



Republic of the Philippines
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Malacañang, Manila

FOI - MC No. 01 s. 2016

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

FOR : All Agencies, Departments, Bureaus, Offices and Instrumentalities, Chartered Institutions, Government-Owned or – Controlled Corporations (GOCCs), including Government Financial Institutions (GFIs), Government Corporate Entities (GCE), and non-chartered GOCCs, and State Universities and Colleges.

SUBJECT : FREEDOM OF INFORMATION (FOI) Program

DATE : 11 November 2016

BACKGROUND

- 1.0 On 23 July 2016, President Rodrigo Roa Duterte signed Executive Order (EO) No. 2 entitled **Operationalizing in the Executive Branch of 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**. The Office of the President, through the Presidential Communications Operations Office (PCOO), was tasked to take the lead in the implementation of the FOI program including the preparation of a model manual and guidelines for the Executive Branch, including GOCCs and State Universities and Colleges.
- 2.0 Section 8 and 16 under EO 2 require all government offices in the Executive branch to prepare their respective People's FOI Manuals and implementing details (Agency FOI Manual) within one hundred twenty (120) days from the effectivity of the order.
- 3.0 On 25 November 2016, the 120th day from effectivity of the EO, the FOI program will be launched through an official government announcement which will also showcase the FOI manuals. To assist agencies with the compliance to the EO, this memorandum provides the essential guidelines and standard forms for FOI implementation.

MODEL AGENCY FOI MANUAL

- 4.0 As a guide for the agencies in the development of their agency FOI Manuals, the PCOO drafted a Model Agency FOI Manual (**Annex A**). This, however, only serves as a guide and does not limit agencies in crafting their own agency manuals.
- 5.0 The Agency FOI Manual details the internal FOI guidelines and defines the specific roles and responsibilities of the following agency personnel designated to handle agency FOI requests: the FOI Champion; the Decision Maker/s; and the Receiving Officer/s. It also includes provisions on the promotion of openness in government, protection of privacy, remedies in case of denial, charging of fees, and administrative liabilities. The manual should likewise contain the detailed FOI process flow; comprehensive list of exceptions; and templates for FOI responses.
- 6.0 On the other hand, the People's FOI Manual is a separate document designed for the general public to guide them in making FOI requests. It should include, among others the following:
- 6.1 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;
 - 6.2 the person or office responsible for receiving requests for information;
 - 6.3 the procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order;
 - 6.4 the standard forms for the submission of requests and for the proper acknowledgment of requests;
 - 6.5 the process for the disposition of requests;
 - 6.6 the procedure for the administrative appeal of any denial for access to information; and,
 - 6.7 the schedule of applicable fees.

AGENCY INFORMATION INVENTORY

- 7.0 The Agency Information Inventory is a master list of all government information held by an agency, containing the title, description, and file type of each information (**Annex B**). This list will provide the scope and limitations of the types of information which can be requested from an agency. Any information requested not included in the agency inventory is considered a basis for denial of such request.

STANDARD FOI REQUEST FORM

- 8.0 An FOI request will only be considered valid if applied through the fully-accomplished Standard FOI Request Form (**Annex C**). If in case the Requesting Party cannot fill this out, the Receiving Officer is tasked to translate such request into the form.

- 9.0 This form is the standard form for all FOI requests submitted to agencies covered under Section 2 of the EO. Requesting parties are required to supply all information in the form and present at least one (1) valid government-issued ID. Once a request has been approved as valid, the Receiving Officer shall provide a stamped photocopy of the form to the Requesting Party.

STANDARD FOI REGISTRY

- 10.0 To facilitate a uniform tracking, monitoring and evaluation system for FOI program implementation, attached herein is the Standard FOI Registry sheet (**Annex D – accessible at <http://bit.ly/foipco>**) to be managed by FOI Receiving Officers. All FOI requests should be logged in to this form and should be updated accordingly. **Annex E** provides a comprehensive instructional note for accomplishing the FOI Registry.
- 11.0 The FOI Registry will be the basis for measuring agency performance and compliance alongside important FOI analytics to assess the initial financial costs of FOI implementation.
- 12.0 This is an interim solution to the standardized reporting procedure across the Executive Branch; moving forward, an online electronic FOI registry system will be developed.

FOI EXCEPTIONS

- 13.0 Section 4 of EO No. 2 states that “access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence”. The list of exceptions from the Office of the President will be forwarded and disseminated as soon as it becomes available. Agencies may refer to this master list in their respective FOI manuals.
- 14.0 This inventory of exceptions will be periodically updated to properly reflect any changes in the existing law and jurisprudence.

REQUIRED ACTIONS

- 15.0 In compliance to this memorandum, all agencies covered under EO No. 2 shall observe the following requirements before November 25, 2016:
- 15.1 Agencies are required to submit their **Agency FOI Manual** and **People’s FOI Manual** (.pdf/.doc). PCOO’s Model Agency FOI Manual can be converted into a People’s FOI Manual by removing its Section 3 (Promotion of Openness in Government), Annex E – 2 (Detailed FOI Request Process), Annex E – 3 (FOI Request Process in Days), and Annex G-1 to G-6 (FOI Response Templates).

15.2 All Heads of Agencies shall designate its **FOI Champion, Decision Maker/s, and Receiving Officer/s** who will handle its FOI implementation. Information about these FOI Officers should be submitted before November 18, 2016 (.pdf/.doc), enumerating the following:

- 15.2.1 Agency Name & Address;
- 15.2.2 Full Names;
- 15.2.3 Positions;
- 15.2.4 Email addresses; and
- 15.2.5 Landline & fax numbers.

16.0 All agencies are required to submit to the PCOO the Agency Information Inventory and the accomplished FOI Registry every quarter starting March 2017. Non-submission of these requirements will be labeled as non-compliance.

17.0 As part of the compliance to the EO, all requirements shall be submitted both in soft copies and hard copies.

17.1 Soft copies of the Agency FOI Model Manual, templates, and forms, provided as annexes to this memo, can be accessed and retrieved from this link:

<http://bit.ly/foipco>

17.2 Send all soft copies of submissions to foi@pco.gov.ph and foi.pco@gmail.com

17.3 Hard copies should be submitted to the following address:

Sec. JOSE RUPERTO MARTIN M. ANDANAR
Presidential Communications Operations Office (PCOO)
Office of the President
3F, New Executive Building, J.P. Laurel St.,
Malacañang Compound, Manila

COMPLIANCE

18.0 Section 15 of EO No. 2 states, "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".

19.0 Pursuant to this, PCOO will monitor and report on FOI program compliance to the Office of the Executive Secretary. The status of submissions will be published online via foi.gov.ph, which will be unveiled on November 25, 2016.

20.0 For compliance.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary