

DCI

Freedom of Information People's Manual

Approved By:


Atty. Emmanuel P. Galicia Jr.
President and CEO

DBP DATA CENTER, INC.

FREEDOM OF INFORMATION MANUAL

A. INTRODUCTION

Pursuant to the constitutional mandate of the State to adopt and implement a policy on full disclosure of its transactions involving public interest, subject to reasonable conditions prescribed by law and consistent with the people's right to information, the Office of the President of the Philippines issued Executive Order No. 02 (EO 2), Series of 2016. EO 2 aims to operationalize in the Executive Branch the constitutional right to information and the state policies to full public disclosure and transparency in the public service.

In support of the foregoing, the DBP Data Center, Inc. (DCI), a wholly-owned subsidiary of the Development Bank of the Philippines (DBP) hereby adopts this Freedom of Information (FOI) Manual, subject to limitations as provided in the Amended Articles of Incorporation and Amended By-Laws of DCI; RA No. 10173, otherwise known as the Data Privacy Act; and other relevant laws.

B. PURPOSE AND COVERAGE

The purpose of this manual is to provide the process and procedures for FOI requests of the public pursuant to EO 2 and shall cover all requests for information directed to the Company.

C. DEFINITION OF TERMS

Company. Refers to the DBP Data Center, Inc. (DCI)

Document. Pertains to both paper and electronic format documents

FOI-Freedom of Information. The Executive Branch of the Philippine Government 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. Freedom of Information is an indispensable right that allows people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI Receiving Officer. For purposes of this manual, the Document Controller Custodian of the Admin & Finance Department shall act as the FOI Receiving Officer (FRO) of the Company. The FRO shall be responsible for the overall implementation and monitoring of the provisions of this manual.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. It can generally be made by any Filipino to any government office.

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 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 thereof 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 on government websites, such as data.gov.ph, without need for written requests from the public.

Official Record. 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.

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.

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

Sensitive Personal Information. As defined in the Data Privacy Act of 2012, shall refer to personal information:

About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;

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;

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

Specifically established by an executive order or an act of Congress to be kept classified.

No Wrong Door Policy. As defined in the FOI-MC No.21-05, shall refer to referral of requested information, official records and public records to the appropriate government agency.

Referred / Referral. Shall be defined as passing a matter to another body, typically one with more authority or expertise for a decision.

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.

D. PROTECTION OF PRIVACY

While providing for access to information, the Company shall afford full protection to a person and its employees and officers' right to privacy, as follows:

1. The Company shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws, subject to the Company's policies and procedures;
2. The Company shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. All Company officers or employees who will have access to information as provided in this manual, including other officers or employees, whether authorized or unauthorized and to personal information in the custody of the Company, shall not disclose that information except as authorized by existing laws, subject to the Company's policies and procedures.

E. STANDARD PROCEDURE

1. All requests for information under this manual shall comply with the following requirements:
 - a. The request must be in writing;
 - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
 - c. The request shall reasonably describe the information requested;
 - d. The reason for, and purpose of, the request for information.

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

2. The FRO or his/her authorized representative shall receive the requests and shall assess their compliance with the above requirements. The FRO shall hold office at the present

office address of the Company currently at the **9th Floor DBP Building, Sen. Gil Puyat Avenue corner Makati Avenue, Makati City**, with contact number **(02) 8818-9511 local 2913**.

The request shall be stamped received 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 to be furnished to the requesting party. The FRO or his/her authorized representative shall input the details of the request on the Request Tracking System and allocate a reference number.

3. After receipt of the request for information, the FRO shall evaluate the contents thereof. If the information requested is under the custody of the Company, the FRO shall observe the procedures prescribed in the Company's policies on release of information.
4. Should the requested information be already posted and publicly available on the Company's website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
5. If the requested information is 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 for such denial in writing.
6. Upon receipt of the requested information, the FRO shall transmit the requested documents with the necessary cover letter to the requesting party.
7. The FRO shall ensure that requests for information are resolved and/or acted upon within 15 working days upon receipt of such request.

Should the requested information need further details to identify or locate, the 15 working days will commence on the day after receipt of the required clarification from the requesting party.

If the information requested requires extensive search of the Company's office records, facilities, examination of voluminous records, or other analogous cases, the FRO shall inform the requesting party of the extension and setting forth the reasons for such extension.

8. In case of denial of the request after due evaluation, 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.

F. REMEDIES IN CASE OF DENIAL

1. A person whose request for access to information has been denied may avail himself of the remedies prescribed herein.

The requesting party may file an appeal to the FRO: Provided, that the same requesting party must file the written appeal within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

2. The appeal shall be decided by the appropriate authorities upon the recommendation of the FOI 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.

