



IFUGAO STATE UNIVERSITY

Lamut, Ifugao

Freedom of Information People's Manual

Executive Order No. 20 s. 2018

Revised September 2018

Introduction

This Manual serves as a guide to the public in exercising their constitutional right to information on matters of public concern pursuant to Section 7, Article III of the 1987 Constitution.

It also seeks to implement the State policy of public disclosure pursuant to Article 28, Article II of the 1987 Philippine Constitution and Executive Order No. 2, Series of 2016 of President Rodrigo R. Duterte.

The Ifugao State University adopts the procedures set out in this Manual, the limitations provided herein and remedies available to the Requester in the event of denial of such request in the pursuit of achieving balance between the people's right to information and the State's obligation to protect confidential information and ensure competent use of its resources.

We enjoin all IFSU stakeholders to be well informed and knowledgeable of government operations, however, exercising restraint not to abuse such right that may cause gridlocks and delay in the performance of government functions.

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Freedom of Information (FOI) Manual
(Pursuant to E.O. No. 2, s. 2016)

SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this Freedom of Information (FOI) People's 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).
(Annex "B")
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the AGENCY when a request for access to information is received. The President of the IFUGAO STATE UNIVERSITY (IFSU) is responsible for all actions carried out under this Manual and may delegate this responsibility to the Officer-in-Charge. In the absence of the University President, the Officer-in-Charge acts 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).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to IFSU.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at IFSU. The FRO of the Ifugao State University is the Records Officer of the University from the Records Management Office located at the Main Campus, Lamut, Ifugao.

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

- a. That the form is incomplete; or
- b. That the information is already disclosed in the AGENCY's Official Website, ifsu.edu.ph or at data.gov.ph or foi.gov.ph,.

The FRO in the University Campuses are the counterpart Records Officer or official/personnel in-charge of the Records Management Services under the Campus Executive Director (Annex "C")

5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the IFSU Head, with a rank of not lower than a Division Chief or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following grounds:
 - a. The AGENCY does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI; or
 - d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the AGENCY.
6. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Director or its equivalent, designated by the Head of IFSU to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the IFSU Head on the denial of such request.
7. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the Head of IFSU may delegate such authority to his Chief of Staff or any Officer not below the rank of a Director.

SECTION 2: 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.

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 IFSU 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.

SECTION 3. PROTECTION OF PRIVACY

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

- a. The AGENCY 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 AGENCY 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 AGENCY, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE *(See Annex "E" for flowchart)*

1. Receipt of Request for Information.

1.1 The FOI Receiving Officer (FRO) 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 shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See **Annex “F”** for request form).

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.

- 1.2** 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.
- 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, 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.
- 1.4** IFSU 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.

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

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

2. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Request relating to more than one office under the AGENCY: 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.

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

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.

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.

2.3. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the IFSU website, 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.

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 shall 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, 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.

- 4. 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 IFSU Head 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 disclosability of the records before making any final determination.

- 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 IFSU Head or the designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
- 6. 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.
- 7. 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 IFSU Head or his designated officer for final approval.
- 8. 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.

- 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. 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 IFSU Head or to his designated officer.

SECTION 5. REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the IFSU Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the IFSU 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.
 - b. The appeal shall be decided by the IFSU Head 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.
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 6. REQUEST TRACKING SYSTEM

The AGENCY shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 7. FEES

1. **No Request Fee.** The AGENCY shall not charge any fee for accepting requests for access to information.
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 IFSU in providing the information to the requesting party. The schedule of fees shall be posted by IFSU.

3. **Exemption from Fees:** IFSU 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 8. 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 one (1) to thirty (30) days; and
 - c. 3rd Offense – Dismissal from the service
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

ANNEX “C”

FOI Receiving Officers of the AGENCY and its local offices

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Records Management Office Department of Administrative Services Office of the Vice President for Administration and Finance	Main Campus Nayon, Lamut, Ifugao	ifsurecordsmain@gmail.com 09273423554	Sol S. Codamon
Office of the Campus Executive Directors –Lagawe Campus or personnel assigned at the PAD or Planning, Information Management and Technology Officer	Lagawe Campus Bahawit, Lagawe, Ifugao	09175177754	Dr. Camilo Pimentel
Office of the Campus Executive Directors –Potia Campus or personnel assigned at the PAD or Planning, Information Management and Technology Officer	Potia Campus Potia, Alfonso Lista, Ifugao	09278406567	Dr. Nelson S. Latap
Office of the Campus Executive Directors –Tinoc Campus or personnel assigned at the PAD or Planning, Information Management and Technology Officer	Tinoc Campus Tinoc, Ifugao	09174314621	Dr. Adrian Albano
Office of the Campus Executive Directors –Hapao Campus or personnel assigned at the PAD or Planning, Information Management and Technology Officer	Hapao Campus Hapao, Hungduan, Ifugao	09756170827	Mr. Jhonny Dulnuan
Office of the Campus Executive Directors –Aguinaldo Campus or personnel assigned at the PAD or Planning, Information Management and Technology Officer	Aguinaldo Campus Aguinaldo, Ifugao	09072236170	Prof. Joseph Ngohayon

