

Tourism Promotions Board Freedom of Information (FOI) Manual

As of 28 January 2025

Noted and Approved by:



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Chief Operating Officer

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SECTION 1: OVERVIEW

1. Purpose: The purpose of this Tourism Promotions Board (TPB) FOI Manual is to provide the process to guide and assist the TPB in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). **(Annex “B”)**

2. Structure of the Manual: This Manual shall set out the rules and procedures to be followed by TPB when a request for access to information is received. The TPB’s Chief Operating Officer (COO) is responsible for all actions carried out under this Manual and may delegate this responsibility to the Manager of the Corporate Affairs. The COO may delegate a specific officer to act as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

3. Coverage of the Manual: The Manual shall cover all requests for information directed to TPB.

4. FOI Receiving Officer: The FOI Receiving Officer (FRO) shall be designated at TPB. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent. The FRO shall hold office at the 6/F Five E-com Harbor Drive, MOA Complex, Pasay City, Philippines.

The functions of the FRO shall include receiving on behalf of TPB 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. Information is already disclosed in the TPB’s Official Website, ***<http://tpb.gov.ph>***.

5. FOI Decision Maker: There shall be an FOI Decision Maker (FDM), designated by the COO, with a rank of not lower than a Manager or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. TPB does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI; or
- d. 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 TPB.

6. Central Appeals and Review Committee: There shall be a Central Appeals and Review committee composed of three (3) officials with a rank not lower than a Manager or its equivalent, designated by the COO to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the COO on the denial of such request.

7. Approval and Denial of Request to Information: The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the COO may delegate such authority to any officer not below the rank of a Manager.

SECTION 2: DEFINITION OF TERMS

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 (FOI). 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. 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 of the corporation 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 TPB 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 TPB is able to disclose all records in full in response to a FOI request.

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 FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure 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.

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.

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 usable by end users.

PARTIAL GRANT/PARTIAL DENIAL. When the CORPORATION 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.

PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identify 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.

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 corporation has completed its work and sent a final response to the requester.

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.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that the corporation 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. This process is called a “referral.”

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer 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.

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. PROTECTION OF PRIVACY

While providing for access to information, TPB shall afford full protection to a person’s right to privacy, as follows:

- a. TPB shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;

- b. TPB shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of TPB, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE (See Annex “E” for flowchart)

1. Receipt of Request for Information.

1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex “F”)

The request can be made through efoi portal or 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 government ID with photo.

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.

1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.4 TPB must respond to requests promptly, within the fifteenth (15) working day 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.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to TPB, or directly into the email inbox of a member of staff; or

- b. If TPB has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

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.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Requested information is not in the custody of TPB: If the requested information is not in the custody of TPB, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the records requested refer to other government offices, the request will be immediately transferred to such appropriate government office through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.2. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the TPB's website: <http://tpb.gov.ph>, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

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 requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FRO to the FDM: After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time

and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FDM in processing the request: Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the COO, in case the submission is beyond the 10-day period.

If the FDM 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.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. Role of FRO to transmit the information to the requesting party: Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the COO or the designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. Request for an Extension of Time: If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM 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 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.

7. Notice to the Requesting Party of the Approval/Denial of the Request: Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the COO or his designated officer for final approval.

8. Approval 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 granted and be directed to pay the applicable fees, if any.

9. 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. 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 Office of the COO or to his designated officer.

10. No Wrong Door Policy: If the requested information is not in the custody of TPB, following referral and discussions with the FDM, the FOI Focal person shall inform the FRO within two (2) working days and FRO shall undertake the following steps:

- If the records requested refers to GA2(other government agency), request will be immediately transferred through the most expeditious manner within three (3) working days upon receipt and GA1 (TPB) must inform the requesting party that the information is not held within the 15-working day limit. The 15-working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to another agency, which is not within the coverage of EO. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

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 Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the COO upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

TPB shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 8. FEES

1. No Request Fee. TPB 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 TPB in providing the information to the requesting party. The schedule of fees shall be posted by TPB.

3. Exemption from Fees: TPB may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9. ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense -Reprimand;
- b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense - Dismissal from the service.

2. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.

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 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO2?

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, requestors are 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 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 requestor is to 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.

The requestor may file FOI request through the efoi portal.

eFOI Requestors must create/log in to his/her account:

- Click the Log-in button and enter the email address and password.
 - In case the requestor is a new user, click the Sign-up button, and provide the required information.
 - Once logged-in, the user will be directed to the Dashboard. The Dashboard contains all the requests done by the account owner.
 - Click the Make a Request button. Once clicked, the user may choose the name of the agency.
 - User will be directed to the Make a Request Page. Complete the required fields. Once sent, the request will be forwarded to the Receiving Officer of the concerned agency.
 - The same process of clarification, retrieval, and approval of release applies to the eFOI platform.
 - Once approved, the response will be posted to the user's Dashboard.
- 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 Requestor.
 - 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. If necessary, 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 Requestor. It shall be sent to the Requestor 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 Requestor 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 you are not satisfied with the response, the Requestor 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”

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

(a) “Information” shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other 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. (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty. (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

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

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

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

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

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

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

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:
(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:
(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
(b) The person or office responsible for receiving requests for information;
(c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
(e) The process for the disposition of requests;
(f) The procedure for the administrative appeal of any denial for access to information; and
(g) The schedule of applicable fees.

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

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

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

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

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and

the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

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

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

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

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

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

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

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

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

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

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

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

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

By the President:

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

ANNEX “C”

FOI Receiving Officer of the Tourism Promotions Board (TPB)

| NAME OF ASSIGNED FOI RECEIVING OFFICER | CONTACT DETAILS |
|--|---|
| Donna Baranda Alternates: Enrico Mercado Jobelle Mae Bondame | Trunkline 5259318-27 Email Address: info@tpb.gov.ph odcoo_ca@tpb.gov.ph |

**ANNEX “D”
LIST OF EXCEPTIONS**

1. Information that directly relates to the national security or defense and its revelation may cause grave damage to national security or internal or external defense of the state.
2. National Security Matters.
At the very least, this jurisdiction recognizes the common law holding that there is a military, diplomatic and other national security matters.
3. Executive Privilege involving information relating to the President’s commander-in-chief, appointing, pardoning and diplomatic powers.
4. Information on inter-government exchanges prior to the conclusions of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interest.
5. Deliberate Process Privilege
6. Presidential Communication’s Privilege.
7. The information requested pertains to internal and/ or external defense and law enforcement, when the disclosure thereof may:
 - a. Lead to the disclosure of the identify of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information complied by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, or
 - b. Disclosure legitimate techniques and procedure for law enforcement investigations or prosecutions, or would disclose legitimate guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably by expected to risk circumvention of the law, or
 - c. Endanger the life or physical safety of any individual, or
 - d. Deprive a person of a right to a fair trial and impartial adjudication.
9. Criminal Matters. Also excluded are classified law enforcement matters, such as those relating to the apprehension, the prosecution and the detention of criminals, which courts may not inquire info prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding

rescue operations, the whereabouts of fugitives, or lead on convert criminal activities.

10. Investigation or proceeding conducted by public authorities.

11. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries.

12. Prohibition on the Disclosure of investigatory records compiled for law enforcement purposes or information which if writers would be contained in such records, but only to the extent that the production of such records or information would:

- a. Interfere with enforcement proceedings;
- b. Deprive a person of a right to a fair trial or an impartial adjudication;
- c. Disclose the identity of a confidential source and in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source unjustifiably disclose investigate techniques and procedures.

13. Proceeding before the Committee on Decorum and Investigation during preliminary investigation.

14. Informer's privilege of the Government not to disclose the identity of a person or persons whom furnish information of violations law to officers charged with the enforcement of the law and the identity of a confidential informant.

15. Prohibition on disclosure the identity of persons who furnish information of violations of law to officers-in-charge with the enforcement of the law.

16. Prohibition on the disclosure of information that would put the life and safety of an individual in imminent danger.

17. The information requested consist of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function.

18. Proceeding before, or information in the possession of, any government agency, tribunal, board, or officer, which under its respective rules or regulations are treated as confidential and privileged.

19. Confidential information generally refers to information not yet made a matter of public records relating to pending cases, such as notes drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or order shall remain confidential.

20. Courts records, including pleadings and other documents filed by litigants are confidential
21. Requested information pertains to an act which tends to exact testimony from government officials by a citizen are confidential
22. Such information, record or document compromises drafts of decision orders, rulings, policy decisions, memoranda, etc.
23. The information required pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute an unwarranted invasion of his or her privacy, unless it forms part of the public record, or the person is or was an official of the government agency and the information relates to his or her public function or the person has consented, in writing to the disclosure of the information.
24. Information concerning the application, together with all the records, documents and communications relating thereto and its processes shall be confidential.
25. Information requested pertains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communication, and/or filed with a government agency, whenever the relation thereof would prejudice the interest of such natural or juridical person in trade, industrial, financial or commercial competition.
26. Trade Secrets and Banking Transactions.
27. Confidential, commercial and financial information are excluded from disclosure.
28. Confidential business information gathered by certain government agencies or officials on the operations, books, records or private corporations and business not required to be made public.
29. Anti-Money laundering concerns, covered or suspicious transaction reports, or any other information in relation thereto.
30. Prohibition of disclosing information under the National Internal Revenue Code.
31. Prohibition on the disclosure of confidential information under the National Revenue Code.
32. Trade secrets acquired by government agencies or officials in the discharge of their duties. 33. Information relating to potential intellectual property right.

34. Documents submitted through the Government Electronic Procurement System (G-EPS).

35. Confidential matters under the Arbitration Law and Alternative Dispute Resolution Law involving arbitration proceeding and when the parties in an arbitration clause so provided that the proceeding and its incidents shall be confidential and information acquired in mediation or arbitration proceedings.

36. An oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or retaining a mediator.

37. Pleading, motions, manifestations, witness statement, reports filed or submitted in arbitration or for expert evaluation.

38. Information on on-going evaluation or review of bids or proposals being undertaken by the bidding or review committee which are not yet considered as "official acts, transaction, or decisions" on the bids or proposals or "definite propositions" on the part of the government.

