Santa Maria
WATER DISTRICT

FREEDOM OF INFORMATION (FOI) MODEL PEOPLE'S MANUAL

SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this People's FOI Manual (Manual) is to provide the process to guide and assist Filipino Citizens in requesting for information under Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI). **(Annex "B")**

2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the Santa Maria Water District (SMWD) when a request for access to information is received. The General Manager is responsible for all actions carried out under this Manual and may delegate this responsibility to the Public Assistance and Complaint Desk (Officer in-charge)/Utilities/Customer Services Assistant of Customer Services of the Santa Maria Water District. The General Manager may delegate a specific officer to act as the Decision Maker (DM), who 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).

3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the SMWD.

4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the SMWD. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent, of the SMWD. The FRO shall hold office at Ground Floor, SMWD Office.

   The functions of the FRO shall include receiving on behalf of the SMWD all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

   a. That the form is incomplete; or
   b. That the information is already disclosed in the SMWD's Official Website, foi.gov.ph, or at data.gov.ph.

   Local offices of the SMWD shall assign their respective FROs. **(Annex "C")**

5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the General Manager, with a rank of not lower than a Division Chief or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
    a. The SMWD 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 SMWD.
6. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Director or its equivalent, designated by the General Manager to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager on the denial of such request.
7. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the General Manager may delegate such authority to his Chief of Staff or any Officer not below the rank of a Director.

SECTION 2: DEFINITION OF TERMS

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.

foi.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, FOI.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. FOI.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 a FOI request because they are protected by the Constitution, laws or jurisprudence.

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 a FOI request

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. A 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. Info released in response to a 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 AGENCY or any of its office, bureau or agency cannot release any records in response to a 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 a FOI request.

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 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.

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 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.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to a 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. A 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.

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.

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

SIMPLE REQUEST. A 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. PROTECTION OF PRIVACY

While providing for access to information, the SMWD shall afford full protection to a person's right to privacy, as follows:

a. The SMWD 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 SMWD 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 SMWD, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE *(See **Annex "E"** for flowchart)*

1. Receipt of Request for Information.

1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See **Annex "F"** for request form).

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.

1.2 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 FRO shall reduce it in writing.

1.3 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.

1.4 The SMWD must respond to requests promptly, within the fifteenth (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.

The date of receipt of the request will be either:

a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or

b. If the government office 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 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 the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

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

   2.1. Request relating to more than one office under the SMWD: If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such offices that they will only provide the specific information that relates to their offices.

   2.2. Requested information is not in the custody of the SMWD or any of its offices: If the requested information is not in the custody of the SMWD or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

   - If the records requested refer to another AGENCY, the request will 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 the day after it receives the request.
   - 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.

   2.3. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the SMWD 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.

   2.4. 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.

3. **Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. **Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

   The FRO shall note the date and time of receipt of the information from the FDM and report to the General Manager or the designated officer, in case the submission is beyond the 10-day period.

   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 office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. **Role of FRO to transmit the 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 General Manager or the designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office 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.

7. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the DM 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 General Manager or his designated officer for final approval.

8. **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.

9. **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 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 General Manager or to his designated officer.

SECTION 5. 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 SMWD 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.

    a. Denial of a request may be appealed by filing a written appeal to the SMWD 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 General Manager 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.

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 6. REQUEST TRACKING SYSTEM

The SMWD shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 7. FEES

1. **No Request Fee.** The SMWD shall not charge any fee for accepting requests for access to information.

2. **Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by the SMWD in providing the information to the requesting party. The schedule of fees shall be posted by the SMWD.

3. **Exemption from Fees:** The SMWD may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

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. 1st Offense - Reprimand;
b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
c. 3rd 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.

3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.

This is to certify that the above information is true and correct.

Certified by:

ENGR. CARLOS N. SANTOS JR.
General Manager

Approved by:

MRS. TEODORA J. CATIIS
Chairperson-Board of Directors

ANNEX "A"

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

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

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

6. What agencies can we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

a. The requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
d. The request shall be forwarded to the officials involved to locate the requested information.
e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
f. If necessary, the head of the agency shall provide clearance to the response.
g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

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

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

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

ANNEX "B"

MALACAÑAN 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 TO 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:

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 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.
(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, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged 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 to 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 law 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 provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or 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 the right to privacy of the individual 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 law, 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.
(c) Any employee, official or director 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 regulation.

