

REPUBLIKA NG PILIPINAS Republic of the Philippines

PAMANTASANG NORMAL NG PILIPINAS

Philippine Normal University
ANG PAMBANSANG SENTRO SA EDUKASYONG PANGGURO
The National Center for Teacher Education
Maynila
Manila

January 12, 2018

UNIVERSITY CIRCULAR

No. $\frac{\lambda}{2}$ Series of 2018

TO:

Vice Presidents, Campus Executive Directors & Provosts, Deans, Associate/Deputy Deans, Directors of Institutes /Academic Offices / Administrative Services / University Centers, Heads of Academic and Administrative Units, Faculty and

Administrative Staff

SUBJECT:

Implementation of the PNU Freedom of Information (FOI) Manual

1. Rationale

Pursuant to Executive Order No. 2, also known as the Freedom of Information Order, signed by His Excellency Rodrigo Roa Duterte on July 23, 2016 which provides directive towards "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." Hence, the Philippine Normal University, in compliance with that directive that every government office should prepare its own People's Freedom of Information Manual, issues this University Circular to authorize the Implementation of the PNU Freedom of Information (FOI) Manual as approved by the Board of Regents through BOR Resolution No. U-2753 dated 21 December 2017.

2. The PNU Freedom of Information Manual Coverage

Article I. General Provisions

Section 1. Policy Declaration. In recognition of the people's constitutionally guaranteed right to information on matters of public concern, PNU shall endeavor to release information involving public interest subject to reasonable conditions and limitations as provided for in the 1987 Philippine Constitution, applicable laws, rules and regulations.

Section 2. Purpose. The purpose of this Manual is to guide the public in requesting for information from the Philippine Normal University and to provide the detailed process for guidance of the different campuses, colleges, offices and units in dealing with requests of information pursuant to Executive Order No. 02.

Section 3. Objectives. This Manual sets the rules and procedures to be followed by all campuses, colleges, offices and units of the UNIVERSITY whenever there is a request for access to information. The University President shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the Vice Presidents, Deans and Directors or Heads of Offices as the University President may deem appropriate. The President, or the respective Heads, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records, or deny access).

Effective Date: Dec. 16, 2016

Section 4. Coverage. This Manual shall cover all requests for information directed to the campuses, colleges, offices and units of the University as well as the procedures for the appeal on request for information.

Section 5. Definition of Terms.

Administrative FOI Appeal. An independent review of the initial determination made in response to an FOI request in accordance with the procedures established herein.

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. It contains detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

Consultation. The process of asking for the views of other government agency as to the disclosability of the records which are found to contain information of interest to such other government agency when such records are in possession of the University.

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.

FOI Contact. The name, address and phone number at each government office where you can make an FOI request.

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.

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

Freedom of Information (FOI). The constitutionally guaranteed right of the people to information in matters of public concern which 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.

Frequently Requested Information. Information released in response to an 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 UNIVERSITY or any of its campuses, colleges, offices or units cannot release any records in response to a FOI request, because 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 an FOI request.

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, and 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 transactions of official business by any government office.

Information for Disclosure. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

Multi-Track Processing. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

Official 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.

Partial Grant/Partial Denial. When a government office is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.

Pending Request or Pending Appeal. An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

Perfected Request. An FOI request which reasonably describes the records sought and is made in accordance with the government office's regulations.

Personal Information. 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 materials concerning their functions and mission.

Processed Request/Processed Appeal. The number of requests or appeals where the University has completed its work and sent a final response to the requester.

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

Public Service Contractor. 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.

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

Referral. The process to be undertaken by the University whenever it has in its possession a record that originated with, or is of otherwise primary interest to other agency by forwarding the record to the other agency to process the record and to provide the final determination directly to the requesting party.

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

Simple Request. An FOI request that the University anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

Article II. The FOI Receiving Officer and Decision Maker

Section 6. The FOI Receiving Officers; Their Duties and Responsibilities. The University President shall designate FOI Receiving Officers (FRO) in every campus or clusters of the University upon prior recommendation of the Provosts, Deans and Directors, or by the Vice President for Finance & Administration in case of the General Administration and Support Services.

