



VOLUME 1 | ISSUE 2 | SEPTEMBER 2021

UMALOHOKAN

THE OFFICIAL PUBLICATION OF THE FREEDOM OF INFORMATION-PROJECT MANAGEMENT OFFICE

orders, rules, or regulations, or any information that is not readily available by a government office.

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

SECTION 3. Access to Information. Every Filipino shall have the right to access information, official records, public records, and documents and papers, including official acts, transactions, and decisions, as well as to government resources as basis for policy-making.

SECTION 4. Exceptions. Access to information shall be denied in cases where exceptions enshrined in the Constitution are applicable.

The Office of the President and the Office of the Solicitor General shall be responsible for such exceptions and submit the list of exceptions to the President within ten (10) calendar days from the date of the issuance of this Order.

The Office of the President shall thereafter implement the exceptions for the guidance of all government offices. This Order and the general principles of the Freedom of Information Act shall prevail over any exceptions that may be claimed.

Exceptions shall not be a basis for denying access to information.



CGU launches ICIC Wednesdays

By Deniel Echevarria

The Brazilian Office of General Comptroller (CGU) sponsored the commencement of the 12th International Conference of Information Commissioners (ICIC) with a theme: Access to Information for a Changing World: Using Technology to Promote Inclusion on May 26, 2021.

The CGU gathered together international experts and professionals to address particular topics related to transparency and access to information.

The highlight of the event is the ICIC Wednesdays—a continuing series of lectures with the following topics:

26 May 2021	Transparency and trust in pandemic times.
30 June 2021	Blurred boundaries in access to information: home office and public records management
28 July 2021	Privacy and transparency in health issues
25 August 2021	Access to Information and Freedom of Press
29 September 2021	Challenges of Transparency in the Digital Governments: Transparency of public administration in the use of Artificial Intelligence
27 October 2021	State Secrecy
24 November 2021	Interplay between data protection and access to information
08 December 2021	Environmental information and P10

ICIC 2021 is the first virtually-held and the longest running annual conference of the organization with series of activities conducted throughout the year. ICIC is a global network that links Information Commissioners, Ombudspersons, and other entities responsible of overseeing the implementation of Access to Public Information laws and policies.

The webinars can be viewed via ICIC YouTube channel. All ICIC Wednesday sessions are held virtually, and are accessible to all.



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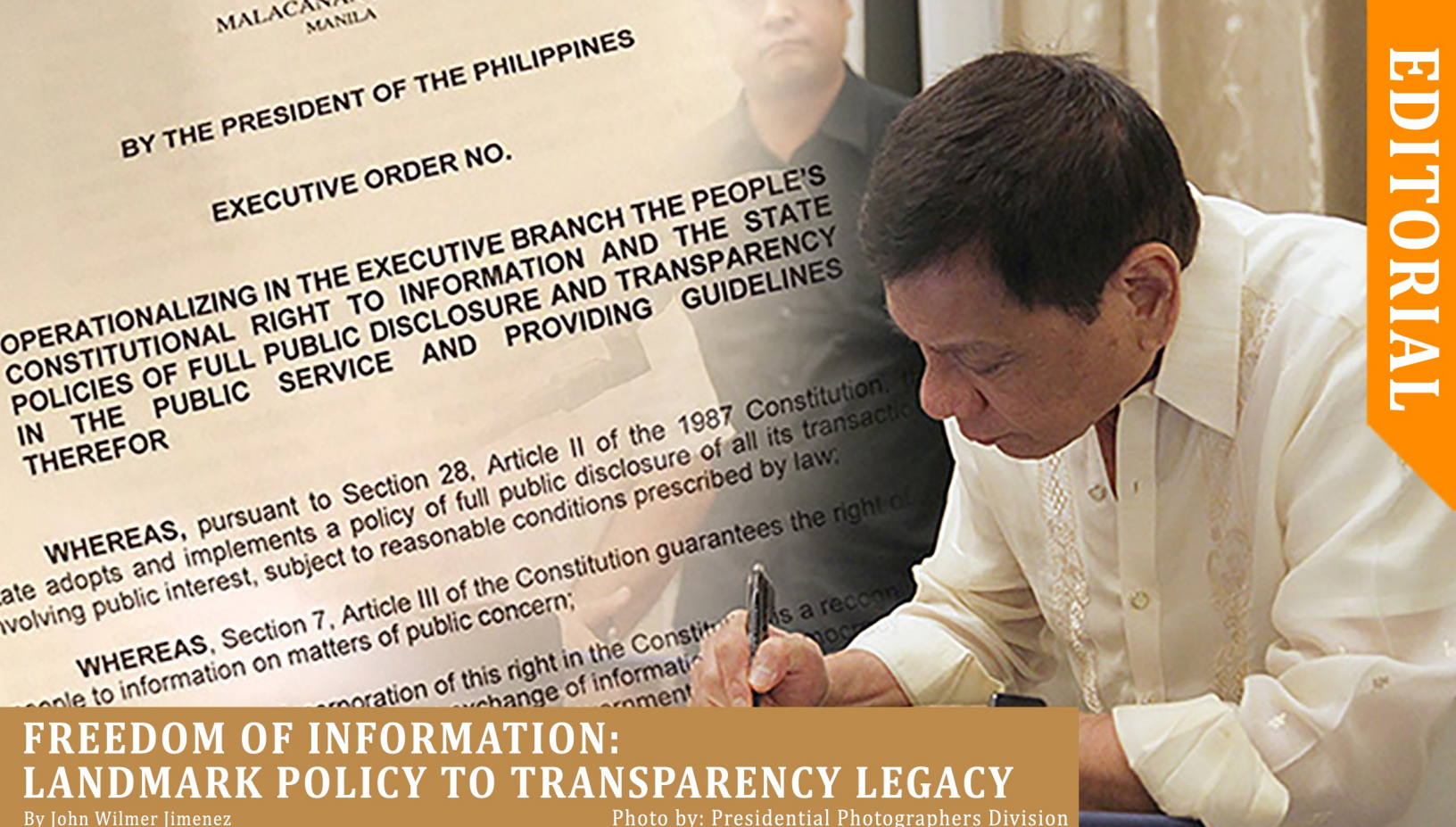
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FREEDOM OF INFORMATION: LANDMARK POLICY TO TRANSPARENCY LEGACY

