

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM FROM THE EXECUTIVE SECRETARY

To : **ALL HEADS OF OP-PROPER DELIVERY UNITS AND OFFICES**

Subject : **UPDATED FREEDOM OF INFORMATION MANUAL OF THE OFFICE OF THE PRESIDENT - PROPER**

Date : **28 January 2021**

Pursuant to Sections 8 and 16 of Executive Order No. 2, s. 2016, the Updated People's Freedom of Information (FOI) Manual of the Office of the President (OP) – Proper, as attached to this Memorandum, is hereby promulgated.

The said Updated People's FOI Manual shall continue to guide and assist the public in the processes and procedures involved in requests for information pursuant to EO No. 2. It likewise sets out the rules, procedures, and guidelines to be followed by all OP-Proper human resources in acting on requests for access to information.

For guidance and strict compliance.


SALVADOR C. MEDIALDEA

Office of the President
of the Philippines
Malacañang

People's Freedom of Information Manual

(As of 26 January 2021)

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I. OVERVIEW

A. Background and Purpose

Executive Order (EO) No. 2, otherwise known as the Freedom of Information (FOI) EO, was signed by President Rodrigo Roa Duterte on 23 July 2016. The FOI EO seeks to operationalize the Constitutional provisions on full public disclosure of all State transactions involving public interests (Section 28, Article II) and the right of the people to information on matters of public concern (Section 7, Article III). EO No. 2 took effect immediately after its publication on 27 July 2016 in the Manila Bulletin.

Section 8 of EO No. 2 directed all government agencies under the Executive branch to prepare within one hundred twenty (120) calendar days from the effectivity thereof a People's FOI Manual, which shall include among others the following provisions:

- (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;
- (2) The person or office responsible for receiving requests for information;
- (3) The procedure for the filing and processing of requests;
- (4) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (5) The process for the disposition of requests;
- (6) The procedure for the administrative appeal of any denial of access to information; and
- (7) The schedule of applicable fees.

Pursuant to and in compliance with the foregoing mandate of the FOI EO, the People's FOI Manual for the Office of the President (OP) - Proper is hereby formulated. During the formulation of this People's FOI Manual, consultations with the various offices under the OP-Proper were undertaken, with the objective of classifying the information, document or record under the custody of the offices or officers, determining those information which may be the subject of requests for FOI, identifying the responsible offices/officers to handle FOI requests, assessing the capability of such responsible offices/officers, and streamlining procedures of the various responsible offices/officers towards the efficient processing of FOI requests made by the public.

The purpose of this People's FOI Manual is to guide and assist the public in the processes and procedures involved in requests for information pursuant to EO No. 2. It likewise sets out the rules, procedures and guidelines to be followed by the officials and employees of the offices under the OP-Proper for requests for access to information.

B. Coverage

The Manual shall cover all requests for information directed, filed or submitted to the offices under the OP-Proper, which include the following:

- (1) Office of the Executive Secretary;
- (2) Office of the Deputy Executive Secretary for Finance and Administration;
- (3) Office of the Deputy Executive Secretary for General Administration;
- (4) Office of the Deputy Executive Secretary for Internal Audit;

- (5) Office of the Deputy Executive Secretary for Legal Affairs;
- (6) Appointments Office;
- (7) Asset Management Office;
- (8) Correspondence Office;
- (9) Engineering Office;
- (10) Finance Office;
- (11) General Government Administration Office;
- (12) Human Resource Management Office;
- (13) Internal House Affairs Office;
- (14) Legal Office;
- (15) Legislative Office;
- (16) Malacañang Motorpool;
- (17) Malacañang Records Office;
- (18) Information and Communications Technology Office;
- (19) Presidential Museum and Library;
- (20) Protocol Office;
- (21) Social Secretary's Office; and
- (22) Other offices under the OP until the adoption of their own FOI manuals.

C. Protection of Privacy

While providing access to information, the OP shall afford full protection to a person's right to privacy as mandated by laws, as follows:

- (1) It shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- (2) It shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- (3) Any official or employee who has access, whether authorized or unauthorized, to personal information in the custody of the offices under the OP-Proper, shall not disclose that information except as authorized by existing laws.