The FRO shall have the following duties and responsibilities:

- (a) Receive on behalf of PNU all requests for information and facilitate such requests;
- (b) Ensure that the FOI Request Form is completely accomplished;
- (c) Provide assistance and support with regard to FOI;
- (d) Process all requests and forward to concerned office(s) which has custody of the requested record(s), within or outside of PNU, as may be appropriate after consultation and approval of the FOI Decision Maker (FDM);
- (e) Provide assistance in ensuring all requests are responded to within the prescribed time;
- (f) Maintain an FOI logbook of all requests chronologically received for accountability purposes;
- (g) Monitor all FOI requests and appeals, provide assistance to the FDM, provide assistance and support to the public with regard to FOI request and compile statistical information as required;
- (h) Upon completion of the evaluation within the period set forth in EO No. 02, advise the requesting party of any decision on the request;
- (i) Prepare all other necessary FOI reports.

Section 7. The FOI Decision Maker; Their Duties and Responsibilities. For purposes of efficiency and streamlining the process, the Deans and Directors and the Vice President for Finance & Administration in case of GASS, shall serve as the concurrent FOI Decision Makers (FDM) in their respective units.

The FDM shall evaluate the request for FOI and shall have the overall responsibility for the decision on the FOI request whether to release all the requested records, partially release the same, or deny access thereto based on the following circumstances:

- a) The University does not have the information requested;
- b) The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c) The information requested falls under the list of exceptions to FOI or;
- d) The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the University.

Article III. Promotion of Transparency in the Governance of Philippine Normal University

Section 8. Duty to Publish Information. The University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including, but not limited to:

- (a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- (b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- (c) The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- (d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (e) Important rules and regulations, orders or decisions;
- (f) Current and important database and statistics that it generates;
- (g) Bidding processes and requirements; and
- (h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

Section 9. Accessibility of Language and Form. The University shall endeavor to translate its key information into major Filipino languages and present them in popular form and means.

Section 10. Keeping of Records. The University shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

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Section 11. Protection of Privacy. While providing for access to information, the University and its campuses and colleges, offices and units shall afford full protection to a person's right to privacy, as follows:

- (a) The University, its campuses, colleges, offices and units 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) The University, its campuses, colleges, offices and units 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 the University, shall not disclose that information except as authorized by the University or under existing laws.

Section 12. Records/Information Exempted from the Coverage of this Manual. The following records/documents are exempted from the coverage of this manual, hence should not be released/disclosed:

- (a) Minutes of the meetings of the PNU Board of Regents, it's Financial Committee and other committees which it may create;
- (b) Minutes of the meetings of the University Administrative Council;
- (c) Minutes of the meetings of the University Academic Council:
- (d) Minutes of the meetings of the University Management Committee;
- (e) Minutes of the meetings of the University Executive Committee;
- (f) Minutes of the meetings of the University VP Management Committees;
- (g) Minutes of the meetings of the other University committees;
- (h) Minutes of the meetings of the Bids and Awards Committee;
- (i) Minutes of the meetings of TWG;
- (j) All pending cases involving the university and its employees;
- (k) Active and passive 201 files of all employees;
- (1) Documents of the University Faculty and Academic Staff Evaluation Board;
- (m) Documents of the University Personnel Selection Board;
- (n) Statement of Assets Liabilities and Networth;
- (o) Abstract of Bids;
- (p) TWG Recommendation;
- (q) OPCRs and IPCRs;
- (r) Financial Reports and financial documents not yet audited by the Commission on Audit;
- (s) All reports not in the final form;
- (t) Inter-office and inter-agency memoranda/correspondence;
- (u) Active and passive records of students;
- (v) Pay slips.

The University upon prior determination of its Board of Regents, Academic Council and Administrative Council, may provide other information or documents which may be exempted from the coverage of this manual in addition to the forgoing enumeration.

Article IV. Standard Procedure

Section 13. Receipt of Request for Information. In receiving any request for information the FROs shall be guided by the following procedures:

- (a) The FRO shall receive the request for information from the requesting party and check compliance with the guidelines on the request for information as enumerated herein:
 - The request must be in writing;
 - The request should indicate the document containing the information required, thus, requests in the form of questions should be restated to identify the document containing the information required;
 - The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

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• The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request and pick up of documents must be made in person. All transactions in between such as check-ins, providing of updates and costing, changes of request, etc. can be made through e-mail.

- (b) 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 FOI shall reduce the request in writing.
- (c) The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- (d) The University, its campuses, colleges, offices and units must respond to any FOI request promptly within the fifteen (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed which provides that "In computing a period, the first day shall be excluded and the last day included."

The date of receipt of the request will be either be:

- The day on which the request is physically or electronically delivered to the University or its campuses, colleges, offices and units; or
- If the University or its campuses, colleges, offices and units has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent FRO or member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence on the day after it receives the required clarification from the requesting party. In such cases, the requesting party shall be informed by the University.

Section 14. Initial Evaluation of Request. After receipt of the request for information, the FRO shall evaluate the contents of the request and initially determine if the requested information may be allowed to be given or is subject to the exception as enumerated in Section 12 herein.

Section 15. Action on Request for Information Involving Records/Information Exempted from the Coverage of this Manual. If the requested information or document is exempted from the coverage of this Manual, the FROs shall recommend the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the FRO and shall notify the requesting party of the decision on the request.

Section 16. Request Relating to More than One Office other the University. If a request for information is received and which requires compliance from other agencies, bureaus and offices, the University shall forward such request to the said agencies, bureaus or offices concerned and ensure that it is well coordinated and monitored in its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus and offices that they will only provide the specific information that relates to their agencies, bureaus and offices.

Section 17. Requested Information is not in the Custody of the University or any of its campuses, colleges, offices or units. If the requested information is not in the custody of the University or any of its campuses, colleges, offices and units, following referral and discussions with the FDM, the FRO shall undertake the following steps:

(a) If the records requested pertain to another agency, the request shall be immediately transferred to such appropriate agency through the most expeditious manner and the

transferring office must inform the requesting party that the information is not held within the 15 working day-limit. The 15 working-day requirement for the receiving office commences on the day after it receives the request.

- (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 provided with the contact details of that office, if known.
- Section 18. Requested Information is Already Posted and Available On-Line. If the information being requested is already posted and publicly available in the PNU website, data,gov.ph or 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.
- Section 19. 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
- Section 20. Transmittal of Request by the FRO to the FDM. After receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. The FDM shall make all necessary steps to locate and retrieve the information requested and be submitted to FRO within ten (10) days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day-period and will commence the day after it receives the required clarification from the requesting party.

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

- Section 21. Transmittal of the Requested Information to the Requesting Party. Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the FDM and ensure the transmittal of such to the requesting party within the 15 working day-period upon receipt of the request for information.
- Section 22. Request for an Extension of Time. If the information requested requires extensive search of the University's records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

- Section 23. Notice to the Requesting Party of the Approval/Denial of the Request. Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the University President or any of his designated official for final approval.
- Section 24. Approval of Request. In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
- Section 25. Denial of Request. In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for the denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the University President or to his designated official.

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Article V. Remedies in Case of Denial

Section 26. Procedure of Appeal. A person whose request for access to information has been denied may avail himself of the remedy set forth below:

- (a) Appeal to the University President. The requesting party whose request for information has been denied by the FDM has fifteen (15) calendar days from the receipt of the notice of denial within which to appeal such denial of the request to the Office of the University President.
- (b) Period to decide. The appeal shall be decided by the University President 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) Appeal to the Board of Regents. The denial of the appeal by the University President or the lapse of the period to respond to the request may be appealed further to the PNU Board of Regents within thirty (30) working days from the notice of the denial of the appeal.
- (d) Resort to Court Action. Upon exhaustion of all administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

Section 27. Requisites to Perfect an Appeal. No appeal to the University President or to the Board of Regents shall be entertained unless the following requisites are complied with:

- (a) It must be in writing and must contain:
- (b) The full name and address of the appealing party
- (c) The full name and office address of the FDM who denied the request for information
- (d) A narration of the relevance and material facts leading to the filing of the appeal
- (e) Certified true copies of the documentary evidence and affidavit of witnesses, if any
- (f) Certification or statement of non-forum shopping
- (g) It must be filed within the prescriptive period.
- (h) It must be filed in the appropriate appellate authority.