By John Wilmer Jimenez

Photo by: Presidential Photographers Division

“To further promote transparency and accountability in government, we also issued the order on Freedom of Information [that] opens up the records, transactions, decisions and issuances of all government agencies,” said President Rodrigo Roa Duterte as he showcased the accomplishments of his administration in the past five years during his final State of the Nation Address (SONA) last July 26. Among these milestones is his Executive Order No. 2, series of 2016 or the operationalization of Freedom of Information (FOI) in the Executive Branch.

Transparency through access to government’s information is PRRD’s assurance to good governance in his presidency. Barely month after taking his seat in Malacañang in 2016, President Duterte signed the landmark Executive Order (EO) No. 2 series of 2016, operationalizing in the Executive Branch the People’s Constitutional Right to Information. The said EO strengthens the people’s right to information under our 1987 Constitution. Its enactment paved way for the implementation of FOI in all agencies of the government under the Executive Branch. The Presidential Communications Operations Office (PCOO) was then designated as the

lead agency in the implementation of the FOI Program in the government. FOI is a commitment of the administration in achieving the goals and objectives of the Philippine Development Plan 2017-2022. Freedom of information or the citizen’s right access to information, official records, public records, and documents strengthens the *Malasakit* Pillar of the *Ambisyon 2040*. The pillar provides the strategies to ensure a people-centered, clean, efficient, and effective governance by strengthening institutions, engaging and empowering citizens, and providing enabling mechanisms to improve access to public goods and services.

With the implementation of FOI, the public can now request information, data, and records of the governments promoting transparency and accountability in government, and reaffirming society’s trust in the government.

“The institutionalization of the FOI Program is crucial, especially as we near the home stretch of this administration. I am looking forward to an encompassing FOI mechanism that shall be implemented across all branches of government and down to the local government units,” PCOO Secretary Martin Andanar said in the

last FOI Recognition of agencies.

The Freedom of Information – Project Management Office (FOI-PMO) was established under PCOO, to oversee compliance of agencies, as well as to provide capacity building to all FOI stakeholders, partners, champions and advocates both from the government and private sectors.

This year marks our fifth year of the implementation of the FOI in the Philippines. It has been five years since FOI-PMO laid the foundation in realizing the constitutional rights of every Filipino to access government information. It has also shaped national awareness on FOI that rippled in every level of our government, and every sector of our society. While FOI-PMO continuously strive to achieve its primary goal, it is gradually building a legacy of transparency in the country.