G. FEES

1. Requests for information under this manual shall be at no cost to the requesting party. However, reasonable cost of reproduction shall be charged which should be the actual amount spent by the Company in providing the information to the requesting party.

2. The prescribed fees are as follows:

Copies

P 3.00/single sided page, P 4.50/double sided page

Material Cost

Actual cost of items such as flash drives, etc., will be charged for request for information in electronic format.

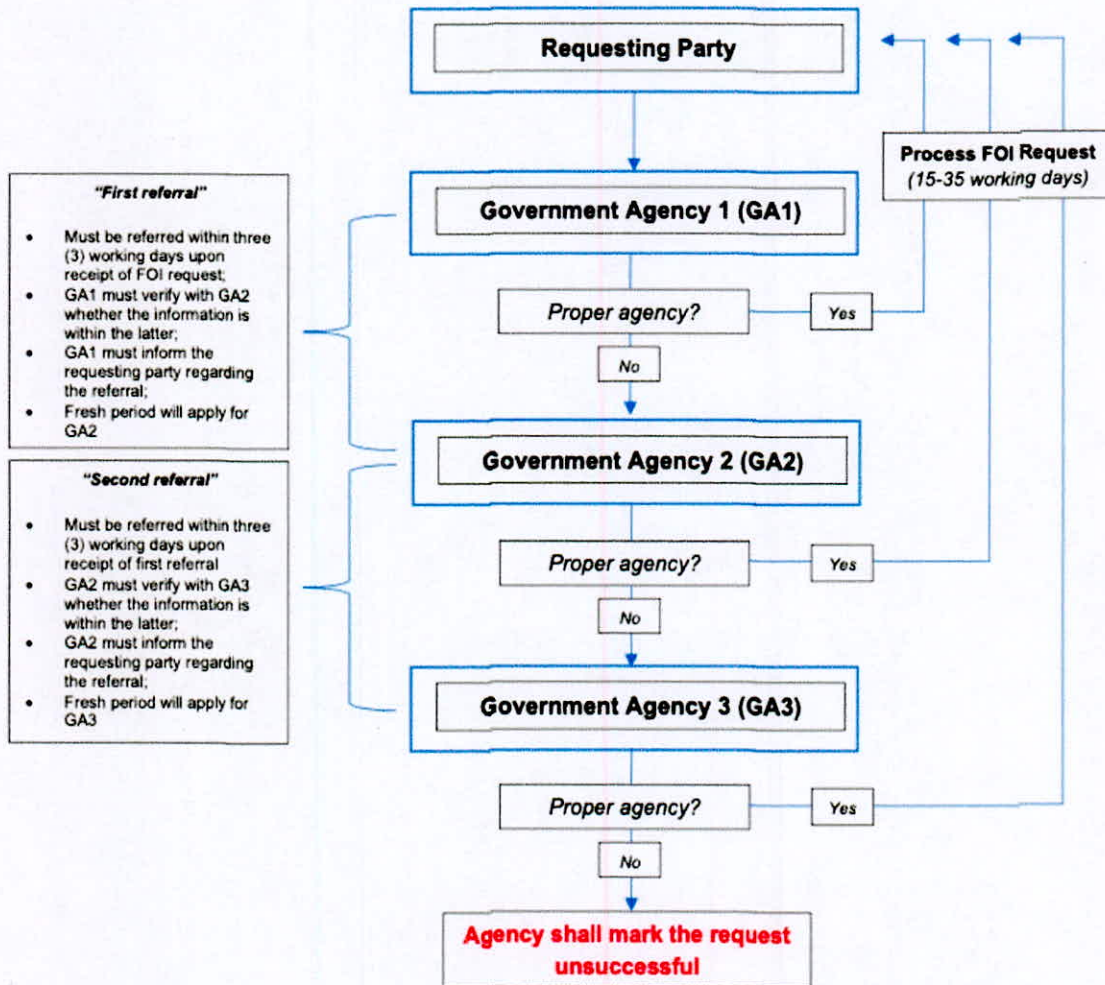
*Prices are subject to change without prior notice.

3. The fees shall be paid once the requesting party has been notified of the approval of his/her request. Non-payment of costs shall be a ground for non-release of the requested information. However, the Company may exempt the requesting party from payment of fees upon request and stating valid reasons therefore.

H. NO WRONG DOOR POLICY FLOWCHART

Annex A

NO WRONG DOOR POLICY FLOWCHART



- "First referral"**
- Must be referred within three (3) working days upon receipt of FOI request;
 - GA1 must verify with GA2 whether the information is within the latter;
 - GA1 must inform the requesting party regarding the referral;
 - Fresh period will apply for GA2

- "Second referral"**
- Must be referred within three (3) working days upon receipt of first referral
 - GA2 must verify with GA3 whether the information is within the latter;
 - GA2 must inform the requesting party regarding the referral;
 - Fresh period will apply for GA3

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.

