



**PEOPLE'S
FREEDOM OF INFORMATION
MANUAL**

Series 2016

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SECTION 1. OVERVIEW

- a. **Purpose.** This Freedom of Information (FOI) Manual aims to guide and assist the National Intelligence Coordinating Agency (NICA) in dealing with requests for information under Executive Order (EO) No. 2 on FOI. It sets out the rules and procedures to be followed by the NICA when a request for access to information is received.
- b. **Coverage.** The Manual covers all requests for information directed to the NICA.
- c. **Responsibilities.** The NICA Director General (DG) is responsible for all actions carried out under this Manual. Officers/committee in-charge in the implementation of the provisions of this Manual are as follows:
- 1) **FOI Champion.** The FOI Champion is the second highest official of the NICA/Deputy Director General who shall answer all queries regarding the implementation of the FOI program.
 - 2) **FOI Receiving Officer (FRO).** The designated FRO is the officer responsible for receiving all correspondences for the NICA. The FRO shall:
 - a) receive on behalf of the NICA all requests for information;
 - b) monitor all FOI requests and appeals;
 - c) extend assistance and support to the public;
 - d) compile statistical information as required; and
 - e) conduct initial evaluation of the request, including whether to deny the same based on the following:
 - i. Incomplete fill-up of the form; or
 - ii. The requested information is already posted in the NICA website (nica.gov.ph) or at data.gov.ph.

The contact details of the NICA's FRO is attached as **Annex "A"**.

3) **FOI Decision Maker (FDM)**. The designated FDM is a NICA official with a rank not lower than a Director who shall conduct evaluation of the request for information. The FDM is authorized to grant or deny the request based on the following:

a)The NICA 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 identical or substantially similar to a previous request from the same requesting party which has already been granted or denied by the NICA.

4) **Appeals and Review Committee (ARC)**. The ARC is composed of three (3) ranking NICA officials which reviews and analyzes the denial of request for information. The ARC shall also provide expert advice to the DG on the denial of such request.

SECTION 2. DEFINITION OF TERMS

Calendar Day. Any day of the week, including weekends. It is a period of 24 hours from midnight on a given day to midnight on the next day.

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.

FOI.gov.ph. The website that serves as the government's comprehensive website for all information on the FOI. It 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.

Information. 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.

Official Records. 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. Publicly available data structured in a way that enables the data to be fully discoverable and usable by end-users.

Public Records. Include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

Personal Information. Any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information, would directly and certainly identify an individual.

Sensitive Personal Information. As defined in the Data Privacy Act of 2012, shall refer to 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 proceeding for any offense committed or alleged to have been 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.

Working Day. Any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines.

SECTION 3. PROTECTION OF PRIVACY

While providing for access to information, the NICA shall afford full protection of a person's right to privacy by undertaking the following:

- a. Ensure that personal information in its custody or under its control, particularly those that are sensitive in nature, is disclosed only when permitted by the NICA rules and regulations on security, and existing laws;
- b. Protect personal information in its custody or under its control by making appropriate security arrangements against unauthorized access, leaks or unwarranted disclosure; and
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the NICA shall not disclose that information except when authorized by existing laws, and/or provided by the NICA security rules and regulations.

SECTION 4. EXCEPTIONS

Access to information shall be denied when the information falls under any of the following exceptions, as recognized by the Constitution, existing laws, or jurisprudence:

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

SECTION 5. STANDARD PROCEDURE (Annex "B")

a. Receipt of Request for Information

1) The FRO shall receive the request for information **(Annex "C")** from the requesting party and check its compliance with the following requirements:

a) In written form;

b) With name and contact information of the requesting party, with valid proof of identification, and authorization, if necessary; and

c) Has a description of the information requested, and the purpose of such request.

All requests sent thru electronic mail (e-mail) must include as attachments the scanned copies of the FOI application request, and government-issued ID with photo.

2) In case the requesting party is unable to make a written request because of illiteracy or disability, the FRO shall put the verbal request into writing.

3) Upon receipt of the written request, the FRO shall stamp the written request with date and time the request was received; and indicate FRO's name and signature. The requesting party shall be furnished with a copy of the stamped request.