Failure to comply with any of the foregoing requirements may cause the dismissal of the appeal.

Section 28. Request Tracking System. The University shall establish a system to monitor the status of all requests for information received by it, which may be in writing, online or both.

Article VI. Fees

Section 29. No Request Fee. The University or any of its campuses, colleges, offices or units shall not charge any fee for accepting requests for information or in perfecting an appeal as set forth herein.

Section 30. 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 University or any of its campuses, colleges, offices or units in providing the information to the requesting party. The schedule of fees shall be posted in all concerned offices of the University.

Section 31. Exemption from Fees: The University or any of its campuses, colleges, offices or units may exempt any requesting party from payment of fees due to indigency, lack of funds or similar circumstance, upon request and subject to the showing of proof of any of such circumstances.

Article VII. Administrative Sanction

Section 32. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be ground for an administrative sanction. In case of finding of guilt, the following administrative penalties shall be imposed:

1st Offense - Reprimand

2nd Offense - Suspension of one (1) to thirty (30) days

3rd Offense - Dismissal from the service.

Section 33. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

Article VIII. Miscellaneous Provisions

Section 34. Saving Clause. Matters not covered by the provisions of this Manual shall be referred to the University President for appropriate action.

Section 35. Application of Relevant Laws and Issuances. The provisions of R.A. 9470 and its IRR as well as other relevant issuances shall be suppletorily applied in all matters not covered by this Manual.

Section 36. Effectivity. This policy shall take effect upon approval of the PNU Board of Regents and upon issuance of this Circular to the PNU Community.

ESTER B. OGENA
President

MA. ANTOINETTE C. MONTEALEGRE, D.A.

Vice President for Academics

016-08

Encl: BOR Resolution No. U-2753, s. 2017



REPUBLIKA NG PILIPINAS Republic of the Philippines PAMANTASANG NORMAL NG PILIPINAS Philippine Normal University ANG PAMBANSANG SENTRO SA EDUKASYONG PANGGURO The National Center for Teacher Education

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EXCERPTS FROM THE MINUTES OF THE 75th (4th QUARTER) REGULAR MEETING OF THE PNU BOARD OF REGENTS HELD ON 21 DECEMBER 2017 AT THE CONFERENCE ROOM, 4TH FLOOR, HEDC BLDG., COMMISSION ON HIGHER EDUCATION, C.P. GARCIA AVE., U.P. DILIMAN, QUEZON CITY.

PRESENT:

Hon. PATRICIA B. LICUANAN

Chairperson

Hon. ESTER B. OGENA

Vice Chairperson

Hon. ANN K. HOFER

Member

Represented by Atty. Anna Liza L. Gonzales
Hon. JOSE MIGUEL R. DE LA ROSA

Member Member

Hon. LUTGARDO B. BARBO
Hon. EDILBERTO C. DE JESUS
Hon. HEIDI B. MACAHILIG
Hon. JEMYR B. GARCIA

Member Member

Member

ABSENT:

Hon. FRANCIS JOSEPH "Chiz" G. ESCUDERO

Member

Hon. MELITO S. SALAZAR, JR.

Member

On motion duly seconded, the Board passed -

BOR RESOLUTION NO. U-2753, s. 2017

Approving the PNU Freedom of Information (FOI) Manual in compliance with the requirements of Executive Order No. 2, series of 2016, as recommended by the University Administrative Council.

APPROVED

Certified correct:

ALPHEUS EUGENIO V. FERRERAS
University and Board Secretary

Offiversity any board Secretary