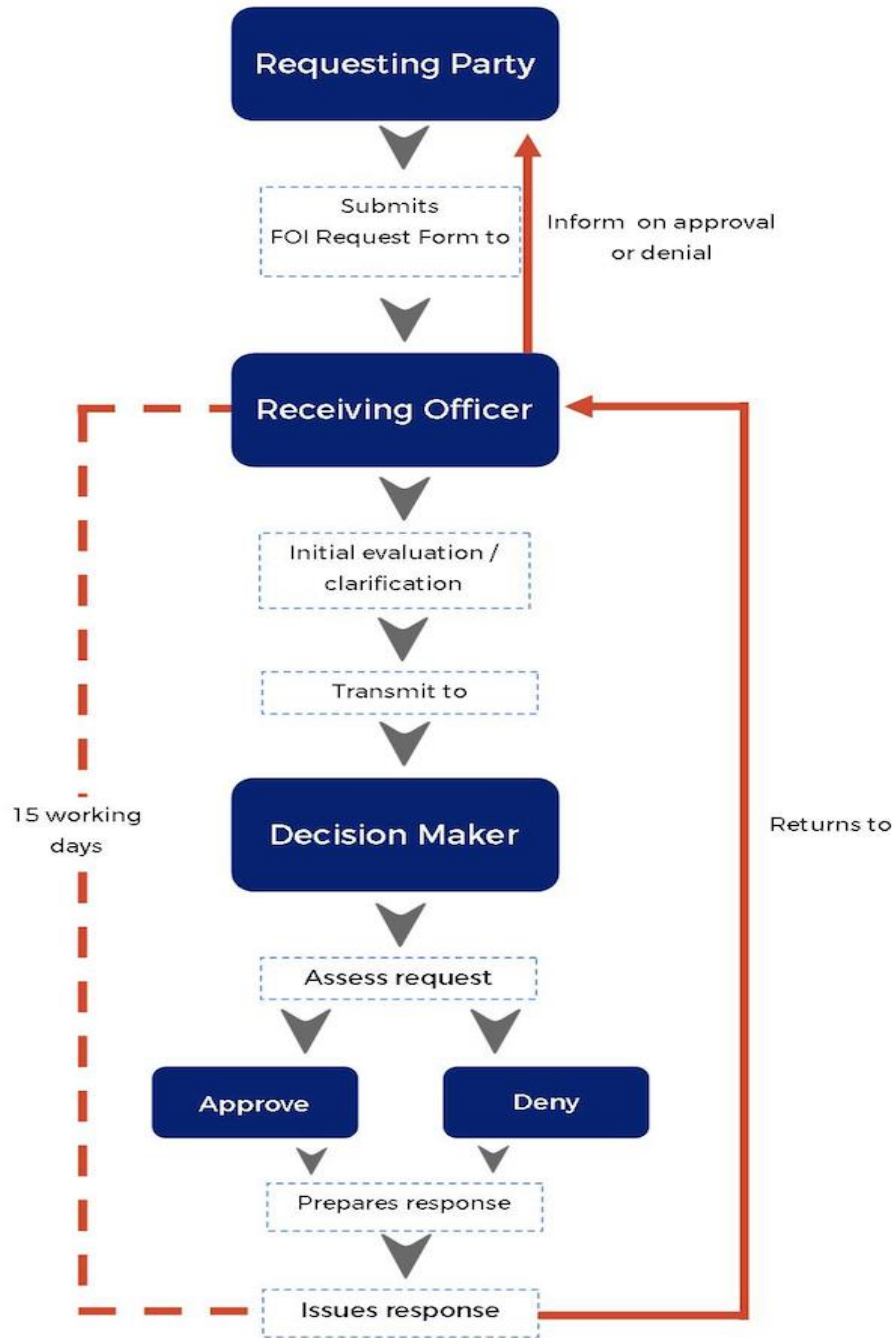
1. Duly accomplished and processed students' enrolment forms
2. School credentials submitted by the student-applicants during enrolment period
3. Grade sheets, class cards and class records
4. Transcript of Records (TORs), Diploma, Certificate of Good Moral and Graduation
5. Live Birth Certificate
6. Document specifically indicated the birthdate and age of the person concerned
7. Medical examination results of students

D. Such document/s analogous of the foregoing as may be determined by the WVSU-Board of Regents upon the recommendation by the University President. In case that the documents requested are not found in the above list, EO No. 2 shall prevail.