SECTION 8. People's Freedom to 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 provisions:

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
(b) The person or office responsible for receiving requests for information;
(c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
(e) The process for the disposition of requests;
(f) The procedure for the administrative appeal of any denial for access to information; and
(g) The schedule of applicable fees.

SECTION 9. **Procedure**. The following procedure shall govern the filing and processing of request 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 or updated inventory of exception as hereinabove provided.
(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and 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 and 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 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 agency or 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 cases or other analogous cases. The government office shall notify the person making the

request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days 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 required, 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 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, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party 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 stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
(b) The appeal 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 part may file the appropriate case in the proper courts 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 or 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.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

ANNEX "C"

FOI Receiving Officers of the AGENCY and its local offices

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Customer Accounts Division	Second Floor, SMWD	(044) 762-8480	Israel Reyes
Office of the Board of Director	Second Floor, SMWD	(044) 762-8480	Moana Marie Agupitan
Office of the General Manager	Second Floor, SMWD	(044) 762-8480	Roxanne Espiritu
Administrative Services Division	SMWD Admin Office	(044) 815-3238	Sara Jane Sta. Ana

ANNEX "D"

LIST OF EXCEPTIONS

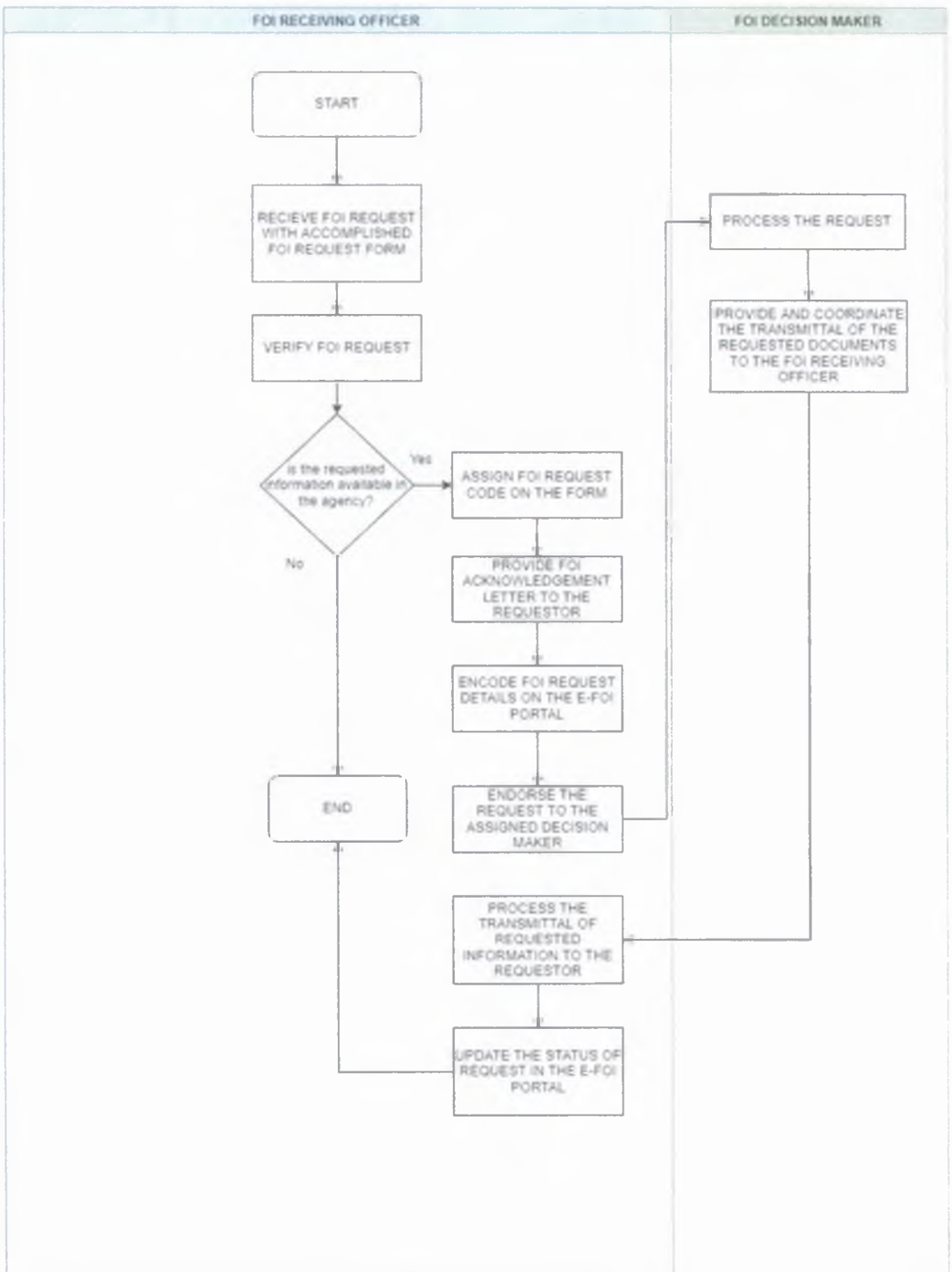
The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:[1]

