

**Freedom of Information
People's Manual**

**(Presidential Communications
Operations Office)**

Draft as of August 22, 2016

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SECTION 1: OVERVIEW

1. **Purpose:** The purpose of the Peoples FOI Manual (manual) is to provide the process to guide and assist the Presidential Communications Operations Office (PCOO), including its attached agencies, bureaus and offices, in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (**Annex "A"**)
2. **Structure of Manual:** The manual shall set out the rules and procedures to be followed by the PCOO, and its attached agencies, bureaus and offices, when a request for access to information is received. The PCOO Secretary is responsible for all actions carried out under this Manual and may delegate this responsibility to the Undersecretary of Operations/Legal of the PCOO and the Heads of the attached agencies, bureaus, and offices. The Secretary, or the respective Heads, in the case of PCOO attached agencies, bureaus and offices, may delegate a specific officer to act as the Decision Maker (DM) 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 the PCOO and all its attached agencies, bureaus, and offices, as follows:
 - f. News Information Bureau
 - g. Radio Television Malacañang
 - h. Philippine Information Agency
 - i. National Printing Office
 - j. Bureau of Broadcast Services
 - k. Bureau of Communication Services
 - l. People's Television Network, Inc.
 - m. Intercontinental Broadcasting Inc.
 - n. Media Accreditation and Relations Office
4. **Records Officer:** There shall be a Records Office (RO) assigned at the PCOO. It shall be located at the 1st floor of the New Executive Building, Jose P. Laurel St., Malacañang, Manila.

The functions of the ROs shall include receiving in behalf of the PCOO or any of its attached agencies, bureaus and offices, 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 decision makers; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required.

Every attached agencies, bureaus and offices of the PCOO shall assign their respective ROs. (**Annex "B"**)

5. **FOI Decision Maker:** There shall be a Decision Maker, who shall conduct initial screening of the request for information and provide initial decision on whether to grant or deny such request.
6. **Creation of a Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials designated by the Secretary of PCOO to review and analyze the grant or denial of request of information. The Committee shall also provide an expert advice to the Secretary on the denial of such request. The heads of the attached agencies, bureaus and offices shall likewise create a Central Appeals and Review Committee within their agencies, bureaus and offices in similar manner stated herein.
7. **Approval and Denial of Request to Information:** The PCOO Secretary shall approve or deny all request of information. In case where the PCOO Secretary is on official leave, he may delegate such authority to his Chief of Staff or any Officer not below the rank of Assistant Secretary. The heads of the attached agencies, bureaus and offices shall likewise have the authority to delegate such authority in same manner.

SECTION 2: DEFINITION OF TERMS

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 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.

OFFICIAL RECORDS. 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.

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

OPEN DATA. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users. It is consistent with the following principles of Public, Accessible, Described, Reusable, Complete, Timely and Managed Post-Release.

eFOI WEBSITE. Refers to the government portal for FOI requests, developed and maintained by the Department of Information and Communications Technology (DICT).

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, these type of information can already be posted to government websites without need for written requests from the public.

CONFIDENTIAL INFORMATION. Information which could potentially undermine public interest and the privacy and integrity of personal information; and includes the following:

- a. Information affecting the reputation of individuals or organizations related to the PCOO and its attached offices;
- b. Communications of the PCOO and its attached offices with the Office of the President, like directives and other information whereby policy formation is still in progress.
- c. Information for general disclosure but not yet completed or contingent upon the accomplishment of other actions or the existence of certain conditions.

All information that falls under the list of exceptions submitted by the Office of the Solicitor General and the Department of Justice shall be considered confidential information. (Annex "C")

NEWS AND INFORMATION BUREAU. Office under the PCOO, tasked to formulate, develop and implement a national information program for the government and the presidency, including the strategies in support of specific national development programs. It also provide daily news services to both local and foreign publics on the policies, activities, and programs of the government and the presidency, and maintain a wire service operation, for the purpose of effecting coverage of events and developments relevant to the information needs of the government and the presidency.