ANNEX “D”

LIST OF EXCEPTIONS

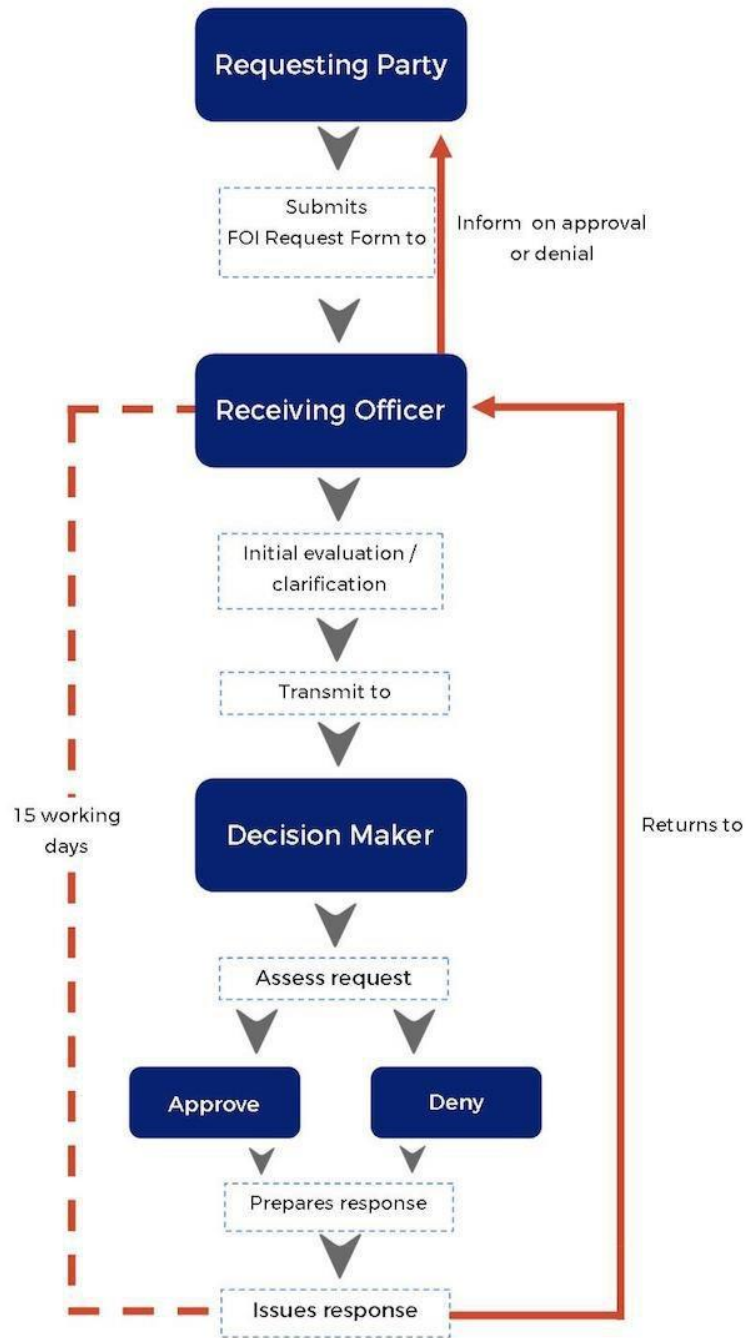
The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

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

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

ANNEX "E"

Flow Chart



ANNEX "F"

FOI Request Form

This document may be reproduced
and is NOT FOR SALE

FOI Tracking Number:



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◄) denotes a MANDATORY field.

A. Requesting Party

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

1. Title (e.g. Mr, Mrs, Ms, Miss) 2. Given Name/s (including M.I.) 3. Surname
_____ ◄ _____ ◄ _____
4. Complete Address (Apt/House Number, Street, City/Municipality, Province)
_____ ◄ _____
5. Landline/Fax 6. Mobile 7. Email
_____ ◄ _____
8. Preferred Mode of Communication Landline Mobile Number Email Postal Address
(If your request is successful, we will be sending the documents to you in this manner.)
9. Preferred Mode of Reply Email Fax Postal Address Pick-Up at Agency
10. Type of ID Given (Please ensure your IDs contain your photo and signature) Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others _____

B. Requested Information

11. Agency - Connecting Agency (if applicable) ◄ _____ ◄ _____
12. Title of Document/Record Requested (Please be as detailed as possible) ◄ _____
13. Date or Period (DD/MM/YY) ◄ _____
14. Purpose ◄ _____

15. Document Type ◄ _____
16. Reference Numbers (if known) ◄ _____
17. Any other Relevant Information ◄ _____

FREEDOM OF INFORMATION

C. Declaration

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

I declare that:

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

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

Signature

Date Accomplished (DD/MM/YYYY)

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name)

Agency - Connecting Agency (if applicable, otherwise N/A)

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

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name)

Decision Maker Assigned to Application (print name)

Decision on Application Successful Partially Successful Denied Cost

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY)

Date Documents (if any) Sent (DD/MM/YYYY)

FOI Registry Accomplished Yes No

RO Signature

Date (DD/MM/YYYY)