As a testimony to FOI’s success as the government’s transparency effort, PCOO Undersecretary and FOI Program Director Kristian Ablan remarked that “[The FOI-PMO] will continue to be a collaborative platform that engages citizens to its government through exchange of information, thereby strengthening trust in the public sector.”



OCS, PCOO launch

“Pamana ng pagbabago: kasama sa pamana”

A report of Duterte legacy in the regions

By Danica Orcullo

The Office of the Cabinet Secretariat (OCS) and the Presidential Communications Operations Office (PCOO), in collaboration with the National Economic and Development Authority (NEDA) and the Regional Development Councils (RDCs), conducted a series of activities entitled “Kasama sa Pamana: Regional Pre-SONA Series”, in preparation for the 6th and final State of the Nation Address (SONA) of President Rodrigo Roa Duterte in July 2021.

The Regional Pre-SONA aimed to inform the general public across the regions of the major accomplishments of the Duterte Administration, as well as the plans for the remainder of his term. It also featured a comprehensive report on the COVID-19 pandemic response including the ongoing National Vaccination Deployment Plan (NVDP).

The Kasama sa Pamana: Regional Pre-SONA Series visited a total of eleven (11) regions and conducted one (1) virtual conference for Region IX from April 2021 to July 2021, and was attended by

representatives from the national government agencies, members of the house of representatives, local chief executives and punong barangays, non-government organizations, academe, media, business sector, and the citizenry.

The Department of the Interior and Local Government (DILG) and the Department of Budget and Management (DBM), as Co-Chairpersons of the Participatory Governance Cluster, also assisted in this initiative.

With the ongoing COVID-19 pandemic and in observance of minimum public health standards (MPHS), the said series was conducted in a blended format — with both physical presence and virtual attendance during the program.

These events were simulcasted on Radio Television Malacañang (RTVM), streamed live on PCOO Facebook Pages, and cross-posted to all partner government agencies.

Photo by: OSEC Media



FOI PH EXPLORES TRANSPARENCY INNOVATIONS DURING THE TAIWAN OPEN GOV'T SYMPOSIUM

By John Wilmer Jimenez

The Freedom of Information - Project Management Office (FOI-PMO), in partnership with the Taipei Economic and Cultural Office (TECO) in the Philippines, organized a symposium on open government and right to information held virtually on 14th July 2021.

The FOI Virtual Symposium on Taiwan Open Government Initiatives was borne out of the FOI-PMO's intent to learn more and benchmark with Taiwan's digital transformation and open government agenda alongside its access to information initiatives.

In his message, His Excellency Ambassador Michael P.Y. Hsu of TECO, emphasized the notable achievements of Taiwan in promoting an open government and civic participation.

"According to the global open data index, Taiwan ranked number one in 2016. Over the years, with the advancement of cloud computing and mobile services as well as

collaboration between the public and private sectors Taiwan has continuously made progressing building a more open and accessible government that can promote citizens trust and inclusive growth," said Hsu.

Presidential Communications Operations Office Undersecretary and FOI Program Director Kristian Ablan acknowledged the importance of collaboration and knowledge sharing in promoting innovations in FOI implementation and open government in the Philippines through this symposium.

"FOI-PMO, truly recognizes and looks up to the achievements of Taiwan in various aspects of its digital transformation and open government agenda, and we want to learn more with your practices through this virtual symposium," Ablan said during his opening remarks.

The FOI Virtual Symposium on Taiwan Open Government Initiatives brought together agencies and civil

society organizations both from Philippines and Taiwan, and provided them an opportunity to interact with experts and advocates of open government.

Among the the roster of resource speakers from Taiwan were Audrey Tang, Minister for Social Innovation, Executive Yuan; Jean Chen, of the Regulatory Reform Center, National Development Council; David Cheng, of the Department of Information, National Development Council; Lulu Keng of the Open Culture Foundation, Isabel Hou of GOv International Task Force; and Chris Hung, Deputy Director-general and Industry Consultant.

The virtual symposium provided FOI-PMO and its stakeholders to benchmark with our foreign counterparts to strengthen our networks, and develop and enhance our capacities as a transparency agency.

Battling misinformation through transparency

By Jaya Illustrisimo

Having won the FOI Champion (agency category) for three consecutive years, Metro Manila Development Authority (MMDA) bagged the Hall of Fame Award during the conduct of the Freedom of Information (FOI) Awards 2020. The award was accepted by the late MMDA Chairman Danilo M. Lim together with the agency's FOI Committee.