II. DEFINITION OF TERMS

SECTION 1. Definition of Terms. For the purpose of this People's FOI Manual, the following shall mean:

- a) **Administrative FOI Appeal** - refers to the procedure for appealing an unfavorable or adverse action by the FOI Decision Maker on an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI request have a right to appeal such unfavorable or adverse action to the FOI Appeals Authority, who shall then conduct a review of said appeal.
- b) **Exceptions to FOI** - refers to those class of privileged information that are outside the scope of the constitutional right to information and which may not

be released or disclosed to the public, as provided under the Constitution, laws or jurisprudence. These exceptions are enumerated in **Annex "B"** hereof.

- c) **FOI Appeals Authority** - refers to the office or person which decides appeals from the action of the FOI Decision Maker, and has authority to affirm, reverse, or modify such action.
- d) **FOI Decision Maker or FDM** - refers to the office or person who evaluates the recommendation of the FOI Evaluating Office on FOI requests and has authority to approve or deny such requests.
- e) **FOI Evaluating Office or FEO** - refers to the office with the responsibility of evaluating and reviewing FOI requests and preparing recommendations to the FDM.
- f) **FOI Receiving Office or FRO** - refers to the designated office where the public may file or submit FOI requests, inquire about the FOI process and the status of pending FOI requests. In the OP-Proper, the Malacañang Records Office (MRO) shall act as the FRO.
- g) **FOI Request** - is a written request by any person submitted to a government office, personally or by other electronic means, requesting information or public records as defined herein.
- h) **Freedom of Information or FOI** - pertains to the right of the people to information on matters of public concern, subject to the limitations established by law.
- i) **Information** - means 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.
- j) **Official Record/s** - 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.
- k) **Fully compliant FOI Request** - refers to an FOI request which fully complies with the formalities set forth by this People's FOI Manual.
- l) **Personal Information** - refers 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.

- m) **Public Records** - include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
- n) **Sensitive Personal Information** - as defined in the Republic Act No. 10173 (Data Privacy Act of 2012), refers to personal information:
 - (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - (2) About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
 - (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - (4) Specifically established by an executive order or an act of Congress to be kept classified.

III. FUNCTIONS OF FOI OFFICES, OFFICIALS AND EMPLOYEES

SECTION 2. FOI Receiving Office (FRO).

- 2.1. All FOI requests pertaining to the OP-Propser shall be filed with and/or submitted to the FRO.
- 2.2. The public may request information on all FOI related concerns in the OP-Propser, including a copy of this People's FOI Manual, with the FRO.
- 2.3. The Head of the FRO shall designate an FRO Officer (FROO) from among his subordinates to assist in the proper discharge of the functions of the FRO.
- 2.4. The contact details of the FRO and FROO are as follows:

Name of Office (FRO)	Malacañang Records Office
Name of Head of Office of FRO	Atty. Concepcion Zeny E. Ferrolino-Enad Director IV
FOI Receiving Officer (FROO)	Rochelle D.G. Roxas Presidential Staff Officer IV
Address:	Room M-128, Gate 7, Mabini Hall, J.P. Laurel St., Malacañang, Manila, Philippines 1005
Contact Number	(02) 87844286 local 6131
e-mail address:	mro_foi@malacanang.gov.ph

- 2.5. The functions of the FRO shall include the following:

- 2.5.1. Serve as the initial point of contact to the public on FOI requests in the OP-Propert;
 - 2.5.2. Receive all FOI requests on behalf of the offices under the OP-Propert;
 - 2.5.3. Conduct initial evaluation of FOI requests and make a determination whether these are fully compliant FOI requests;
 - 2.5.4. Deny or refuse to accept FOI requests based on the results of its initial evaluation;
 - 2.5.5. Undertake preliminary determination of the appropriate FEO which has custody of the requested information and forward the request to such office;
 - 2.5.6. Forward a fully compliant FOI request to the appropriate FEO for evaluation;
 - 2.5.7. Monitor all FOI requests and appeals;
 - 2.5.8. Compile statistical information on FOI requests and actions taken thereon; and
 - 2.5.9. Provide such other assistance to the FDM and FEO.
- 2.6. The names and official contact information of the FRO and the FROO shall be conspicuously displayed outside the FRO for the public's viewing. Any change of information pertaining to the FRO and FROO shall likewise be posted in the same manner and reflected in an updated FOI Manual.

