

2017



FREEDOM OF INFORMATION MANUAL

Implementing E.O. No. 2,
Series of 2016

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DIPOLOG CITY WATER DISTRICT
Dipolog City





SECTION 1. OVERVIEW

1. **Title:** This Manual shall be known as the Freedom of Information (FOI) Manual.
2. **Purpose:** This Manual serves to:
 - a) set out internal guidelines and procedures to be followed by the Dipolog City Water District (DipCWD) when a request for information is received in relation to Executive Order No. 2, s. 2016 on Freedom of Information (FOI);
 - b) define the specific roles and responsibilities of the DipCWD personnel designated to handle FOI requests; and
 - c) outline remedies in case of denial

3. COMPOSITION OF FOI TEAM

- a) **General Manager (GM)** – shall be responsible for all actions carried out under this Manual and shall render the final decision on FOI requests.
- b) **Decision Maker (DM)** - shall be responsible for the initial decision on FOI requests whether to release the records in whole or in part, or deny access, and submits his recommendation to the GM for final decision.
- c) **Receiving & Releasing Officer (RRO)** – receives all requests for information; conducts initial evaluation as to completeness of the form; forwards the same to the appropriate unit who has custody of the records; keeps track of all FOI requests; and releases the required information to the requesting party upon approval of the GM.

SECTION 2. DEFINITION OF TERMS

1. **INFORMATION** shall mean any record, document, paper, report, letter, contract, minutes and transcript of official meetings, map, book, photograph, data, research material, film, sound and video recording, magnetic or other tape, 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 the DipCWD pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the agency.
2. **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.
3. **PUBLIC RECORD/RECORDS** shall include all information required by laws, executive orders, rules or regulations to be entered, kept and made publicly available by the DipCWD.
4. **PERSONAL INFORMATION** shall 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.



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

- a) About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b) About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- d) Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3. PROTECTION OF PRIVACY

While providing access to information, public records, and official records, DipCWD shall afford full protection to the right to privacy of the individual as follows:

- a) The DipCWD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws, rules or regulations;
- b) The DipCWD 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; and
- c) Any employee, official or director of the DipCWD who has access, authorized or unauthorized, to personal information in the custody of the DipCWD must not disclose that information except when authorized under EO No. 2, S.2016 or pursuant to existing laws, rules or regulations.

SECTION 4. STANDARD PROCEDURE

1. An FOI request will only be considered valid if applied through a fully-accomplished FOI Request Form. In case the Requesting Party cannot fill this out due to disability or illiteracy, the RRO is tasked to translate such request into the appropriate form through a competent interpreter or representative.
2. The FOI Request shall be received by the RRO who shall assess if the following requirements are met:
 - a) The Request Form is duly filled-up with one (1) valid photo ID of the requesting party attached;
 - b) The request shall indicate the name, address and contact information of the requesting party;
 - c) The request shall reasonably describe the particulars of the information requested, and the purpose for such request.
 - d) For requests made through email, the requesting party must send a scanned copy of the duly accomplished FOI request form and one (1) valid photo ID.
3. The request shall be stamped received by the RRO indicating the date and time of receipt. For requests made through email, it shall be acknowledged by replying to the email. The email shall also be printed out and follow the procedures of a written request.



4. The RRO shall provide a Proof of Receipt to the requesting party, and forwards the FOI Request Form to the appropriate DM who has custody of the requested information.
5. The DipCWD shall respond to the request within fifteen (15) working days from receipt. In case when further clarification is being asked from the requesting party, the period will begin from the time the DipCWD receives the required clarification from the requesting party.
6. Upon receipt of the FOI request, the RRO shall determine the availability of the requested information.
7. If the requested information is identified by the RRO to be available at the DipCWD (either wholly or in part), the RRO shall endorse the request to the concerned DM who has access to the requested information, otherwise inform the requesting party of its non-availability within the 15 working-day period.
8. If the FOI request requires extensive search and examination of voluminous records, the period for reply may be extended not to 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.
9. The DM shall inform the RRO about the need for time extension. In turn, the latter shall immediately notify the requesting party of such extension, setting forth the reasons for the extension.
10. For requested information that is already available and posted in the DipCWD website, the RRO shall inform the requesting party and provide the website link where the information is posted.
11. The DM shall endorse his/her grant or denial of the FOI request to the GM who shall make the final action on the request.
12. The RRO shall communicate the final decision of the DipCWD to the requesting party either in writing or by email, and direct the requesting party to pay any applicable fee.

SECTION 5. IDENTICAL OR SUBSTANTIALLY SIMILAR REQUESTS

The DipCWD shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request it has previously granted or denied.

SECTION 6. DENIAL OF REQUEST

A notice of denial shall be sent to the requesting party within fifteen (15) working days if DipCWD decides to deny the request. The notice shall be made in writing and should clearly indicate the ground/s for the denial. 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 7. GROUNDS FOR DENIAL

Grounds for denial of request are as follows:

- a) DipCWD does not have the information requested;



- b) the information requested falls under the list of exceptions enshrined in the Constitution, existing law, or jurisprudence; and
- c) 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 DipCWD

SECTION 8. REMEDIES IN CASE OF DENIAL OF REQUEST

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

1. Denial of any request for access to information may be appealed to the Board of Directors; provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period for the DipCWD to respond to the request.
2. The appeal shall be decided by the Board of Directors within thirty (30) working days from the filing of said written appeal. Failure by the Board of Directors to decide within the afore-stated period shall be deemed a denial of the appeal.
3. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 9. REQUEST TRACKING SYSTEM

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

SECTION 10. FEES

The DipCWD may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The Receiving Officer shall immediately notify the requesting party for any cost incurred in order to provide the information.

Photocopy per page (either short or long)	Php. 2.00
Retrieval fee	
a. For documents retrievable within one day –	Php. 100.00
b. For documents retrievable for more than 1 day to one (1) week –	Php. 300.00
c. For documents requiring more than 1 week –	Php. 500.00
Mailing charge	
a. registered postal mail	Php. 50.00
b. forwarder/courier (LBC, JRS, or similar)	Php. 120.00
Appeal of Notice of Denial (covers for administrative expenses and research fee)	Php. 500.00



SECTION 11. 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) day 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.

SECTION 12. POSTING AND EFFECTIVITY

This Manual shall take effect immediately after the approval of the Board of Directors and shall be posted on the DipCWD website.

Approved through Board Resolution No. ____, series of 2017 dated September 26, 2017.


REDENTOR V. ASPRER
Asst. Sec./Asst. Treas


ENRICO MONTANO
Member


BENSYB C. SYBICO
Treasurer

FLORDELIZ A. ASENIERO
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JOSEPHINE B. LEYSON
Chairperson