

FREEDOM OF INFORMATION MANUAL
MARIANO MARCOS MEMORIAL HOSPITAL AND MEDICAL
CENTER (MMMh&MC)

In Compliance with Executive Order (E.O.) Number 2, Series of 2016

SECTION I.
BACKGROUND AND LEGAL BASES

The **Mariano Marcos Memorial Hospital and Medical Center (MMMh&MC)** is fully committed to foster transparency in its operations and transactions, and accountability of its personnel through the freedom of information mandated by and in compliance with:

1. **Article II, Section 28 of the 1987 Philippine Constitution** which states: *“Whereas, 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”*;
2. **Article III, Section 7 of the 1987 Philippine Constitution** which guarantees *“the right of people to information on matters of public concern”*;
3. **Republic Act Data Privacy Act of 2012 (Republic Act 10173) and its Implementing Rules and Regulations** which *“strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth”*;
4. **Executive Order (E.O.) Number 2, Series of 2016** which *“ensures that every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions and decisions, as well as to government research data used as basis for policy development”*; and

5. The **Philippine Open Government Partnership National Plan 2015-2017**, which provides the “*commitment of the Philippine Government to proactively release government data in open formats*”

6. **Guidelines on the Implementation of the Freedom of Information (FOI) Program and Open Data Initiative (ODI) in the DOH under Department Order (DO) No.: 2017-0236** dated June 09, 2017

SECTION II. OBJECTIVE

The purpose of this **Freedom of Information (FOI) Manual** is to provide the framework and process of the **MMMH&MC** for its concerned personnel in dealing with requests received by this medical institution for the release of data and/or information pertaining to its transactions and/or operations mandated by **Executive Order (E.O.) No. 2, Series of 2016 on Freedom of Information (FOI)**, subject to the exceptions and limitations which pertinent laws, policies, orders, guidelines, and the like so provide.

SECTION III. FRAMEWORK OF THE MANUAL

This **FOI Manual** sets forth the rules and procedures to be followed by the **MMMH&MC's** personnel when request for access to information and data is received. The **Medical Center Chief II (MCC II)-Head of the Agency** shall be responsible for all actions carried out under this Manual and may delegate this responsibility to a specific officer to act as the **FOI Deciding Officer (FDO** for brevity). Without such delegation, the **Head of Agency-MCC II** shall be the **FDO**. This Manual also provides for the functions of the **FOI Unit/Office** established through the **MCC II-Head of Agency**, as well as the duties and responsibilities of the **FDO** and the other members/officers of said unit/office.

- A. The **FOI Deciding Officer (FDO)**---There shall be a **FDO** who has the overall responsibility to initially decide **FOI** requests, whether or not to release all the records/information/data being asked, partially release them, or deny access thereto.
- B. The **FOI Receiving Officer (FRO)**---Aside from the **FDO**, there shall be a **FOI Receiving Officer (FRO** for brevity) of the **MMMH&MC** designated by the **MCC II**, having the following functions:
1. To receive for the **MMMH&MC** all requests for data and/or information and shall forward the same to the appropriate office and/or personnel having custody of such records known as the **FOI Data Steward (FDS)**;
 2. To monitor all **FOI** requests and appeals;
 3. To provide assistance to the **FOI Deciding Officer (FDO)**;
 4. To provide support and assistance to the public and concerned staff/personnel of the **MMMH&MC** regarding the **FOI**;
 5. To compile/collect/collate statistical information and/or data as required or requested;
 6. To undertake initial evaluation of the request, apprise and advise the requesting party whether such request shall be forwarded to the **FDO** for further assessment and evaluation, or deny the same on the following grounds:
 - a. The form (request form) is incomplete or incomprehensible;
 - b. The information and/or data requested has previously been disclosed in the **MMMH&MC's Official Website**:

mmmhmc.doh.gov.ph and/or in the **DOH's Official Website**, the **foi.gov.ph**, and the **data.gov.ph**;

- C. The **Data Steward**---There shall be a **FOI Data Steward (FDS)** which is the office having custody of the records, information and/or data requested and which shall process the **FOI** request and forward said requested records, information and/or data to the **FDO** with appropriate recommendation for approval, partial approval, or denial of such request.
- D. **Data Stewards** are the various departments, divisions/sections, offices, and the like which are repositories of records, information and/or data relating to the **MMMh&MC's** transactions, operations, and functions which shall recommend the appropriate action/s to the **FDO** pertaining to such **FOI** request.
- E. Additional/Further Functions of the **FDO**---The **FDO**, being the **FOI Decision Maker** designated as such by the **MCC II**, with the duty to evaluate such request for release of records, information and/or data, has the authority to grant the request, or deny the same based on the following grounds:
- a. The information and/or data requested is/are not within the custody of the **MMMh&MC** or the same is/are not solely under the keeping of the **MMMh&MC**;
 - b. The information and/or data requested is one of those exceptions set forth by law, such as, but not limited to **R.A.10173** known as the **Data Privacy Act of 2012**;
 - c. The information and/or data requested fall/s under the list of exceptions to the **FOI**;
 - d. The information and/or data requested is impracticable and/or not within the

capacity/capability of the **MMM&MC** to produce, or such request is identical to a previously granted request, or substantially similar to a prior request which has been denied;

- e. The information and/or data requested pertain/s to a patient and/or a hospital personnel and the latter did not give his/her written consent thereto;
- f. The information and/or data requested is prejudicial to the national security or may cause panic to the community/general public;
- g. The **Regional Office 1, now Center for Health and Development 1 (CHD-1)** of the **DOH** having jurisdiction over the **MMM&MC**, thru the **DOH-RO1 (CHD-1) Regional Director, and/or the DOH Central Office**, thru the **Secretary of Health** or the latter's authorized representative, prohibit/s the release of such requested information and/or data on reasonable and justifiable grounds;
- h. A court of law and/or an administrative/quasi-judicial body prevent/s the release of the requested information and/or data thru a written order/notice, judgment/decision, writs, and the like;
- i. When the State/National Government/Government of the Philippines/President of the Philippines prohibits the release of such requested information and/or data; and
- j. The purpose of the request for information and/or data is contrary to existing laws, policies, circulars and office rules and regulations.

SECTION IV. COVERAGE AND SCOPE OF THE MANUAL

This **Manual** covers all the requests for the release of data and/or information directed to the **MMMHC** relating to its transactions and operations as a government medical and healthcare facility, without prejudice to such exceptions and limitations so provided by pertinent laws.

As of this time, the **MMMHC** is only capable of catering to **FOI Requests** in the **standard (written) form** as it has to modify its Official Website in order to accommodate and/or cater to **electronic FOI (eFOI) Requests**, particularly the electronic releasing of such requested information/data.

SECTION V. GENERAL GUIDELINES

1. The **MMMHC** recognizes the constitutional right of every Filipino to information/data on its transactions/functions on matters of public concern.
2. The **MMMHC** shall provide such access to information/data in a manner convenient to the requesting party.
3. The **MMMHC** aims to address **FOI Requests** within legal bounds in favor of access to information/data, public and official records relating to the transactions and functions of the **MMMHC**.

SECTION VI.
FUNCTIONS OF THE FOI OFFICE OR UNIT

1. Develop policies, plans, programs, and activities to promote awareness and effective compliance with **Executive Order No. 2, Series of 2016** within the **MMMH&MC** and other **FOI** and **ODI** policies of the **DOH**
2. Manage, monitor, and evaluate the operations of the unit/office, and oversee the **Data Stewards'** safekeeping of the information/data of the **MMMH&MC** which can be subject/s of **FOI Requests**
3. Promote an attitude of openness to proactive disclosure of hospital information/data that is supportive of the **FOI Program and ODI (Policy) of the DOH**
4. Create and maintain the **FOI Registry and the Agency Data Inventory of the MMMH&MC**
5. Conduct research and development, undertake or cause the undertaking of capacity building activities, seminars, workshops, and the like for the concerned **MMMH&MC's** personnel
6. Engage and coordinate with other government agencies/instrumentalities and/or offices for the access and release of requested information/data related to the **MMMH&MC's** transactions/functions

