

REPUBLIC OF THE PHILIPPINES  
**Technology Application and Promotion Institute DEPARTMENT OF  
SCIENCE AND TECHNOLOGY**  
General Santos Avenue, Bicutan, Taguig City



# **FREEDOM OF INFORMATION PEOPLE'S MANUAL**

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**SECTION 1: OVERVIEW**

1. **Purpose:** The purpose of the FOI Manual is to provide the process to guide and assist the public in processes and procedures involved in dealing with requests of information received under Executive Order (EO) No. 2, s. 2016 on Freedom of Information (FOI).
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the TAPI, when a request for access to information is received. The Director is responsible for all actions carried out under this Manual.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the TAPI.
4. **FOR Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the TAPI. The FRO shall preferably come from the Technology Information and Promotion Division of TAPI. The FRO shall hold office at TAPI Building, DOST Compound, Gen. Santos Avenue, Bicutan, Taguig City.

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

- a. That the form is incomplete; or
- b. That the information is already disclosed in the TAPI Official Website or at [www.tapi.dost.gov.ph](http://www.tapi.dost.gov.ph)

**SECTION 2: GLOSSARY 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 a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

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

**INFORMATION OF 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.** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

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

**PUBLIC SERVICE CONTRACTOR.** Shall be defined as 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.** Shall refer to 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:

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

**ADMINISTRATIVE FOI APPEAL.** An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

**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 agency on the disclosability of the records before any final determination is made. This process is called a “consultation”.

**EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

**FREEDOM OF INFORMATION.** 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, s. 2016. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

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

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

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

**FREQUENTLY REQUESTED INFORMATION.** Info released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

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

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

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

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

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

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

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

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

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

**REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency

to process the record and to provide the final determination directly to the requester. The process is called a “referral”.

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

### **SECTION 3. LIST OF EXCEPTIONS**

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

1. 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 confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

### **SECTION 4. LIST OF TAPI EXCEPTIONS**

The following list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the exempted information upon satisfaction of certain conditions in certain cases such as consent from the concerned party or as may be ordered by the court.

1. Transactions with Non-Disclosure Agreements
  - a. Evaluations
  - b. Reports

- c. Contests: Rating Sheets, Entries submitted
  - d. All other declassified documents
2. Intellectual Property
    - a. Accomplished Invention Disclosure Form
    - b. Prior arts search reports on applications for IPR Assistance Program
    - c. Unfiled specification, technical description
    - d. Unpublished IP applications and official correspondences
    - e. Unfiled IP applications
    - f. IP due diligence: FTO opinions/reports, IP valuation reports without the consent of the technology owners
    - g. All documents related to applications that are not yet filed not published that shall be requested by a third person
  3. Transactions of the Fairness Opinion Board
    - a. Proposed licensing agreements
    - b. Proposed term sheets
    - c. Due diligence reports/information (i.e. FTO, valuation, company profile)
    - d. FAIRNESS Opinion Reports
  4. Requests for Assistance that are not yet approved
    - a. Proposals and supporting documents
    - b. Letter requests
    - c. Evaluation reports
  5. Legal-related matters
    - a. Documents that are subject of legal proceedings
    - b. Evidence of the plaintiff or defendant
  6. Personal Information of TAPI officials and employees, experts and clients, unless there is prior consent from the concerned party or upon order by the court
  7. Unofficial documents
    - a. Unsigned communications
    - b. Draft reports
    - c. Drafts and Notes of Instructions
  8. Minutes of the Meeting (ONLY excerpts or portion concerning the request)
  9. Proposals or any part of it including attachments, sketch/drawings (unless the requesting party is the owner/author of the proposal, otherwise only the Abstract of the Proposal may be released)
  10. Results of the Evaluation (ONLY if the requesting party is officially involved with the proposal)

11. Details of computation of cost for posting in PhilGeps. Only the total amount shall be released
12. Proposal evaluation
13. Bank details per LOI
14. Notes and instructions during the process of the approval of the assistance including notes of instructions given to the proponent
15. Any details in the documents and attachments of the proposal/project from evaluation to completion stage which may possibly destroy/affect the novelty of any potential, present and future IPR, trade secrets and know-how or any other information that may be deemed confidential by the technology developer, monitoring agency, funding agency which may prejudice, negatively affect, or impede the commercialization and transfer of technology by the developer and utilization by the public.

The immediately preceding paragraph includes, but not limited to:

- a. Email communications (except if the party requesting is part of the email thread and/or part of the subject/discussion. However, only the portion involving him/her could be disclosed)
  - b. Technical reports, assessments, and plans (Business Plan, FTO, Valuation, Terminal Report, Field Monitoring, Appraisal, etc.)
  - c. Financial information or details, except the amount released to project and utilization
16. Result or status of evaluation (i.e. passed, endorsed, approved for funding, deferred, subject to revision) minutes of meeting, except if the Requesting Party is part of the discussion and limited to the portion involving him/her.
  17. Complete documents (Business Plan Valuation Reports). Part of this document may be released subject to the approval of the technology owner.
  18. Financial Records (Bank details per LOI of evaluators, consultants etc).
  19. Records of Evaluation (ONLY the final/consensus evaluation/rating/comments/recommendations could be disclosed to the public.

## **SECTION 5. STANDARD PROCEDURE**

### **Receipt of Written Request for Information.**

1. The FOI Receiving Officer (FRO) shall receive the request for information from the Requesting Party and check compliance of the following requirements:
  - a. The request must be in writing. The Requesting Party shall fill-up the FOI Request Form or *Pormularyo ng Kahilingan* (Form 1);

- b. The request shall state the name and contact information of the Requesting Party, as well as a copy of a duly recognized primary and secondary valid ID with photo;
  - c. The request shall reasonably and specifically describe the information requested, and the reason for, or purpose of, the request for information; and
  - d. The Requesting Party shall affix his signature in the FOI Request Form or *Pormularyo ng Kahilingan* (Form 1).
2. In case the Requesting Party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing. The Requesting Party may also be assisted by a literate or able companion who shall also submit his valid identification card and affix his signature in the request form. The FRO shall provide appropriate advice and assistance to the Requesting Party regarding the requirements/forms needed for the request of information.
  3. The perfected request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request. If the request was received by a person other than the FRO, the name, rank, title and position of the public officer who actually received it shall be indicated in the request form, with a corresponding signature and a copy, furnished to the requesting party. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
  4. If the information being requested is not clearly indicated in the request form, the FRO shall seek clarification from the Requesting Party. This will toll the fifteen (15)-working day deadline which will resume the day after the FRO receives the required clarification from the requesting party.
  5. If no clarification or perfected request was received within thirty (30) calendar days, the request shall be automatically denied.
  6. The Institute must respond to the requests promptly, within the fifteen (15)-working day period following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

#### **Receipt of Request for Information thru electronic mail.**

1. 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 primary and secondary valid ID with photo.
2. If the Request for Information was sent to TAPI thru its official email address, the Management Information System (MIS) Staff shall acknowledge receipt of said email and shall indicate therein that the request will be forwarded to the FRO for initial evaluation.
3. The MIS Staff shall forward a printed copy of the request to the FRO within two (2) working days for initial assessment of the request. The FRO shall assess the request whether it is in

compliance with the TAPI Memorandum Circular No. 2017-001. It shall, thereafter, be stamped received. Otherwise, the FRO shall prepare a reply for the Requesting Party clarifying or directing the latter to comply with the requirements under Section 13, Paragraph 1 of the TAPI MC No. 2017-001.

4. The FRO shall send a copy of the stamped perfected request or a reply requesting for clarification, as the case may be.
5. If the request was sent to the email address of any of the TAPI Staff other than the official email address of TAPI, said staff shall also acknowledge receipt of the request and shall follow the immediately preceding procedures.
6. The date of receipt of the request will be either:
  - a. The day on which the request is physically or electronically delivered to the Institute, or directly into the email inbox of the TAPI staff or TAPI official email address; or
  - b. If the FRO required the Requesting Party for further details to identify and locate the requested information, the date on which the necessary clarification and perfected request was received.
7. An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

**Role of FRO in Initial Evaluation of the Request.** After receipt of the request for information, the FRO shall evaluate the contents of the request and shall assess the following:

1. If the Institute has custody of the requested information, the FRO shall accept the request. Otherwise, the FRO shall refer the request to the appropriate Advisory Body/Council/RDI/Service Institute who is in custody of the information.
2. If the same Requesting Party requests for the same information which was already furnished by the Institute, subsequent request of the same information from the same Requesting Party shall be denied. However, the FRO shall inform the applicant of the reason of such denial.
3. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number once a perfected request was received.
4. The FRO shall forward/endorse the request to the FOI Decision Maker (FOI-DM) within two (2) working days for approval or denial. The FRO shall record the date, time and name of the FOI-DM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

5. The FRO shall inform the Requesting Party of action taken by the Institute within two (2) working days upon receipt of the request.

**Request relating to more than one division under the Institute.** This refers to an instance where the information being requested needs to be complied by two or more divisions of the Institute.