No Wrong Door Policy. As defined in the FOI-MC No.21-05, shall refer to referral of requested information, official records and public records to the appropriate government agency.

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.

Allowable Time for Referral.

Only **72** hours working days or **3** working days upon receiving the requests.

Reasons for Referral to other Agency

- When the Requesting Party asked for Data Information which cannot be found within the agency.
- When the Requesting Party asked for an inquiry which is not covered within the agency.
- When the Requesting Party doesn't know what agency to choose.

Reasons for Denied/Unsuccessful

- When the Requesting Party asked for any of the List of Exceptions (Annex B).
- When the Requesting Party filed for more than the allowable time duration (past months, past years).
- When the Requesting Party is unresponsive for some clarifications.
- When the Requesting Party is no longer interested to continue his/her request.

Reasons for Partially Successful

- When the Requesting Party asked for Data Information which agency maintained but half of it cannot be disclose due to List of Exceptions.
- When the Requesting Party asked for an inquiry which agency has it and can provide immediate answer but not in full or no documents found.

Reasons for Successful

- When the Requesting Party asked for Data Information which agency maintained and can provide all the details with documentation.
- When the Requesting Party asked for an inquiry and can provide an immediate answer without asking for a detailed document.

The reasons above are all considered upon checking the Requesting Party's inquiry or request. The request will enter the **NO WRONG DOOR POLICY FLOWCHART.**

First Referral - must be within 3 days or 72 hours upon receipt of the FOI Request.

Second Referral - must be within 3 days or 72 hours upon receipt of the first referral.

If all agency doesn't have the answer to the request, **Agency shall mark the request unsuccessful.**

I. LIST OF EXCEPTIONS

Annex B

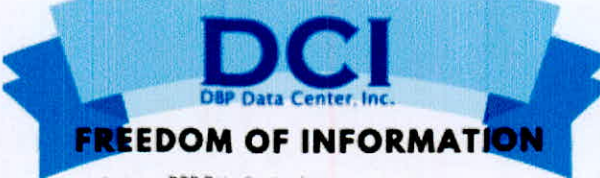
LIST OF EXCEPTIONS

1. Information covered by Executive Privileged
2. National Security, Defense or International Relations
3. Law Enforcement & Protection of Public and Personal safety
4. Confidential Information for the protection of privacy of persons
5. Confidential Information by reason of official capacity
6. Prejudicial premature disclosure
7. Records of Proceedings
8. Confidential information under Banking and Finance Laws
9. Other exceptions under Laws, Jurisprudence and IRR

J. FOI RECEIVING OFFICERS

Annex C

ROLE	NAME	EMAIL ADDRESS	Designation
RO - Receiving Officer	Charisse Rivera	cmrivera@dci.ph	Systems Analyst
DM - Decision Maker	Bayani Asuncion	bjpasuncion@dci.ph	Project Manager
DM - Decision Maker	Marco Ustaris	maustaris@dci.ph	HR Manager
Appeals	Gina Gonzales	gagonzales@dci.ph	Operations Head



DCI

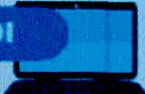
DBP Data Center, Inc.

FREEDOM OF INFORMATION

Agency: **DBP Data Center Inc.**
 Address: 9F DBP Bldg. Sen. Gil J. Puyat Ave. corner Makati Avenue, Makati City
 Receiving Office: IT Department, Charisse Rivera
 Contact No.: (632) 818 9511 local 2913 / (632) 818 9611 local 2913
 Email: cmrivera@dcj.ph

MODE OF REQUEST

eFOI



STEP 1
Go to www.foi.gov.ph on your browser's home address bar.

STEP 2
Click the Sign Up Button for the new user and provide all the required information.

STEP 3
Once logged in, you will be directed to your **Dashboard**. It contains all the requests done by the account owner.


STEP 4
Click the **Make A Request** button then select the name of the agency you wish to ask.

STEP 5
You will now be redirected to **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




Requesting Party

Submits FOI Request Form to



Receiving Officer (RO)

Transmit to Initial Evaluation and Clarification



Decision Maker

DENY
APPROVE

15 working days

RETURNS TO RO and RO to inform on approval or denial to the requesting party.

FOI APPEALS



DCI

DBP Data Center, Inc.

www.dci.ph

Annex E



MALACANAN 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 OF 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:

THE PRESIDENT OF THE PHILIPPINES

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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws 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 as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

SECTION 8. People's Freedom of 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 information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below.

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order. 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.
- (b) The appeal shall 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 party may file the appropriate judicial action 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 and 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.

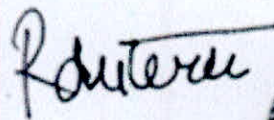
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary







CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE