



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Agham Road, Diliman, Quezon City 1104

**FREEDOM OF INFORMATION  
MANUAL**

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# OFFICE OF THE OMBUDSMAN

## FREEDOM OF INFORMATION (FOI) MANUAL

### PART I - General Provisions

#### A. Purpose and Coverage of the Manual

This FOI Manual is issued pursuant to the constitutional policy of full public disclosure of all public transactions involving public interest, in recognition of the people's right to information on matters of public concern, consistent with Executive Order No. 02, series of 2016,<sup>1</sup> and in order to provide detailed procedures for the guidance of the officers and personnel concerned for the effective implementation hereof.

The Manual shall cover all requests for information lodged with the Office of the Ombudsman including its area, sectoral and functional offices.<sup>2</sup>

#### B. 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 recordings, magnetic or other tapes, electronic data, computer-stored data, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

2. *Official record* refers 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.

3. *Public record* includes information required by laws, executive orders, rules or regulations to be entered, kept and made publicly available by a government office.

4. *Access to information* relates to acquiring or obtaining information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as government research data used as basis for policy development, either through purposely released/published information or by request.

5. *Freedom of information* relates to access to information without undue restriction that curtails the right of the people to information on matters of public concern as guaranteed by the Constitution.

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<sup>1</sup> Entitled "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" (*Annex "A"*).

<sup>2</sup> The *area* offices shall refer to the respective Offices of the Deputy Ombudsmen for Luzon (OMB Luzon), Visayas (OMB-Visayas) and Mindanao (OMB-Mindanao). The *sectoral* office shall refer to the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices (OMB-MOLEO). The *functional* office shall refer to the Office of the Special Prosecutor (OSP).

6. *Information for disclosure* refers to 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 in the agency and other applicable government websites without need for requests from the public.

7. *Open data* refers to publicly available data structured in a way that enables the data to be fully discoverable and useable by end users.

8. *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/office that utilizes public funds.

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

10. *Sensitive personal information* is defined by the Data Privacy Act of 2012 as personal information:

- a. about an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. about an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- 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.

### **C. FOI Receiving Officers**

There shall be an FOI Receiving Officer from the Public Assistance Bureau and the counterpart bureaus or frontline units in the area, sectoral and functional offices (see *Annex "B"*), who will have the following functions:

1. Receive requests for information on behalf of the Office;
2. Provide assistance and support to the public and staff with regard to FOI;
3. Conduct initial evaluation of the request;
4. Advise the requesting party on the requirements and procedures;
5. Compile and manage information as directed/required;
6. Forward such requests to the appropriate office/unit, as necessary;
7. Provide assistance and recommendations to the FOI Decision Maker; and
8. Monitor FOI requests and appeals.

The media affairs bureau and counterpart media liaison officers in the Visayas and Mindanao area offices shall handle media-related requests.

#### **D. FOI Decision Makers**

Heads of the central records bureau/division and counterpart records bureau/unit in the area, sectoral and functional offices, and the head of the media affairs bureau and counterpart media liaison officers in the Visayas and Mindanao area offices insofar as media-related requests are concerned, shall be the FOI Decision Makers who will review the FOI requests within their respective jurisdictions/functional areas and accordingly grant, deny or otherwise act upon the FOI requests, unless such authority is vested in another office or records custodian.<sup>3</sup>

#### **E. Appeals**

The Overall Deputy Ombudsman, Deputy Ombudsmen, and the Special Prosecutor shall review appeals with respect to denied FOI requests lodged with their respective offices.

The Committee on Public Information shall be in charge of providing policy/management guidance for FOI implementation.

#### **F. Exceptions to the Freedom of Information**

Access to information shall be denied when the information falls under any of the following exceptions, where applicable, as enshrined in the Constitution, applicable laws and jurisprudence, per inventory of exceptions (*Annex "B"*) prepared by the Department of Justice and the Office of the Solicitor General and as circularized by the Office of the President, without prejudice to subsequent periodic updates of the inventory of exceptions:

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 respondent/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;

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<sup>3</sup> *Vide* Part II, par. D(3), *e.g.*, in case of regional offices in the area offices, the concerned director or head thereof within the limits of his/her authority.

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.

### **G. Protection of Privacy**

While providing access to information, the responsible officials shall afford full protection to an individual's right to privacy, as follows:

1. Personal information in agency custody or control shall be disclosed or released only if it is material or relevant to the subject matter of a request and its disclosure is permissible under existing laws, rules and regulations.
2. Such personal information must be protected 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.
3. Any employee or official who has access, authorized or unauthorized, to personal information in the custody of the agency or office must not disclose that information except when authorized by or pursuant to existing laws, rules and regulations.

### **H. Application and Interpretation**

The provisions of this Manual shall be liberally construed in favor of access to information. No request for information shall be denied unless it clearly falls under any of the inventory of exceptions (*Annex "B"*) or the applicable circumstance for denial under Part II, par. (D)(2) hereof.

The determination of the applicability of any of the exceptions shall be the responsibility of the designated Decision Maker. In making such determination, reasonable diligence shall be exercised 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 or graft and corruption.

## **PART II - Standard Procedure on Requests for Access to Information**

### **A. Who May Request**

Any person outside the Office, including members of the media, academic and research institutions, may file an FOI request.

Persons within the Office, but from bureaus/units other than those directly authorized/responsible for custody and control of the information requested, seeking access to information shall comply with the internal rules and regulations of the Office.

### **B. How to Request**

1. The requesting party shall accomplish the appropriate request form (see forms in *Annex "C"* series) with the following details:

- a. Name and contact information;
- b. Description of the information requested; and
- c. Valid proof of identification and authorization, such as a copy of government/institution-issued identification card with photo and signature, and authorization document in case the requesting person is a representative.

2. If the request is made by mail, facsimile or through the official agency email, and the request did not use the appropriate request form, the Receiving Officer shall accomplish the request form and attach it to the mail/printed request. If the mail/printed request lacks the necessary details, the Receiving Officer shall immediately communicate with the requesting party.

3. The request may be submitted or addressed to the concerned Ombudsman offices, the locations and contact information of which are stated in *Annex "D"*.

### **C. Receiving, Initial Evaluation and Routing**

1. On requests submitted personally, the Receiving Officer shall provide reasonable assistance, free of charge, to enable the requesting party, particularly those with special needs, to comply with the requirements.

2. The request form shall be stamped accordingly, indicating the date and time of receipt as well as the full name, title or position/designation of the Receiving Officer with corresponding signature, with a copy thereof furnished the requesting party.

3. Requests submitted through mail, facsimile, or email (printout) shall also be stamped accordingly.

4. All requests shall be documented using a records management system that could facilitate easy identification, retrieval and tracking, which shall contain the following information:

- a. Date and time received;
- b. Form of request (*e.g.*, accomplished request form, mail, email, fax);
- c. Brief description of information requested;
- d. What office referred to;
- e. Form and content of document to be transmitted to the requesting party; and
- f. Date and time released.

5. If the information/record requested is not within the responsibility and custody of the bureau/unit of the Receiving Officer, the request shall immediately be referred and routed to the office concerned. The requesting party shall be informed of such routing/referrals.

### **D. Processing of Requests**

1. Within one working day from receipt and after initial evaluation, the Receiving Officer shall refer the request to the Decision Maker with the initial evaluation and recommendation on the requested information, and proposed response to the requesting party, as appropriate.

2. The Decision Maker shall determine the appropriate action to be taken of the information/record requested, taking into consideration the recommendation of the Receiving Officer, as follows:

- a. Already available in the agency website, publications or other sources – advise the requesting party how to access the information;
- b. Readily available and can be provided immediately – proceed with preparing the information requested;
- c. Record contains information of interest to another office/agency – consult the office/agency concerned on disclosability;
- d. Not readily available but can later be produced fully or partially – advise the requesting party, including the indicative period within which the available information can be produced, then proceed with preparing the information;
- e. Unclear information requested – advise the requesting party to clarify the request;
- f. Information not available but definitively known to be with other agencies/offices – advise the requesting party and/or refer to the agency/office concerned;
- g. Not available and cannot be produced within the prescribed period or reasonable time and resources, such as those that require research or data gathering from other sources or different offices – deny the request;
- h. Falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence (explained in *Annex “B”*) – deny the request;
- i. Requested information contains sensitive personal information protected by the Data Privacy Act – deny the request; and
- j. Unreasonable subsequent identical or substantially similar request from the same requesting party whose request has been previously granted or denied by the same office – deny the request.

3. Once the request has been received by the Decision Maker, any response or referral shall be in writing, *e.g.*, formal letter or email communication. This response shall be signed by the Decision Maker or the appropriate officer, subject to the nature of information, delegation of authority and special designation, with a copy thereof furnished the Receiving Officer.

4. A letter or email shall be prepared informing the requesting party within the prescribed period that the request is granted and requiring the payment of applicable fees, if any. In case of denial of the request, wholly or partially, the requesting party shall be notified in writing within the prescribed period, clearly stating the ground/s for denial and the circumstances on which the denial is based. Failure to notify the requesting party within the period shall be deemed denial of the request.

5. Requests shall be responded to within 15 working days from date of receipt. The response refers to advice, referral, approval or denial of the requests. This period may be extended whenever the information requested requires extensive search of office records, examination of voluminous records, occurrence of fortuitous events or other analogous cases. In such case, the

Receiving Officer/Decision Maker shall notify the requesting party, setting forth the reasons for extension. In no case shall the extension go beyond 20 working days counted from the end of the original period unless exceptional circumstances warrant a longer period.

#### **E. Charging and Payment of Fees**

The Office shall not charge any fee for accepting requests for access to information. However, a reasonable fee may be imposed to reimburse actual cost of printing and/or reproduction of information/records, at five pesos (₱5.00) per page for plain copies or ten pesos (₱10.00) per page for certified copies.

The records officer may exempt any requesting party from payment of fees, upon the latter's request with valid reason or justification. In case the requesting party cannot pay the fee/s and in order to avoid or minimize the assessment of fees, access to the requested information may be made through email or facsimile.

#### **F. Remedies in Case of Denial**

Denial of requests may be appealed by the requesting party to the concerned officials in accordance with Part I (E) hereof.

The written appeal must be filed by the same requesting party within 15 calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided within 30 calendar days from the filing of the appeal. Failure to decide within the 30-day period shall be deemed denial of the appeal. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

#### **G. Administrative Liability**

Failure to comply with the provisions of this Manual may be a ground for administrative disciplinary sanctions, as follows:

- a. 1st offense – Reprimand
- b. 2nd offense – Suspension of one (1) day to thirty (30) days
- c. 3rd offense – Dismissal from the service.

Nothing in this Manual shall be construed to derogate from any law, rule or regulation which provides for more stringent penalties.

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