39. Information considered as privilege communications I legal proceeding by law or by the Rulers of Court.

40. Privileged communication under the Rules of Court (in respect of government lawyers, government doctors, and other public officers and employees).

a. A public officer cannot be examined during his term of office or afterwards as to communications made to him in official confidence, when the court finds that the public interest would suffer by the disclosure.

41. Attorney-client privilege existing between a government lawyer and their client.

42. Client identity is privileged where a strong probability exists that revealing the clients name would implicate that client in the activity for which he sought the lawyer's advice or would expose the client to evil liability.

43. Confidentiality of information relating to pending cases even after the decision, resolution or order is made public.

44. Requesting information pertains to comments and disclosure on pending cases in judicial proceedings.

45. Records of cases that are still pending for decision are privileged materials that cannot be disclosure, except only for pleading, orders and resolutions that have been made available by the court to the general public.

46. Identify of News, Informants under R.A. 1477 (The Shield Law).
47. Requested information pertains to unauthorized recording from all the parties of any private communication spoken word to secretly overhear, intercept or record of such communication by using any recording device
48. Secrets of private individual know by public officer by reason of his or her office.
49. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized person, or releasing such information in advance of its authorized released date.
50. Confidential or classified information officially known to public officer and employees by reason of their office and not made available to the public
51. Non-disclosure of Statement of Assets, Liabilities and Net Worth if the purpose/s is /or any of the following purposes
- (a) any purpose contrary to morals or public policy; or
 - (b) any commercial purpose other than by news and communications media for dissemination to the general public
52. The information is of a nature that its premature disclosure would:
- (1) in the case of an agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, be likely to lead speculations in currencies, interest rates, securities, commodities market; or
 - (2) in the case of other agencies, be likely to frustrate the effective implementation of a proposed official action: Provided, that the information shall be disclosed once the abovementioned dangers have ceased.
53. Information involving a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request for information unless a reasonable interval has lapsed between compliance between with the previous request and the making of the current request.
54. The right information may be subject to reasonable regulations as to manner and hours of examination, efforts to avoid loss or damage, undue interference with the duties of the custodian of the records, and ensuring the right of the persons entitled to also inspect the records. Requesting citizens, further, cannot compel custodians of records to prepare list of abstracts of the data.
55. Government officials cannot be compelled to prepare lists and detailed reports on how congressional funds were disbursed.

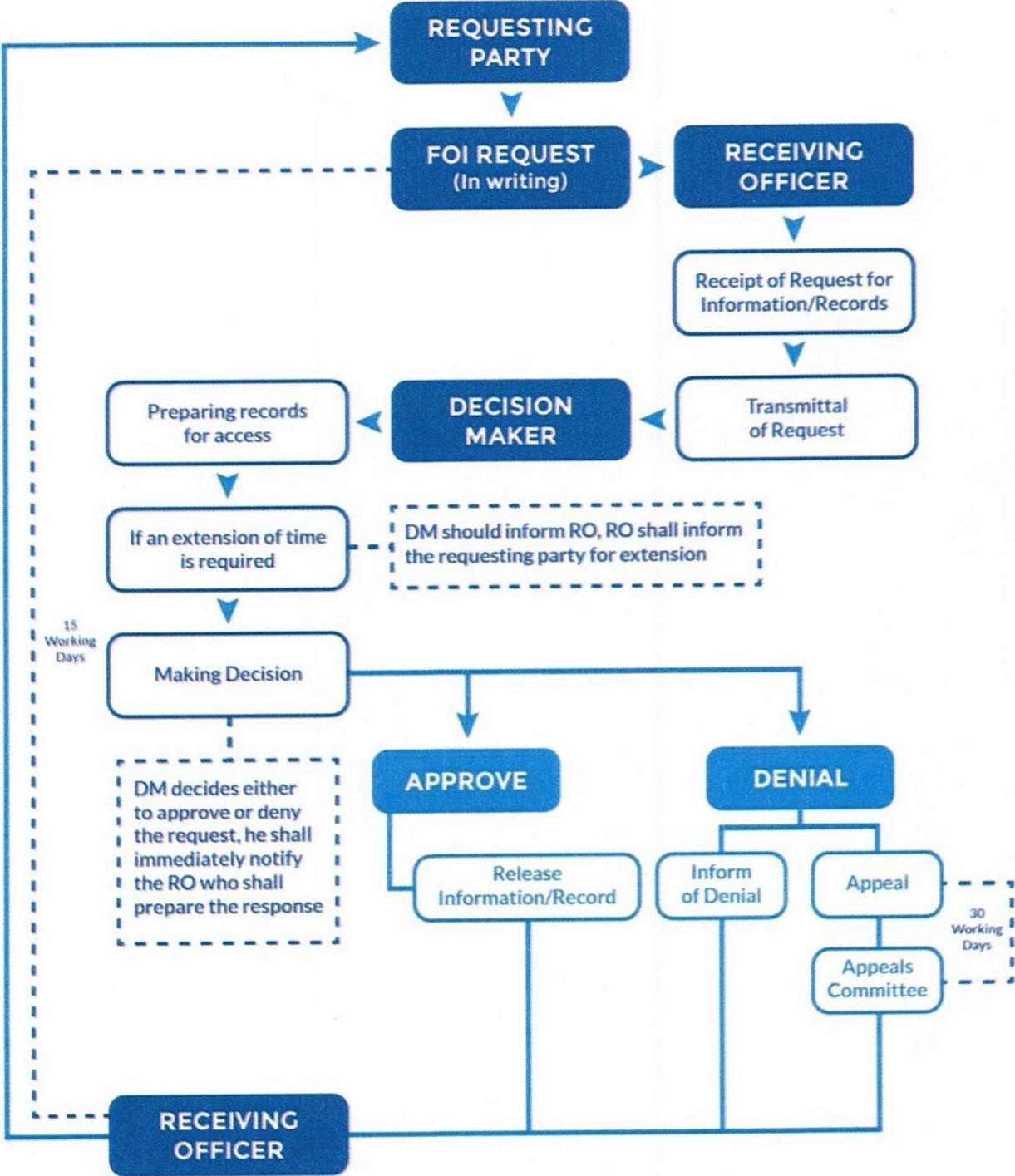
Other Exceptions

- Confidentiality of information known to a public official or employee by reason of his office.
- Information and statements made at reconciliation proceedings.
- Expenditure relating to classified information, such as the purchaser of information and payments of rewards.

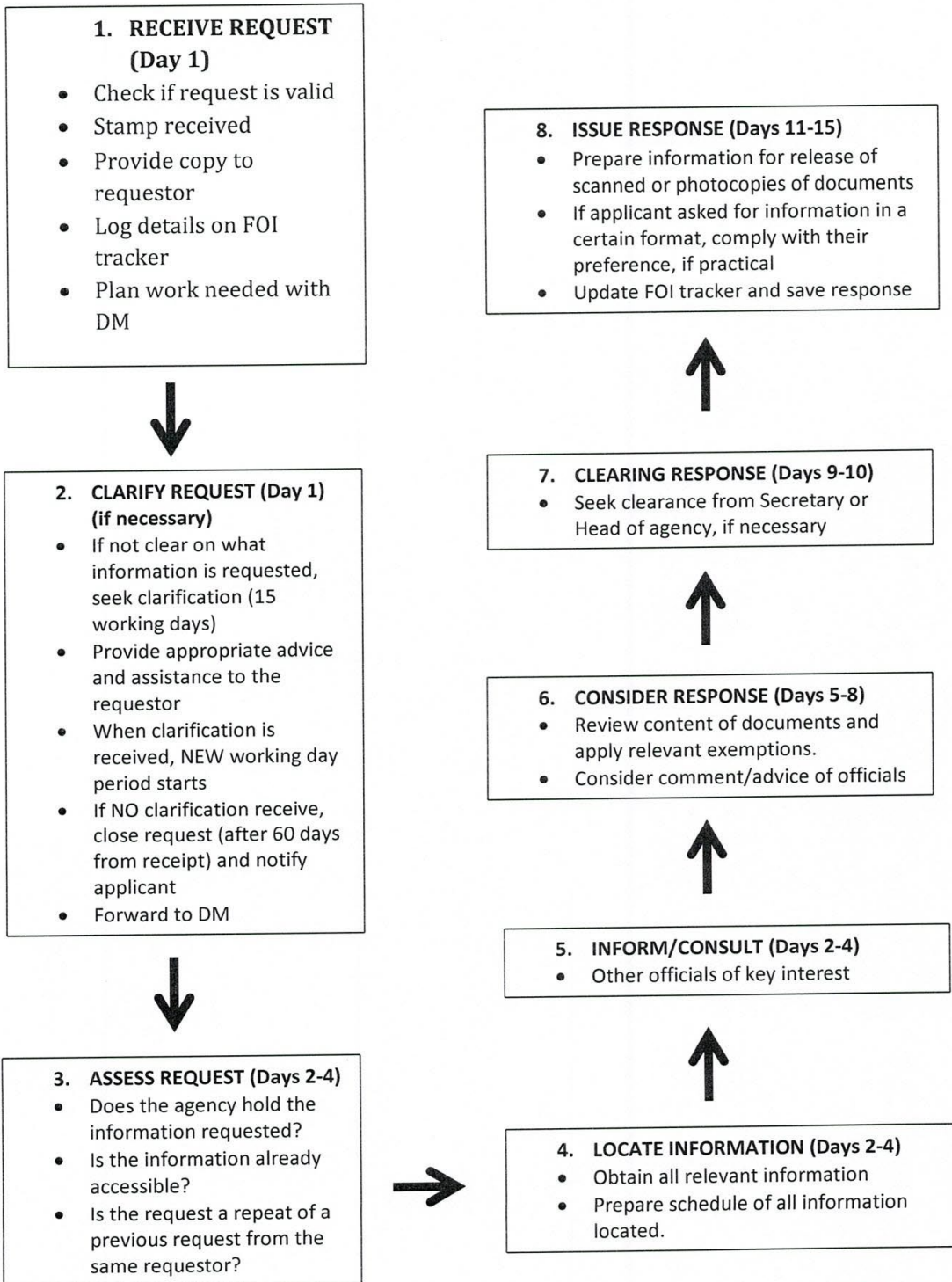
RULE 4 of RA 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees)

- Information, record or documents kept secret in the interest of national defense or security
- Conduct of foreign affairs
- Disclosure would put the life and safety of an individual in imminent danger
- Information, record or document sought falls within the concepts of established privilege or recognized exceptions
- Information, record or document compromises drafts of decisions, orders, rulings, policy, decisions, memoranda
- Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy
- It would disclose investigatory records compiled for law enforcement purposes
- Interfere with enforcement proceedings
- Deprive a person of a right to a fair trial or an impartial adjudication
- Disclose the identity of a confidential source
- Unjustifiably disclose investigate techniques and procedures
- Premature disclosure of which would lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution
- Likely or significantly to frustrate implementation of a proposed official action.

**ANNEX "E" (Option 1)
Flow Chart**



ANNEX E
FOI REQUEST FLOW CHART (OPTION 2)



ANNEX E.1
FOI REQUEST PROCESS (OPTION 2)

| DAY 1 | DAYS 2-4 | DAYS 5-8 | DAYS 9-10 | DAYS 11-15 |
|---|--|--|---|---|
| <p>RECEIVE REQUEST</p> <ul style="list-style-type: none"> • Check if request is valid • Stamp received • Provide copy to requestor • Log details on FOI tracker • Plan work needed with DM <p>CLARIFY REQUEST (if necessary)</p> <ul style="list-style-type: none"> • If not clear on what information is requested, seek clarification (15 working days) • Provide appropriate advice and assistance to the requestor • When clarification is received, NEW working day period starts • If NO clarification receive, close request (after 60 days from receipt) and notify applicant • Forward to DM | <p>ASSESS REQUEST</p> <ul style="list-style-type: none"> • Does the agency hold the information requested? • Is the information already accessible? • Is the request a repeat of a previous request from the same requestor? <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> • Obtain all relevant information • Prepare schedule of all information located. <p>INFORM/CONSULT</p> <ul style="list-style-type: none"> • Other officials of key interest | <p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> • Review content of documents and apply relevant exemptions. • Consider comment/advice of officials | <p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> • Seek clearance from Secretary or Head of agency, if necessary | <p>ISSUE RESPONSE</p> <ul style="list-style-type: none"> • Prepare information for release or scanned or photocopies of documents • If applicant asked for information in a certain format, comply with their preference, if practical • Update FOI tracker and save response |



FREEDOM OF INFORMATION REQUEST FORM

IMPORTANT – Please read this information carefully before you complete the FOI request form. Once you have completed your request we **strongly advise** that you keep a copy for your records.

What is Executive Order No.2 s. 2016?

On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, also known as the Freedom of Information (FOI) Executive Order (EO). It upholds the constitutional right of people to information on matters of public concern.

The Executive Order covers all government offices under the Executive Branch, including government-owned or -controlled corporations (GOCCs) and state universities and colleges (SUCs). It requires all executive departments, agencies, bureaus, and offices to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.

What is Freedom of Information?

The FOI EO is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. The FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

Freedom of Information is an integral element of President Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance.

Who is overseeing the implementation of FOI Executive Order No. 2?

The Office of the President through the Presidential Communications Operations Office (PCOO) is overseeing the implementation and operationalization of the FOI program. PCOO is also responsible for monitoring compliance and performance of all government agencies.

MAKING AN FOI REQUEST

Who can make an FOI request?

Under the FOI EO, any Filipino citizen can make an FOI request. As a matter of policy, requesting parties are required to present proof of identification (e.g., passport, driver's license, SSS ID, voters ID) in the submission of an FOI request.

Which agencies can I request information from?

An FOI request can be made to any government office under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or controlled corporations, and state universities and colleges.

What is the procedure for making a valid FOI request?

To make a valid request, you must:

- Place your request in writing. Ensure to state your full name, contact information and provide a valid copy of your government-issued ID as proof of your identity. You can use the attached form or send a letter detailing your request submitted directly to the concerned agency or by email;
- Describe in detail the documents you wish to access; and
- Include the preferred mode of communication in order to be alerted about the status of your request, as well the preferred mode of receiving the documents, should your request be granted.

FEES

How much does it cost to make an FOI request?

There are **NO FEES** for making an FOI request. An agency however, may charge a reasonable fee for necessary costs associated with processing a request - including costs of printing, delivery, reproduction and/or photocopying.

NOTE: Use of this FOI request form is optional. Any written format for a Freedom of Information request is acceptable.

PROCESSING TIMES

When can I expect to receive a response to an FOI request?

Under the FOI EO, the standard processing time is fifteen (15) working days. During this time, you will be contacted regarding your FOI request through your preferred mode of communication.

If your request is granted, you can expect to receive the documents either through regular mail or email, or be requested to collect the documents at the office you had applied to. Otherwise, the agency will explain why your request is delayed or denied.

Can an agency request for a time extension?

In some cases, an agency may need more time to review your request and thereby inform you of an extension of processing period. Under such circumstances, an agency is permitted to extend an additional twenty (20) working days should the need arise.

Can I have my request expedited?

There is no process by which requests can be expedited. All requests will be reviewed equally on a case-by-case basis and allotted the fifteen (15) working day processing period from the time of receipt.

