

NFA
Freedom of
Information (FOI)
Manual

TABLE OF CONTENTS

I. Overview

1. Purpose of the Manual
2. Structure of the Manual
3. Coverage of the Manual
4. Bases

II. Definition of Terms

III. General Implementing Guidelines

- A. Promotion of Openness in Government
- B. Protection of Privacy
- C. FOI Receiving Officer (FRO)
- D. FOI Decision Maker (FDM)
- E. Central Appeals and Review Committee

IV. Standard Operating Procedures

- A. Receipt of Request for Information
- B. Evaluation
- C. Document Tracking System
- D. Approval to Grant Request / Denial
- E. Processing of Requested Information
- F. Transmitting the Information to the Requesting Party
- G. Request for an Extension of Time
- H. Remedies in Case of Denial of Request
- I. Fees
- J. Non-Compliance with FOI
- K. Provisions for More Stringent Laws, Rules and Regulations
- L. Standard FOI Registry

Annexes:

- A.1 FOI Request Flowchart
- A.2 FOI Appeal Flowchart

Exhibits:

- 1 FOI Request Form
- 2 Document Tracking Sheet
- 3 FOI Response Templates - Denial
- 4 FOI Response Templates – Transmittal of Information
- 5 FOI Registry Sheet
- 6 FOI Registry Instructional Note for Completion

NFA FREEDOM OF INFORMATION (FOI) MANUAL

I. OVERVIEW

1. **Purpose:** The purpose of this FOI Manual is to provide the process to guide and assist the officials and employees of NFA at its central and field offices in dealing with requests for information received under Executive Order No. 2 (E.O. 2) dated July 23, 2016, otherwise known as “**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.**”
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the officials and employees of NFA central and field offices when a request for access to information is received.
3. **Coverage of the Manual:** This Manual shall cover all requests for information directed to the NFA central and field offices under EO 2.
4. **Bases:**
 - a. Executive Order No. 2 or EO 2 (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) signed by President Duterte on July 23, 2016
 - b. FOI Model Manual provided by the Presidential Communications Operations Office (PCOO)

II. DEFINITION OF TERMS

1. **ADMINISTRATIVE FOI APPEAL** - an independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.
2. **ANNUAL FOI REPORT** - a report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

3. **CENTRAL APPEALS AND REVIEW COMMITTEE** – a committee in the central office created to review and analyze an appeal to grant the request for information.
4. **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.
5. **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.
6. **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.
7. **FOI DECISION MAKER (FDM)** – the official in the central / field office who will authorize the grant or denial of the request.
8. **FOI RECEIVING OFFICER (FRO)** – an employee in the central /field office who will receive the request for information.
9. **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.
10. **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.
11. **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.
12. **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.

13. **SENSITIVE PERSONAL INFORMATION** - as defined in the Data Privacy Act of 2012, shall refer to personal information:
 - a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - b. 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;
 - c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - d. Specifically established by an executive order or an act of Congress to be kept classified.
12. **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.

III. GENERAL IMPLEMENTING GUIDELINES

A. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** Pursuant to the promotion of openness in government, the NFA 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, through the NFA website, timely, true, accurate and updated key information including, but not limited to:
 - a. A description of NFA mandate, structure, powers, functions, duties and decision-making processes;
 - b. A description of the frontline services NFA delivers and the procedure and length of time by which they may be availed of;
 - c. The names of NFA 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 NFA 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. Keeping of Records. The NFA 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 the data generated or collected.

B. PROTECTION OF PRIVACY

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

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

C. FOI RECEIVING OFFICER (FRO)

1. An FOI Receiving Officer (FRO) who will receive all requests for information shall be designated at the central office and all NFA regional and provincial offices. This shall be the Information Officer III of the Public Affairs Department for central office / Regional Information Officer (or designated Regional Information Officer) for Regional Offices / designated Provincial Information Officer for Provincial Offices.
2. The functions of the FRO shall include:
 - a. receive all requests for information;
 - b. conduct initial evaluation of the request and advise the requesting party on what action shall be taken on the request, or deny the request based on the criteria in the operating procedures.
 - c. forward the request to the FDM for approval / further evaluation and to the appropriate office who has custody of the records ;
 - d. monitor all FOI requests and appeals;

- e. provide assistance to the FOI Decision Maker;
- f. provide assistance and support to the public and staff with regard to FOI; and
- g. compile statistical information as required.

D. FOI DECISION MAKER (FDM)

An FOI Decision Maker (FDM) shall review / conduct further evaluation on the request and approve the grant of the request for information based on the recommendation of the FRO. The FDM shall be the Assistant Administrator for Finance and Administration for central office, Regional Director for Regional Offices and Provincial Manager for Provincial Offices.

E. CENTRAL APPEALS AND REVIEW COMMITTEE

The Central Appeals and Review Committee (CARC) shall review and analyze appeals to grant a request for information. The CARC is composed of the following:

- Chairman : Deputy Administrator for Finance and Administration
- Co-Chairman: Deputy Administrator for Marketing Operations
- Member : Asst. Administrator for Marketing Operations

IV. STANDARD OPERATING PROCEDURES (See **Annex A** for flowchart)

A. RECEIPT OF REQUEST FOR INFORMATION

1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check immediately compliance with the following requirements:
 - a. The request must be in the prescribed FOI Request Form (Exhibit 1) accomplished in duplicate (copy 1 for the FRO, copy 2 for the requesting party) ;
 - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization;
 - c. The request shall specifically describe the information requested, and the reason for, or purpose of, the request for information; and
2. If it passes the above requirements, 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 FRO with a corresponding signature. The requesting party shall be

furnished a copy of the request and shall be advised on what action shall be taken on his/her request.

3. 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.
4. The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the prescribed FOI Request Form and a copy of a duly recognized government issued ID with photo. The FOI Request Form may be downloaded from the nfa.gov.ph and shall be sent with the ID of the requesting party to the email address of the concerned FRO (see Annex A for email address). The screening of the emailed request form shall follow the same procedure in IV.A.1. The request shall be acknowledged by electronic mail indicating the date and time of the receipt of the request, and the name, rank, title and position of the FRO. The FOI Request Form shall be printed out for proper endorsement to the appropriate office/s who has custody of the requested data.

However, if the information being requested through email falls under the “restricted” category, the requesting party shall be asked to appear to the FRO in person, for proper identification, before the requested information can be processed.

5. All FROs should have an e-mail address dedicated only for FOI purposes. Should the FRO take a leave of absence, he/she should inform the FDM and both should make arrangement to assign another person to perform the FOI functions.
6. The NFA through the FRO 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 FOI Request Form is physically received or electronically transmitted and received by the FRO; or
- b. If the FRO has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

Should the requested information need further details to identify or locate, then the running of the 15 working days period shall be interrupted and will commence only on the day after it receives the required clarification from the requesting party.

B. EVALUATION

1. After receiving the FOI Request Form, the FRO shall evaluate the contents of the request and recommend actions to be taken which shall be indicated in the FOI Request Form for review / further evaluation and approval of the FDM, within the day the request was received by the FRO.
2. All requests that fall under the following criteria shall be recommended for denial:
 - a. NFA does not have the information requested, or the request refers to another government agency, or refers to an office not within the coverage of EO 2 (the FRO shall advise the requesting party to proceed to the concerned office and provide him/her contact details of said office);
 - 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 (to be released by the Office of the President); or
 - d. The request is identical or substantially similar with a request from the same requesting party which had already been previously granted or denied by the NFA.
 - e. The requested information is already posted and publicly available in the NFA website, data.gov.ph or foi.gov.ph (the FRO shall provide the requesting party with the website link where the information is posted).
3. Other requests not belonging to the above criteria shall be recommended for approval to be processed by the proper NFA office/s (central and/or field offices) who has custody of the information.

C. DOCUMENT TRACKING SYSTEM

1. The FRO shall fill-out a Document Tracking Sheet (DTS) (Exhibit 2) (per SOP on NFA Communication and Document Tracking System) in duplicate. One copy shall be attached to the FOI Request Form and one copy shall be retained with the FRO for proper monitoring.

2. The FOI Request Form has a FOI Tracking Number which shall also be the DTS Number. The FRO shall indicate in the DTS the deadline for submission of the required information which shall be the 13th working day from receipt of request by the FRO to give the FRO ample time to prepare the letter transmittal and have it signed by the Administrator (for central office) / Regional Director (for R.O.)/ Provincial Manager (for P.O.). The offices, dates and names of employees who received the request shall be entered in the DTS. The FRO shall constantly monitor the status of the request.
3. All fully served FOI Request Forms and DTS shall be filed in a separate folder for future reference.

D. APPROVAL TO GRANT REQUEST / DENIAL

1. Upon receipt of the request, the FDM shall review / evaluate further the FRO's recommendation and if necessary, discuss further the necessary action to be taken. The FDM should be able to approve the FRO's recommendation within the day it was received by the FRO.
2. In case the FDM for central office (Assistant Administrator for Finance and Administration) is on official travel or on leave of absence, the Assistant Administrator for Marketing Operations shall perform the FOI function.

In case the FDM for regional or provincial office (Regional Director or Provincial Manager) is on official travel or on leave of absence, the next lower in rank shall perform the FOI function.