The FOI, through the FOI Awards, recognizes the efforts of those government agencies, State Universities and Colleges (SUCs), and local water districts that promote transparency and best practices relating to the FOI program.

Despite the people's misconception that MMDA is all about traffic and flooding in Metro Manila, the agency, technically, has a lot more on its plate.

The agency, in fact, has seven mandates in its charter: (1) transport and traffic management; (2) solid waste disposal and management; (3) public safety; (4) urban renewal, zoning, land use



planning and shelter services; (5) development planning; (6) flood control and sewage management, and; (7) health sanitation. With these duties, the MMDA willfully added to its list the responsibility of providing information to the public through the FOI program.

FOI best practices

The MMDA for the past years has been optimizing its resources to disseminate information, promote transparency, and increase public awareness even in public road highways.

In 2020, the MMDA in partnership with private corporations had an L.E.D. wall that showcased the FOI and MMDA logo and encouraged commuters to ask for information through the FOI program.

The agency also featured a *"Did you know"* LED wall that educated the commuters on how many vehicles on average are passing through Commonwealth Avenue every day in 2019. The annual average daily traffic is also one of the top requested information of MMDA.

To make information more accessible, the MMDA-FOI Committee added a menu tab (eFOI-MMDA) in their official website. The designated FOI tab leads the user to the (1) FOI Manual; (2) Most Common Requested Data; and (3) Can't find what you're looking for link that directs the requesting party to the eFOI Portal.

"We decided to use the power of social media to augment our drive in promoting transparency in our agency"



Aside from these initiatives, the MMDA also utilizes the advent of social media to further educate Filipino citizens. With its five million followers on Twitter, MMDA releases campaigns against fake news, up-to-date public advisories, and health reminders against COVID-19.

As an additional internal FOI mechanism, MMDA also has an “FOI liaison” per office who is the point-person of information in that office. This mechanism reduces the processing time and fast-track the information being requested both from the standard request form and eFOI portal.

MMDA on the importance of government transparency

For MMDA, it is important that a government agency releases data

government can gain the trust of the public through transparency and FOI.

The agency firmly believes that “a well-informed citizen can make a well-informed decision. Without information, the output will always be flawed, if not imperfect.”

Challenges in implementing FOI

Like any other agency, MMDA also had challenges in implementing the FOI program particularly during the start of the pandemic. The agency was on lockdown for three months that made the gathering of information laborious. As a result, MMDA had FOI requests that exceeded their processing time. The MMDA however, still answered



and everyone, please join us. This is another way of serving our fellow Filipinos. In the age of misinformation, we need civil servants who will stand out and give the Filipino people the proper information so that they can decide for themselves properly. Join us in upholding the right of every Filipino to information. We owe it to them.

To those already implementing the FOI in the government, continue but improve our ways, our methods of giving information despite the challenges. At the end of the day, let our motivation be as always to serve the people.”



with actual facts and accuracy. Government agencies can/should also encourage fellow Filipinos to think critically by telling them the truth. The agency condones the bygone era of government agencies hiding from the citizens.

Transparency can also battle misinformation and disinformation especially with the rampant fake information in social media. The

the requests and added an apology letter for failing to meet the 15-day period. This experience led the agency to take the pandemic as a challenge and strived them to still perform amidst difficulties.

Message to agencies that are already implementing/not yet implementing FOI

“To the government agencies, SUCs,

“To the FOI-PMO, in leadership of Usec. Kris Ablan, thank you for putting up with the challenges of the day, which in this case, is the pandemic. Thank you for enduring despite the many challenges. Still, you are here to guide us, the different agencies, towards promoting transparency to the Filipino people. And with that, you deserve congratulations.”

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FOI launches eFOI portal ver 2.0 during the 1st FOI Receiving Officers and Decision Makers Hangouts

By Dianne Gammad

In line with its continued efforts of empowering the FOI Officers, the Freedom of Information – Project Management Office (FOI-PMO), through its Compliance Monitoring Division (CMD), the new features of the eFOI portal was launched during the conduct of the 1st Virtual FOI Hangouts for FOI Receiving Officers and Decision Makers on June 25, 2021.

“All these new features are introduced as part of our commitment to keep up with the demands for technological improvements of the portal so you can facilitate requests for information efficiently,” Undersecretary and FOI Program Director Atty. Kristian R. Ablan said in his speech before the Receiving Officers and Decision Makers.

New features such as FOI Request Timeline, FOI Messenger, and FOI Reply button on the dashboard of the Receiving Officer were introduced during the Hangouts.