COMPLAINTS HANDLING

What if you are not happy with how the agency has handled your request?

Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure indicated in the Agency FOI Manual; provided that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

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

IMPORTANT INFORMATION

Privacy

Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2.

If the agency gives you access to a document, and if the document contains no personal information about you, the document may be published online in the Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

Copyright

According to Sec. 176.1 of the Intellectual Property Code of the Philippines (RA No. 8293, as amended), No copyright shall subsist in any work of the Government of the Philippines. However, prior approval of the government agency or office wherein the work is created shall be necessary for exploitation of such work for profit. Such agency or office may, among other things, impose as a condition the payment of royalties. No prior approval or conditions shall be required for the use of any purpose of statutes, rules and regulations, and speeches, lectures, sermons, addresses, and dissertations, pronounced, read or rendered in courts of justice, before administrative agencies, in deliberative assemblies and in meetings



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◀) denotes a MANDATORY field.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

| | | |
|---|--|------------|
| 1. Title <i>(e.g. Mr, Mrs, Ms, Miss)</i> | 2. Given Name/s <i>(including M.I.)</i> | 3. Surname |
| _____ | ◀ _____ | ◀ _____ |
| 4. Complete Address <i>(Apt/House Number, Street, City/Municipality, Province)</i> | | |
| ◀ _____ | | |
| 5. Landline/Fax | 6. Mobile | 7. Email |
| _____ | ◀ _____ | _____ |
| 8. Preferred Mode of Communication | <input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address <i>(If your request is successful, we will be sending the documents to you in this manner.)</i> | |
| 9. Preferred Mode of Reply | <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-Up at Agency | |
| 10. Type of ID Given <i>(Please ensure your IDs contain your photo and signature)</i> | <input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others _____ | |

B. Requested Information

| | | |
|---|---------|---------|
| 11. Agency - Connecting Agency <i>(if applicable)</i> | ◀ _____ | ◀ _____ |
| 12. Title of Document/Record Requested <i>(Please be as detailed as possible)</i> | ◀ _____ | |
| 13. Date or Period <i>(DD/MM/YY)</i> | ◀ _____ | |
| 14. Purpose | ◀ _____ | |
| | _____ | |
| | _____ | |
| 15. Document Type | ◀ _____ | |
| 16. Reference Numbers <i>(if known)</i> | ◀ _____ | |
| 17. Any other Relevant Information | ◀ _____ | |

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ◀ _____

Date Accomplished (DD/MM/YYYY) ◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A) ◀ _____ ◀ _____

Date entered on eFOI (if applicable, otherwise N/A) ◀ _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) ◀ _____

Decision Maker Assigned to Application (print name) ◀ _____

Decision on Application Successful Partially Successful Denied Cost
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY) ◀ _____

Date Documents (if any) Sent (DD/MM/YYYY) ◀ _____

FOI Registry Accomplished Yes No

RO Signature ◀ _____

Date (DD/MM/YYYY) ◀ _____

ANNEX F
FOI REQUEST FORM (OPTION 2)

Title of the Document: _____

Year Covered: _____

Purpose:

Name: _____

Address: _____

Contact No.: _____

How would you like to receive the information?

- Email _____
- Fax _____
- Postal Address _____

Proof of Identity

Passport No. _____
Driver's License _____
Others _____

(Signature above Name of the Requestor)

Submitted to: _____
(Signature above Name)

Date/Time of Submission _____

Certified by _____
(Signature above Name)

Type of Action Conducted _____

FOI Receiving Officer

Remarks _____

**ANNEX “G-1”
FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED**

DATE

Dear ,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

Your FOI request is approved. I enclose a copy of [some/most/all]* of the information you requested [in the format you asked for]

Thank you.

Respectfully,

FOI Receiving Officer

**ANNEX “G-2”
FOI RESPONSE TEMPLATE - ANSWER**

DATE

Dear ,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX “G-3”

FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE

DATE

Dear ,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

[Some/Most/All] of the information you have requested is already available online from <add details of where that specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,
FOI Receiving Office

**ANNEX “G-4”
FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS**

DATE

Dear ,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]* the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions applies to that information>. The reasons why that exemption(s) applies are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,
FOI Receiving Officer

ANNEX “G-5”
FOI RESPONSE TEMPLATE – IDENTICAL REQUEST

DATE

Dear ,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary and postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Receiving Officer



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

Annex H

FOI-MC No. 21- 05

FREEDOM OF INFORMATION MEMORANDUM CIRCULAR

FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCS), STATE UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL WATER DISTRICTS (LWDS)

SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE “NO WRONG DOOR POLICY FOR FOI”

