



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 1 of 8

FREEDOM OF INFORMATION MANUAL

SECTION 1: OVERVIEW

- 1. Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the Foreign Service Institute (FSI) in dealing with requests for information received under Executive Order No. 2, "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."

FSI is committed to uphold the right to freedom of information and the implementation of a policy of full public disclosure of all its transactions, involving public interest in accordance with the Constitution, and consistent with applicable laws, rules, regulations and procedures.

- 2. Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by FSI when a request for access to information is received. The Institute's Director General is responsible for all actions carried out under this Manual, with the key supervision delegated to the Institute's three Division Heads who also serve as FOI Decision-Makers (DMs) by virtue of an FSI Office Order. As FOI DMs, they shall vet the FOI requests on their respective areas of concerns and decide whether to release all the records, partially release the records, or deny access.

- 3. Coverage of the Manual:** The Manual shall cover all requests for information directed to FSI, particularly requests regarding:

- Client/supplier concerns and statutory compliance
- Training services
- Research services
- Library services
- Availability of publications

- 4. FOI Receiving Officer:** There shall be officially delegated FOI Receiving Officers (FRO), whose functions include the following:

- a. receive on behalf of FSI all requests for information submitted through e-mail, postal mail, phone calls, hand delivered by the requesting party, or forwarded by its parent agency, the Department of Foreign Affairs
- b. monitor all FOI requests and appeals;
- c. compile statistical information as required;
- d. conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the DMs for further evaluation, or deny outright the request for any of the following reasons:
 - i. form submitted was incomplete;
 - ii. information requested is already available at the FSI official website, www.fsi.gov.ph
 - iii. document requested does not exist.
- e. Prepare FSI's periodic and annual reports on its implementation of EO No. 2.



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 2 of 8

5. **FOI Decision Maker:** The Institute's Division Heads serve as DMs. They shall conduct an evaluation of the request and recommend to the Director-General the grant or denial of the request based on the following:
- Availability of the information requested;
 - Sensitivity of the information requested
 - The information requested falls under the list of exceptions
 - Duplication of requests from the same requesting party
6. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee composed of all the DMs and FROs, with a representative from the Institute's Employees Association (as disinterested party).

SECTION 2: DEFINITION OF TERMS

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

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

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

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

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

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.



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 3 of 8

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

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

FOI REQUEST. A written request submitted to a 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.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. 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 Institute cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When a government office is able to disclose all records in full in response to 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.

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

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

OPEN DATA. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 4 of 8

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.

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

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

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

REFERRAL. When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:

1. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
2. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 5 of 8

such person, the disposal of such proceedings or the sentence of any court or administrative body in such proceedings;

3. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
4. Specifically established by an executive order or an act of Congress to be kept classified.

SIMPLE REQUEST. An FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** FSI shall regularly publish and/or 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 description of its mandate, structure, powers, functions, duties, and decision-making processes;
 - A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - The names of its key officials, their powers, functions, and responsibilities, and their profiles and curriculum vitae;
 - Work programs, development plans, investment plans, projects, performance targets, and accomplishments, and budgets, revenue allotments and expenditures;
 - Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Accessibility of Language and Form.** FSI shall aim to eventually translate key information in Filipino and present them in popular form and means.

SECTION 4. PROTECTION OF PRIVACY

While providing for access to information, FSI shall afford full protection to a person's right to privacy by observing the following measures:

1. Ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. Protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks, or premature disclosure;
3. Refrain from disclosing personal information in its custody, except as may be authorized by law.



Foreign Service Institute Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 6 of 8

SECTION 5. STANDARD PROCEDURE

Request for Information

Step 1.a (Through the FOI portal)

Go to www.foi.gov.ph to make and send a request for information to FSI.

Step 1.b (Through email, hand mail, or telephone call)

Send the request for information to FSI by sending an email or hand mail or placing a call.

Step 2

FSI's FRO will forward the request to the Information Owner who will evaluate the request and will notify the requesting party of the action being taken within two working days.

Step 3

If the requested information is available and may be released to the requesting party, the Information Owner shall prepare the requested information and grant it to the requesting party through FSI's FRO within 15 working days.

The FRO shall also immediately notify the requesting party in case there shall be a reproduction and copying costs in order to provide the information. Such fee shall be the actual amount spent for reproduction.

FOI Appeals

If the requesting party is not satisfied or does not agree with the response – particularly a denial of request, the requesting party may write an appeal to FSI's FOI Central Appeals and Review Committee through fsiphilippines@fsi.gov.ph. The reasons why he/she is dissatisfied must be specified. The appeal must be sent to FSI within 15 days after receipt of FSI's denial.

FSI's Central Appeals and Review Committee shall review the appeal and inform the requesting party of its final decision 30 days upon receipt of the appeal.

SECTION 6. REMEDIES IN CASE OF DENIAL

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

1. **Administrative FOI Appeal to the Central Appeals and Review Committee:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 7 of 8

- a. Denial of the request may be appealed by filing a written appeal to the Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the FSI Director-General upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
 - c. The denial of the Appeal by the Director-General or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

FSI shall establish a system to trace the status of all requests for information received.

SECTION 8. FEES

1. **No Request Fee.** FSI shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent for reproduction. The fees shall also be posted.
3. **Exemption from Fees:** FSI may exempt a requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9. 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:
 - 1st Offense: Reprimand
 - 2nd Offense: Suspension of one (1) to thirty (30) days;
 - 3rd Offense: Suspension of one (1) month to three (3) months
 - Final Offense: Dismissal from service
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service and relevant rules and regulations of the Institute on administrative cases shall be



Foreign Service Institute
Freedom of Information Manual

Doc. Ref No.	AFSD-M03
Section	N/A
Effectivity Date	04Jan21
Revision No.	00
Page No.	Page 8 of 8

applicable in the disposition of cases arising from the implementation of E.O. No. 2 through this Manual.

- 3. Provisions for More Stringent Laws, Rules, and Regulations.** Nothing in this Manual shall be construed to derogate from any law for more stringent penalties.

JOSE MARIA A. CARIÑO
Director-General