

# **URS Freedom of Information (FOI) Manual\***

**\*emailed a draft copy to PCOO for compliance with *EO No.2* and *FOI - MC No. 2* s,2017 and received a letter dated 7 July 2017 from PCOO addressed to Pres. Canapi containing minor points, observations and recommended inclusion of FOI responsible officers and flowchart hence this revision as of 15 August 2017**

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## SECTION 1: INTRODUCTION

1. **Objective of the Manual:** The purpose of this People's Freedom of Information (FOI) Manual is to operationalize and set-up the process by which University of Rizal System (URS) shall attend to various public requests of information in compliance with Executive Order No. 2, s. 2016 on FOI issued by President Duterte. **(Annex A)**
2. **Content of the Manual:** This Manual specifies the definition of terms, standard operating procedures, remedies, fees, and administrative liability. Standardized form and other related annexes are likewise included.
3. **Coverage of the Manual:** The Manual shall cover all requests for information from various concerned individuals or groups directed to the URS.
4. **Responsible Officers:** For purposes of the Manual, there shall be an official designated FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appellate Authority (FAA). The following are the responsible officers with the respective contact details:

Name/Current Official Designation	FOI Designation	Contact Details (Landline and Email)
Dr. Nancy T. Pascual President	FAA	85399950 to 56 loc.108 ursopmorong@gmail.com
Dr. Marvin P. Amoin Vice-President for Administration and Finance	FDM	85399950 to 56 loc.109 vpaf@urs.edu.ph
Ms. Blesilda P. Obias University Records Officer	FRO	85399950 to 56 loc.112 ursrecords@urs.edu.ph

## SECTION 2: DEFINITION OF TERMS

1. **Information** means any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.



2. **Freedom of Information (FOI)** pertains to the right of the people to information on matters of public concern, subject to the limitations established by law.
  3. **Administrative FOI Appeal** refers to the procedure for appealing an unfavorable or adverse action by the FOI Decision Maker on an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI requests have a right to appeal such unfavorable or adverse action to the FOI Appeals Authority, who shall then conduct a review of said appeal.
  4. **FOI Appeals Authority** refers to the office or person which decides appeals from the action of the FOI Decision Maker, and has authority to affirm, reverse, or modify such action.
  5. **FOI Decision Maker or FDM** refers to the office or person who evaluates the recommendation of the FOI Evaluating Office on FOI requests and has authority to approve or deny such request.
  6. **FOI Evaluating Office or FEO** refers to the office with the responsibility of evaluating and reviewing FOI requests and preparing recommendations to the FDM.
  7. **FOI Receiving Office or FRO** refers to the designated office where the public may file or submit FOI requests, inquire about the FOI process and the status of pending FOI requests. In the present organizational structure, the University Records Office (URO) shall act as the FRO.
  8. **FOI Request** is a written request by any person submitted to a government office, personally or by other electronic means, requesting information or public records as defined herein.
  9. **Exceptions to FOI** refers to those class of privileged information that are outside the scope of the constitutional right to information and which may not be released or disclosed to the public, as provided under the Constitution, laws of jurisprudence. These exceptions are enumerated in **Annex "B"**
  10. **Official Records** as defined in URS Records Management Manual, an official record is the complete, final and most authoritative record that is required to be retained for business and legal reasons. It serves as support in any transaction entered into by the university, may it be internal and external.
  11. **Public Records** include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
  12. **Personal Information** refers to any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
  13. **Sensitive Personal Information** as defined in the Data Privacy Act of 2012 (Republic Act No. 10173), refers to personal information:
    - a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
    - b. About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
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- c. 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
- d. Specifically established by an executive order or an act of Congress to be kept classified