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

[1] These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

ANNEX "E"

Flow Chart



ANNEX "F"

FOI Request Form

Santa Maria
WATER DISTRICT

FREEDOM OF INFORMATION (FOI) REQUEST

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title *(e.g. Mr, Mrs, Ms, Miss)* _____ 2. Given Name/s *(including M.I)* _____ 3. Surname _____

4. Complete Address *(Apt/House Number, Street, City/Municipality, Province)* _____

5. Landline/Fax _____ 6. Mobile _____ 7. Email _____

8. Preferred Mode of Communication ☐ Landline ☐ Mobile Number ☐ Email ☐ Postal Address
(if your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply ☐ Email ☑ Fax ☐ Postal Address ☐ Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature) ☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID ☐ School ID ☐ Company ID ☐ Others _____

B. Requested Information

11. Agency - Connecting Agency (if applicable) _____ _____

12. Title of Document/Record Requested (Please be as detailed as possible) _____

13. Date or Period (DD/MM/YY) _____

14. Purpose _____

15. Document Type _____

16. Reference Numbers (If known) _____

17. Any other Relevant Information _____

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:
- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

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

Signature _____

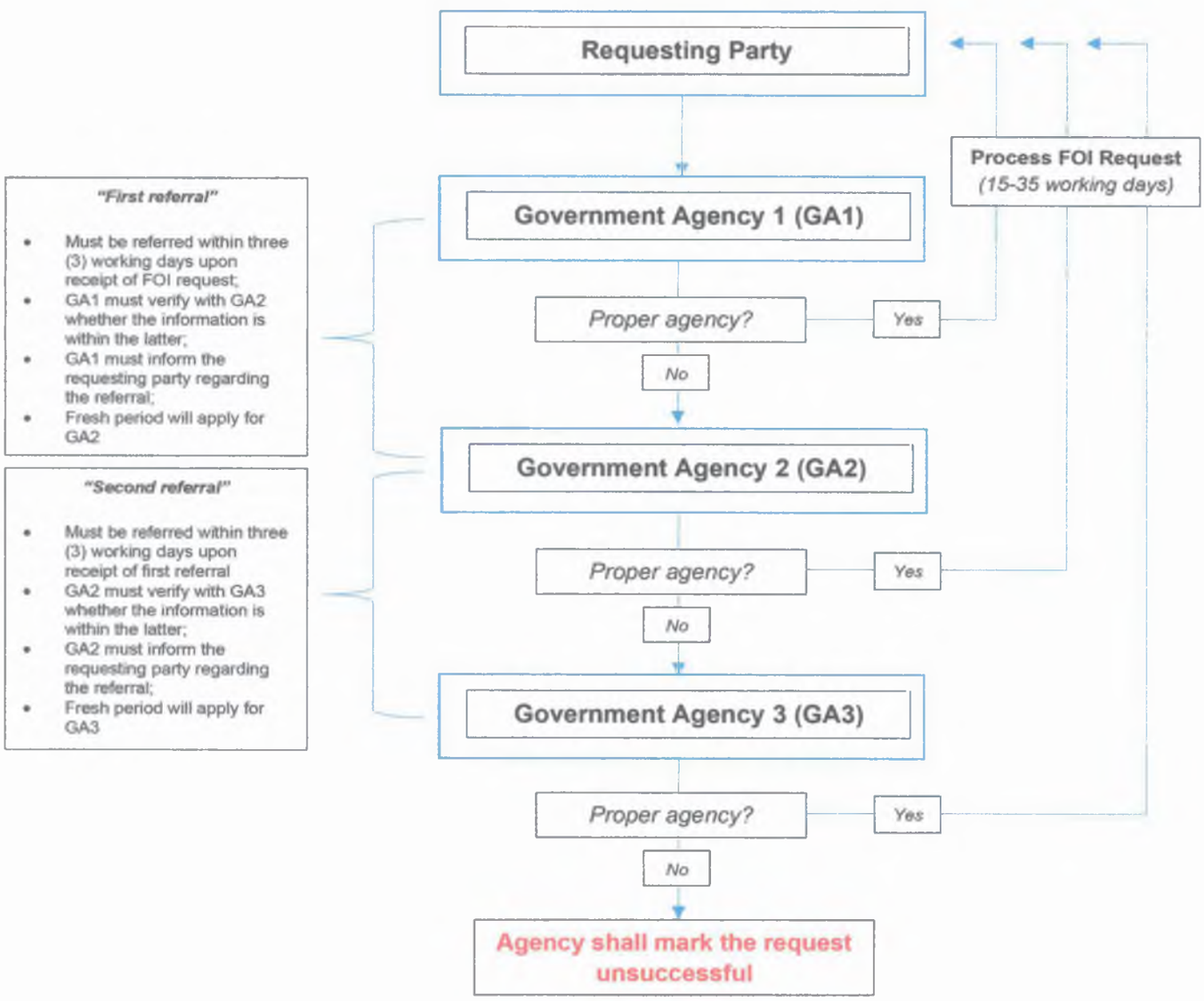
Date Accomplished (DD/MM/YYYY) _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name)	_____
Agency - Connecting Agency (if applicable, otherwise N/A)	_____ _____
Date entered on eFOI (if applicable, otherwise N/A)	_____