SECTION 3. FOI Evaluating Office (FEO). The office which has possession or custody of the requested document shall be the FEO for the particular FOI request.

- 3.1. In case there is a need to make further determination as to which office has custody of the information requested, the MRO shall act as the default FEO.
- 3.2. The FEO shall have the following functions:
 - 3.2.1. Review the merits of the FOI request;
 - 3.2.2. Determine whether it has possession of the requested information;
 - 3.2.3. Evaluate whether the requested information falls under any of the Exceptions to FOI;
 - 3.2.4. Determine whether grounds for denial of the request exist;
 - 3.2.5. Coordinate with different offices, or if necessary, with other government agencies, prior to taking action on the request; and

- 3.2.6. Prepare necessary recommendation on the FOI request to the FDM, such as grant, denial, partial grant or denial, redacting certain information, referral to other offices, or such other actions as may be appropriate.
- 3.3. The Head of the FEO shall designate an FEO Officer (FEOO) from among his subordinates to perform the functions of the FEO.

SECTION 4. FOI Decision Maker (FDM). The Head of Office of the FEO shall be the FDM.

- 4.1. The FDM shall have the primary function of evaluating the recommendations of the FEO on any FOI request and taking action thereon.
- 4.2. The FDM may grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate.
- 4.3. As a general rule, the FDM shall grant an FOI request, unless there exist grounds to deny the same.

SECTION 5. FOI Appeals Authority. The Executive Secretary, or his duly authorized representative, shall be the FOI Appeals Authority in the OP-Proper. The FOI Appeals Authority shall have the power to review by appeal decisions of the FDM and take final action on any FOI request within the OP-Proper.

IV. PROCEDURE

SECTION 6. Filing and Content of the FOI Request.

- 6.1. Where Filed. An FOI Request shall be filed with the FRO.
- 6.2. Requisites of an FOI Request. An FOI request must be made in writing and shall comply with the requisites set forth in this Manual.
- 6.3. FOI Request Form. A person or party making an FOI request shall use the standard FOI Request Form and submit two (2) copies thereof. The original shall be kept by the FRO, while the copy shall be returned to the requesting party.

The standard FOI Request Form shall be available free of charge upon request from the FRO or through the OP's website (<http://op-proper.gov.ph>). An FOI request shall only be considered valid when accompanied by the standard FOI Request Form.

The standard FOI Request Form is attached as **ANNEX "A"** of this Manual.

- 6.4. Contents. An FOI request shall contain the following:
 - 6.4.1. Details of the requesting party, such as name, contact information, affiliation, company or organization;

- 6.4.2. Reasonable description of the information requested;
 - 6.4.3. Specific reason for, or purpose of, the request for information;
 - 6.4.4. Whether photocopy or certified true copy of the subject information/document is requested.
 - 6.4.5. Preferred mode of communication and receipt of the response; and
 - 6.4.6. Proof of authority, if made through a representative.
- 6.5. Purpose of Request. For purposes of this Manual, the reason for or purpose of the request for information shall be specific or adequately and sufficiently described. The following general averments of the purpose such as “for information,” “for research,” “for legal purposes” or other similarly worded purpose shall not be considered to have met the requirement of specificity. Failure to specify the reason for or purpose of the request for information, despite request by the FRO to provide a specific reason or purpose, shall be a ground for denial of the FOI request.
- 6.6. Identification and Proof of Authority. A requesting party shall attach to his or her FOI request the following:
- 6.6.1. At least two (2) valid government I.D.s containing the photograph and signature of the requesting party;
 - 6.6.2. If the request is made through a representative, in addition to 6.6.1, the written authorization of the principal and at least two (2) valid government I.D.s containing the photograph and signature of such representative;
 - 6.6.3. If the requesting party is a juridical entity, original or certified true copy of board resolution, corporate secretary’s certificate, or other acceptable written document showing the authority of the representative to act in behalf of such juridical entity;
 - 6.6.4. If the requesting party is a natural person who is a member, employee, affiliated with or related to a juridical entity, company or organization, and the request is made not in behalf of such juridical entity, company or organization but arises from such membership, affiliation or relation, such other sufficient proof of authority or affiliation.