4) E-mail request shall be printed out and shall follow the procedure mentioned above. The request shall also be acknowledged by e-mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

5) The NICA shall respond within 15 working days (WD) following the date of receipt of the request. The date of receipt of the request will be either:

a)The day when the request is physically or electronically delivered into the inbox of the NICA e-mail address; or

b)In case the NICA has asked the requesting party for further details to identify and locate the requested information, the date when the necessary clarification is received by the FRO.

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

1) **Requested information is not in the custody of the NICA.** If the requested information is not in the custody of the NICA, the FRO, following referral and discussions with the FDM, shall undertake the following steps:

a)If the records requested refer to another department/NICA (D/A), the request will be immediately transferred to the D/A concerned. The NICA must inform the requesting party of such transfer within 15 WDs.

b)If the records refer to an office 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.

2) **Requested information is already available on-line.** Should the information being requested is already posted in the NICA website (nica.gov.ph) or foi.gov.ph, the FRO shall inform and provide the website link to the requesting party.

3) **Requested information is substantially similar or identical to the request.** Should the requested information be substantially similar or identical to a previous request by the same requesting party, this shall be denied. However, the FRO shall inform the requesting party of the reason for such denial.

c. **Transmittal of request.** After initial evaluation, the FRO shall forward the request to the FDM

within one (1) WD after receipt. The FRO shall record the date, time and name of the person who received the request in a log book with the corresponding signature of acknowledgment of receipt.

d. **Processing of request.** Upon receipt of the request for information from the FRO, the FDM shall:

- 1) assess and clarify the request, if necessary;
- 2) make all necessary steps to locate and retrieve the information requested;
- 3) prepare internal communication recommending for the approval or denial of the requested information by the DG; and
- 4) ensure that the complete information requested is forwarded to the FRO within 10 WDs after receipt of such request.

If the FDM needs further details to identify or locate the information, the FDM, through the FRO, shall seek clarification from the requesting party. The clarification shall stop the counting of the 15-WD limit and will resume the day after the NICA receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another D/A, the FDM shall consult with the D/A concerned on the possible disclosure of the records before making any final determination.

e. **Transmittal of letter of response to the request.**

The FRO shall ensure the transmittal of the requested information is transmitted to the requesting party within 15 WDs after receipt of the request.

f. **Request for an extension of time.** The FDM shall inform the FRO if the information requested involves extensive search of the government's office record facilities, examination of voluminous records, occurrence of fortuitous events or other analogous cases.

The FRO shall inform the requesting party of the

extension and its attendant reason. In no case shall the extension exceed 20 WDs on top of the mandated 15 WDs to act on the request, unless exceptional circumstances warrant a longer period.

g. **Notice to the requesting party of the decision on the request.** The FDM shall immediately notify the FRO once the request has been approved or denied. The FRO shall prepare the response to the requesting party either in writing or by e-mail. All actions on FOI requests shall be approved by the DG.

1) **Approval of request.** In case of approval, the FRO shall ensure that all records, which have been retrieved and considered, are evaluated for possible exemptions, prior to actual release. The FRO shall prepare a letter or an e-mail informing the requesting party within the prescribed period on the grant of said request, and the necessary payment to be made.

2) **Denial of request.** In case of complete or partial denial of the request, the FRO shall notify in writing the requesting party within the prescribed period. The notice shall clearly set forth the ground/s or basis for denial.

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 for information.

SECTION 6. REMEDIES IN CASE OF DENIAL (Annex "D")

A person whose request for access to information has been denied may avail of the remedies set forth below:

a. An administrative FOI Appeal to the NICA ARC could be made provided that the written appeal must be filed by the same requesting party within 15 calendar days from the notice of denial or from the lapse of the period to respond to the request.

- b. The DG, upon the recommendation of the ARC, shall decide within 30 WDs from the filing of said written appeal. Failure to decide within said period shall be deemed a denial of the appeal.
- c. The denial of the Appeal by the DG 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.
- d. After administrative FOI appeal remedies have been exhausted, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

The NICA shall establish a system to trace the status of all requests for information it receives.

SECTION 8. FEES

- a. **No Request Fee.** The NICA shall not charge any fee for accepting requests for access to information.
- b. **Cost of Reproduction of the Information.** The cost of reproduction is Php100.00 per page.

SECTION 9. ADMINISTRATIVE LIABILITY

- a. **Non-compliance with FOI.** Failure of NICA personnel concerned to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - 1st Offense - Reprimand;
 - 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - 3rd Offense - Dismissal from the service.
- b. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

c. Provisions for More Stringent Laws, Rules and Regulations.