SECTION VII.
GRANT AND DENIAL OF REQUEST FOR INFORMATION AND/OR DATA

The **FOI Deciding Officer (FDO)** shall approve or deny any request for information/data. In the event that the **FDO** is on

official leave (OL) or official business (OB), the **Head of Agency-MCC II** may delegate such authority in writing to another hospital personnel whose position should not be lower than **Supervising Administrative Officer (SAO)**. In case where the **MCC II** is the **FDO**, and the latter is on OL or OB, the same aforesaid procedure will be followed, unless the **MCC II** shall designate the **Officer-In-Charge (OIC)**, in writing, as the approving authority for **FOI requests**.

SECTION VIII. CENTRAL APPEALS AND REVIEW COMMITTEE

Based on the **Guidelines on the Implementation of the Freedom of Information (FOI)**, there is a central appeals and review committee which shall be responsible for monitoring, evaluating, reviewing, and resolving **FOI appeals** and other data governance issues. Also, the **DOH's Monitoring and Evaluation, and Data Governance Oversight Committee** (established by virtue of **DPO 2016-2630**) shall be designated as the **FOI Central Appeals and Review Committee in the DOH**.

Per said guidelines, the **Central Appeals and Review Committee** is composed of at least three (3) officials with a rank not lower than a **Director** or its equivalent, designated by the **Secretary of Health** to review and analyze the grant or denial of request information. The **Committee** shall also provide expert advice to the **Secretary of Health** on the denial of such request.

SECTION IX. DEFINITION OF TERMS

Adopted from the FOI Manual of the DOH/DOH People's Manual and the Guidelines on the Implementation of the FOI and the ODI)

1. **FOI or Freedom of Information in the MMMH&MC---**
The right of the people to access information and/or data

on matters of public concern pertaining to the transactions/functions of the MMMH&MC which necessitates the adoption and implementation of a policy of full disclosure of all its transactions involving public interest, subject to the procedure and limitations set forth by **Executive Order No. 2, Series of 2016**.

2. **Information**---It pertains to any record, document, paper, report, letter, contract, minutes and transcripts of official meetings, map, book, photographs, data, research material, film, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other similar data or material 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 MMMH&MC pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the **MMMH&MC**.
3. **Open Data**---Data that can be freely used, reused and redistributed by anyone subject only, at most, to the requirement to attribute and share alike. In order for the **MMMH&MC's** data to be fully considered "Open Data", it shall possess the following characteristics: (a) publicly available and accessible, (b) open, machine-readable, (c) open license, (4) timely, (5) described, and (6) managed post-release.
4. **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.
5. **eFOI.gov.ph**---The website that serves as the government's comprehensive FOI website for all

information on the FOI. Among many 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.

6. **Consultation**---This happens when a government office or agency, like the **MMM&MC**, locates a record that contains information of interest to another office and the former asks for the views of that proper other agency on the “disclosability” of the records before any final determination is made.
7. **Exceptions**---Information that should not be released and disclosed in response to a FOI Request because they are protected by the Constitution and prohibited by laws and jurisprudence to be released/disclosed.
8. **FOI Contact**---The name, address, and phone number of the **MMM&MC**, where you can make a FOI Request.
9. **FOI Request**---A written request submitted to the **MMM&MC** personally or by email asking for records or any topic. A FOI Request can generally be made by any Filipino to the **MMM&MC**.
10. **FOI Receiving Office/Unit**---The primary contact at the **MMM&MC** where the requesting party can call and ask questions about the FOI process or the pending FOI request.
11. **FREQUENTLY REQUESTED INFORMATION (FRI)**---The information released in response to a FOI request that the **MMM&MC** determines have become or are likely to become the subject of subsequent requests for substantially the same records.