### SECTION 3. PROMOTION OF TRANSPARENCY AND OPENNESS

1. **State Policy on Access to Information:** Cognizant of the State Policies on transparency and openness, URS fully subscribes to the actualization of the constitutional right of the people to be informed on matters of public concern and accordingly adopts a policy of full disclosure, subject to the exceptions (**Annex B**), procedures, and limitations provided in E.O. No. 2 and the Manual. This right is essential to the exercise of the right of the people to effective, inclusive, pro-active and reasonable participation at all levels of social, political and economic decision-making.
2. **Protection of Person's Right to Privacy:** While allowing the general public to access information on matters of public concern, the URS shall also uphold and afford full protection to a person's right to privacy, as follows:
  - a. URS shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as legally allowed by existing laws.
  - b. URS shall protect personal information in its custody or under its control by making reasonable and acceptable 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 URS, shall not disclose that information except as authorized by existing laws.
3. **Limitations:** The right of access to information is without prejudice to the right of URS to determine whether there are grounds to believe that: the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her, the request is prompted by sheer idle curiosity, the request is being made with a plainly discernible improper motive such as harassment, the purpose of the request is contrary to law, morals, good customs or public policy, or the request is for any commercial purpose.



## SECTION 4. URS FOI OFFICES, OFFICIALS AND EMPLOYEES

### 1. FOI Receiving Office (FRO)

1.1. The URO will be the FRO and all FOI requests pertaining to URS shall be filed with and/or submitted to this office.

1.2. The University Records Officer with the contact below will head the FRO:

Name of Office	University Records Office (URO)
Name of Head of Office of FRO	Blesilda P. Obias Administrative Officer VI/ University Records Officer
Address	J. Sumulong St. URS Morong Campus Morong, Rizal 1960
Contact Number	85399950 to 56 loc.112
Email address	ursrecords@urs.edu.ph

1.3 The FRO shall perform the following functions:

- 1.3.1. Serve as first point of contact to the public regarding FOI requests;
- 1.3.2. Receive all FOI requests for all offices of the University;
- 1.3.3. Make an initial assessment of FOI requests and determine if the requests are fully compliant;
- 1.3.4. Deny or refuse to accept FOI requests based on the results of the initial assessment;
- 1.3.5. Forward the request to such offices after conducting preliminary determination of appropriate FEO;
- 1.3.6. Monitor all FOI requests, appeals and actions taken to be compiled and reported to the Office of the University President;
- 1.3.7. Provide assistance to the FDM and FEO.

1.4. Contact information of the FRO and staff shall be prominently displayed outside their office for public information and reference.

2. **FOI Evaluating Office (FEO).** The office which has possession or custody of the requested information or document shall be the FEO for the particular FOI request.

2.1. In case there is a need to make further determination as to which appropriate office has

the custody of the information being requested, the FRO shall act as the default FEO.

2.2. The functions of FEO shall be the following:

2.2.1. Review the merits of the FOI requests;

2.2.2. Determine whether it has possession of the requested information;

2.2.3. Evaluate whether the requested information falls under any of the Exceptions to FOI

2.2.4. Determine whether grounds for denial of the request exist;

2.2.5. Coordinate with different academic and administrative offices, or if necessary with other government agencies, prior to taking action on the request; and

2.2.6. Prepare and recommend appropriate actions on the FOI request to the FDM such as grant, denial, partial grant or denial, redacting certain information, referral to other offices, or such other actions as may be necessary.

3. **FOI Decision Maker (FDM).** The Head of Office of the FEO shall be the FDM and will function as follows:

3.1 Evaluate the recommendations of the FEO on any FOI request and undertake necessary actions.

3.2. Grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate.

3.3. Grant an FOI request unless there exist grounds to deny the same.

4. **FOI Appeals Authority.** The University President shall be the FOI Appeals Authority in the University. She shall have the power to review by appeals decisions of the FDM and take final action on any FOI request within the University.

## SECTION 5. STANDARD PROCEDURE

**1. Request for Information:** All requests for information shall:

- (1) Be in writing and be accomplished using the prescribed request form; (**Annex C**)
- (2) Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
- (3) Reasonably describe the information requested, and the reason for, or purpose of, the request for information.



The request form shall be made available in URO, Campus Director's offices and on the official University website.

