



REPUBLIC OF THE PHILIPPINES
NATIONAL ACADEMY OF SCIENCE AND TECHNOLOGY
3rd Level, Science Heritage Bldg., DOST Compound,
Bicutan, Taguig City

FREEDOM OF INFORMATION
PEOPLE'S FOI MANUAL

SECTION 1: OVERVIEW

1. Purpose:

The purpose of the FOI Manual is to provide the process to guide and assist the National Academy of Science and Technology, Philippines (NAST PHL), in dealing with requests of information received under Executive Order (EO) No. 2, series of 2016 on Freedom of Information (FOI). (**Annex "A"**)

2. Structure of the Manual:

This Manual shall set out the rules and procedures to be followed by NAST PHL when a request for access to information is received. The Director is responsible for all actions carried out under this Manual and may, as needed, delegate this responsibility to the division chiefs. The President, may act as the FOI Decision Maker (FDM) and 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 NAST PHL.

4. FOI Receiving Officer:

The Office of the Director shall designate VIRGINIA FRANCI O. GAVICA as the FOI Receiving Officer (FRO) in the NAST PHL, with offices located at the 3rd level, Science Heritage Bldg., DOST Compound, Bicutan, Taguig City.

The functions of the FRO shall include receiving on behalf of the NAST PHL and its attached offices, all requests for information and forward the same to the FDM for appropriate action on the request; monitor all FOI requests and appeals; provide assistance to the FOI DM; 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 FDM 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 NAST Official Website or at data.gov.ph.

5. FOI Decision Maker (FDM):

The Office of the President shall designate the Director who shall conduct the initial evaluation of the request for information and provide initial decision, upon the recommendation, on whether to grant or deny or partially deny the request based on the following:

- a. The NAST PHL does not have 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 Agency.

6. Agency Appeals and Review Committee:

The Office of the Director shall constitute an Appeals and Review Committee. The Committee shall be composed of the following:

Chairperson : LUNINGNING E. SAMARITA DOMINGO

Members : ROSEMARIE S. ESPINO
GUADA RAMOS-DIMAYA

The Committee shall review and analyze the grant or denial of request of information on the appeal of a requesting party by the FDM or by the Director. The Committee shall provide expert advice and submit its recommendation to the Office of the President for its consideration.

7. Final Appeal:

The President of the NAST PHL shall decide on all appeals of the requesting party upon the recommendation of the Appeal and Review Committee.

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.

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 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. Information 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 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 OF 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 useable 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 OF 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. 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.

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 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 PROCESSED 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.

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

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 NAST PHL shall afford full protection to a person's right to privacy, as follows:

- a. The NAST PHL 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 NAST PHL 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 NAST PHL, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE

1. Receipt of Request for Information.

- a. The FRO shall receive the request for information from the requesting party and check compliance of the following requirements:
 - i. The request must be in writing (legible, if handwritten);

- ii. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- iii. The request shall reasonably describe the information requested or contains information sufficient to identify the record/s requested; and
- iv. The request must clearly and categorically state the reason/s for, or purpose of, the request for information. (see **Annex “D”**)

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

- b. 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.
- c. The FRO shall stamp “RECEIVED” on the request form, indicating the date and time of the receipt of the written request, the name, rank, title and position of the public officer who actually received it, with a corresponding signature. A copy thereof shall be 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.

- d. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- e. The NAST PHL just 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:

- i. 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
- ii. 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.

a. **Request relating to more than one office under the NAST PHL:** If a request for information is received which requires to be complied with by several/different division of the NAST PHL, the FRO shall forward such request to the said division and ensure that it is well coordinated and monitor its compliance.

The FRO shall also clear with the respective FROs of such office that they will only provide the specific information that relates to NAST PHL.

b. **Requested information is not in the custody of the NAST PHL or any of its division:** If the requested information is not in the custody of the NAST PHL or any of its division, following referral and discussions with the FDM, the FRO shall undertake the following steps:

i. 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 offices commences the day after it receives the request.

ii. 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.

b. **Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the NAST PHL 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.

c. **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 immediately DENIED. However, the FRO shall inform the applicant of the reason of such denial.

3. Transmittal of request by the FRO to the FDM:

Finding the request for information sufficient in form and substance, the FRO shall 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 ten (10) working days upon receipt of such request.

The FRO shall note of the date and time of receipt of the information from the FDM and report to the Office of the President 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 fifteen (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.

FDM shall likewise determine if the requested information falls under the exemptions as periodically issued by the Office of the President (**Annex "E"**) as well as exemptions issued by the NAST PHL in its implementing guidelines.

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 President or the designated officer and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

6. Notice to the Requesting Party of the Approval/Denial of the Request:

Once the FDM 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 President or his designated officer for final approval.

7. 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.

8. Denial of Request:

In case of denial of the request in whole or in part, 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 Director.

9. 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 President and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

10. Period Response to Requests:

The NAST PHL must respond to the requests promptly, within the fifteenth (15) working days 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:

- d. 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
- e. 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.

11. 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 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.

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 NAST PHL 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 the Appeal by the Heads of the Agency may be appealed by filing a written appeal to the Agency Central Appeals and Review Committee within (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 Director 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 President 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 in accordance with the Rules of Court.

SECTION 6. REQUEST TRACKING SYSTEM

The NAST PHL 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 NAST PHL 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 by the NAST PHL in providing the information to the requesting party. The schedule of fees shall be posted by the NAST PHL.
3. **Exemption from fees.** The NAST PHL 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 grounded 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 (RRACCS) and DOST Administrative Order No. 5, Series of 2008 on Rules of Procedure for Disciplinary Cases in the DOST System, if applicable, 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 anybody or agency, which provides for more stringent penalties.

Signed this _____ day of _____ 2017 at Bicutan, Taguig City.

LUNINGNING E. SAMARITA DOMINGO
Director IV

ANNEX "B-1"

FOI RECEIVING OFFICERS OF NAST-DOST

AGENCY	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS	ASSIGNED FOI RECEIVING OFFICER	CONTACT DETAILS
NAST PHL	3 rd Level, Science Heritage Bldg., DOST Compound, Bicutan, Taguig City	02) 838-7739; (02) 837-3170 secretariat@nast.ph ; nastphsecretariat@gmail.com	Virginia Francia O. Gavica	vfgavica@yahoo.com

ANNEX "B-2"

FOI DECISION MAKERS AND ALTERNATE OF NAST-DOST

AGENCY	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS	ASSIGNED FOI DECISION MAKER	ALTERNATE	CONTACT DETAILS
NAST PHL	Office of the President 3 rd Level, Science Heritage Bldg., DOST Compound, Bicutan, Taguig City	02) 838-7739; (02) 837-3170 nastphlsecretariat@gmail.com	Academician Rhodora V. Azanza	Ms. Luningning E. Samarita Domingo	lesamarita_nast@yahoo.com

ANNEX "C"

LIST OF EXCEPTIONS FOR PUBLIC DISCLOSURE

- Minutes of the meetings including Executive Council and Academy Meeting resolutions
- Sensitive personal information of NAST Members, awardees and staff as prescribed in the Data Privacy Act of 2012
- Financial Transactions