Note: Revision shall be done regularly to update with the existing laws.

ANNEX "E"

Flow Chart



DETAILED FOI REQUEST PROCESS IN DAYS

Day 1	Day 2-4	Day 5-8	Day 9-10	Day 11-15
<p>RECEIVING REQUEST</p> <ul style="list-style-type: none"> • Check if request is valid. • Stamp received. • Provide copy to requestor. • Log details on FOI tracker. • Plan work needed. <p>CLARITY REQUEST</p> <ul style="list-style-type: none"> • If not clear what information is requested seek clarification (15 working day clock stops). • Provide appropriate advice and assistance to requestor. • When clarification is received, NEW working day period starts. • If no clarification received, close request (after 60 days from receipt) and not notify applicant. • Forward to DM. 	<p>INFORM/CONSULT</p> <ul style="list-style-type: none"> • Other officials with key interest. <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> • Obtain all relevant information. • Prepare schedule of all information located. <p>ASSESS REQUEST</p> <ul style="list-style-type: none"> • Does the agency hold the information requested? • Is the information already accessible? • Is the request a repeat of a previous request from the same applicant? 	<p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> • Review content of documents and apply relevant exemptions. • Consider comment/ advice of officials. 	<p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> • Seek clearance from Secretary or head of agency, if necessary. 	<p>ISSUE RESPONSE</p> <ul style="list-style-type: none"> • Prepare information for release-scan or photocopy documents. • If applicant asked for information in a certain format, comply with their preference, if practical. • Update FOI tracker and save response.

ANNEX "F"

FOI Request Form

Republic of the Philippines
NAVAL STATE UNIVERSITY
Naval, Biliran

FREEDOM OF INFORMATION REQUEST FORM

Title of the Document: _____
Year : _____
Purpose : _____

Name : _____
Signature : _____
Date : _____
Contact Nos. : _____
Address : _____

Proof of Identity
Passport No: _____
Driver's License: _____
Other: _____

How information will be received?
 Email Fax Postal Address Pick up (Office Hours)

Submitted to: _____
Signature over Printed Name

Date of Submission: _____

Certified by: _____
Signature over Printed Name

Type of Action Conducted: _____

Received by:

FOI Receiving Officer

Remarks:

FOI RESPONSE TEMPLATE – DOCUMENT ENCLOSED

Republic of the Philippines
NAVAL STATE UNIVERSITY
Naval, Biliran

DATE

Dear _____,

Greetings!

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

Your request

You asked for _____.

Response to your request

Your FOI request is approved. I enclosed a copy of _____ of the information you requested [in the format you asked for]

Thank you.

Respectfully yours,

FOI Receiving Officer

FOI RESPONSE TEMPLATE – ANSWER

Republic of the Philippines
NAVAL STATE UNIVERSITY
Naval, Biliran

DATE

Dear _____,

Greetings!

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

Your request

You asked for _____.

Response to your request

Your FOI request is approved. The answer to your request is

_____.

Thank you.

Respectfully yours,

FOI Receiving Officer

FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

Republic of the Philippines
NAVAL STATE UNIVERSITY
Naval, Biliran

DATE

Dear _____,

Greetings!

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

Your request

You asked for _____.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]* the information you have requested because an exception(s) under section(s) _____ applies are explained in the annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to _____. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter.

We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Office of the University President.

Thank you.

Respectfully yours,

FOI Receiving Officer



**NAVAL STATE UNIVERSITY
FREEDOM OF INFORMATION MANUAL**