Nothing in this Manual shall be construed to deviate from any law, rules, or regulation prescribed by any body or the NICA, which provides for more stringent penalties.

Annex “E” contains the list of frequently asked questions about the FOI.

GLOSSARY OF TERMS

Administrative FOI Appeal. A requesting party that is dissatisfied with the response to its initial request has a right to appeal the initial determination to the NICA Appeal and Review Committee.

Consultation. When the NICA locates a record that contains information of interest to another office, it will ask for the views of that other agency on the possible disclosure of the records before any final determination is made.

Exceptions. Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.

Freedom of Information. The Executive Branch recognizes the right of the people to information on matters of public concern, as well as adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in EO 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 Request. A written request submitted to a government office personally or by e-mail asking for records on any topic. The request can generally be made by any Filipino to any government office.

FOI Receiving Unit. The primary contact of the NICA where the requesting party can call and ask questions about the FOI process or pending FOI request during office hours.

Frequently Requested Information. Information released in response to an FOI request that the NICA determines have become or are likely to become the subject of subsequent requests for substantially the same records.

Full Denial. An action whereby the NICA cannot release any records in response to an FOI request because the requested information is exempt from disclosure in its entirety or no record responsive to the request is available.

Full Grant. When the NICA is able to disclose all records in response to an FOI request.

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.

Partial Grant/Denial. When the NICA is able to disclose portions of the records in response to an FOI request, but denies other portions of the request.

Pending Request/Appeal. An FOI request or administrative appeal for which the NICA has yet to take final action.

Proactive Disclosure. Information made publicly available by the NICA without waiting for a specific FOI request.

Processed Request/Appeal. Requests or appeals that the NICA has completed its work on, including sending a final response to the requesting party.

Received Request/Appeal. An FOI request or administrative appeal that the NICA has received within a fiscal year.

Referral. When the NICA locates a record that originated from, or is of otherwise primary interest to another agency, it will forward the request to said agency to process and provide the final response directly to the requesting party.



Office of the President
National Intelligence Coordinating NICA
No. 5 V. Luna Road Quezon City, Philippines 1100
Tel. 927-4245 Fax 927-4331 E-mail: maine@nica.gov.ph

ANNEX "A"

NICA Receiving Officer

Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
5 V. Luna Road, Quezon City	927-4245, Extension 2700	Chief, Security and Messengerial Services Unit



Office of the President

National Intelligence Coordinating Agency

No. 5 V. Luna Road Quezon City, Philippines 1100

Tel. 927-4245 Fax 927-4331 E-mail: maine@nica.gov.ph

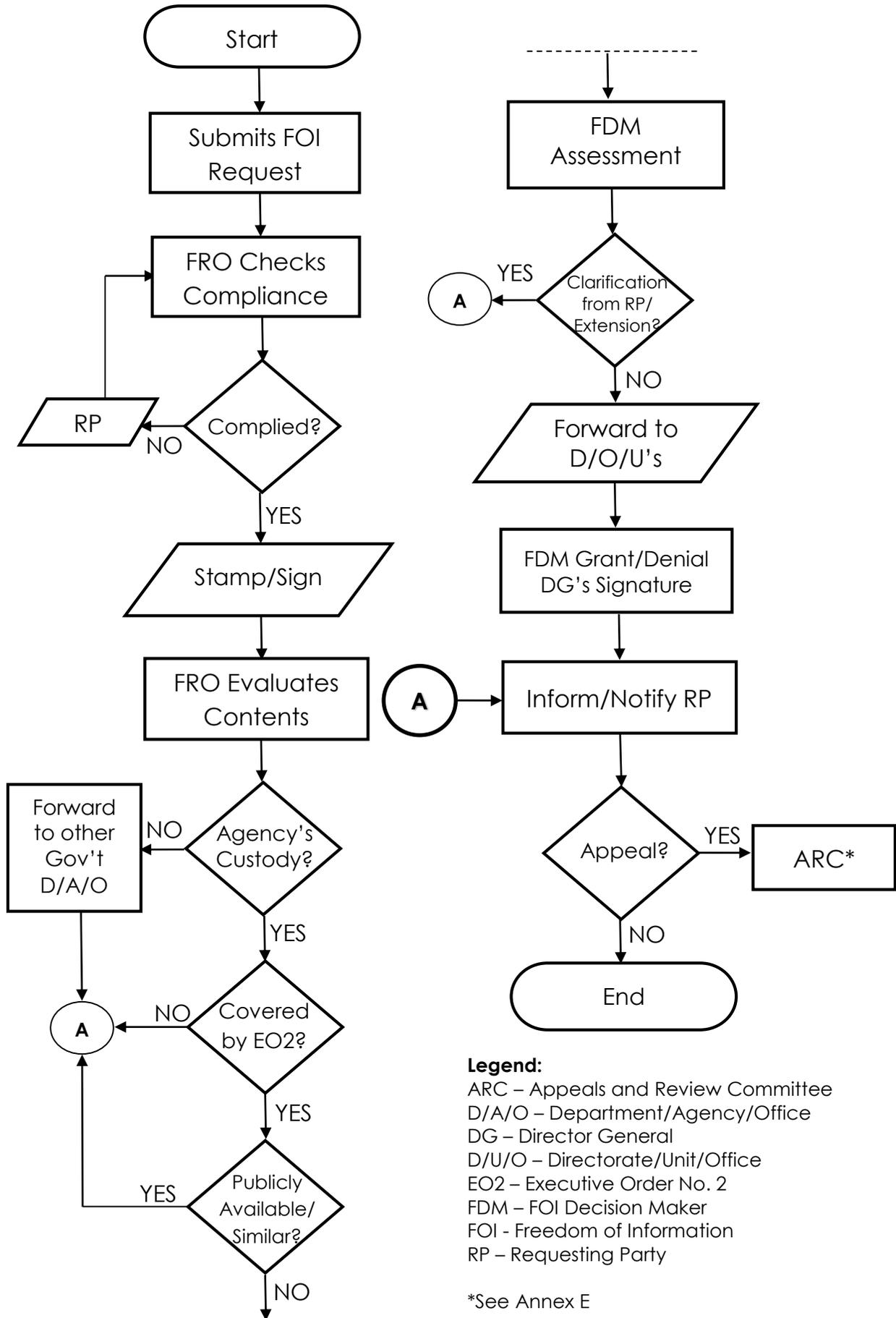
ANNEX "B"

LIST OF EXCEPTIONS

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.



ANNEX "C"
FOI Request Flow Chart



ANNEX "D"

FOI Request Form



FOI Tracking Number:

FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 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 (e.g. Mr, Mrs, Ms, Miss) | 2. Given Name/s (including M.I.) | 3. Surname |
| _____ | ◀ _____ | ◀ _____ |
| 4. Complete Address (Apt/House Number, Street, City/Municipality, Province) | | |
| ◀ _____ | | |
| 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 (Please ensure your IDs contain your photo and signature) | <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

10. **Agency – Connecting Agency** (if applicable) ▶ _____ ▶ _____
11. **Title of Document/Record Requested** (Please be as detailed as possible) ▶ _____
12. **Date or Period** (DD/MM/YY) ▶ _____
13. **Purpose** ▶ _____
- _____
14. **Document Type** ▶ _____
15. **Reference Numbers** (if known) ▶ _____
16. **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