12. **FULL DENIAL**---When the **MMM&MC** cannot release any records in response to a FOI request, because the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located, or the requested information is proscribed by the constitution, law, jurisprudence, department policies, and the like from disclosure to the public.
13. **FULL GRANT**---When the **MMM&MC** is able to disclose all records in full in response to a FOI request.
14. **INFORMATION FOR DISCLOSURE**---Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the **MMM&MC** and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the **MMM&MC**. 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.
15. **OFFICIAL RECORD/S**---Shall refer to information produced or received by the concerned personnel/employee of the **MMM&MC**, or by the **MMM&MC's FOI Office/Unit** in an official capacity or pursuant to a public function or duty.
16. **OPEN DATA**---Refers to publicly available data structured in a way which enables the data to be fully discoverable and usable by end users or the general public.
17. **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.

18. **PENDING REQUEST OR PENDING APPEAL**---An FOI request or administrative appeal for which the **MMMH&MC** or the **appeal(s) board** 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.
19. **PERFECTED REQUEST**---A FOI request, which reasonably describes the records, sought and is made in accordance with the **MMMH&MC's** regulations in relation to said **Executive Order No.: 2**.
20. **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.
21. **PROACTIVE DISCLOSURE**---Information and/or data made publicly available by the **MMMH&MC** without waiting for a specific FOI request in line with pertinent government/department (DOH) policies and guidelines requiring posting on their websites of DOH hospitals vast amount of material concerning their functions and missions, and related matters.
22. **PROCESSED REQUEST**--- The number of requests wherein the **MMMH&MC** has completed its work and sent a final response to the requester.
23. **PUBLIC RECORDS**---Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by the **MMMH&MC**.
24. **RECEIVED REQUEST**---An FOI request that the **MMMH&MC** has received within a fiscal year.

25. **REFERRAL**---When the **MMMH&MC** 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.”
26. **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.
27. **SIMPLE REQUEST**---A FOI request that the **MMMH&MC** anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION X. PROTECTION OF DATA PRIVACY

In providing for access to information/data, the **MMMHC&MC** shall give full protection to every person's right to privacy, as follows:

1. The **MMMHC&MC** shall ensure that personal information, particularly sensitive personal information, in its custody or under its control can only be disclosed with due regard to existing laws and subject to the written consent of the subject;
2. The **MMMHC&MC** shall afford utmost protection to personal information and sensitive personal information in its custody and under its control by ensuring security arrangements against unauthorized and illegal access, leaks, and/or premature disclosure;
3. The **FDO, FRO**, any member/officer of the **FOI unit/office**, or any other hospital employee/personnel who has access, whether authorized or unauthorized, to personal information and sensitive personal information in the custody and control of the **MMMHC&MC**, shall not be disclosed nor released except as authorized by pertinent hospital policies and applicable existing laws.

SECTION XI. TYPES OF FOI REQUESTS

FOI Requests are classified according to: *(1) the nature of the request; and (2) the method of submitting the request.*

(1) By the Nature of the Request

- a. Policies (Protocols), Office Rules, Minutes of Meetings, Memoranda (Memos), and the like

- b. Legal, Financial, and Other Administrative Requests--- Those FOI Requests pertaining to administrative complaints/cases, finances, procurement, administration, organizational structure, and/or other related matters to the MMMH&MC's functions and/or transactions
- c. Records (medical and other) of MMMH&MC's patients and/or personnel

(2) By the Method of Submission of Request

- a. **Standard FOI Request**---That which refers to a written FOI Request submitted through the use of FOI printed request form (see attached annex)
- b. **eFOI Request**---That which refers to an electronic FOI Request submitted through the eFOI website (<http://www.foi.gov.ph>) **AND/OR** the **MMMH&MC's Official Website: mmmhmc.doh.gov.ph** (the **MMMH&MC's Official Website** cannot yet accommodate/cater to **eFOI Requests** as it needs to modify/update the same for said purpose)

**SECTION XII.
PROCEDURE FOR FOI REQUEST**

(Adopted from the FOI Manual of the DOH/DOH People's Manual and the Guidelines on the Implementation of the FOI and the ODI)

A. Steps---There are three (3) basic steps involved in the processing of **FOI Requests**, as follows:

- 1. **Step 1: Receipt of FOI Request**---This involves the submission of an FOI Request by the Requesting Party, and the receipt of such request by the FRO either through the use of the Standard/Written/Printed FOI Request Form or through the eFOI website.