For example, for an employee or member, a copy of the company or organization I.D.; or for students, a copy of the school I.D. and written indorsement of the supervising teacher/professor/instructor; and
 - 6.6.5. If the requesting party is a minor, his or her guardian or any competent supervising adult shall comply with the requirements for a representative.

The authorization shall expressly state the extent of the authority of the representative to make the request, provide clarification, receive the requested information, and to bind the principal for all representations and/or undertaking made by the representative in connection with the request for information.

- 6.7. Mode of Request. FOI requests may be made through registered mail, electronic mail (e-mail), or through official online portals, provided, that the requesting party shall provide all the required information and attach the supporting documents.

If the requesting party chooses to file an FOI request in a separate written request, by e-mail or other official portals, such request shall be accompanied by a duly-filled up standard FOI Request Form and attached to said written request or e-mail.

- 6.8. Reasonable Assistance. The FRO shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements, without prejudice to Section 13 of this Manual. In case the requesting party is unable to make a written request, he or she may make an oral request, and the attending FROO shall reduce it in writing. Reasonable assistance shall not cover reproduction costs of the requesting party's copy of the FOI request and the supporting documents.

- 6.9. Exceptional Situations. In meritorious cases, the FRO may accept an FOI request which lacks the standard FOI Request Form, provided that the FOI request contains all the required information and complies with the other requirements of an FOI request as provided in this Section 6.

In such case, the responsible FROO shall accomplish the standard FOI Request Form in relation to such request and attach the same to the written request.

SECTION 7. Time to Respond to FOI Requests.

- 7.1. The OP shall respond to requests for access to information within fifteen (15) working days from the date of receipt of a fully compliant FOI request.

For clarity, the period to respond to FOI requests shall not commence unless the request is a fully compliant FOI request.

- 7.2. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines or a local public holiday in the City of Manila. In computing the period, Article 13 of the New Civil Code shall be observed.

- 7.3. For purposes of computing the fifteen (15) working days, the date of receipt of the FOI request shall be reckoned as follows:

7.3.1. If made personally, the date actually filed and stamped "received" by the FRO;

- 7.3.2. If made by registered mail, the date of actual receipt of the request by the FRO;
- 7.3.3. If sent by e-mail or other official online portals, the date it was actually electronically delivered to or received by the designated e-mail or portal if the same arrived before 5:00 p.m. of the working day. Requests received after 5:00 p.m. shall be considered received on the next working day;
- 7.3.4. Where the officer having charge of the designated e-mail is unavailable and the designated e-mail has generated an "out of office" message with instructions on how to re-direct the message to another e-mail contact, the date of receipt will be the day the request is received in the e-mail inbox of the latter subject to the qualification in the preceding subsection; or
- 7.3.5. Where the FRO has requested the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification to the satisfaction of the FRO is received.

SECTION 8. Initial Action Upon Receipt of the FOI Request.

- 8.1. Initial Evaluation. Upon receipt of the FOI request, the FRO shall ascertain whether the request is a fully compliant FOI request in accordance with the requirements provided in Section 6 hereof.
- 8.2. Grounds for Denial During Initial Evaluation. During the initial evaluation by the FRO, the request may be denied on the following grounds:
 - 8.2.1. Non-Compliant FOI Request. The FRO shall only accept a fully compliant FOI request, and shall not accept a request that lacks any of the required contents or documents provided in Section 6 hereof.

The requesting party shall be advised of the deficiency with instructions to comply with the deficiency, as soon as practicable, if the request was personally filed, or within the period prescribed in Section 8.3 if the request was filed through registered mail or e-mail.

In case the request lacks any of the requirements provided in Section 6 above, the FRO may consider other relevant document or evidence as the circumstances may warrant or waive any requirement, upon showing of meritorious grounds, subject to the approval of the FDM.