Proof of ID Presented (Photocopies of original should be attached)	☐ Passpor ☐ Driver's License ☐ SSS ID ☐ Postal II ☐ Voter's ID ☐ School II ☐ Company ID ☐ Others _____
The request is recommended to be:	☐ Approve ☐ Denied
If Denied, please tick the Reason for the Denial	☐ Invalid Request ☐ Incomplete ☐ Data already available online
Second Receiving Officer Assigned (print name)	_____
Decision Maker Assigned to Application (print name)	_____
Decision on Application	☐ Successful ☐ Partially Successful ☐ Denied ☐ Cost
If Denied, please tick the Reason for the Denial	☐ Invalid Request ☐ Incomplete ☐ Data already available online ☐ Exception Which Exception? _____
Date Request Finished (DD/MM/YYYY)	_____
Date Documents (if any) Sent (DD/MM/YYYY)	_____
FOI Registry Accomplished	☐ Yes ☐ No
FRO Signature	_____
Date (DD/MM/YYYY)	

ANNEX G

NO WRONG DOOR POLICY FLOWCHART



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.

ANNEX F

Santa Maria WATER DISTRICT	**Procedure 27** **FREEDOM OF INFORMATION – FOI REQUESTS PROCEDURE**	Date prepared : September 22, 2022 Date approved : September 26, 2022 Effectivity Date : September 26, 2022 Revision No. : 00 Revision Date : N/A Control No. : *PM27-01*
Reviewed by: Engr. Carlos N. Santos Jr.-GM		Approved by: Dir. Teodora J. Catiis-BOD Chairperson

1.0 OBJECTIVES

1.1 To create a standard procedure for processing freedom of information requests

1.2 To comply with the regulatory requirements related to the Freedom of Information Act

2.0 SCOPE

This procedure describes the duties and responsibilities and authorities for providing agency-related information requested by the public.

