



REPUBLIC OF THE PHILIPPINES
Department of Science and Technology

PHILIPPINE COUNCIL FOR INDUSTRY, ENERGY AND EMERGING TECHNOLOGY RESEARCH AND DEVELOPMENT (PCIEERD)

FREEDOM OF INFORMATION (FOI) Procedures Manual (2021 Rev.03)

SECTION I. OVERVIEW

1. **Purpose:** The purpose of this FOI Manual is to provide the process to guide and assist the Philippine Council for Industry, Energy and Emerging Technology Research and Development (PCIEERD), in dealing with requests for information received under Executive Order (EO) No. 2, series of 2016 (Annex "A").
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by PCIEERD and its Divisions and Units, when a request for access to information is received. The PCIEERD Executive Director is responsible for all actions carried out under this Manual and may delegate this responsibility to an authorized officer and the respective Heads of the divisions and units. The Executive Director, or the designated officer-in-charge, may designate a specific officer to act as the FOI Decision Maker (FDM) and 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 PCIEERD and all its divisions and units, as follows:
 - a. Office of the Executive Director (OED)
 - b. Office of the Deputy Executive Director (ODED)
 - c. Finance and Administrative Division (FAD)
 - d. Industrial Technology Development Division (ITDD)
 - e. Energy and Utilities Systems Technology Development Division (EUSTDD)
 - f. Emerging Technology Development Division (ETDD)
 - g. Research Information and Technology Transfer Division (RITTD)
 - h. Human Resource and Institution Development Division (HRIDD)
 - i. Policy Coordination and Monitoring Division (PCMD)

4. **FOI Receiving Officer:** The Executive Director shall designate the FOI Receiving Officer (FRO) in PCIEERD with the following duties and functions:
 - a. Receive on behalf of PCIEERD and other divisions and units, all requests for information
 - b. Conduct initial evaluation of the request and advise the public on its status;
 - c. Forward the request to the appropriate office that has custody of the records; and monitor all FOI requests and appeals
 - d. Provide assistance to the FDM and FOI Division Decision Maker (FDDM);
 - e. Provide assistance and support to the public and staff with regards to FOI; and
 - f. Compile statistical information as required.

SECTION II: DEFINITION OF TERMS

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.

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 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 over time.

INFORMATION. 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 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.

OFFICIAL RECORD/S. 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. Publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PUBLIC RECORDS. Information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. A private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

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.

SECTION III. GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to an 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.

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.

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask the views of that other office whether or not the record is disclosable before making any final determination.

EXCEPTIONS. Information that should not be released and disclosed in response to FOI request because they are protected by the Constitution, laws or jurisprudence. Refer to **Annex “B”**, List of Exceptions.

FREEDOM OF INFORMATION. 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. Refer to **Annex “C”**, FOI Frequently Asked Questions (FAQs).

FOI CONTACT. The name, address and contact number at each government office where the public can make an FOI request. Refer to **Annex “D”**, FOI Officers of PCIEERD.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. An information request can generally be made by any Filipino to any government office. Refer to **Annex “E”**, FOI Request Form.

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 information request.

FREQUENTLY REQUESTED INFORMATION. Information released in response to an information request that the agency determines has become or is likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When PCIEERD cannot release any records in response to an information request where 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 requested in full in response to an FOI request.

MULTI-TRACK PROCESSING. A system that divides incoming information requests according to their complexity so that simpler requests requiring relative 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.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose significant portions of the records in response to an information 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. An FOI request that reasonably describes the records sought and is made in accordance with the government office's regulations.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific request which includes website postings.

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

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

REFERRAL. When PCIEERD locates a record that originated from, or is of another agency's interest, the former will forward the request to the said agency for appropriate action.

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

FORCE MAJEURE. Unforeseen events that may affect government operations such as systems breakdown, natural calamities, war, and the like.

WORKING DAY. 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, Article 13 of the New Civil Code shall be observed.

SECTION IV. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** PCIEERD shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:
 - A. A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - B. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - C. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - D. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
 - E. Rules and regulations, orders or decisions in relation to PCIEERD's official mandate;
 - F. Current and important database and statistics that it generates;
 - G. Bidding processes and requirements; and
 - H. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

2. **Accessibility of Language and Form.** PCIEERD shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** PCIEERD 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.

SECTION V. PROTECTION OF PRIVACY

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

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

SECTION VI. STANDARD PROCEDURE

(Refer to **Annex "F"** – FOI Request Flow Chart)

1. **Receipt of Request for Information**

- A. The FRO shall receive the request for information from the requesting party and check compliance of the following requirements:
 - i. The request must be in writing;
 - ii. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - iii. 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 application request, and a copy of a duly recognized government ID with photo.

- B. Where the requesting party is unable to read and write or whose impediment or physical challenge incapacitates him to make a request in writing, he may make an oral request, and the FRO shall fill out the form in his behalf.

- C. After receipt of the request for information, the FRO shall evaluate if the request form is duly accomplished. The request shall be stamped "RECEIVED", indicating the date and time of receipt of the written request, and the name, rank, title and position of the FRO who actually received it, with his signature and furnishing the requesting party a copy thereof. 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 encode the details of the request on the Request Tracking System and allocate a reference number. The date of receipt of the request will be the actual receipt of the request form. In case of electronic request, it is deemed received from the date of acknowledgment by the FRO.
- D. PCIEERD, or any of its divisions or units must respond to requests within fifteen (15) working days from the date of receipt of the request. 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:

- i. The day on which the request is physically or electronically delivered to PCIEERD, or directly emailed to the concerned officers
- ii. The date on which reply to PCIEERD clarifications or requests for further details was received

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

A. Request concerning more than one office other than PCIEERD: If a request for information requires compliance from other attached agencies or offices, the FRO shall forward such request and ensure coordination and monitor compliance thereto.

B. Requested information is not in the custody of PCIEERD or any of its divisions and units: If the requested information is not in the custody and/or authority of PCIEERD, following referral and discussions with the FDM, the request shall be immediately referred to the concerned agency through the most expeditious manner. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly.

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

Where the information requested is of another agency's interest, the FRO shall forward the request to the said agency for appropriate action. This shall stop the running of the 15-working day period and will commence to run again the day after it receives the required information from the other agency.

C. Requested information is already posted and available online: The FRO shall inform the requesting party that the information requested is publicly available in PCIEERD's website, www.pcieerd.dost.gov.ph, data.gov.ph, or foi.gov.ph.

D. 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, and the FRO shall inform the applicant of the reason of such denial.

3. **Transmittal of request by the FRO to the FOI Division Decision Maker (FDDM):** Upon receipt of the request for information, the FRO shall evaluate the request and notify the concerned FDDM of such request. The copy of the request shall be forwarded to the FDDM within one (1) day. The FRO shall record in a record book the date and time of receipt, and the name and signature of the person who received the request form.

4. **Role of the FDDM in processing the request:** Upon receipt of the request for information from the FRO, the FDDM shall assess and clarify the request and shall make all the necessary steps to locate and retrieve the information requested. The FDDM shall ensure that the complete information requested will be submitted to the FRO within ten (10) working days upon receipt of such request.

The FDDM shall note the date and time of receipt of information from the FRO and report to the PCIEERD Executive Director or the designated Officer-in-Charge, in case the submission is beyond the 10-day period.

If the FDDM needs further details to identify or locate the information, he or she 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 the FRO receives the required clarification from the requesting party.

If the FDDM determines that a record contains information of interest to another office, the FDDM shall consult with the agency concerned if the information can be disclosed before making any final determination.

After the initial evaluation and other necessary steps made by the FDDM to locate and retrieve the information, he or she shall report or submit the document to the FDM for approval.

5. **Role of the FDM.** Upon receipt of the retrieved information from the FDDM, the FOI Decision Maker shall either deny or approve the release of the information to the requesting party. If the information is exempt from disclosure in its entirety, or there are no records regarding the information being requested, the FDM will deny the request. However, when the division or unit is able to disclose all FOI records, the FDM will approve the complete release of the information.

6. **Role of the FRO to transmit the information to the requesting party:**
The FRO shall collate and ensure that the information received from the FDM is complete. The FRO shall transmit the requested information to the requesting party within 15 days upon receipt of the request, with a cover letter signed by PCIEERD Executive Director or the duly designated Officer-in-Charge.
7. **Request for an Extension of Time:** The FDM should inform the FRO if the requested information requires extensive search of the government's office records, examination of voluminous records, the occurrence of fortuitous events, and/or other analogous cases which may cause delays in responding to the request.

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

8. **Notice to the Requesting Party of the Approval/Denial of the Request:**
Once the FDM approved or denied the request, he/she 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 be subject to the approval of the PCIEERD Executive Director or the duly designated Officer-in-Charge.
9. **Approval of Request:** In case of approval of request for information, the FRO shall ensure that all records that have been retrieved and considered are checked for possible exceptions, prior to actual release. The FRO shall notify the requesting party, within the prescribed period, that the request has been granted and direct them to pay the applicable fees, if any.
10. **Denial of Request:** Request for information and access to records shall be denied if it falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence, including, but not limited to the listed PCIEERD exceptions.

The FRO shall, within the prescribed period, notify in writing the requesting party of the denial of the request for information. The notice shall clearly set forth the ground or grounds for either whole or partial denial, and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request for information. All denials on FOI requests shall be subject to the approval of the PCIEERD Executive Director or the designated Officer-in-Charge.

SECTION VII. 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 PCIEERD FOI Committee.** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request.
 - A. Denial of the Request by Heads of PCIEERD divisions or units may be appealed in writing to the PCIEERD FOI 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 PCIEERD Executive Director or the designated Officer-in-Charge upon the recommendation of the FOI Committee within thirty (30) working days from the filing of said written appeal.
 - C. The denial of the Appeal by the PCIEERD Executive Director may be appealed to the Department of Science and Technology Secretary or may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
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 VIII. REQUEST TRACKING SYSTEM

PCIEERD shall update the status of all paper-based and/or online requests for information received, in the PCIEERD FOI Reports of the PCIEERD Transparency Seal portal.

SECTION IX. FEES

1. **No Request Fee.** PCIEERD shall not charge any fee for accepting requests for access to information.
2. **Reasonable cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by PCIEERD in providing information to the requesting party. The schedule of fees shall be posted by PCIEERD.
3. **Exemption Fees.** PCIEERD may exempt any requesting party from payment of fees, upon request stating the valid reason for such payment exemption.

SECTION X. 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 2017 Revised Rules on Administrative Cases in the Civil Service (2017 RACCS) 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 provided for more stringent penalties.

Signed this ____ day of June 2021 in Bicutan, Taguig City.


NONILO A. PEÑA
Chief Science Research Specialist
FOI Chairperson/FDM *fa*


ENRICO C. PARINGIT, Ph.D.
Executive Director

ANNEX "A" – EXECUTIVE ORDER NO. 2



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES OF FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its Implementing Rules and Regulations, strengthens the fundamental human right of privacy and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

THE PRESIDENT OF THE PHILIPPINES

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as

the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

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

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

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

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

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

own People's FOI Manual, which shall include, among others, the following information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

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

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

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.

- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a

records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

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

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

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

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

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary





CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

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ANNEX “B” – LIST OF EXCEPTIONS

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules and regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts:

¹General Exceptions:

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 as recognized by the Constitution, existing laws, rules, regulations and jurisprudence.

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 – (Memorandum from the Office of the Secretary, Office of the President, “Inventory of Exceptions to EO 02 s. 2016,” dated 24 November 2016).*

PCIEERD Exceptions:

1. Personal information of Governing Council Members, resource persons, grantees, and consultants;
2. 201 files of personnel;
3. Medical and psychological records of personnel;
4. Specimen signatures;
5. Information deemed confidential concerning the application of employees, together with all the records, documents and communications relating thereto and its processes;
6. Employees’ Statement of Assets, Liabilities and Net Worth (SALN) unless requested with court order and in compliance with the amended guidelines on public access to SALN (Office of the Ombudsman Memorandum Circular No. 01 series of 2020);

7. Information covered by the Republic Act No. 10173 (Data Privacy Act of 2012);
8. Proceeding before the Committee on Decorum and Investigation (CODI) during preliminary investigation of employee/s;
9. GSIS/PAG-IBIG/SSS/Philhealth/BIR information of employees, unless in compliance with a subpoena duces tecum of the Court or with the permission of the duly authorized officials of such offices;
10. Confidential information supplied by the suppliers/bidders/contractors to the PCIEERD Procurement Section pursuant to Republic Act No. 9184 (Government Procurement Reform Act);
11. Disclosure of potential Intellectual Property Rights covered by confidentiality agreements, trade secrets, commercial information and propriety information until such time that they were made public, published, or protected by law, pursuant to Republic Act 10055 (Philippine Technology Transfer Act of 2009);
12. Names of commercial establishments, entities and clients whose collaboration in PCIEERD and DOST-funded programs and projects warrant a protection of their rights to anonymity;
13. Project proposal documents, including but not limited to the information stipulated in the duly-signed Non-Disclosure Agreement, unless approved and signed by authorized proponents and PCIEERD officials; and
14. Results of testing and analytical services provided by DOST agencies to clients.

The PCIEERD Executive Director 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 or purposely to cover up a crime, wrongdoing, graft or corruption- (Section 6, EO 02).

ANNEX “C” – FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is a 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 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 for 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 should fill out and submit a request form to the agency's Receiving Officer (RO). The RO shall validate the request and log 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 (DM) for appropriate assessment. The DM 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 Head of the Agency fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days. 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 FOI Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (3) working days. If all administrative remedies are exhausted and no resolution is provided, requestor may file the appropriate case in the proper courts in accordance with the Rules of Court.

ANNEX “D” – FOI OFFICERS FOR PCIEERD

Name and Designation	FOI Receiving Office	Contact Details	
		Telephone/Fax	Email Address
FOI Decision Maker			
Engr. Nonilo A. Peña Chief Science Research Specialist, EUSTDD	Office of the Chief Science Research Specialist, EUSTDD, PCIEERD 5 th Level, Science Heritage Building, Science Community Complex, Gen. Santos Avenue, Bicutan, Taguig City	8837-2935	napena@pcieerd.dost.gov.ph
Head of the Agency			
Dr. Enrico C. Paringit Executive Director	Office of the Executive Director, PCIEERD 5 th Level, Science Heritage Building, Science Community Complex, Gen. Santos Avenue, Bicutan, Taguig City	8837-2071 to 80 loc. 2120 8837-7516	ecparingit@pcieerd.dost.gov.ph
FOI Receiving Officer			
Ms. Ena R. Conde Administrative Officer V Finance and Administrative Division	Records Section, PCIEERD 5 th Level, Science Heritage Building, Science Community Complex, Gen. Santos Avenue, Bicutan, Taguig City	8837-2071 to 80 loc. 2104	erconde@pcieerd.dost.gov.ph

ANNEX "E" – FOI REQUEST FORM

Annex "E"
FOI Request Form



PHILIPPINE COUNCIL FOR INDUSTRY, ENERGY AND EMERGING TECHNOLOGY RESEARCH AND DEVELOPMENT
Gen. Santos Avenue, Bicutan, Taguig City

PORMULARYO NG KAHILINGAN FOI Request Form

TITULO NG DOKUMENTO *(Title of the Document)* _____

MGA TAON/PANAHONG SAKLAW *(Year)* _____

LAYUNIN *(Purpose)* _____

PANGALAN / *(Name)* _____ CONTACT Nos. _____

LAGDA / *(Signature)* _____ PETA / *(Date)* _____

TIRAHAN / *(Address)* _____ KATIBAYAN NG PAGKAKAKILANLAN *(Proof of Identity)*

Passport No. _____

Driver's License _____

Other _____

PARAAN NG PAGTANGGAP NG MGA IMPORMASYON

(How would you like to receive the information?)

- Email _____
 Fax _____
 Postal Address _____
 Pick-up *(Office hours)* _____

Gawaing itinalaga kay: _____
(Submitted to) *(Lumagda sa ibaba ng pangalang nakalimbag)*

Petsa / Oras ng Pagkatalaga: _____
(Date / Time of Submission)

Taong nagpapatunay ng Gawaing Natapos: _____
(Certified by) *(Lumagda sa ibaba ng pangalang nakalimbag)*

Uri ng isinagawang aksiyon: _____
(Type of Action Conducted)

Iniskedyul ni *(Received by):*

FOI Receiving Officer

Remarks:

ANNEX “F” – FOI REQUEST FLOW CHART