Through the FOI request timeline, the FOI Officers will be guided on the timeline when the information is expected to be released.

The reply button on the dashboard of the Receiving Officer will, on the other hand, streamline the processing of an FOI Request especially if the information being requested can be disclosed publicly.

Meanwhile, the FOI Messenger is a way to connect with FOI Officers from different agencies, especially those who are handling information within the same sector.

“Expect us to double our efforts for the rest of this year despite the fact that we are still in the midst of the pandemic,” Usec. Ablan assured the attendees of the event.

The conduct of the FOI Hangouts is aligned with the aim of the FOI-PMO to capacitate and empower FOI Officers and to strengthen the importance of an overall review of the major accomplishments, challenges, and innovative solutions to further improve program implementation.

FOI Receiving Officers and Decision Makers from the different agencies under the executive branch of the government attended the online event.



Photo by: FOI Philippines

Freedom of Information and Data Privacy: Symbiotic Rights

By Jaya Illustrisimo

Contrary to common beliefs, the right to information and right to data privacy are not in rivalry with each other. To borrow an analogy from the science of Biology, the two rights are “symbiotic”, which is defined as the interaction between two different organisms living in, or being in, a close physical association between two or more dissimilar organisms, such association benefiting both organisms. The Right to information and right to privacy, although dissimilar at first glance, in fact complement one another. The two rights must at all times be upheld concurrently as far as practicable.

Right to information was rooted from Sec. 28 of Art. II and Sec. 7 of Article III of the 1987 Constitution. The right to privacy on the other hand, was rooted from Art. 3, Section 3 of the Bill of Rights which states that the privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise, as prescribed by law.

Gone are the days where data privacy was used as a shield against public scrutiny. The National Privacy Commission (NPC), the agency mandated to administer and implement the Data Privacy Act (DPA) of 2012, has

been tirelessly educating the general public about their rights to privacy while also ensuring that no one, especially government officials, will use the law to excuse themselves from accountability.

The question we now concern ourselves with is how do we balance these two rights? Sec. 11 of the DPA provides the general principles of transparency, legitimate purpose, and proportionality.

These principles protect persons from unlawful privacy intrusions. A party requesting access to information and the holder of the information both must have, at the very least, an understanding of these basic principles in order to make an initial assessment on whether the request is contrary to law or not. The DPA prohibits the processing of personal data when such is clearly excessive, contrary to law, or intended to harass an individual. However, if the request/issuance of personal data is grounded on lawful, moral, and/or policy-driven considerations, then release of information is allowed.

The right to information and right to privacy each have their own mechanisms for the protection of the privacy of persons. The two rights allow the holder of the information to redact,

delete, remove, and/or erase any personal, and/or sensitive personal information from the document being requested prior to its release. These actions ensure that the data subject is protected while also ensuring that data allowed by law to be released is disclosed to the requesting party. Data subjects are likewise given the rights to block, object, withdraw, and rectify any inaccuracy in the information gathered.

Both rights are facts of a transparent and republican state, one based on the people’s constitutional right to full public disclosure of government transactions involving public interest, while the other on the protection of the fundamental human right of privacy. This administration, mindful always that public office is a public trust, and for the purposes of transparency and accountability, were able to provide a mechanism wherein the exercise of these rights are both complemented and upheld.

The right to information and right to privacy both protect, enable trust, and promote the free flow of information which are of utmost importance in these uncertain times. These two rights are but two sides of the same coin, and should not be in conflict nor at war with each other.

FOI goes to Benguet

By Valerie Valenzuela

Photo Source: PIA Cordillera Administrative Region

The Freedom of Information Project Management Office (FOI PMO) launched its latest program – **Barangay FOI** – last 28 June at the Gov. Ben Palispis Hall of the Provincial Capitol in Benguet.

Barangay FOI is the new capacity building activity of FOI-PMO that focuses on citizens of local government units (LGUs) with an FOI ordinance. This activity is designed to build the knowledge and capabilities of citizens in accessing government information through the FOI Program.

Presidential Communications Operations Office (PCOO) Undersecretary and FOI Program Director Kristian R. Ablan emphasized the essence of FOI and said, "*Batid ng ating gobyernong mahalaga ang wastong impormasyon upang ang mga Juan dela Cruz ay makagawa ng mga desisyong kapaki-pakinabang sa kanilang sarili, pamilya, kapwa, at bayan.*" [The government knows the value of accurate information that will help a Juan dela Cruz make a decision that is useful to himself, his family, his community, and his nation.]

Benguet Provincial Governor Melchor D. Diclas was also present and thanked the PCOO for bringing the activity to the province.

He requested his constituents, "*Immay kayo met lang dittoy, nag-adal tayo, i-share tayo idyay no agawid tayo. Day met ti importante!*" [We went here, we learned something, and then we share them when we go home. That is the essence!]

To further solidify the partnership between public offices, the FOI-PMO turned over an information kiosk to the LGU that will help the latter in championing the FOI Program.

FOI as a breakthrough

Several participants expressed their gratitude to the FOI-PMO for introducing the FOI Program to them. Many considered FOI as their "breakthrough of the day".

One of the participants, Mr. Ariel Layugan, shared that in his profession as a tour guide, it is necessary that they are equipped with an arsenal of verified information. He is glad he attended the event and knew the FOI Program as a platform to access government information.

Undersecretary Ablan heeded the call of Mr. Layugan to effectively spread news about the FOI Program. This call proves that FOI should be communicated further down to the grassroots and

reach more audience.

Ask the government

"For years, we are trained not to ask. Now, we are trying to change the behavior and say you [and us] can actually ask. The behavior shift should not only be on the government's side, but also with civil society because it is your right," remarked Undersecretary Ablan to encourage the citizens of Benguet to ask for information.

He recognized the Provincial Government of Benguet for enacting its FOI ordinance. With the FOI ordinance in effect, the citizens of Benguet are offered an opportunity to ask both the national and local governments because the FOI Program is already implemented from top to bottom.

Benguet's FOI ordinance, Provincial Ordinance No. 18-234, provides that every Filipino resident of the province shall have access to information, official or public records, and documents in the custody of the Provincial Government.

The Benguet Provincial Government has also expanded its information accessibility by being one of the ten LGUs on board the electronic FOI (eFOI) Portal.

UPDATES

ON FOI BILL, POLICIES, AND GUIDELINES

By Jaya Illustrisimo



The Freedom of Information – Project Management Office (FOI-PMO) conducted an alignment meeting with the national government agencies (NGAs) and the civil society organizations (CSOs) to discuss the remaining provisions not tackled during the 2nd TWG meeting on 12 July 2021.

Furthermore, the meeting was organized to prepare for the last TWG meeting and hopefully address all the concerns and clarifications of all stakeholders concerned.

The FOI-PMO Policy team also organized a Courtesy Meeting with Cong. Alfred Vargas, author of the administrative version of the FOI Bill, to discuss and provide updates on the developments of the said bill on 22 July 2021.

FOI – MC No. 21-03

The FOI-PMO released a guideline for all government agencies, State Universities and Colleges (SUCs), and local water districts (LWD) on the retention period of personal information and sensitive personal information gathered through the standard FOI request form and eFOI portal.

The Circular aims to abide by the retention period of personal and sensitive personal information set by the National Archives of the Philippines (NAP) while also ensuring that the data privacy rights of every requesting party is protected

pursuant to RA No. 10173 or the Data Privacy Act of 2012.

The policy directs every NGAs, SUCs, and LWDs implementing the FOI to retain personal and personal sensitive information for only two years and dispose, in a secure manner, the said information.

FOI – MC No. 21-04

To further protect the data privacy rights of every requesting party, the FOI-PMO released FOI-MC No. 21-04 or the Anonymization Policy, which directs the administrator of eFOI Portal to anonymized and de-identify any personal and personal sensitive information gathered through the eFOI portal in order to prevent exposure, leaks, and possible unwarranted disclosure of the identity of the requesting parties.

The Circular also directs Freedom of Information Receiving Officers (FROs) and Freedom of Information Decision Makers (FDMs) to advise the requesting parties to refrain from uploading or posting any ID, personal information, or sensitive personal information in the individual request page, a portion in the eFOI portal, which is accessible to the general public.

Co-Production Agreement Signing Ceremony

between
THE INTERCITY BROADCASTING CORPORATION
and
THE FREEDOM OF INFORMATION - PROJECT MANAGEMENT
OFFICE OF THE PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
02 July 2020 / Press Briefing Room

About The Cover

Executive Order No. 02, s. 2016 released in July 2016 promotes the right of the Filipino people to access government information. It is the enabling order that implements the Freedom of Information among agencies in the Executive Branch of the government. EO No. 2 enjoins government agencies in implementing the FOI in order to promote full disclosure and transparency in the public service.



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