3.0 REFERENCES

3.1 EO No. 2 s. 2016 Freedom of Information (FOI) Act

3.2 Data Privacy Act of 2012

3.3 SMWD Freedom of Information Manual

3.4 PM 15 Communication Procedure

4.0 RESPONSIBILITIES AND AUTHORITIES

Board of Directors, General Manager, Decision Makers, and FOI Receiving Officers

5.0 PROCESS

SMWD Freedom of information program consists of 3 types of modes of requests as follows: e-FOI Portal, Standard (walk-ins) and Standard (e-mail) request. FOI requests can be assessed as normal/simple request which needs to be accomplished within 15 working days or complex request which needs to be accomplished within 35 working days.

Received FOI requests shall be coordinated by the SMWD FOI Receiving Officers (FROs) to the designated Decision Makers (DMs) as follows:

- *If the request is technical, assign it to Operations Department's Decision Maker*
- *If the request is about administrative and fiscal, assign it to Admin, Financial and General Services Department's Decision Maker*
- *If the request is about commercial – assign it to Commercial Department's Decision Maker*

5.1 Processing e-FOI Requests

Requestors can visit **https://www.foi.gov.ph/** to view list of agencies and search for Santa Maria Water District (Bulacan) to create and submit a request which the FROs will be receiving thru their registered e-mail accounts.

5.1.1 Receiving e-FOI Requests

Each FROs must verify and ensure the completeness and clarity of all requests for information being received thru the e-FOI Portal before making necessary action *(accepting/sharing or denying)*.

5.1.2 *Accepting e-FOI Requests*

Once the request has been verified and available in the agency, the FRO shall accept the request and assign it to the correct decision maker.

The FRO shall closely coordinate with the assigned DM and provide a prompt update of the status of the request to the entire FOI Team.

The assigned DM will then have to accomplish the e-FOI Request and transmit the requested information to the requestor thru the e-FOI Portal.

5.1.3 *Sharing e-FOI Requests*

If the requested data is not for nor not related to SMWD but to another organization, the FOI Receiving Officer will have the option to share the request to the correct agency ensuring that they are also on-boarded to the e-FOI Portal;

5.1.4 *Denying e-FOI Requests*

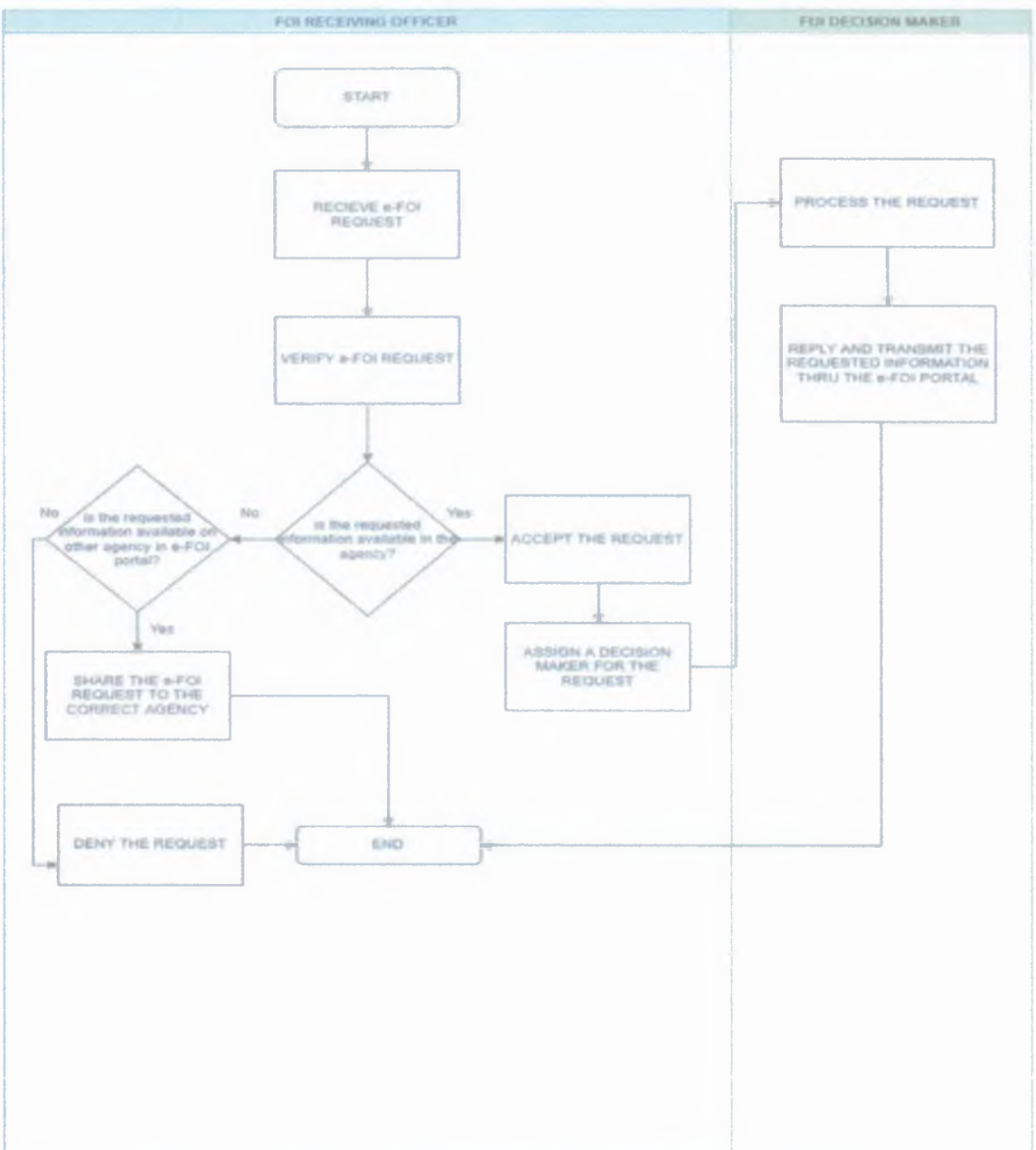
The FOI Receiving officer shall have the right to deny the request if it falls into the following conditions:

