



# FREEDOM OF INFORMATION MANUAL

**S U R V I V E # 1 5 C T H R I V E**

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## SECTION 1. OVERVIEW

- 1. Background and Purposes.** Executive Order (EO) No. 2, otherwise known as the Freedom of Information (FOI) EO, was signed by President Rodrigo Roa Duterte on 23 July 2016. The Executive Order was issued with a view to enforce the constitutionally guaranteed right of the people for public disclosure of government transactions involving public interest. It is meant to enhance transparency and accountability in government official acts, transactions, or decisions. It is entitled: “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 Guideline Therefor” In light of the above Executive No. 02, s. 2016, the Climate Change Commission (CCC) has created a manual which aims to provide guidance and assistance to Officers and employees of CCC dealing with requests for copies of official documents or public records in the official custody of this Office pursuant to Executive Order No. 02, series of 2016.
- 2. Structure.** This FOI manual shall set out the rules and procedures to be followed by the Climate Change Commission when a request for access to information is received. It also provides for the relevant forms and other annexes. The Vice Chairperson and Executive Director is responsible for all actions carried out under this Manual and may delegate this responsibility.
- 3. Coverage.** 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. (Sec. 2, EO 2, s. 2016).
- 4. FOI Receiving Officer.** The Freedom Receiving Officer (FRO) shall be from the Administrative and Finance Division, particularly from the Records Unit which shall hold office on the sixth floor of First Residences building. The FRO before forwarding the FOI request to the proper FOI Initial Decision Maker (FIDM), shall conduct an initial evaluation on: (1) the nature of the document; and (2) on the request and advise the requesting party whether the request will be further evaluation, or may be denied based on the following grounds:
  1. The request form is incomplete or invalid, in which case, the requesting party shall be notified accordingly;
  2. The information is already disclosed in the CCC Official Website, [climate.gov.ph](http://climate.gov.ph), or at [data.gov.ph](http://data.gov.ph).
  3. The requested information is substantially similar or identical to the previous request.

- 5. FOI INITIAL DECISION MAKER (FIDM).** All Division Chiefs shall be the FIDM insofar as FOI requests pertaining to information being handled by each Division Chief or information and documents found in their custody. The request may be denied based on the following grounds:
- a) The CCC does not have the information requested;
  - b) The CCC is not in the possession or custody of the requested information or records and/or is not authorized to release the information to the public;
  - c) The information requested contains sensitive personal information protected by Republic Act No. 10173 or the Data Privacy Act of 2012; and
  - d) The information falls under the exceptions to right of access to information; or
  - e) The requested information is substantially similar or identical to the previous request by the same requesting party whose request has been previously granted or denied by the CCC.
- 6. FOI DECISION MAKER (FDM).** The FOI Decision Maker (FDM) shall be the Deputy Executive Director of the CCC. The FDM shall conduct evaluation of the request for information and has the authority to grant/approve the request, or deny it.
- 7. FOI APPELLATE AUTHORITY.** The Vice Chairperson and Executive Director, shall be the FOI Appellate Authority whose primary function is to decide on appeals.

## SECTION 2. DEFINITION OF TERMS

**data.gov.ph.** The Open Data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.

**eFOI.gov.ph.** The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

**ADMINISTRATIVE FOI APPEAL.** An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

**ANNUAL FOI REPORT.** A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

**CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”

**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 at each agency 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 the CCP or any of its office, bureau or agency 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 a government office 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](http://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 a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

**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.

**PUBLIC SERVICE CONTRACTOR.** Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

**RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an agency has received within a fiscal year.

**REFERRAL TO THE APPROPRIATE GOVERNMENT DEPARTMENT, OFFICE OR AGENCY.** Shall mean that a government office forwarded an FOI Request to another government department, office or agency under the Executive Branch that is the proper repository or custodian of the requested information or records, or has control over said information or records.

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

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

**Limitations:** The right of access to information is without prejudice to the right of the CCC to determine whether there are grounds to believe that: the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her, the request is prompted by sheer idle curiosity, the request is being made with a plainly discernable improper motive such as harassment, the purpose of the request is contrary to law, morals, good customs or public policy, or the request is for any commercial purpose.

### **SECTION 4. STANDARD PROCEDURE**

#### **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 reasons for, or purpose of the request for information.

The request can be made through email or other online modes, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo or shall personally submit the request form.

- 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. The request form will be thumb-marked by the requesting party in the presence of the FRO.
- 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 e-mail requests, the e-mail request and accompanying undertaking, processed following the procedure mentioned above, and acknowledged by a reply e-mail.
- 1.4 The CCC must respond to the request, within fifteen working days 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 holiday national or local. 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 the CCC, or directly into the email inbox of the FRO; or
  - b) If the CCC has asked the requesting party for further details to identify and locate the requested information, the date on which the clarification is received shall be considered as the date of request.

However, when an email is redirected to another person FRO, the time shall commence when the redirected communication is received by the proper FRO.

2. **Initial Evaluation.** Upon receipt of the request for information, the FRO shall evaluate the contents of the request and the nature or type of the information requested to determine the proper FIDM among Division Chiefs.

- 2.1 **Request relating to more than one office under the CCC:** If a request for information is received which requires action of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and shall monitor its compliance.

- 2.2 **Requested information is not in the custody of the CCC or any of its Office/Divisions:** If the requested information is not in the custody of the CCC or any of its Offices/Divisions, the FIDM shall undertake the following steps:

- a. If the records requested is in the custody of a department, office or agency of the executive branch, the FOI request will be immediately referred to such appropriate government, office or agency which may have the information through the most expeditious manner but not exceeding three (3) working days from the receipt of the request pursuant to FOI MC NO. 21-05 or The No Wrong Door Policy for FOI. This shall be considered as the “First Referral” and a fresh period will apply.



If the CCC fails to render the request within three (3) working days upon its receipt, the FIDM shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

The FIDM must inform the requesting party through email or letter that the information is not held by the CCC within the period specified above. The FRO shall transmit such letter or email to the requesting party. The fifteen (15)-working day requirement for the appropriate department, office or agency commences the day after it receives the request.

If the CCC, in good faith, erroneously referred the request to another government department, office or agency (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 department, office or agency (GA3) under the procedure set forth above. This shall be considered as the Second Referral and another fresh period shall apply.

Referrals under the No Wrong Door Policy shall only be limited to two (2) subsequent transfers of request.

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.

- b. If the records refer to an Office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and shall be provided with the contact details of that office, if known.

**2.3 Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the CCC website [climate.gov.ph](http://climate.gov.ph), [data.gov.ph](http://data.gov.ph) or [foi.gov.ph](http://foi.gov.ph), the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

**2.4 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 the FOI request by the FRO to the FIDM:** After evaluating the FOI request or the eFOI request, the FRO shall notify the Division Chief or the FIDM handling the document/information and forward the request to the latter within twenty-four (24)

hours from the receipt of the FOI request. The FRO shall record the date, time and name of the FIDM who received the request.

- 4. Role of the FOI Initial Decision Maker in processing the FOI request:** The FIDM shall act immediately, within three (3) working days, upon receipt and determine, through best efforts, whether the information requested is covered by the right to information or whether the request falls within the coverage of section 1, paragraph 5 of this manual.
  - 4.1** If the FIDM needs further details to identify or locate the information, he shall through the FRO, seek clarification from the requesting party. The clarification shall suspend the running of the fifteen (15) working day period and will resume the day after receipt of the required clarification from the requesting party.
  - 4.2** The FIDM shall act on the FOI request and recommend appropriate action to the FDM within three (3) working days from the time the same is submitted to him/her for review.
- 5. Extension of Time for Acting on FOI Requests:** The FIDM, through the FRO, shall notify the requesting party of the need to extend the period to act on the FOI requesting considering that it requires extensive search of the CCC's office records, facilities, or examination of voluminous records, or is affected by the occurrence of fortuitous events, other analogous case or complex requests, which shall not exceed twenty (20) working days on top of the mandated fifteen (15) working days, unless exceptional circumstances warrant a longer period.
- 6. Role of the FOI Decision Maker (FDM):** The Deputy Executive Director as FDM shall act on the recommendation of the FIDM concerned within three (3) working days from the time the recommendation is submitted to him for approval or denial.
- 7. Notifying the requesting party of the Approval/Denial of the FOI request:** After the FDM (Deputy Executive Director) approves or denies the request, the FIDM (Division Chief concerned) shall immediately notify the FRO who shall prepare the response to the requesting party in writing. For eFOI requests, the FIDM shall update the status of the request in the dashboard to notify the requesting party of the progress of the request.
- 8. Approval of the request:** The requesting party shall be informed by the FRO of the period when the requesting party may get the information requested within five (5) working days from approval. Before information is released, the FRO should require the requesting party to present the identification card presented when the request was made and direct the requesting party to pay the applicable fees, if any.
- 9. Role of the FRO in transmitting the information to the requesting party:** Upon the approval of the request, whether in whole or in part, the FRO shall inform the requesting party of the action taken within five (5) working days, in case information needs to be transmitted to the requesting party, the FRO shall ensure that all information forwarded by the FIDM is complete. However, the FIDM, through the FRO, prior to the expiration of the original fifteen (15) working day period, may inform the requesting party of the need for

an extension of time to prepare the information, which shall not exceed twenty (20) working days on top of the fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

**9.1** It shall be the duty of the requesting party to claim the information requested within fifteen (15) working days from the time he is notified that the requested information is ready and available for pick-up. Failure of the requesting party to claim the information or document within fifteen (15) working days from the notice of release shall result in the appropriate disposal of the request.

**10. Denial of Request:** In case of denial of the FOI request, whether in whole or in part, the requesting party shall be notified in writing. Setting forth the ground/s for denial, and the reason/s thereof within five (5) working days. Failure to notify the party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information.

**10.1** For eFOI requests, in addition to the requirements above, the FRO shall update the status of the request in the Dashboard and state therein the reason for the denial of the request, whether in whole or in part, within five (5) working days from the approval of the report denying the request.

## **SECTION 5. 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 CCO: 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 the Appeal by the CCO Decision Makers may be appealed by filing a written appeal to the Head of CCO 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 Head of the CCO upon the recommendation of the CCO 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.
  - c. The denial of the Appeal by the Head of the CCO or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
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 6. REQUEST TRACKING SYSTEM

The CCC 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 7. FEES

1. **No Request Fee.** The CCC 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 the CCC in providing the information to the requesting party. The schedule of fees shall be posted by the CCC.
3. **Exemption from Fees:** The CCC 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 8. 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 anybody or agency, which provides for more stringent penalties.



**SECRETARY ROBERT E.A. BORJE**

Vice Chairperson and Executive Director  
Climate Change Commission-Climate Change Office