- 8.2.2. Requested information has already been publicly disclosed. When the information being requested has already been publicly disclosed such as when the same is publicly available in the OP website, data.gov.ph, foi.gov.ph, or other official website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

- 8.2.3. Requested information is substantially similar or identical to the previous request. Should the requested information be substantially similar or identical to a previous request by the same requesting party which request has already been previously granted or denied by the OP, the request shall be denied unless the requesting party can provide justifiable explanation for the subsequent request.
- 8.3. Period to Advise Requesting Party of Denial Based on Initial Evaluation. The FRO shall, within fifteen (15) working days from receipt of the request, advise the requesting party of denial of the request, specifying the ground for the denial in Section 8.2 hereof.
- 8.4. Request for Clarification. The FRO may likewise request for clarification from the requesting party to identify or locate the requested information. The clarification shall toll the running of the fifteen (15) working day-period and the period shall commence anew the day after the required clarification is received by the FRO.
- 8.5. Receiving of Request. Upon determining that the request is a fully compliant FOI request, the FRO shall stamp "received" the duly filled-up FOI Request Form and the first page of the request letter, if attached, indicating the date and time of the receipt of the FOI 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.
- 8.6. In case the FOI request was made through e-mail, the e-mail shall be printed out and the FRO shall observe the same procedure above. The FRO shall likewise acknowledge by e-mail the receipt of a fully compliant FOI request.
- 8.7. When Request for Information Received by an Office Other than the FRO. If an FOI request is received by an office other than the FRO, such receiving office shall:
- 8.7.1. transmit the FOI request to the FRO within three (3) working days from receipt of such request;
- 8.7.2. advise the requesting party of the transfer to the FRO within fifteen (15) working days from receipt of such request;
- 8.8. Ascertaining Identity of the Requesting Party. The FRO shall, using available resources and bearing in mind the time constraints, ascertain and verify the identity of the requesting party to avoid requests from fictitious persons. For this purpose, the FRO may request the assistance of relevant government agencies to confirm the identity of the requesting party based on documents filed.

SECTION 9. Determination of and Transmittal to the FEO. Upon determination that the request is a fully compliant FOI request, the FRO shall proceed to determine whether the OP-Proper has custody or possession of the requested information.

- 9.1. After ascertaining that the information requested is in the possession of the OP-Proprietor, the FRO shall forward the request to the appropriate FEO, within one (1) day from receipt of such request. The FRO shall record the date, time and name of the FEO who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- 9.2. In case the FRO is unable to determine the appropriate FEO, the FRO shall be given an additional two (2) working days to undertake further coordination to determine the FEO.
- 9.3. If at the end of the three (3) working days from receipt of the request, the FRO is still unable to determine the appropriate FEO, the FRO shall act as the FEO and proceed to evaluate the request in accordance with Section 10 of this Manual.
- 9.4. If the requested information is under the custody of more than one office under the OP-Proprietor, the FRO shall forward the request to all concerned offices. The FRO shall also instruct the respective FEOs that the latter will only provide the specific information that relate to their offices.
- 9.5. If some of the requested information is not under the custody of the offices under the OP-Proprietor, the FRO, acting as FEO and FDM, shall observe the procedure in Section 10.11 below insofar as those information not under the custody of the offices under the OP-Proprietor.

SECTION 10. Evaluation by FEO and Action by FDM.

- 10.1. Upon receipt of the FOI request from the FRO, the FEO shall proceed to evaluate the request, which shall consist of:
 - 10.1.1. Ascertaining whether the information requested is in its possession or custody; and
 - 10.1.2. Determining whether there are grounds for the denial of the requested information.
- 10.2. Request for Clarification. If the FEO requires clarification or further details to identify or locate the information requested, he shall, through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working day-period, which period shall commence anew the day after the required clarification is received by the FRO.
- 10.3. Request for an Extension of Time. If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, or cannot be easily retrieved due to occurrence of fortuitous events or other analogous cases, the FEO shall, within ten (10) working days from receipt by the FEO of the request, inform the FRO of the need for extension of time to act on the request.
- 10.4. Notice to Requesting Party of Extension. The FRO shall inform the requesting party of the extension, setting forth the reasons for such

extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

- 10.5. Consultation. The FEO shall undertake the necessary consultations with the appropriate offices on whether the requested information is covered by any of the Exceptions to FOI, which consultation shall include that of the office where the information or record originated.
- 10.6. Submission of Recommendation to FDM. The FEO shall prepare and submit its recommendation to the FDM, who shall approve or deny the request.
- 10.7. Notice to the Requesting Party of the Approval/Denial of the Request. Once the FDM approves or denies the request, he shall advise the FRO of such action. The FRO shall prepare the response to the requesting party either in writing, by e-mail, or, if practicable, through other mode of response preferred by the requesting party.
- 10.8. Approval of Request. In case of approval, the FEO shall advise the FRO of such approval and transmit to the FRO the requested information within ten (10) working days from the FEO's receipt of the request.