RADIO TELEVISION MALACANANG. Office under the PCOO, tasked to provide audio and video documentation of the President's official engagements and activities, and maintain a presidential video archives. It was established to produce broadcast materials in coordination with government offices and entities to highlight the programs and update the nation on development projects being undertaken.

PHILIPPINE INFORMATION AGENCY. Office under the PCOO, tasked to establish and maintain regional and provincial information centers to identify community needs for use in planning and providing communication programs and services.

NATIONAL PRINTING OFFICE. Office under the PCOO, tasked to efficiently provide all the printing needs of government standard and accountable forms from both local and national government offices, including government owned and controlled corporations.

BUREAU OF BROADCAST SERVICES. Office under the PCOO, tasked to provide nationwide broadcasting services primarily for the government's and the presidency's information and communications requirements. It provides broadcasting programming designed to preserve and promote the national heritage and culture, advanced educational goals, support the thrust and guide of the presidency and the government.

BUREAU OF COMMUNICATION SERVICES. Office under the PCOO, tasked to develop and conduct information programs that will enhance awareness to and secure positive public acceptance and support of the programs and activities of the government and the presidency. It also supervises the over-all conceptualization and production of special publications and audio-visual information/communication materials for the government and the presidency.

PEOPLE'S TELEVISION NETWORK, INC. Office under the PCOO, tasked to serve as an effective medium for national unity and political stability by reaching as much of the Filipino population as possible through the effective use of modern broadcast technology. Its purpose is to serve primarily as a vehicle for the State for purposes of education, science, and technology, arts, culture, and sports in order to foster national pride and identity.

APO PRODUCTION UNIT INC. A Government Owned and Controlled Corporation (GOCC) under the PCOO, tasked to meet the requirements of the national government and its agencies for highly sensitive security printing services by employing innovative technologies, business efficiencies and highly competent personnel through the judicious use of the corporate form of organization.

SECTION 3. STANDARD OPERATING PROCEDURES (See Annex "D" for flowchart)

1. **Receipt of request for information:** The Records Officer (RO) 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.
 - The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex "E")

In case the the request is not compliant with the requirements, the RO shall provide reasonable assistance to enable the requesting party to comply.

The request shall be stamped received by the RO, 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 computing for the period, Art. 13 of the New Civil Code shall be observed.

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

1A. Request relating to more than one office under the PCOO: If a request for information is received which requires to be complied with, of different attached agencies, bureaus and offices, the RO shall forward such letter to the said attached agencies, bureaus and offices concerned and ensure that it is well coordinated and monitor its compliance. The RO shall also clear with the respective ROs of such agencies, bureaus and offices that they will only provide the specific information that relates to their agencies, bureaus and offices.

1B. Requested information is not in the custody of the PCOO or any of its attached agencies, bureaus and offices: If the requested information is not in the custody of the PCOO or any of its attached agencies, bureaus and offices, following discussions with the DM, the RO shall undertake the following steps:

- If the records requested refer to another department the request will be immediately transferred to such appropriate department through the most expeditious manner and the requesting party shall be advised accordingly.
- 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.

1C. Requested information is already posted in the eFOI website: Should the information being requested is already uploaded by the Office concerned in the eFOI website, the RO shall inform the requesting party of the said fact and give them the website link where the information is posted.

1D. Requested information is substantially similar or identical to the previous request: The RO shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the PCOO. However, the RO shall inform the applicant of the reason of such denial.

2. **Transmittal of Request by the RO to the Decision Maker:** After receipt of the request for information, the RO shall evaluate the information being requested, identify the responsible DM and notify him of such request. The copy of the request shall also be forwarded to such DM within one (1) day from receipt of the written request. The RO shall record the date, time and name of the DM who received the

request in a record book with the corresponding signature of acknowledgement of receipt of the request.

- 3. Role of Decision Maker in processing the request:** Upon receipt of the request for information from the RO, the DM shall make all necessary steps to locate and retrieve the information requested. The DM shall ensure that the complete information requested be submitted to the RO within 10 days upon receipt of such request. The RO shall note the date and time of receipt of the information from the DMs and report to the PCOO Secretary or Heads of agencies, bureaus and offices in case the submission is beyond the 10-day period.
- 4. Role of RO to transmit the information to the requesting party:** The RO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the PCOO Secretary or Heads of agencies, bureaus and offices concerned and ensure the transmittal of such to the requesting party within 15 days upon receipt of the request for information.
- 5. 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 DM should inform the RO.

The RO 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) days to act on the request, unless exceptional circumstances warrant a longer period.

- 6. 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 RO who shall prepare the response to the requesting party.
- 7. Approval of Request:** In case of approval, the RO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The RO shall prepare the letter informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
- 8. Denial of Request:** In case of denial of the request wholly or partially, the RO 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.

SECTION 4. 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:

- a) Appeal to the PCOO 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 the Appeal by the Heads of PCOO attached agencies, bureaus and offices may be appealed to the PCOO Secretary by filing a written appeal to the PCOO 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 PCOO Secretary 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.
 - c. The denial of the Appeal by the PCOO Secretary or the lapse of the period to respond to the request may be Appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
- b) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 5. FEES

1. **Reasonable Cost of Reproduction and copying of the information:** The RO 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 the PCOO in providing the information to the requesting party. The schedule of Fees shall be posted by the PCOO.
2. **Exemption from Fees:** The PCOO may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.
3. In case the requesting party cannot pay the required fees, the PCOO may provide digital or electronic copy.

SECTION 6. ADMINISTRATIVE LIABILITY.

Non-compliance with FOI. Failure to comply of the ROs, DMs or Heads of PCOO attached agencies, bureaus and offices to this Manual may be a ground for Administrative and Disciplinary sanctions subject to existing laws. The requesting party shall submit a written complaint to the PCOO Secretary stating the grounds and reasons for filing such complaint. The PCOO Secretary shall forthwith follow the mechanism in place in handling such complaints.

DRAFT

ANNEX "A"

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

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

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available

for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

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

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

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

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

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

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

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;

- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

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

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required,

subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

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

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

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

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the above stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

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

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

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

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

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

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

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

By the President.

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

ANNEX *B

Records Officers of PCOO and attached agencies

Attached Agency	Location of Records Office	Contact Details	Assigned Records Officer
Presidential Communications Operation Office	1 st floor, New Executive Building, Jose P. Laurel St., Malacañang, Manila		
News Information Bureau			
Radio Television Malacañang			
Philippine Information Agency			
National Printing Office			
Bureau of Broadcast Services			
Bureau of Communication Services			
People's Television Network, Inc.			
Intercontinental Broadcasting Inc.			
Media Accreditation and Relations Office			

ANNEX "C"

Exceptions to FOI

1. Information that directly relates to the national security or defense and its revelation may cause grave damage to national security or internal or external defense of the state.
2. National Security Matters.
At the very least, this jurisdiction recognizes the common law holding that there is a governmental privilege against public disclosure with respect to state secrets regarding military, diplomatic and other national security matters.
3. Legislative Journals shall not be published if in the judgment of each House it may affect national security.
4. Executive Order No. 608, Establishing a National Security Clearance System for Government Personnel with Access to Classified Matters.
5. Executive Privilege involving information relating to the President's commander-in-chief, appointing, pardoning and diplomatic powers.
6. Information pertaining to the foreign affairs of the Republic of the Philippines, when its revelation shall/ may unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states.
7. Information on inter-government exchanges prior to the conclusion of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interest.
8. The records of minutes and advice given and opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be privileged by reason of the sensitivity of the subject matter or of the impairment of the Chief Executive's deliberative process that would result from the disclosure thereof.
9. Deliberative Process Privilege.
10. Presidential Communication's Privilege.
11. Closed door Cabinet meetings.
12. The information requested pertains to internal and/or external defense, law enforcement and border control, when the disclosure thereof may:
 - a. Compromise or interfere with any legitimate military or law enforcement operation, or
 - b. Compromise or interfere with the legitimate prevention, detection or suppression of criminal activity, or the legitimate implementation of immigration controls and border security, or

- e. Lead to the disclosure of the identity of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, or
 - d. Disclose legitimate techniques and procedures for law enforcement investigations or prosecutions, or would disclose legitimate guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or
 - e. Endanger the life or physical safety of any individual, or
 - f. Deprive a person of a right to a fair trial and impartial adjudication.
13. Criminal Matters.
- Also excluded are classified law enforcement matters, such as those relating to the apprehension, the prosecution and the detention of criminals, which courts may not inquire into prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding rescue operations, the whereabouts of fugitives, or leads on covert criminal activities.
- 14. Investigations or proceedings conducted by public authorities.
 - 15. Information related to the assignment of the cases to the reviewing prosecutors or the Undersecretaries.
 - 16. Prohibition on the Disclosure of Investigatory records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would:
 - a. interfere with enforcement proceedings;
 - b. deprive a person of a right to a fair trial or an impartial adjudication;
 - c. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source unjustifiably disclose investigative techniques and procedures.
 - 17. Proceedings before the Committee on Decorum and Investigation during preliminary investigation.
 - 18. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of that law and the identity of a confidential informant.
 - 19. Prohibition on disclosure the identity of persons who furnish information of violations of law to officers in charge with the enforcement of that law.

20. Denial of the request of the KBP for the radio-TV coverage of the Estrada trial at the Sandiganbayan to preserve the right of the accused to criminal due process.
21. Prohibition on the disclosure of information that would put the life and safety of an individual in imminent danger.
22. **The information requested consists of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function.**
23. Proceedings before, or information in the possession of, any government agency, tribunal, board, or officer, which under its respective rules or regulations are treated as confidential and privileged.
24. Confidential information generally refers to information not yet made a matter of public record relating to pending cases, such as notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.
25. Court records, including pleadings and other documents filed by litigants are confidential.
26. Requested information pertains to an act which tends to exact testimony from government officials by a citizen are confidential.
27. Such information, record or document comprises drafts of decisions, orders, rulings, policy decisions, memoranda, etc.
28. **The information requested is obtained by either House of Congress, or any committee thereof, in executive session.**
29. Executive sessions of either House of Congress
30. **The information requested pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute an unwarranted invasion of his or her personal privacy, unless it forms part of a public record, or the person is or was an official of the government agency and the information relates to his other public function or the person has consented, in writing, to the disclosure of the information.**
31. Individual data furnished by respondents in census and surveys conducted by the Philippine Statistics Authority are confidential.
32. Data furnished to the Philippine Statistics Authority (PSA) by an individual, corporation, partnership, institution or business enterprise, except if it will be divulged to authorized employee of PSA or if published in the form of summaries or statistical tables with no reference to individual, corporation, institution or business enterprise.
33. Records of a person's birth.
34. Hearings and conciliation cases of children and family cases shall respect privacy of those involved as provided under the Family Courts Act of 1997.
35. All records, books and papers relating to domestic adoption cases in the files of the court, the Department of Social Welfare and Development (DSWD), or any other

- agency or institution participating in the domestic adoption proceeding (except if the court finds that the disclosure of the information to a third person is necessary for purposes connected with or arising out of the adoption and will be for the best interest of the adoptee).
36. Records of a child, his/her natural parents, and his/her adoptive parents in an inter-country adoption, including records, documents and communications of adoption applications, cases and processes.
 37. Information concerning the application, together with all the records, documents and communications relating thereto and its processes shall be confidential.
 38. Information concerning the origin and identity of the child, the identity of the natural parents and adoptive parents shall be strictly confidential.
 39. School records.
 40. Confidentiality of Information Coming into the possession of the Commission.
 41. Personal and sensitive information concerning natural persons resulting in invasion of privacy.
 42. Requested information pertains to employment records and reports submitted by the employee or employer to the Social Security System (SSS), unless in compliance with a subpoena duces tecum of the Court, or with the SSS Administrator's permission or any SSS official duly authorized by the Administrator.
 43. Records and reports duly accomplished and submitted to the Social Security System (SSS) by the employer or the member.
 44. Medical Records of Filipinos.
 45. Information obtained by health workers/health information technology.
 46. The state shall provide a mechanism for anonymous HIV testing and shall guarantee anonymity and medical confidentiality in the conduct of the test.
 47. All health professionals, medical instructors, workers, employers, recruitment agencies, insurance companies, data encoders, and other custodians of any medical record, file, data or test results are directed to strictly observe confidentiality in the handling of all medical information, particularly the identity and status of a person with HIV.
 48. All results of HIV/ AIDS testing shall be confidential.
 49. Shared health record.
 50. Information requested pertains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communication, and/or filed with a government agency, whenever the revelation thereof would prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition.
 51. Trade Secrets and Banking Transactions.
 52. The drafters of the Constitution also unequivocally affirmed that, aside from national security matters and intelligence information, trade or industrial secrets, as well as banking transactions are also exempted from compulsory disclosure.
 53. Confidential, commercial, and financial information are excluded from disclosure.