- The requested data is prohibited to be disclosed as per the Data Privacy Act of 2012
- The requested data is not related to SMWD and the correct agency is not onboarded to the e-FOI Portal
- The requested data is related to SMWD but is not available

5.1.5 Recording e-FOI Requests

The FOI Receiving Officer shall record all the received e-FOI requests on the SMWD FOI Registry as prescribed by the regulatory agency for Freedom of Information.

5.1 PROCESS FLOW



5.2 Processing Standard Walk-in FOI Requests

The requestor also has an option to visit the office to submit their FOI Request.

5.2.1 Filing of Standard FOI Requests

The Officer-in-charge for the day (Information Desk) must assist the requestor in filling out the SMWD FOI Request form.

If the requestor has an official request letter, the OIC must attach the letter to the filled-out form and to also secure a copy of the requestor's valid ID.

The OIC shall forward all the documents to the Communication team

5.1.1 Receiving Standard Walk-in FOI Requests

The Communication team shall properly receive the request letter *(see Communication Procedure)* to be endorsed to the General Manager with an attached Instruction Sheet indicating that the communication is an FOI Request and endorse the filled-up SMWD FOI request form to the FOI Team.

The FRO shall encode the details of the request, assign an FOI Code, provide a coded copy of the FOI Request form to the requestor and endorse the request to the correct decision maker *(See 5.0 Process)*.

The FRO shall wait for the DM to accomplish the requested information and shall also closely coordinate with the communication team for any additional notes in processing the FOI request once the communication and instruction sheet has been released by the General Manager.

5.1.2 *Accepting Standard Walk-in FOI Requests*

The assigned DM will then provide the requested information and endorse the document to the communication team to be signed and approved by the General Manager.

The communication team will then transmit the requested information to the requestor via e-mail or physical transmittal delivered by the agency's transport services.

Once transmitted and received by the requestor, the communication team shall endorse the copy of the transmittal or proof of receipt to the FRO Team for recording and safekeeping.

The FRO Team shall then return the Instruction Sheet to the Office of the General Manager to be filed in accordance with the Communication Procedure.