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by virtue of PCOO's mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “**Second Referral**” and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a “**FOI Internal Messenger**”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. – A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs

in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

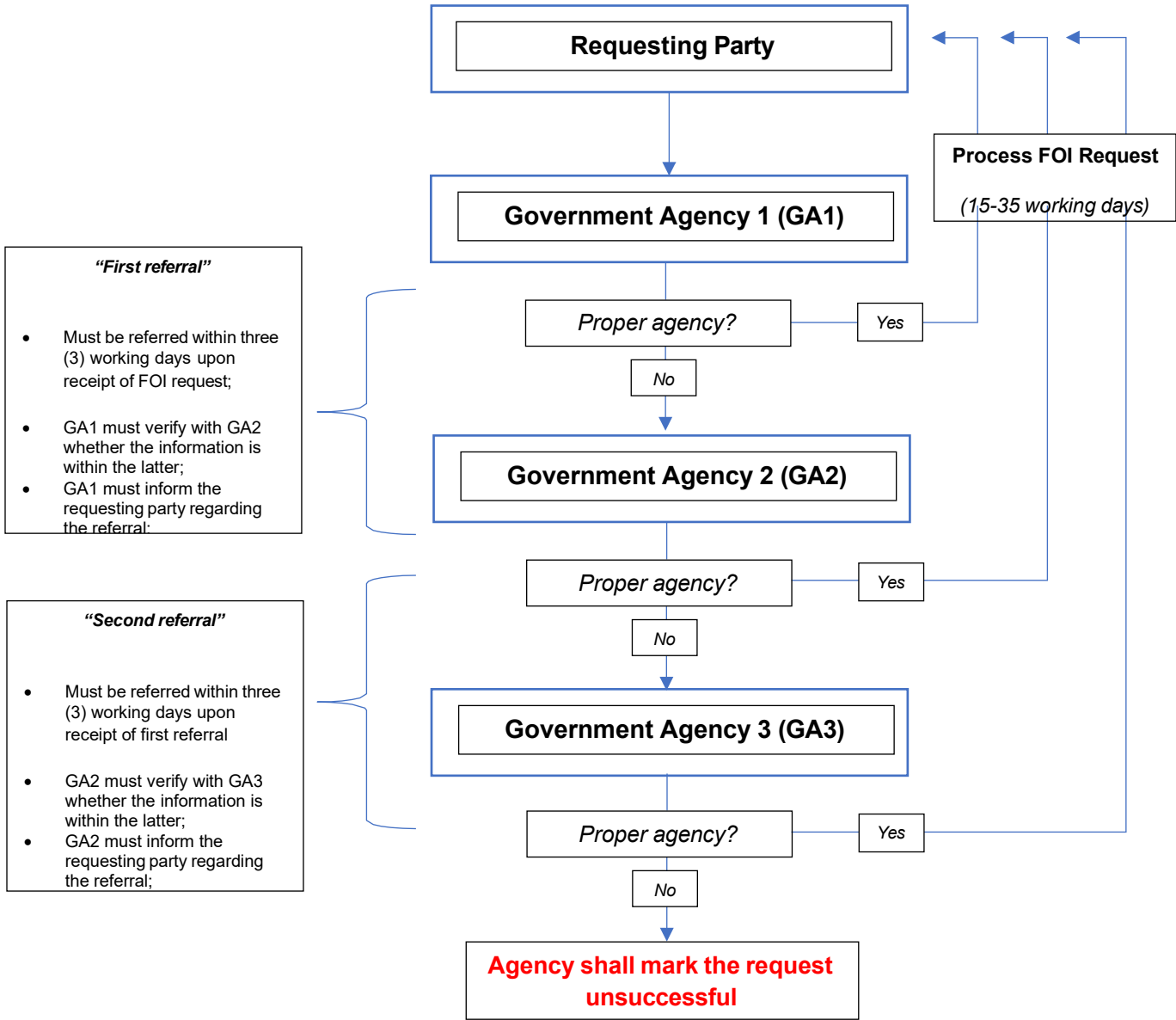
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR

Secretary and FOI

**NO WRONG DOOR POLICY
FLOWCHART**



NOTE: If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

Freedom of Information Program

Pangalan ng Ahensya: TOURISM PROMOTIONS BOARD (TPB)

Address: 6/F, Five E-Com Center, Harbor Drive, Mall of Asia Complex, Pasay City

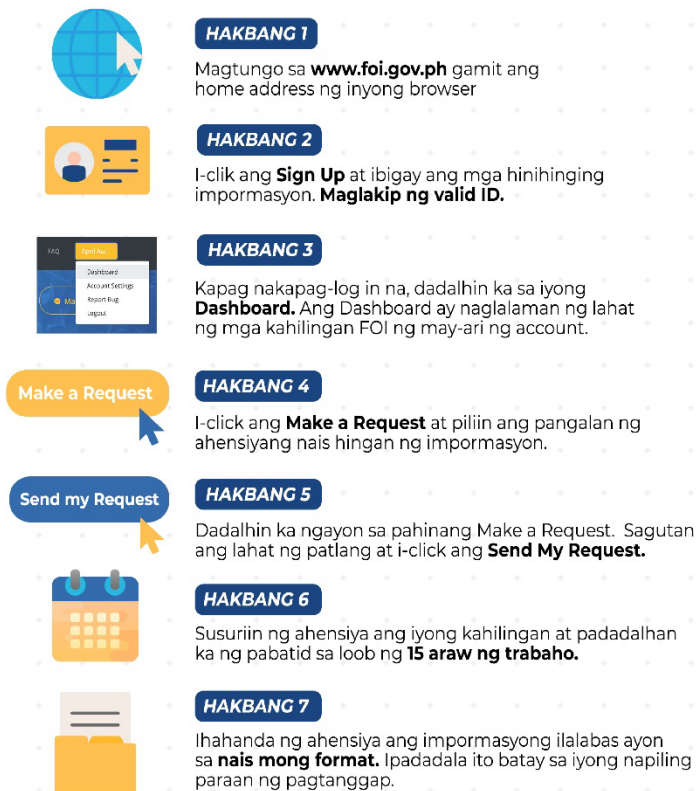
Pangalan ng FOI Receiving Officer: Donna Vee V. Baranda, Alternate: Rocky Mercado and Mae Bondame