1. The FRO shall endorse the request to the FOI Decision Maker (FOI-DM) within two (2) working days.
2. The FOI-DM, after receiving the request from the FRO, shall forward such request to the concerned divisions with key interest within three (3) working days.
3. The divisions with key interest shall have a maximum of three (3) working days to provide the information which shall be forwarded to the FOI-DM.
4. The division with key interest may request for an extension of time to provide the information needed in cases falling under Section 21 of TAPI MC No. 2017-001. The FRO shall inform the Requesting Party of the said extension, setting forth the reason/s for such. In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.
5. The FOI-DM shall render decision whether to approve, deny, or partially approve only a portion of the request for information within ten (10) working days from the date of receipt of the request from FRO. Said decision shall be communicated with the FRO.

**Requested information is not in the custody of the Institute.** This refers to an instance where the information being requested is not in the custody of TAPI.

1. If the information requested refers to another Advisory Body/Council/RDI/Service Institute, the request will be immediately transferred to such appropriate Advisory Body/Council/RDI/Service Institute through the most expeditious manner or within three (3) working days. The FRO must inform the Requesting Party that the information is not in the custody of TAPI within the 15 working day period. The FRO must also inform the Requesting Party that his/her perfected request was already referred to the appropriate Advisory Body/Council/RDI/Service Institute.
2. If the records refer to an office not within the coverage of E.O. No. 2, s. 2016 the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
3. In case of inability to determine the office which has custody over the documents or if the request have been previously transferred from one office and the requested information is

not in the custody of the third office which received the request, the same shall be referred by the latter to the DOST Central Office within three (3) working days from its receipt of the perfected request.

**Requested information is already posted and available on-line.** Should the information being requested is already posted, having pro-active disclosure and publicly available in the Institute website, [www.tapi.dost.gov.ph](http://www.tapi.dost.gov.ph) or [foi.gov.ph](http://foi.gov.ph), the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

**Role of FOI Decision Maker (FOI-DM) in processing the request.** Upon receipt of the request for information from the FRO, the FOI-DM shall assess and clarify the request, if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FOI-DM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

1. The FOI-DM shall note of the date and time of receipt of the information.
2. If the FOI-DM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.
3. The FOI-DM shall review contents of the documents and apply the relevant exemption. He shall also consult with the division concerned on the disclosure of the records before making any final determination.
4. The FOI-DM may also seek clearance from the Office of the Secretary, if necessary. Provided, the Institute shall ensure that the requested information shall be released within the fifteen (15) working day period to furnish information.
5. The FOI-DM shall communicate his/her decision to the FRO whether the request for information is Full Grant, Full Denial, or Partial Grant/Partial Denial and the reason for the said decision.

**Role of FRO to transmit the processed request to the Requesting Party.** Upon receipt of the requested information from the FOI-DM, the FRO shall collate and ensure that the information is complete.

1. The FRO shall attach a cover/transmittal letter signed by the Director/FOI-DM and ensure the transmittal of such to the Requesting Party within 15 working days upon receipt of the request for information.
2. If the Requesting Party asked for information in a certain format, comply with the latter's request, if practical.
3. Update FOI Tracker and save the Institute's response to the request.

**Request for an Extension of Time.** The instances when request for an extension of time to furnish information may be allowed.

- a) If the information requested requires extensive search of the government's office records facilities;
- b) Examination of voluminous records; and
- c) The occurrence of fortuitous events or other analogous cases.

In these cases, the FOI-DM should inform the FRO. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall 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.

**Full Grant of Request.** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the Requesting party within the prescribed period that the request was fully granted and be directed to pay reasonable cost of reproduction and copying of the information/documents requested, if any.

**Full Denial of Request.** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the Requesting Party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

**Partial Grant/Partial Denial.** When the Institute is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request, the FRO shall, within the prescribed period, notify the Requesting Party of the Partial Grant/Partial Denial in writing. The notice shall clearly set forth the ground or grounds for Partial Grant/Partial Denial and the circumstances on which the decision was based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Director.

**No unauthorized distribution of information.** No information or data shall be transferred or distributed to third parties without the express consent by the Institute.

## **SECTION 6. 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 Office of the Secretary: 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 request for access to information by the TAPI may be appealed by filing a written appeal to the Office of the Secretary (DOST) within (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 DOST Secretary 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 DOST 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.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial in accordance with the Rules of Court.

## **SECTION 7. FEES**

1. **No request fee.** The TAPI 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 the TAPI in providing the information to the requesting party. The schedule of fees shall be posted by the TAPI.
3. **Exemption from fees.** The TAPI may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

## **ANNEX A: FOI FREQUENTLY ASKED QUESTIONS**

### **Introduction to FOI**

#### **1. What is FOI?**

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security. The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

#### **2. What is Executive Order No. 2 S. 2016?**

Executive Order No. 2, s. 2016 is the enabling order for FOI. EO 2, s. 2016 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2, s. 2016 also provides the State policies to full public disclosure and transparency in the public service. EO 2, s. 2016 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, the Requesting Party is required to present proof of identification.