54. Confidential business information gathered by certain government agencies or officials on the operations, books, records of private corporations and businesses not required to be made public.
55. Data on individual firms, other than banks, gathered by the Bangko Sentral ng Pilipinas.
56. Secrecy of Bank Deposits.
57. All foreign currency deposits authorized under the Foreign Currency Deposit Act of the Philippines, as amended by PD 1035, as well as foreign currency deposits authorized under PD 1034 (except upon the written permission of the depositor).
58. Any information relative to funds or properties belonging to private individuals, corporations, or any other entity in the custody of the bank.
59. Inquiry into foreign currency deposits of clients with any banking institutions except upon written permission of the depositor.
60. Confidentiality of information of credit card holders.
61. Credit information held by the Credit Information Corporation.
62. Anti Money Laundering concerns, covered or suspicious transaction reports, or any other information in relation thereto.
63. Tax returns and corrections prior to the issuance of an assessment by the CIR.
64. Prohibition of disclosing information under the National Internal Revenue Code.
65. Prohibition on the disclosure of confidential information under the National Internal Revenue Code.
66. Trade secrets acquired by government agencies or officials in the discharge of their duties.
67. Information received by a foreign tax authority from the Bureau of Internal Revenue pursuant to an international convention or agreement on tax matters; provided that it may be disclosed only to persons or authorities involved in the assessment or collection thereof, or the enforcement or prosecution in respect of the taxes covered by the conventions or agreements.
68. Information obtained by Insurance Commissioner in relation to Holding Companies.
69. All proceedings before the issuance of a Cease and Desist Order under the Pre-Need Code.
70. Information received by the Insurance Commissioner under the Insurance Code.
71. Order of Suspension of offer and sale of securities under the Securities Regulation Code.
72. Order of Suspension of the right to sell securities.
73. Order of Suspension of broker's, dealers, associated person or salesman's registration under the Securities Regulation Code.
74. Confidential business information submitted by entities under the Securities Regulation Code.
75. Investigation or complaint for the issuance of a Cease and Desist Order under the Securities Regulation Code.
76. Prohibition on the revelation of trade secrets or processes in any application, report or document filed with the Securities and Exchange Commission.
77. Requested information which tends to reveal the trade secrets or processes of a person in any application, report or documents filed with the Securities and

- Exchange Commission, unless the Commission finds that a disclosure of such information is required in the public interest or for the protection of investors; and copies of information so made available may be furnished to any person having a legitimate interest.
78. Trade Secrets under the Consumer Act of the Philippines.
 79. Trade Secrets under the Intellectual Property Code.
 80. Information relating to potential intellectual property right.
 81. Non-public information that might be of used by competitors or harmful to the Philippine Ports Authority or its customers/stakeholders if disclosed.
 82. Applications and supporting documents filed in connection with the Omnibus Investments Code.
 83. Information classified as confidential, the disclosure of which would prejudice legitimate commercial interests or competitive position of the investor or its investment.
 84. Documents submitted through the Government Electronic Procurement System (GEPS).
 85. Proprietary information disclosed to the Head of Agency/LARJ in an unsolicited proposal under the Build-Operate-Transfer (BOT) Law.
 86. Confidentiality of Business Proprietary Information.
 87. Confidentiality of Evidence submitted under Safeguard Measure Act.
 88. The inventor, discoverer, or possessor of a trade secret or similar innovation has rights therein which may be treated as property, and ordinarily an injunction will be granted to prevent the disclosure of the trade secret by one who obtained the information "in confidence" or through a "confidential relationship."
 89. The Securities Regulation Code, expressly provides that the court may issue an order to protect trade secrets or other confidential research, development, or commercial information belonging to the debtor.
 90. Consumer Protection and Industry Development.
 91. (v) Ensure and protect the rights and welfare of consumers and business users to privacy, security and confidentiality in matters relating to ICT, in coordination with agencies concerned, the private sector and relevant international bodies.
 92. Obligation of Confidentiality under the E-Commerce Act.
 93. Confidential information involving Investment Guarantees.
 94. Confidential matters under the Arbitration Law and Alternative Dispute Resolution Law involving arbitration proceedings and when the parties in an arbitration clause so provided that the proceeding and its incidents shall be confidential and information required in mediation or arbitration proceedings.
 95. An oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or reassigning a mediator.
 96. Pleadings, motions, manifestations, witness statements, reports filed or submitted in an arbitration or for expert evaluation.
 97. Privacy and Confidentiality of matters involved in an Investor State Mediation.
 98. Arbitration covered by the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration.

99. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC), which includes communications to or from the CIAC, the pleadings, applications and other papers filed with the CIAC, sworn statements, documentary and testimonial evidence, reports and minutes taken of the proceedings, and other orders, decision, award or resolution issued by the arbitrator(s).
100. International commercial arbitration proceedings, including the records, evidence and the arbitral award (except if with the consent of the parties, or for the limited purpose of disclosing to the court of relevant documents in cases where resort to the court is allowed), as well as information obtained through mediation proceedings (unless waived in a record, or orally during a proceeding by the mediator and the mediation parties):
1. including any information, relative to the subject of arbitration or mediation, expressly intended by the source not to be disclosed, or obtained under circumstances that would create a reasonable expectation on behalf of the source that the information shall not be disclosed, such as:
 - a) communication, oral or written, made in a dispute resolution proceedings, including any memoranda, notes or work product of the neutral party or non-party participant;
 - b) an oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or retaining a mediator, and pleadings, motions, manifestations, witness statements, reports filed or submitted in an arbitration or for expert evaluation.
101. Information received in relation to the accreditation of Hotels, Tourist Inns, Motels, Apartels and Other Accommodation Establishments.
102. Confidentiality of information related to the Accreditation of Travel and Tours Services.
103. DENR reports which include trade secrets, production or sales figures or methods, production or process unique to a manufacturer, processor or distributor, or would otherwise tend to affect adversely the competitive position of such manufacturer, processor or distributor.
104. Any confidential information supplied by the contractor to the Department of Environment and Natural Resources (DENR) or to the government pursuant to the Philippine Mining Act of 1995.
105. Information on on-going evaluation or review of bids or proposals being undertaken by the bidding or review committee which are not yet considered as "official acts, transactions, or decisions" on the bids or proposals or "definite propositions" on the part of the government.
106. Information considered as privileged communications in legal proceedings by law or by the Rules of Court.
107. Privileged communication under the Rules of Court (in respect of government lawyers, government doctors, and other public officers and employees):

- a) Attorney-client privilege or communication made by a client to an attorney or his/her advice given thereon in the course of, or with a view to, professional employment, including any fact the knowledge of which has been acquired by the attorney's secretary, stenographer, or clerk in such capacity.
 - b) physician-patient privilege or any advice or treatment given by a person authorized to practice medicine or any information which he/she may have acquired in attending to a patient in a professional capacity, which information was necessary to enable him/her to act in that capacity, or which would blacken the reputation of the patient in communications made to a public officer in official confidence, when public interest would suffer by the disclosure.
 - c) A public officer cannot be examined during his term of office or afterwards, as to communications made to him in official confidence, when the court finds that the public interest would suffer by the disclosure.
108. Attorney-Client privilege existing between a government lawyer and their client.
109. Client identity is privileged where a strong probability exists that revealing the clients name would implicate that client in the very activity for which he sought the lawyers advice or would expose the client to civil liability.
110. Confidential information acquired by judges in their judicial capacity shall not be used or disclosed for any other purpose related to their judicial duties.
111. Judges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall the judge make any comment in public or otherwise that might affect the fair trial of any person or issue.
112. Confidentiality of information relating to pending cases even after the decision, resolution or order is made public.
113. Requested information pertains to comments and disclosures on pending cases in judicial proceedings.
114. Confidentiality of DNA profiles and results or other information obtained from DNA testing.
115. Court actions such as the result on the raffle of cases and actions taken by the by the Court on each case included in the agenda of the Court's session on acts done material to pending cases, except where a party litigant requests information on the result of the raffle of the case.
116. Court deliberations or deliberation of the Members in Court sessions on cases and matters pending before the Court.
117. Court records which are "predecisional" and "deliberative" in nature, in particular, documents and other communications which are part of or related to