The FRO shall, within the prescribed period, advise the requesting party of the grant of the request and direct such requesting party to pay the applicable fees, if any.

- 10.9. Denial of Request. In case of denial of the request, whether wholly or partially, the FEO shall, through the FRO, 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 prescribed period shall be deemed a denial of the request for access to information.

- 10.10. Grounds for Denial. An FOI request may be denied based on the following grounds:
 - 10.10.1. The office does not have possession or custody of the information requested;
 - 10.10.2. The information requested falls under the Exceptions to FOI; or
 - 10.10.3. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the OP.
- 10.11. When Requested Information is Not in the Possession or Custody of the OP-Proprietary. If, after exercising due diligence, the FDM/FEO finds that the requested information is not in the custody or possession of the OP-Proprietary,

the FDM shall either deny the request or refer the request to the department, agency, or office which has custody of the information, if known, within the prescribed period for acting on the request.

10.11.1. The FEO shall ascertain whether the information requested is in the possession of another department, agency, or office.

10.11.2. If the department, agency or office which has custody is ascertained, the FEO shall, through the FRO, refer the request to such appropriate department, agency or office and advise the requesting party of such referral, and the contact details of that office, if known.

10.11.3. If the information requested is in the custody or possession of an office not within the coverage of E.O. No. 2, the request shall be denied, and the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

10.11.4. If the FEO is unable to determine which department, agency or office has possession or custody of the requested information, it shall deny the request.

10.12. Exceptions to FOI. The list of the Exceptions to FOI is attached as **ANNEX "B"** of this Manual.

10.13. Redaction. If the information, document or record requested contains information which may be disclosed and other information which are covered by the Exceptions to FOI (such as personal information or sensitive personal information protected under the Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted prior to the release of the requested information, document or record.

SECTION 11. Remedies in Case of Denial. A party whose request for access to information has been denied may avail of the remedy set forth herein.

11.1. Administrative FOI Appeal to the FOI Appeals Authority. The requesting party may file an appeal of the adverse or unfavorable action of the FDM with the FOI Appeals Authority. The appeal shall be filed within fifteen (15) calendar days from the receipt of the notice of denial or fifteen (15) days from the lapse of the period to respond to the request.

11.2. The appeal shall be decided by the FOI Appeals Authority within thirty (30) working days from receipt of the appeal. Failure to decide within the thirty (30)-day period shall be deemed a denial of the appeal.

11.3. The denial of the appeal by the FOI Appeals Authority shall be considered final, and the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 12. Request Tracking System. The FRO of the OP-Proper shall develop and establish a system to ensure that all requests for information received, status of pending requests, and requests acted upon are properly documented and monitored.

SECTION 13. Fees.

- 13.1. No Filing Fee for FOI Requests. The OP shall not charge any fee for accepting requests for access to information.
- 13.2. Reasonable Cost of Reproduction and Copying of the Information. The OP may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations.

The FRO shall notify the requesting party in case there shall be a reproduction and copying fee in connection with the requested information. The schedule of fees shall be conspicuously posted outside the FRO, or in any place within the OP accessible to the public, and shall be published in the OP-Proper's official website.

- 13.3. Exemption from Fees. The OP may exempt the requesting party from payment of fees, upon showing of justifiable grounds.

SECTION 14. Administrative Liability.

- 14.1. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be considered a violation of reasonable office rules and regulations and punishable as follows:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service.
- 14.2. Procedure. The provisions of the Revised Rules on Administrative Cases in the Civil Service issued by the Civil Service Commission shall be applicable in the disposition of administrative cases against employees and officials of the OP-Proper.