#### **5. What can I ask for under EO on FOI?**

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

#### **6. What agencies can we ask information?**

An FOI request under EO 2, s. 2016 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 Requesting Party will fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requesting Party.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. The FDM will be the one to decide, everything will go thru him. 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 Requesting Party. It shall be sent to the Requesting Party 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 Requesting Party may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

If the Requesting Party is not satisfied with the response, the latter may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

## ANNEX B: FOI REQUEST PROCESS

**Maximum number of days FOI requests must be served upon receipt of request:  
15 working days**

STEP	REQUESTING PARTY	TAPI ACTION	RESPONSIBLE	TIME FRAME
<b>STEP 1</b>	Give accomplished FOI application request form with complete name, contact information, valid ID (or authorization) to FRO  The request should: -Describe information request -Clearly state reason for request of information	Receive request for information  Stamp "RECEIVED" on the request form (time and date, full name of FRO, rank, title and position, with signature  For email – the email should be printed out and acknowledged	FRO	IMMEDIATE Within the day / upon receipt
	N/A	Input details of the request on the request tracking system and allocate a reference number	FRO	IMMEDIATE Within the day / upon receipt
*If information is in the possession of other agency, FRO will forward request to other agency/ government Institution within 3 working days				
<b>STEP 2</b>	N/A	Forward to FDM *For requests, sufficient in form and substance	FRO	Within 3 working days from receipt of the request
	N/A	Record the date, time, name of FDM who received the request , with acknowledgement receipt of request	FRO	IMMEDIATE Within the day
<b>STEP 3</b>	N/A	Assess the request	FDM	Within 10 working days upon receipt of the request
<b>DENIAL</b> Once the request falls under the exceptions, the request will be DENIED,  FRO will inform the requester that the request was denied and give the reason of such denial.			FDM	
			FRO	IMMEDIATE Within the day
<b>NEEDS MORE INFORMATION</b> If the FDM need more details to locate the information, FRO will seek clarification from requesting party			FRO	Will stop the running of 15-working days and commence after receipt of clarification
<b>GRANTED/ACCEPTED</b>			FRO	IMMEDIATE /Within

FRO will send letter informing request party that the request was granted			15 working days from receipt of request for information
<b>EXTENSION</b> The FRO shall inform requesting party of request for extension		FRO	IMMEDIATE  *Extension cannot exceed 20 working days upon receipt
<b>STEP 4</b>	N/A	Submit information requested to FRO	FDM  Within 10 working days upon receipt of the request
<b>STEP 5</b>	Requesting Party will receive information requested	Information will be forwarded to requester	FRO  Within 15 working days upon the receipt of the information request
<b>APPEALS</b> Denied request may file a written appeal to the Central Appeals and Review Committee (Assistant Secretary for Finance and Legal Affairs)		Requesting Party	Within 15 working days from the notice of denial or from lapse of the period to respond to the request
<b>STEP 1</b>	Submit recommendation to the Office of the Secretary		Department Central Appeals and Review Committee  15 working days from filing of the written appeal
<b>STEP 2</b>	Department Secretary will decide within 15 working days and will furnish the committee a copy of its final decision		Department Secretary  15 working days  *failure to decide within 30 day period is deemed as a denial of the appeal

### ANNEX C: FOI Officer for the TAPI

Name / Position	Location of FOI		Contact Details	
	Receiving Office		Telephone/Fax	Email Address
<b>FOI DECISION MAKER (FDM)</b>				
<p><i>Engr. Edgar I. Garcia</i></p> <p>Director Technology Application &amp; Promotion Institute (TAPI)</p>	<p>3<sup>rd</sup> Floor TAPI Building DOST Compound Gen. Santos Ave. Bicutan, Taguig City</p>		<p>(02) 837-6188 (02) 837-2071 local 2151</p>	<p>edgarciaph@yahoo.com</p>

**ANNEX D: FOI Receiving Officer for the TAPI**

Location of FOI Receiving Office	Contact Details		Assigned FOI Receiving Officer
	Telephone / Fax	Email Address	
1 <sup>st</sup> Floor Business Assistance Center (BAC) TAPI Building DOST Compound Gen. Santos Ave. Bicutan Taguig City	(02) 837-2936 (02) 837-2071-82 local 2153	mamelosantos1221@yahoo.com	<i>Ms. Marissa A.                      Melosantos</i>  Administrative Officer V - Records



## ANNEX E: TAPI FOI REQUEST FORM

TECHNOLOGY APPLICATION AND PROMOTION INSTITUTE

*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)*

**PETSA** *(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:**