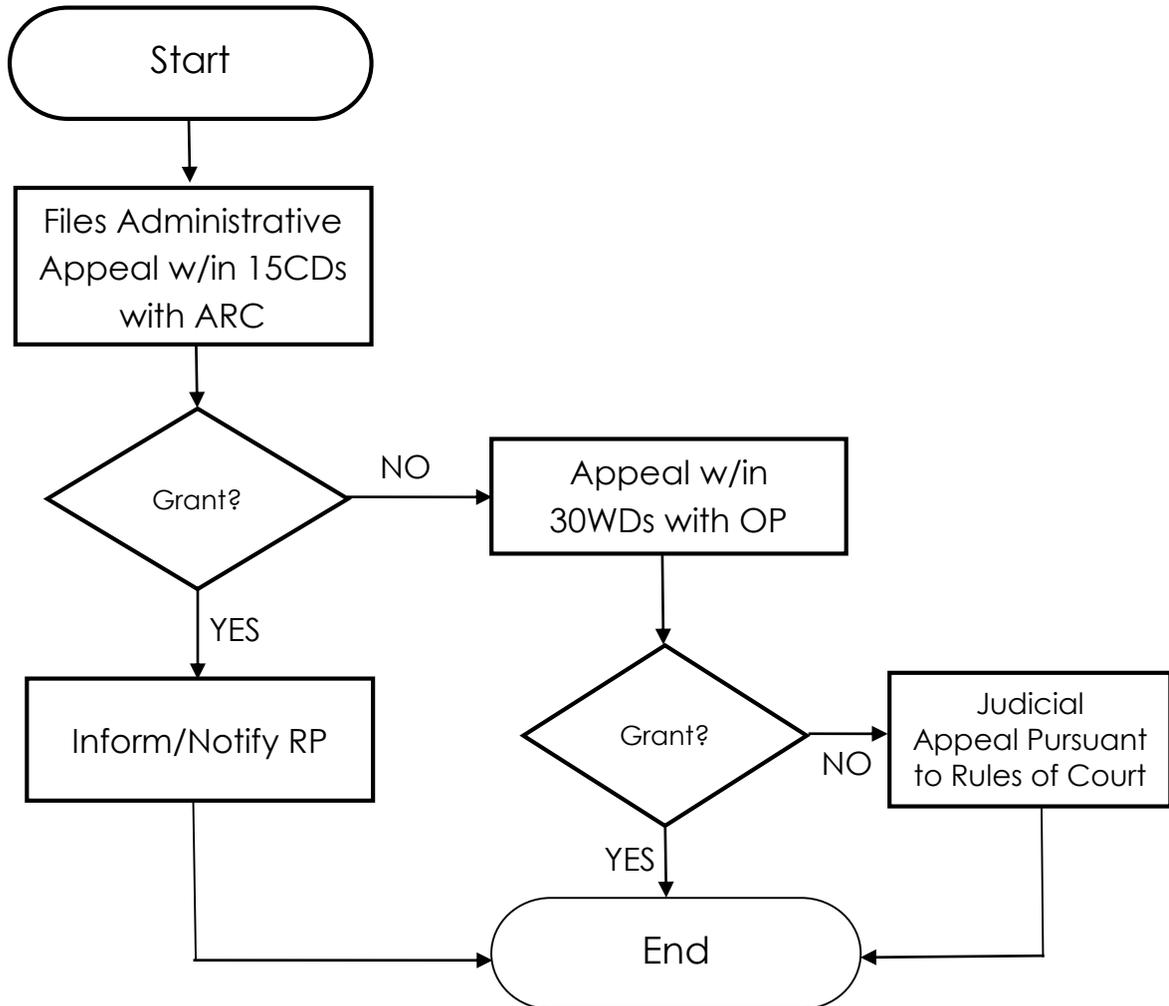
I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ▶ _____

Date Accomplished ▶ _____



ANNEX "E" Remedies in Case of Denial Flow Chart



Legend:

ARC – Appeals and Review Committee
CDs – Calendar Days
WDs – Working Days
OP – Office of the President
RP – Requesting Party

ANNEX “F” 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 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 (EO) No. 2, series of 2016.

2. What is Executive Order No. 2, s. 2016?

EO No. 2 is the enabling order for FOI. It operationalizes in the Executive Branch the people's constitutional right to information. EO No. 2 also provides the State policies to full public disclosure and transparency in the public service.

EO No. 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO No. 2?

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 the 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 No. 2 can be made before all government offices under the Executive Branch, including government-owned or -controlled corporations and state universities and colleges.

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 requesting party is to fill up a request form and submit it to the agency's FOI Receiving Officer (FRO). The FRO shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the FRO may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the requesting party.
- c. The request is forwarded to the FOI Decision Maker (FDM) for proper assessment. The FDM 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 requesting party. It shall be sent to the requesting party 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 (WDs) 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) WDs, 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) WDs, the requesting party may write an appeal letter to the Appeals and Review Committee (ARC) within fifteen (15) WDs from the lapse of required response period. The appeal shall be decided within thirty (30) WDs by the ARC.

If all administrative remedies are exhausted and no resolution is provided, the requesting party 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, you may write an appeal letter to the ARC within fifteen (15) WDs from the lapse of required response period. The appeal shall be decided within thirty (30) WDs by the ARC.

If all administrative remedies are exhausted and no resolution is provided, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

