



INTERIM FREEDOM OF INFORMATION MANUAL OF THE CENTER FOR INTERNATIONAL TRADE EXPOSITIONS AND MISSIONS

I. OVERVIEW, PURPOSE, STRUCTURE AND COVERAGE.

1. OVERVIEW

It is the policy of the State to adopt and implement full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Likewise, it is mandated that all transactions in the government shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness.

2. PURPOSE

The purpose of this CITEM Interim Freedom of Information Manual (Manual) is to provide the process by which the Center for International Trade Expositions and Missions (CITEM) shall deal with requests of information received under Executive Order No. 2, s. 2016 on Freedom of Information (FOI).

3. STRUCTURE

This Manual sets out the definition of terms, standard operating procedures, remedies, fees, and administrative liability.

4. COVERAGE

The Manual shall cover all requests for information directed to CITEM for purposes of the Manual, there shall be the FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appellate Authority.

II. DEFINITION OF TERMS

- 1. 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
- 2. OFFICIAL 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.

3. **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.
4. **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.
5. **SENSITIVE PERSONAL INFORMATION** shall be as defined in the Data Privacy Act of 2012 (Republic Act No. 10173), i.e., personal information:
 1. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 2. About an individual's 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. **PROMOTION OF OPENNESS IN GOVERNMENT**

1. **ACCESS TO INFORMATION**

The Center for International Trade Expositions and Missions 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 E.O. 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.

2. **EXCEPTIONS**

Access to information shall be denied when the information falls under any of the exceptions.

3. **PROTECTION OF PRIVACY**

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

- a. That CITEM 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. That CITEM 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 CITEM, shall not disclose that information except as authorized by existing laws.

4. KEEPING OF RECORDS

CITEM shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

IV. STANDARD PROCEDURE

1. Request for Information

All requests for information shall:

- a. Be in writing and be duly accomplished
- b. Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
- c. Reasonably describe the information requested, and the reason for, or purpose of, the request for information.
- d. The request for information shall be made available in the offices of CITEM and on CITEM website.
- e. If the FRO determines that the request is incomplete in information, the FRO shall immediately return it and inform the requesting party to submit complete details of the request.

2. Manner of Making Request

A request for information shall be made by the requesting party by delivering it personally to CITEM, by sending it by mail, or by sending it by electronic email.

In case the requesting party is unable to make a written request because of illiteracy or disability, he or she may make an oral request and the FRO shall reduce it into writing. The requesting party shall sign the form.

3. Receipt of Request

A complete request for information shall be signed and stamped received by the FRO after it has been delivered to him/her by the personnel who actually received the request. The FRO shall indicate the date and time of receipt and the name, rank, title and position of the said personnel at the receiving station.

For email requests sent on a non-working day, and during non-working hours, receipt shall be at the start of the working hours of the next working day. A confirmation email shall then be sent to the requesting party. For email requests to be considered received:

- a. they must be sent to **feedback@citem.com.ph**; and
- b. an acknowledgement email must be sent to the requesting party within 1 working day

4. Period to Respond

- a. CITEM shall respond to the requesting party within fifteen (15) working days from the date of receipt of the complete request for information.
- b. 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 Civil Code shall be observed.

- c. The date of receipt shall be:
 - a. The date when the request is physically delivered to CITEM;
 - b. The date when the request is received by mail by CITEM; or
 - c. The date when the request is electronically received by CITEM, provided that, when the request has been emailed to an CITEM employee who is absent and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact, then it shall be the date when the request is electronically delivered to that contact.

5. Period of Extension

- a. The period may be extended whenever the request requires extensive search of the records facilities of CITEM, examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The FDM shall inform the FRO, and the FRO shall inform the requesting party of the extension, setting forth the reasons for such extension.
- b. In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

6. Transmittal of Request by the FRO to the FDM

The FRO shall forward the request for information to the FDM within one day from receipt. The FRO shall record the date and time and the name of the FDM who received the request in a record book with the corresponding signature.

7. Response on the Request

Upon receipt of the request for information from the FRO, the FDM shall assess the request. Response shall be relayed by the FRO to the requesting party, by mail or by email.

8. Request Relates to More Than One Division/Unit

If the FDM needs details from different CITEM divisions/units, clarification from said divisions/units shall be made.

9. Request Needs Clarification

If the FDM needs further details to identify or locate the information, clarification from the requesting party shall be made.

This shall stop the running of the 15-day period, which will continue to run the day after the required details are received from the requesting party.

10. Approval of Request

Upon receipt of the requested information from the FDM, the FRO shall collate the information, notify the requesting party in writing, and direct the party to pay any applicable fees.

11. Denial of Request

No request shall be denied by the FDM unless:

- a. the reason for the request is contrary to law or rules and regulations, or
- b. the request falls under the exceptions under the Inventory of Exceptions issued by the Office of the President.

The FRO shall notify the requesting party in writing, clearly setting forth the ground for denial and the circumstances on which the denial is based.

12. Requested Information is Substantially Similar or Identical to a Previous Request

CITEM shall not be required to act if, upon determination by the FDM, the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or denied. The requesting party shall be advised accordingly.

13. Requested Information is Available On-Line

If the FDM determines that the requested information is already available on CITEM website or any other government website covered by this E.O., the requesting party shall be advised accordingly and provided with the website link where the information is posted.

14. Requested Information is Not in the Custody of CITEM

If the FDM determines that the requested information refers to another government agency, the request shall be transferred to such appropriate government agency, copy furnished the requesting party.

15. If the government agency is 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.

V. REMEDIES IN CASE OF DENIAL

1. In case of denial of a request for information, the requesting party may appeal to the Appellate Authority. The appeal shall be in writing, and shall be filed within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided within thirty (30) working days from receipt of the appeal.
2. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

VI. REQUEST TRACKING SYSTEM

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

VII. FEES

1. NO REQUEST FEE

Except when mandated and/or allowed by law, CITEM shall not charge any fee for accepting requests for information.

2. REASONABLE COST OF REPRODUCTION AND COPYING OF THE INFORMATION

CITEM may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall immediately notify the requesting party.

3. EXEMPTION FROM FEES

The FDM may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason.

VIII. 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:

- 1st Offense - Reprimand
- 2nd Offense - Suspension of 1-30 days
- 3rd Offense - Suspension of 1-3 months
- 4th 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. Provision for More Stringent Laws, Rules and Regulations

Nothing in this Manual shall be construed to derogate from any law or rules or regulations prescribed by the Civil Service Commission which provide for more stringent penalties.

IX. POSTING AND EFFECTIVITY

This Manual shall be posted on CITEM website upon its approval by the CITEM Management and shall take effect fifteen (15) days from the date of filing with the Presidential Communications Operations Office (PCOO), Malacañang, Manila, Philippines.

Given this ____ of November 2017 at Center for International Trade Expositions and Missions, ITC Complex, Roxas Boulevard cor. Senator Gil J. Puyat Avenue, 1300 Pasay City, Metro Manila, Philippines.

Approved:

CITEM Management

By:


GLAYTON H. TUGONON
Executive Director

CITEM FOI ANNEXES

ANNEX "A"

EXECUTIVE ORDER NO. 2

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 Article 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 9 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 9 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. [research date of publication]

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 "B"

LIST OF EXCEPTIONS

<<To be provided by the Office of the President, as per Memorandum etc.>>