3. The FRO shall record in the DTS the date and time the request was forwarded to (with corresponding signed receipt) and approved by the FDM.
4. Upon FDM's approval to grant the request, the FRO shall forward such request to the concerned office /s, ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with these offices that they will only provide the specific information that relates to their offices.
5. In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial through a letter transmittal (Exhibit 3) to be signed by the Administrator (for central office) / Regional Director (for R.O.) /

Provincial Manager (for P.O.) informing the requesting party accordingly of the denial of the request and reason for such denial.

E. PROCESSING OF REQUESTED INFORMATION

1. Upon FDM's approval to grant the request, the FRO shall endorse the request to the office that has custody of the information, for processing. The FRO shall record in the DTS the date and time the request was received by the concerned office.
2. The concerned office shall make all necessary steps to locate and retrieve the information requested. They shall take into consideration if the requested information is / are included in the list of exemption or classified as restricted or confidential information otherwise they shall ensure that the complete information requested be submitted to the FDM/FRO on or before the deadline indicated in the DTS.
3. If the concerned office need further details to identify or locate the information, they shall seek clarification from the requesting party through the FRO. 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.
4. If the concerned office determines that a record contains information of interest to another office, they shall consult with the said agency before making any final determination.
5. The FRO shall monitor the date and time of receipt of information from the concerned office and report to the FDM in case the submission has gone beyond the set deadline.

F. TRANSMITTING THE INFORMATION TO THE REQUESTING PARTY

Upon receipt of the requested information from the concerned office, the FDM/FRO shall ensure that the information is complete and had been checked for possible exemptions, prior to actual release. FRO shall attach a cover/transmittal letter (Exhibit 4) signed by the Administrator (for central office) / Regional Director (for R.O.) / Provincial Office (for P.O.). The FRO shall inform the requesting party through the fastest means that the information being requested is ready. The FRO shall enter in the DTS the date and time when he informed the requesting party that the information requested is ready. FRO shall ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

G. REQUEST FOR AN EXTENSION OF TIME

1. If the information requested requires extensive search of the NFA records facilities, examination of voluminous records, data need to be retrieved from the field offices, the occurrence of fortuitous events or other analogous cases, the concerned office should inform the FRO/FDM to ask for an extension from the requesting party setting forth the reasons for such extension.
2. 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.

H. REMEDIES IN CASE OF DENIAL OF REQUEST

1. A person whose request for access to information had been denied by the provincial FDM (Provincial Manager) / regional FDM (Regional Director) / central office FDM (AA for Finance and Administration) may file a written appeal with the NFA Central Appeals and Review Committee located at the NFA central office within fifteen (15) working days from the receipt of notice of denial.
2. The appeal shall be decided by the NFA Administrator upon the recommendation of the NFA Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal.
3. If the appeal is denied, the requesting party may file a Motion for Reconsideration to the said Central Appeals and Review Committee within fifteen (15) working days from receipt of notice of denial of the appeal.
4. The motion shall be decided by the Administrator upon the recommendation of the NFA Central Appeals and Review Committee within fifteen (15) working days from the filing of the said motion for reconsideration.
5. The denial of the motion by the NFA Administrator may be appealed further to the Office of the President pursuant to Administrative Order No. 22, s. 2011.

I. FEES

NFA shall not charge any fee for accepting and granting the request for information. As much as possible, all concerned shall apply the most economical means to process the requests and in informing the requesting party of the readiness of information requested.

For information that takes more than ten (10) pages, the information may be sent through the email address of the requesting party or the requesting party may be asked to bring a flash disk, memory card and the like, where the information can be stored.

J. NON-COMPLIANCE WITH FOI

Failure to comply with the provisions of this Manual shall be a ground for disciplinary action pursuant to the provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS).

K. 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.

L. STANDARD FOI REGISTRY

To facilitate a uniform tracking, monitoring and evaluation system for FOI program implementation, the Standard FOI Registry sheet (Exhibit 5 accessible at <http://bit.ly/foipco>) to be managed by FOI Receiving Officers. All FOI requests should be logged in to this form and should be updated accordingly. Exhibit 6 provides a comprehensive instructional note for accomplishing the FOI Registry.

The FOI Registry will be the basis for measuring agency performance and compliance alongside important FOI analytics to assess the initial financial costs of FOI implementation.

This is an interim solution to the standardized reporting procedure across the Executive Branch; moving forward, an online electronic FOI registry system will be developed.

All government agencies are required to submit an FOI Registry file to the PCOO through email at foi.pco@gmail.com and foi.pco.gov.ph every quarter starting March 2017.