Impormasyon sa Pakikipag-ugnayan: 8559-6063

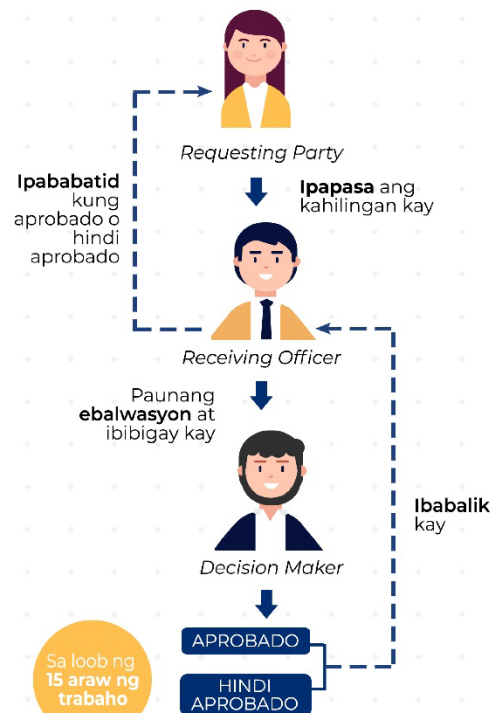
Email Address: odcoo_ca@tpb.gov.ph / info@tpb.gov.ph

PARAAN NG PAGHILING

Electronic Request



Standard Request



Mekanismo ng Pag-apela

Kung hindi ka nasiyahan sa naging tugon sa iyong kahilingang FOI, maaaring hilingin sa amin na magsagawa ng internal review sa tugon sa pamamamagitan ng pagliham sa foi@pco.gov.ph. Kailangang ipaliwanag sa iyong hiling na review kung bakit hindi ka nasiyahan sa tugon, at dapat na isumite ito sa loob ng 15 araw mula sa petsa ng pagkakatanggap ng liham na ito. Isasagawa namin ang review at ipababatid sa iyo ang resulta sa loob ng 30 araw mula sa petsa ng pagkakatanggap ng iyong apela.

Freedom of Information Program

Name of Agency: TOURISM PROMOTIONS BOARD (TPB)

Address: 6/F, Five E-Com Center, Harbor Drive, Mall of Asia Complex, Pasay City

FOI Receiving Officer: Donna Vee V. Baranda, Alternate: Rocky Mercado and Mae Bondame

Contact Details: 8559-6063

Email Address: odcoo_ca@tpb.gov.ph / info@tpb.gov.ph

MODE OF REQUESTS

Electronic Request



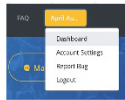
STEP 1

Go to www.foi.gov.ph to your browser's home address.



STEP 2

Click the **Sign-Up** button and provide all the required fields. **Attach a valid ID.**



STEP 3

Once logged in, you will be directed to your **Dashboard**. The Dashboard contains all the FOI requests of the account owner.

Make a Request

STEP 4

Click the **Make a Request** button then select the name of the agency you wish to ask.

Send my Request

STEP 5

You will now be directed to the Make a Request Page. Accomplish all fields then click **Send My Request**.



STEP 6

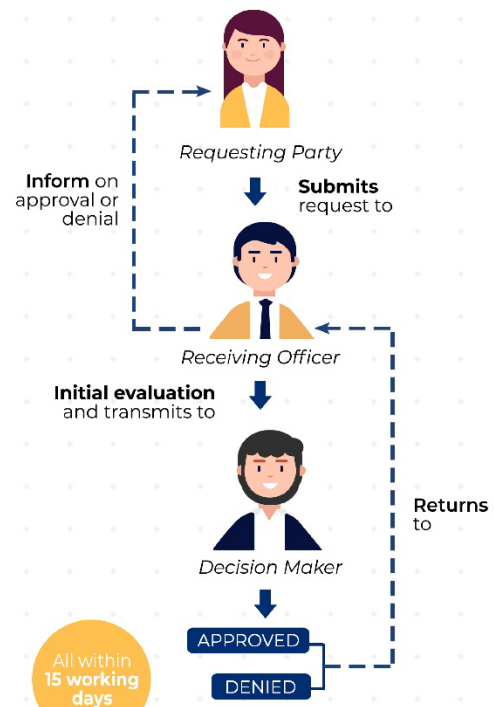
The agency will evaluate your request and will notify you within **15 working days**.



STEP 7

The agency will prepare the information for release, **based on your desired format**. It will be sent to you depending on the receipt of preference

Standard Request



Appeals Mechanism

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to foi@pco.gov.ph. Your review request should explain why you are dissatisfied with the response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 calendar days from the date when we receive your appeal.