2. **Step 2: Initial Evaluation and Processing of Request**---This involves the assessment of an FOI Request by the FRO, the retrieval and processing of the information/data requested by the Data Steward, and the transmittal of the requested information/data to the FDO for the latter's decision on the request.
3. **Step 3: Decision and Issuance of Official Response**---This involves the issuance of the FDO's decision and the official response to the FOI Request by the FDO with due regard to the exceptions listed per E.O. No.: 2 (see attached annex) and those information/data not to be divulged nor released set forth by existing laws and jurisprudence.

The specific procedure or steps in the processing of **FOI Requests** is (are) indicated in **SECTION XIV** of this manual.

B. Appeals Process

FOI appeals shall be filed to the **FOI Central Appeals and Review Committee** in writing or through electronic mail (email) within fifteen (15) working days from the receipt of the **Notice of Decision (N.D.** for brevity) or from the lapse of the relevant period to respond to such request.

The specific steps involved in the processing of **FOI Appeals** are indicated and illustrated in **Annex B** of this **Manual**.

SECTION XIII. KEEPING OF RECORDS, LANGUAGE AND FORM

The **MMMH&MC** shall establish and maintain in proper form or appropriate format followed by an accurate and complete documentation and recording of its data,

transactions, operations, policies, decisions, resolutions, memoranda, actions, activities, procedures, communications, and documents receives and/or filed with and by it (them), as well as the data or information generated or collected therefrom, in such language and/or dialect that they have been originally produced, received, filed, collected and/or generated.

SECTION XIV. STANDARD PROCEDURE

*(Adopted from the FOI Manual of the DOH/DOH People's Manual and the Guidelines on the Implementation of the FOI and the ODI [eFOI Requests not yet available, See **Annex A** 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 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 A**)
- 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 such as but not limited to voter's ID, senior citizen's ID, PRC ID, SSS ID, and the like, and the address

and/or contact number of the requester should be indicated. (Considering the unavailability of the **MMM&MC** to accommodate/cater **eFOI Requests** [releasing/disclosing the requested information/data through its **Official Website: mmmh.doh.gov.ph**, response to such **emailed requests** may be done electronically or thru the **standard (written) form**, but release of such information/data, if allowed, will be done in the **standard (written) form**.

- 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, or through the standard (written) form. The **FRO** shall input the details of the request on the **Request Tracking System** and/or **FOI Request Logbook**, as the case may be, and allocate a reference number.
- 1.4** The **MMM&MC** 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, meaning, in computing the 15-day period, exclude the first day (day of receipt of said request) but include the last day when the fifteenth day falls.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered/sent to the **MMM&MC Official Website**,
- 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 deemed received.

An exception to this will be where the request has been emailed and received beyond office hours (**8:00 AM-5:00 PM**), this is considered a “**generated out of office hours message**”. Where this is the case, the date of receipt will be the day the request arrives in the inbox of the **MMM&MC’s Official Website** the next working day. The **MMM&MC** shall ensure that emails sent to its Official Website, especially pertaining to **eFOI Requests**, be read and monitored during office days and hours.

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. Provided that, upon request for clarification by the **FOI Receiving Officer**, the same shall inform the requesting party that if no clarification from their end is received within 60 days, the case is automatically closed thereafter. This will serve as advance notice of closure.