**2. Manner of Making Request:** A request for information shall be made by the requesting party by delivering it personally to the URO or to any Campus Director's offices, by sending it by mail to the URO or to any Campus Director's offices, or by sending it by electronic email (ursrecordsoffice@gmail.com). In case the requesting party is unable to make a written request because of illiteracy or disability, he/she may make an oral request and the FRO shall reduce it into writing. The requesting party shall sign the form.

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

The date of receipt shall be:

- (1) The date when the request is personally delivered to URO or Campus Director's offices;
- (2) The date when the request is received by mail by URO or Campus Director's offices; or
- (3) The date when the request is electronically received by URO or Campus Director's offices.

**4. Period to Respond:**

- 4.1 The University shall respond to the requesting party within fifteen (15) working days from the date of receipt of the request.
- 4.2 A working day is any day other than a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the Civil Code shall be observed.
- 4.3 The period may be extended whenever the request requires extensive search of the records facilities of the University or examination of voluminous records, or in case of the occurrence of fortuitous events, or other analogous cases. The FRO shall inform the requesting party of the extension, setting forth the reason for such extension.

In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

- 5. Action by FDM:** The FRO shall forward the request for information to the FDM and record the date and time it was forwarded.

Upon receipt of the request for information from the FRO, the FDM shall assess the request. The FDM's action shall be relayed by the FRO to the requesting party.

- 5.1 **Approval of Request:** In case of approval of the request by the FDM, the FRO shall collate the information and document, notify the requesting party, and direct the requesting party to get the information and document at the URO on the designated day and time and pay any applicable fees.



5.2 **Denial of Request:** On the following grounds, the FDM may deny a request:

- (i) the request is not complete or not valid, in which case the requesting party shall be notified accordingly;
- (ii) the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or not, in which case the requesting party shall be notified accordingly;
- (iii) the requested information is already available on URS website, in which case the requesting party shall be notified accordingly and provided with the website link where the information is posted, if known;
- (iv) the requested information refers to another government agency, in which case the requesting party shall be notified accordingly and provided with the contact details of that office, if known;
- (v) the reason for the request is contrary to laws, rules, or regulations, in which case the requesting party shall be notified accordingly;
- (vi) the request falls under the exceptions under the Inventory of Exceptions issued by the Office of the President, in which case the requesting party shall be notified accordingly;

#### **SECTION 6. REMEDY IN CASE OF DENIAL**

1. In case of denial of a request for information, the requesting party may appeal to the FOI Appellate Authority. The appeal shall be in writing, signed by the requesting party, citing the ground for the appeal, with copies of the request for information and the notice of denial attached, and shall be filed within fifteen (15) working days from the notice of denial. (**Annex D**)
2. The appeal shall be decided by the FOI Appellate Authority within thirty (30) working days from receipt of the appeal, unless circumstances warrant a longer period. In no case shall the extension exceed twenty (20) working days.

#### **SECTION 7. FEES AND UNDERTAKING**

1. **No Request Fee:** URS shall not charge any fee for accepting requests for information.
2. **Reasonable Cost of Reproduction, Scanning, and Mailing:** The University may charge a reasonable fee to reimburse necessary costs, including costs of reproduction, scanning, and mailing of the information or documents required. Before the party receives the requested information and document, proof of payment must first be provided to URO.
3. **Undertaking:** By receiving the requested information and document, the requesting party acknowledges that the same shall not be used for any purpose other than what is indicated in the request form as approved, shall not be used for any purpose that is contrary to law, morals, good customs, or public policy, and shall not be reproduced for any commercial use.

## SECTION 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI:** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
  - a. 1<sup>st</sup> Offense - Reprimand
  - b. 2<sup>nd</sup> Offense - Suspension of one day to thirty days
  - c. 3<sup>rd</sup> Offense - Suspension of one month to six months
  - d. 4<sup>th</sup> Offense - Dismissal from the service
2. **Procedure:** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

## SECTION 9. EFFECTIVITY

This Manual shall be posted on URS website and shall take effect immediately upon approval of the University Administrative Council.

## APPROVAL

This Freedom of Information Manual was approved by the URS Board of Regents through Resolution No. 060-648-17 dated September 25, 2017.



**NANCY T. PASCUAL**  
University President