- the deliberative process, i.e., notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers.
118. Confidential information secured by justices, judges, court officials and employees in the course of their official functions, even after their term of office.
119. Records of cases that are still pending for decision are privileged materials that cannot be disclosed, except only for pleadings, orders and resolutions that have been made available by the court to the general public.
120. Information on disbarment proceedings.
121. **The information requested is exempted from disclosure by law or by the Constitution, in addition to those provided in this section.**
122. Confidentiality of Records and Proceedings involving Children in Conflict with the Law.
123. Records under the voluntary submission program established pursuant to the Comprehensive Dangerous Drugs Act of 2002.
124. Records of a drug dependent who was rehabilitated and discharged from a special education drug center under the compulsory submission program established pursuant to the Comprehensive Dangerous Drugs Act of 2002.
125. Names of students who committed acts of bullying or retaliation under the Anti-Bullying Act of 2013.
126. Confidential information for a First-Time Minor Offender.
127. All proceedings involving application for admission into the Witness Protection, Security and Benefit Program and the action taken thereon.
128. Identity of News Informants under R.A. 1477 (The Shield Law).
129. The investigation report and the supervision history of a probationer obtained under the Probation Law of 1976.
130. Records of a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime:
a) including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child including a videotape or audiotape of a child, or a transcript thereof, that is part of a court record.
131. Any record regarding a child who is a victim of any offense under the Anti-Child Pornography Act of 2009, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish his/her identity.
132. All records pertaining to cases of violence against women and their children including those in the barangay, including the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member shall be confidential.
133. The name and personal circumstances of a trafficked person or any other information tending to establish the identity of a trafficked person and his or her family shall be confidential.
134. Name of the offended party, who is a victim of child abuse, exploitation or discrimination as defined in RA 7610 shall be confidential.

135. Prohibition against any person, police, law enforcement agent, judicial officer or civil servant who, not being authorized by the Court of Appeals to do so, reveals in any manner or form any classified information under the Human Security Act.
136. Confidential information in cases involving sexual abuse under R.A. 7610 including the identity of the victim and her children and any information which may compromise their identity, as well as the members of their family.
137. Confidential information in cases involving violence against women and children under R.A. 9262 including the identity of the victim and her children and any information which may compromise their identity, as well as the members of their family.
138. Contents of a Ballot under the Election Code.
139. Confidentiality of Examination questions and answers - questions and answers of licensure examinations conducted by the government prior to the examination itself.
140. Confidentiality of the identity of the members of the Board of Medical Examiners.
141. Confidentiality of working papers, schedules and memoranda made by a Certified Public Accountant.
142. The information obtained, work/reports of the Quality Assurance Review Office.
143. Requested information compels editors, publishers or reporters to disclose the source of published news, unless courts or congress finds that such revelation is demanded by the state.
144. Requested information pertains to unauthorized recording from all the parties of any private communication or spoken word to secretly overhear, intercept or record of such communication by using any recording device.
145. Revelation of secrets by an officer as a crime under Revised Penal Code.
146. Prohibition on the revelation of the secrets of his principal or master.
147. Prohibition on the disclosure of secrets of the industry.
148. Secrets of private individual known by public officer by reason of his or her office.
149. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.
150. Information on registered cultural properties owned by private individuals shall remain confidential and may be given only upon prior consent of the private owner. The Commission shall operate the Registry in the NCCA portal cultural databank.
151. Confidential or classified information officially known to public officers and employees by reason of their office and not made available to the public.
152. Non-disclosure of Statement of Assets, Liabilities and Net Worth if the purpose/s is/ or any of the following purposes (a) any purpose contrary to morals or public policy; or (b) any commercial purpose other than by news and communications media for dissemination to the general public.