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

DOH: If a request for information is received which requires to be complied with, of different offices/agencies/entities under the **DOH**, 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 **FRO's** 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 MMMH&MC nor the DOH and/or offices/agencies/entities under it:

If the requested information is not in the custody of the **MMMH&MC** following referral and discussions with the **FDO**, the **FRO** shall undertake the following steps:

- If the records requested refer to another agency not in the custody of **MMMH&MC**, the request will be immediately transferred to the 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 **DOH website (<http://www.doh.gov.ph>), data.gov.ph or foi.gov.ph, or in the **MMMH&MC's Official Website:****

mmmhmc.doh.gov.ph, the **FRO** shall inform the requesting party of such fact and provide them the website link/address 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 FDO: After receipt of the request for information, the **FRO** shall evaluate the information being requested, classify the request as either (1) Program and policy-related requests or (2) Administrative, legal or finance-related requests, and notify the appropriate **FDO** for such request. The copy of the request shall be forwarded to such **FDO** within one (1) day from receipt of the written request. The **FRO** shall record the date, time and name of the **FDO** who received the request in a record book (**FOI Logbook**) with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FDO in processing the request: Upon receipt of the request for information from the **FRO**, the **FDO** shall assess and clarify the request if necessary.

In assessing, the **FOI Deciding Officer (FDO)** must first consider the following:

- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- The information requested falls under the list of exceptions (**Annex B**)
- The purpose for the request is contrary to existing laws and/or policies

If any of the above three instances is present, the **FOI Deciding Officer** will immediately deny the request with notice to the requesting party of the grounds of such denial.

If the request is valid in form and substance, the **FDO** may proceed in retrieving the information requested. He or she shall then forward the request to the appropriate **FOI Data Steward (FDS)** to make all necessary steps to locate and retrieve the information requested. The **FDS** shall ensure that the complete information requested be submitted to the **FDO** within 5 working days upon receipt of such request. The **FDO** shall then ensure that the information requested be approved and submitted back to the **FRO** for release within 5 working days.

The **FRO** shall indicate/inscribe the date and time of receipt of the information from the **FDO** and report to the **DOH Monitoring and Evaluation (M&E) and Data Governance Technical Working Group** in case the submission is beyond the 10-day period.

If the **FDO** 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 **FDO** determines that a record contains information of interest to another government office/agency/entity, the **FDO** shall consult with the office/agency/entity 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 **FDO**, the **FRO** shall collate and

ensure that the information is complete. He or she shall attach a cover/transmittal letter signed by the **FDO** who approved the request 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 MMMH&MC's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous circumstances, the **FDO** should inform the **FRO**.

Anent this, 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 to comply with the mandate of **E.O. No.: 2**.

- 7. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the **FDO** 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. The **Office of the Secretary of Health and the DOH M&E and Data Governance Technical Working Group, as well as the DOH-Regional Office 1, now the Center for Health and Development 1 (CHD-1)** shall be furnished with a copy of all actions on **FOI Requests**, whether approval or denial.

- 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.

**SECTION XV.
REMEDIES IN CASE OF DENIAL**

(Adopted from the FOI Manual of the DOH/DOH People's Manual and the Guidelines on the Implementation of the FOI and the ODI)

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 DOH 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 **DOH 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. The appeal shall be a verified appeal with non-forum shopping certificate to prevent false testimony and avoid multiple appeals of the same facts, issues and parties.
 - b. The appeal shall be decided by the Secretary of Health 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.

The **DOH M&E and Data Governance Oversight Committee** shall be designated as the **DOH Central Appeals and Review Committee for FOI in DOH**.

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 XVI.

FEES

(Adopted from the FOI Manual of the DOH/DOH People's Manual)

1. **No Request Fee.** The **MMM&MC** 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 in writing 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 **MMM&MC** in providing the information to the requesting party. An official receipt (O.R.) shall be issued to the requesting party upon payment of fee and the said O.R. shall be presented in the releasing of documents.

The schedule of fees shall be shown to the requesting party by the **FRO**.

3. **Exemption from Fees:** The **MMM&MC** 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 XVII.

ADMINISTRATIVE LIABILITY

(Adopted from the FOI Manual of the DOH/DOH People's Manual and the Guidelines on the Implementation of the FOI and the ODI)

- 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 (RRACCS)** 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.