5.2.3 *Denying e-FOI Requests*

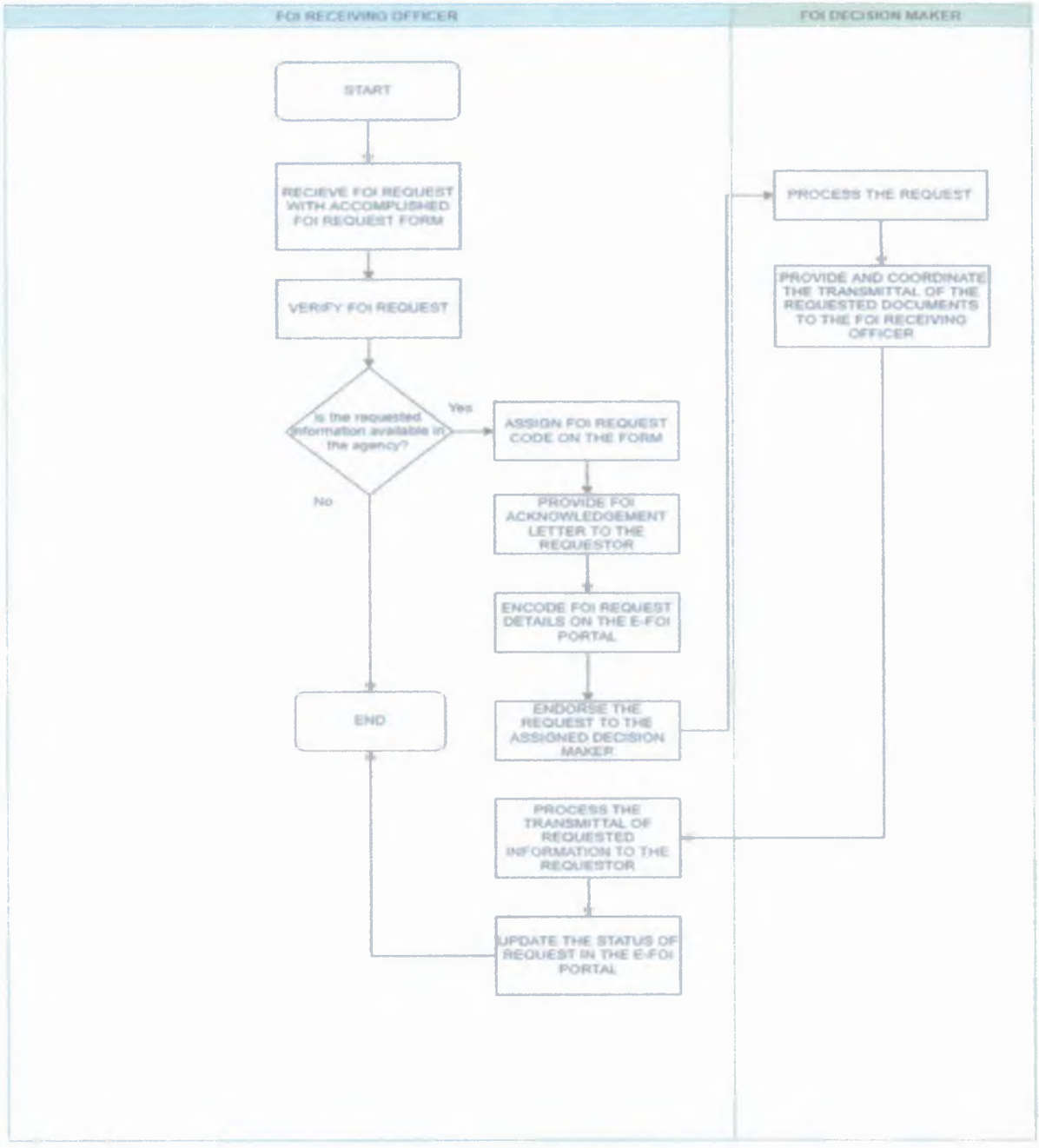
The FOI Receiving officer shall have the right to deny the request if it falls into the following conditions:

- The requested data is prohibited to be disclosed as per the Data Privacy Act of 2012
- The requested data is not related or not available in SMWD

5.2.4 Recording e-FOI Requests

The FOI Receiving Officer shall record all received standard walk-in requests on the SMWD FOI Registry as prescribed by the regulatory agency for Freedom of Information.

5.2 PROCESS FLOW



5.3 Processing Standard e-mail FOI Requests

For requests for information via e-mail, the FRO shall acknowledge the e-mail and redirect the requestor to the SMWD's e-FOI Portal page following the process for the e-FOI Requests.

6.0 RECORDS

6.1.SMWD FOI Request Form
6.2.SMWD FOI Feedback Form
6.3.SMWD FOI Registry (Google Spreadsheet)