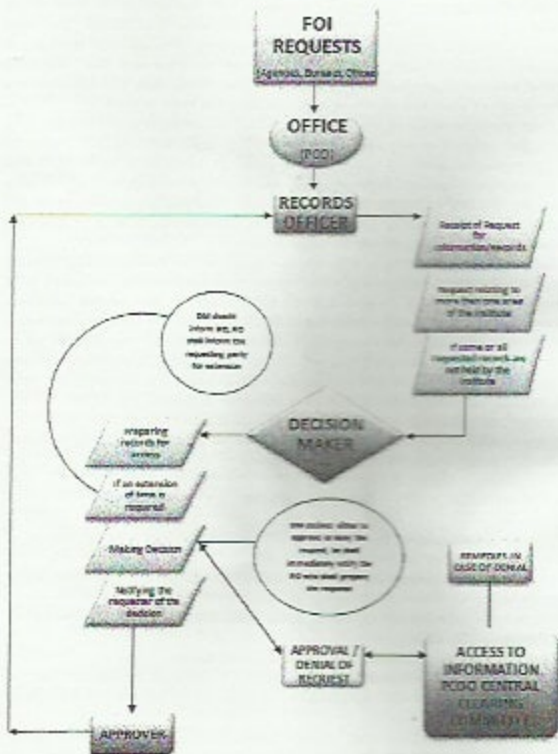
153. On the specific topic of SALN of officials and employees in the judiciary, the Supreme Court has issued regulations (A.M. Nos. 09-8-6-SC and 09-8-07-CA, June 13, 2012) on the access thereof.
154. The information is of a nature that its premature disclosure would: (1) in the case of an agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, be likely to lead speculations in currencies, interest rates, securities, commodities market; or (2) in the case of other agencies, be likely to frustrate the effective implementation of a proposed official action: Provided, that the information shall be disclosed once the above-mentioned dangers have ceased.
155. Confidentiality of information the premature disclosure of which would:
- in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action.
156. Information involving a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request for information unless a reasonable interval has lapsed between compliance with the previous request and the making of the current request.
157. The right to information may be subject to reasonable regulations as to manner and hours of examination, efforts to avoid loss or damage, undue interference with the duties of the custodian of the records, and ensuring the right of other persons entitled to also inspect the records. Requesting citizens, further, cannot compel custodians of records to prepare lists and abstracts of the data.
158. Government officials cannot be compelled to prepare lists and detailed reports on how congressional funds were disbursed.

Other Exceptions

- Confidentiality of information known to a public official or employee by reason of his office.
- Confidentiality of information known to a DSDW personnel by reason of their employment.
- Prohibition on the disclosure of confidential information, reports, records or communications of the NLRC.
- Information and statements made at conciliation proceedings.
- Data submitted by a Higher Education Institution to CHED shall be confidential.
- Expenditure relating to classified information, such as the purchaser of information and payments of rewards.
- Confidentiality of information acquired by COMELEC officials and employees involves in the procurement process.
- Confidentiality of matters taken up by the GSIS Committee on Claims.

ANNEX "D"

Flow Chart



ANNEX "E"

FOI Request Form



Republic of the Philippines
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
New Executive Building, Malacanan, Manila

FORMULARYO NG KAHILINGAN (FOI)

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): _____

Gawaing itinalaga kay: _____
(Lagda sa ibaba ng pangalang nakalimbag)

Peta/Oras ng Pagkatchaga: _____

Peta/Oras ng Pagtapos: _____

Tiang nagpapatunay ng Gawaing Hetapas: _____

(Lagda sa ibaba ng pangalang nakalimbag)

Uri ng isinagawang akolyon: _____

Inskedyul ni: _____

Remarks: _____
Records Officer